

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 14, 2016
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. May 12, 2016 Minutes

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Reduce Parking Requirements, Stage III
2. Zoning Ordinance Revisions to the Mixed Use District, Stage II
3. Wireless Communications Facilities and Towers, Stage II

E. NEW BUSINESS

1. Review of CIP process

F. ADJOURNMENT

ITEM SUMMARY

DATE: 7/14/2016
TO: The Policy Committee
FROM: Paul D. Holt, III Secretary
SUBJECT: Minutes Adoption - May 12, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	May 12, 2016 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 2:09 PM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 2:11 PM
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 2:53 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 12, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order on Thursday May 12, 2016 at 4:00 p.m.

B. ROLL CALL

Commissioners:

Mr. Rich Krapf
 Mr. Danny Schmidt
 Mr. John Wright
 Mr. Heath Richardson

Staff:

Ms. Tammy Rosario, Principal Planner
 Mr. Maxwell Hlavin, Assistant County Attorney
 Ms. Kate Sipes, Assistant Director of Economic Development
 Mr. Jose Ribeiro, Senior Planner II
 Ms. Ellen Cook, Senior Planner II
 Mr. Scott Whyte, Senior Landscape Planner II
 Ms. Roberta Sulouff, Planner
 Ms. Savannah Pietrowski, Planner
 Mr. Alex Baruch, Development Management Assistant

C. MINUTES

1. March 10, 2016 Minutes

Mr. John Wright made a motion to approve the March 10, 2016 minutes. The motion carried on a 4-0 vote.

D. OLD BUSINESS

Ms. Christy Parrish gave an overview of the current ordinance requirements as they apply to short term rentals such as those through Airbnb. For traditional rentals, occupants must conform to the ordinance definition of a family. For rentals akin to Airbnb, the code has two categories: tourist home and rental of rooms. Ms. Parrish stated that a tourist home is when a dwelling provides lodging for transients in up to 5 rooms, while rental of rooms is usually when an owner occupied dwelling has individual rooms available for rent.

Mr. Wright asked how we permit rental of rooms and tourist homes in the different zoning districts. Ms. Parrish stated that in the residential zoning districts both tourist home and rental of rooms require an SUP, except in R-4 where it is a by right use. In R-4, tourist homes and rental of rooms are typically restricted by the

covenants of the subdivision in areas not designated such on the master plan.

Mr. Wright asked how rental of rooms and tourist homes are handled within the Mixed Use zoning district when the HOA restricts rental agreements to be a minimum of one year. Ms. Parrish stated that in R-4 and MU that covenants tend to dictate whether they are allowed or not since it is a permitted use; however, the County still has influence by finding it either consistent or inconsistent with the master plan. For all other zones the county has primary control because it is regulated through the SUP process.

Mr. Maxwell Hlavin gave a summary of the status of the bills within the General Assembly related to Airbnb stating that there are two different versions that were referred back to committee for additional study. A new draft should come out of the committee with a legislative recommendation in December 2016 for discussion next session.

E. NEW BUSINESS

1. Amendments to the Zoning Ordinance to the Planned Unit Development District for Manufacture of Food, Beverages and Food Products

Ms. Roberta Sulouff, Planner, stated that recently, staff from both the Planning Division and the Office of Economic Development (OED) have received inquiries from companies interested in the manufacture of food or food products in areas zoned Planned Unit Development (PUD-C). Ms. Sulouff further stated that with guidance from the Board of Supervisors and adoption of the initiating resolution by the Planning Commission, staff has drafted ordinance revisions which allow the manufacture and packaging of food both as a by right use and a specially permitted use. Ms. Sulouff noted that the by right use would require all activities to take place in a fully enclosed location and a special use permit would be required when the use did not meet that criteria. Ms. Sulouff stated that these revisions are fairly straightforward so a more finished product is being presented. Ms. Sulouff stated that depending on the Committee's feedback and recommendations, staff anticipated bringing forward a draft ordinance for consideration by the Planning Commission at its June meeting and Board adoption at its second June meeting.

Mr. Rich Krapf noted that the proposed amendments have the support of the Economic Development Authority and the Office of Economic Development. Mr. Krapf noted that the main difference between the by right use and the specially permitted use was the requirement that a by right use operate in a fully enclosed building. Mr. Krapf asked for an example of a food or beverage manufacturing operation that would not take place in a fully enclosed building.

Ms. Kate Sipes, Assistant Director, Office of Economic Development stated that it was a matter of impacts and whether the use would create impacts, such as odor, noise or dust outside the building.

Ms. Sulouff stated that criteria language mirrored the language in other commercial/industrial zones to ensure consistency.

Mr. Wright inquired if the use would be allowed in PUD-R.

Ms. Sulouff stated that the use was already part of the M-1 and M-2 district and that the ordinance amendment was to incorporate the use in the PUD-C district; however, it would not be allowed in PUD-R or any other residentially zoned district.

Mr. Wright inquired if someone who manufactures food in their home as a business would be in violation of the Zoning Ordinance.

Ms. Sulouff stated that the use would not be covered under this proposed amendment. The Committee briefly discussed restaurants that used outdoor smokers to produce some of the menu items.

Ms. Sulouff noted that the ordinance was geared more towards large scale manufacture. Mr. Schmidt noted that there are not many areas zoned PUD-R.

Ms. Sipes noted that there are very few areas currently available to support a business of this nature.

Mr. Wright inquired whether there should be consideration of rezoning certain areas to accommodate commercial uses.

Ms. Sipes noted that consideration of where commercial uses should develop going forward would be a matter for more in-depth study and consideration. Ms. Sipes further stated that the current goal is to maximize the use potential of currently available locations.

Mr. Wright noted that there were a number of underutilized storefronts in the County.

Ms. Tammy Rosario stated that those types of rezoning requests are typically initiated by an interested developer.

Mr. Heath Richardson inquired about external impacts on communities adjacent to PUD-C developments.

Ms. Sulouff stated that the triggers for the use being a legislative case should capture those situations and mitigate potential impacts.

Mr. Richardson moved to recommend approval of the draft revisions.

On a voice vote the Committee voted unanimously to recommend approval of the draft revisions and as presented and move them forward to the Planning Commission for consideration.

2. Wireless Communications Facilities and Towers, Phase I

Ms. Savannah Pietrowski, Planner, gave a presentation proposing changes to the Wireless Communications Facilities (WCF) and Towers Ordinance designed to address two concerns. Ms. Pietrowski stated that the first item is a discrepancy between the existing ordinance language and the full variety of tower applications the County receives and the second is in response to the Spectrum Act which limits some of the County's purview and what staff can and cannot ask for when the application is submitted. Currently WCF definitions exclude radio and television broadcast, amateur radio, citizen band, and similar use structures. However, the policy is typically used as

guidelines because of their similarity and a lack of other guidelines. To resolve this, staff is proposing an amendment that would expand the current ordinance to encompass all towers and antennas and amend the language used to reference said towers in the use lists in order to maintain consistency.

Ms. Pietrowski stated that staff will also investigate discrepancies between use lists in the wireless ordinance and district use lists, as well as consider amendments to the Performance Standards for Wireless Communication Facilities Policy as it presently only refers to WCFs. With regards to the Spectrum Act, the Act prevents the County from denying alterations to existing eligible towers that do not substantially change the dimensions of the tower and establishes a time limit for how long the County can consider an application. Staff is considering creating a separate application process to ensure compliance and is considering adding guidelines to the ordinance for these types of applicants. Ms. Pietrowski also reviewed possible action by staff in response to the act such as reconsidering tower height in each district, clarifying what is considered a concealment element for new towers, and encouraging new towers to be built on County property

Mr. Wright asked if towers could use the Act to continually expand the tower height in small increments to circumnavigate regulation.

Ms. Pietrowski stated that the limit to expansion is 10% of the structure height or 20 feet based against the original height of the structure. Ms. Pietrowski also noted that towers can exceed heights permitted under the SUP when conforming to this expansion, and that the Spectrum Act also imposes limits on how far out towers can expand.

Mr. Krapf asked for clarity regarding the concealment issues with a 2014 WCF over the concealment structures of a particular tower.

Ms. Pietrowski stated that currently there are not specific definitions, but that per the Spectrum Act any expansion that would defeat any concealment element would be required to undergo the standard site plan approval process, and that staff would adopt similar policy that more clearly defines concealment elements. She also clarified that this would be for new towers and that it would not be possible to retroactively apply to previous towers.

Mr. Krapf asked for clarification on the expansion of the WCF standards to other towers that were not previously covered under ordinance, specifically if the aim was to carry over aesthetic requirements for WCFs to cover all towers.

Ms. Pietrowski stated that is correct.

Mr. Wright stated that the Spectrum Act changes would likely shift the design of new towers from monopoles to less appealing lattice towers.

Mr. Krapf asked if the exact number of towers in the county was known.

Ms. Pietrowski replied that there was a list available and could be brought to the next meeting

Ms. Tammy Rosario stated that there is a provision for removal of the tower if it were to become obsolete.

Ms. Pietrowski replied that most towers have a removal bond in place.

Mr. Krapf then asked how staff will proceed with implementing these changes.

Ms. Pietrowski stated that staff would be drafting amendments to the ordinance as well as to the WCF policy, with the plan of replacing the WCF policy/ordinance with a general tower ordinance/policy.

Mr. Krapf asked if there were any pending applications for new towers to be built.

Ms. Pietrowski stated that there is a new application for a tower at Powhatan Plantation.

Mr. Krapf moved to proceed to draft amendments for the ordinance and WCF policy.

On a voice vote the Committee voted unanimously to proceed to draft amendments.

3. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles in the M-1, Limited Business/Industrial District, the M-2, General Industrial District and the Planned Unit Development-Commercial District

Ms. Sulouff gave a presentation describing the research efforts conducted by staff after a request by the Board of Supervisors in February regarding food trucks in James City County. With guidance from the Economic Development Authority (EDA) and the Office of Economic Development (OED), staff has investigated the possibility of food trucks operating in the parking lots of industrial parks in M-1, M-2, and PUD-C zoning districts. Currently food trucks are only permitted to operate during permitted special events; however, the Zoning Ordinance lacks any type of performance standards or definition for food trucks operating on a long-term basis. Staff has laid out the process of developing a food truck policy, starting with forming a definition of a food truck using Portsmouth's and York County's definitions as guidance. Ms. Sulouff stated that staff looked into permitting and performance standards, with staff recommending six sub-areas of consideration: licensing, permissions, parking, location, hours of operation, and accessories. Staff recommends implementing an administrative permitting system via the Zoning Administrator.

Mr. Krapf asked about York County's delineation between food trucks and "chuck-wagons" and if staff was looking into a similar distinction for the County's ordinance. Ms. Sulouff replied that staff did not seek to differentiate because "chuck-wagons" fell into the type of food truck that they seek to foster.

Mr. Richardson stated the importance of not making the differentiation given the difficulty in making the differentiation between food trucks and chuck-wagons.

Ms. Sulouff agreed stating that the enforceability of the definition would be logistically difficult.

Mr. Wright asked if food trucks would be required to obtain Virginia Department of Health (VDH) approval.

Ms. Sulouff stated that they would.

Ms. Sulouff then pointed to Albemarle County's requirement of a VDH approval signature as something the County could similarly require.

Mr. Richardson expressed an interest in making VDH permits visible for the public to view when buying from a food truck.

Mr. Krapf asked Ms. Parrish her thoughts on the administrative permit requirement.

Ms. Parrish stated that the permit was something favorable, citing the permit process for chicken-keeping as a similar successful system.

Mr. Wright then asked if MU was also being considered as a zone for food trucks to operate in.

Ms. Sulouff stated that it was only being considered for M-1, M-2, and PUD-C, but because the changes would be made to the special regulations section of the ordinance that setbacks from residential zones and brick and mortar restaurants could be implemented.

Mr. Wright then expressed the need for the County to communicate clearly the intent of this policy to prevent unnecessary upset from the restaurant community who may not understand the limitation of operation to M-1, M-2, and PUD-C districts. Mr. Wright then asked if Ms. Sulouff had received any comment from local restaurants

Ms. Sulouff stated that she had not, but she had received comment from food truck operators interested in the development of policy.

Mr. Krapf stated that a clause in the Portsmouth ordinance regarding removal of trash and providing trash receptacles was something that should be incorporated into the County's ordinance.

Mr. Richardson asked when these localities adopted their ordinances, how many trucks were operating in York, and what the response from other localities was.

Ms. Kate Sipes commented she was unsure of how many trucks were currently operating in York, but that the City of Williamsburg was in the process of considering adopting a policy allowing food trucks.

Mr. Krapf stated that it would make sense to model the regulations for the County off that used in York.

Mr. Richardson stated that was a good idea, but also noted that forming a strict definition of food trucks like York, would make it more difficult for the County in the future as things change.

Mr. Wright raised concern over the execution of this process, stressing the need for clearly established regulations to ensure the County can act when operators are in violation of the regulations.

Ms. Sulouff stated that this exact reason that this a daunting task, stating that staff

wanted feedback on the technical details to ensure all desired regulations are implemented into the ordinance. Ms. Sulouff stated that the specificity of location permission was an area of concern, noting some localities that require property owner permission at the time of permit application while others only require it at the time of operation.

Mr. Wright stated he would favor requiring owner permission at the time of permit application to avoid any possibility of the County being involved in a trespassing case.

Mr. Richardson stated agreement with the 100-foot setback requirements from residential and other business used by other localities.

Mr. Wright stated he wouldn't be opposed to a 100-foot setback from businesses but that he would like to hear comment from them before implementing a specific distance.

The Committee then discussed how they would solicit public comment from restaurant owners about this setback distance, which they concluded could be obtained during the Planning Commission and BOS meetings, and that staff should determine if other localities had any public comment about the distance requirements.

Ms. Sipes stated that the other ordinances that had distance requirements did not also restrict food trucks to industrial zones, which generally do not have restaurants.

The Committee then discussed the areas that are zoned M-1 that also have restaurants such as McClaw's Circle and Courthouse Commons.

Ms. Rosario stated that it would be less than ideal for the restaurant community to only be involved in the process at BOS or Planning Commission meetings when the ordinance is already ready to be adopted, to which the committee agreed, believing they need to be involved sooner.

The Committee then discussed how the process would proceed with Ms. Rosario recommending Ms. Sulouff coordinate with Ms. Sipes.

Mr. Wright stated his concerns over the impact of food trucks on brick and mortar restaurants citing the experience of downtown Newport News in previous years.

Mr. Richardson agreed, stressing the importance of limiting food trucks to specific districts to reduce impact on existing restaurants.

Ms. Sulouff stating that the primary reason food trucks would be limited to industrial zones was because of the lack of food options in those areas and the number of requests in those particular areas for food trucks.

Ms. Rosario asked if there were any other areas needing Committee feedback such as hours of operation.

Several Committee members concurred that 6:30am-9:30pm would be appropriate.

Ms. Sulouff replied that there were alternative ways of regulating operating hours such as limiting to the hours that the parking lot or business is open. Ms. Sulouff further stated that 6:30am-9:30pm may be limiting to overnight shift workers such as those at

the brewery or the Ball plant.

The Committee then discussed the implications of which method to use weighing the advantages of each, and considering the role of shift work.

Ms. Sipes stated that because the trucks would be operating on private property that the property owner should dictate the timing.

Mr. Wright concurred stating that it should be limited to a set time period established by the ordinance or by the property owner if it falls outside of that time period.

Mr. Wright asked if there was any provision in the draft policy that allowed for operation on public streets or rights-of-way.

Ms. Sulouff replied that they would not be allowed to operate in public rights-of-way.

Mr. Wright then stated that there should be a direct reference in the ordinance prohibiting operation in public rights-of-way.

Ms. Sipes then asked if there would be a requirement to submit a site plan indicating where in the parking lot that the truck would be located.

Ms. Parrish said that it would be favorable to require a site plan to ensure that the placement would not interfere with regular parking.

Ms. Sulouff then addressed the parking regulations, citing other localities that permit trucks to park in up to two parking spaces. Ms. Sulouff stated that additional factors such as eating areas, signage, and lighting could be addressed in a site plan.

Mr. Krapf stated concerns that specific requirements may be too prohibitive to trucks operating in particular areas and instead could be served by more general guidelines in the ordinance.

Ms. Sulouff replied that the concerns from the County standpoint is that each use has specific parking requirements set forth by the county and some business are just at the minimum requirements and that not imposing a two space limit could impact parking at a location.

Ms. Parrish concurred, further stating concerns over the truck parking in a landscaped area or within a buffer that is required.

Ms. Sulouff stated that it would be difficult to establish a requirement of when a site plan would be needed depending on how much the truck wants set up in a particular area.

Mr. Richardson raised concerns over the degree of detail in the definition of what constitutes a food truck, and that by setting strict definitions at this point may act to exclude certain trucks. Mr. Richardson proposed instead that it be treated more as a pilot program initially, expanding regulations as the situation is better understood.

The Committee then discussed their stance on requiring a diagram plotting the location and details of a food truck, coming to a consensus that a general diagram noting the

location of the truck would be the best option.

Ms. Sulouff addressed concerns over the regulation of signage stating that there would not need to be much new regulation over signage because of the County's robust signage and lighting ordinance.

Ms. Parrish concurred, stating that food truck operators would have to abide by the signage ordinance.

Mr. Krapf stated that he read another locality's ordinance which did not allow detached signage and required all signage be affixed to the truck and that this policy seemed to make the most sense. Mr. Krapf did express concern, though, over the specificity of the ordinance as being prohibitive to operators because of overly complex requirements. Mr. Krapf further stated he believed it was not necessary to stipulate parking requirements that were already prohibited by ordinance such as not parking in a fire lane.

Ms. Sulouff stated that to address this concern, a clause could read that the truck could only be parked in existing parking and could not take up any handicapped parking.

Mr. Richardson then asked how staff would go about soliciting comment from restaurant owners about this draft ordinance.

Ms. Sulouff replied she would work with Ms. Sipes in reaching out to restaurants closest to M-1, M-2, and PUD-C districts.

Mr. Wright stressed the importance of communicating to restaurants during the process that this would only apply to specific districts.

F. ADJOURNMENT

On a 4-0 vote the motion passed and the meeting was adjourned at approximately 5:10 p.m.

ITEM SUMMARY

DATE: 7/14/2016
TO: The Policy Committee
FROM: W. Scott Whyte, Senior Landscape Planner II
SUBJECT: Zoning Ordinance Revisions to Reduce Parking Requirements, Stage III

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/7/2016 - 12:53 PM
Policy	Holt, Paul	Approved	7/7/2016 - 1:15 PM
Publication Management	Burcham, Nan	Approved	7/7/2016 - 1:23 PM
Policy Secretary	Secretary, Policy	Approved	7/7/2016 - 2:34 PM

MEMORANDUM

DATE: July 14, 2016

TO: The Policy Committee

FROM: Scott Whyte, Senior Landscape Planner II
Ellen Cook, Principal Planner

SUBJECT: Zoning Ordinance Revisions to Reduce Parking Requirements, Stage III

Background

At the Stage I Policy Committee meeting on April 14, 2016, staff presented various ideas for further reducing parking regulations in County Code, Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading and Article I, Section 24-2, Definitions. Committee members discussed the proposed changes and instructed staff to proceed with a draft ordinance to be discussed as part of Stage II of the process.

At the Stage II Policy Committee meeting on June 16, 2016, staff was asked to determine how well the parking minimum requirements for multi-family dwellings that staff proposed have served the needs of Albemarle County, and to investigate the parking minimum the County uses for barber shops and beauty parlors and compare them to other localities.

Proposed Changes

In response to feedback given at the Policy Committee meetings on April 14 and June 16, 2016, staff has drafted ordinance revisions that address the following objectives:

Proposed Changes to Definitions

1. Retail and Office Floor Area: Staff has proposed to change the definition for retail floor area in Section 24-2 of the Definitions section of the Zoning Ordinance to apply to both retail and office space. Staff has also proposed that the calculation for the retail or office floor area of a building simply use 80% of the total floor area to reduce confusion and the potential for different interpretations of the ordinance. Staff has also proposed a different option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space. Any alternative proposal would need to be approved by the Planning Director.

Proposed Changes to Special Regulations

1. Residential Uses: Currently Section 24-59 (a) (1) for residential dwellings with multi-family units of two or more bedrooms requires 2.5 spaces for each townhouse unit and 2.2 spaces for each two or more bedroom apartment. Staff has proposed amending the table in Section 24-59 to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family dwellings up to 500 square feet, 1.5 spaces for multi-family dwellings of more than 500 square feet and 2 spaces for each two bedroom or more unit over 500 square feet. Staff has also proposed additional guest parking for developments where parking is only offered on individual lots at a rate of 1 guest space per every 4 units. Staff contacted staff at Albemarle County and found that these minimums have served Albemarle well and they have no plans to revise them.
2. Nursing Homes: Section 24-59 (b) (10) requires nursing homes to have 1 space for every 4 residents and 1 space for each employee on the largest shift. Staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with

separate parking minimums for each new use. The committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.

3. Shared Parking: Shared parking of Section 24-59 (e) is one method that the County currently uses to reduce parking spaces, while still providing adequate parking for the proposed land uses. Staff has proposed to add residential uses to the agreement and remove the word “both” to allow for all proposed uses to be evaluated for shared parking agreements. The committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
4. Mass Transit Plan: Currently Section 24-59 (f) offers a reduction in minimum parking upon the approval of a mass transportation or alternative transportation plan. Staff proposes to amend this section of the Zoning Ordinance to eliminate the need for the applicant to show a reserve area, the need to have the Planning Director review the proposal every two years, and the need to install the reduced parking if the proposal does not meet the projections of the parking study. The committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
5. Appeals: The minimum parking appeals process in Section 24-59 (h) as currently written allows an applicant to appeal for a change of a commercial use from Category A to Category B if it can be shown that the proposed use will not generate the amount of parking that is required in its present classification. Staff has proposed to amend the process to allow for the reduction of parking in any category to a lesser requirement and to change the wording that requires the burden of proof to be on the applicant to simply that the applicant shall show that the proposed parking will be sufficient. The committee did not request any changes to this section of the revision at the Stage II Policy Committee meeting.
6. Barber Shops and Beauty Parlors: James City County requires at least 3 spaces, plus 2 spaces for every chair. Staff referenced the City of Williamsburg, York County and Albemarle County. Williamsburg and Albemarle County both use 1 space for every 200 square feet of floor area, with Albemarle adding another space for each employee. York County requires either 1 space for every 200 square feet or 2 spaces per chair whichever is greatest. Comparing James City County to these other localities, staff finds that the County’s parking minimums for beauty parlors and barber shops is slightly higher than the surrounding localities. Therefore, staff is proposing to lower the minimum to 3 spaces for the first chair and 2 spaces for each additional chair.
7. Deleting Section 24-55 (a) (2): Currently, this section of the ordinance would have the effect of prohibiting an otherwise by-right use from occurring in an existing building if the existing parking lot is otherwise non-conforming as to the minimum number of spaces provided. In order to promote infill redevelopment and revitalizing existing buildings, staff proposes to delete this requirement.

Recommendations

Staff is seeking Policy Committee feedback on the draft ordinance. Based on input received at this meeting, staff will revise the draft ordinance and provide the draft at the September 7, 2016, Planning Commission meeting.

SW/EC/nb

ZORevParking-StageIII-mem

Attachments:

1. Draft Ordinance Section 24-2, Definitions
2. Draft Ordinance Chapter 24, Division 2. Highways, Streets, Parking and Loading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-59, Minimum off-street parking requirements.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Floor area, retail and office. The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways, and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space. *For purposes of calculating parking minimums, retail floor area and office floor area shall be defined as either 80% of the gross floor area, or at the request of the applicant, the actual retail or office floor area as shown on floor plans proposed by the applicant. Upon planning director approval, plans shall be binding as to the maximum retail or office floor area used.*

ARTICLE II. SPECIAL REGULATIONS

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Sec. 24-55. General provisions.

- (a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:
- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
 - (2) ~~Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and~~
 - (3)
 - (2) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking

area shall be brought into conformance with this chapter; provided, however, the planning director may waive the setbacks and geometric design requirements found in sections [24-57](#) as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

Sec. 24-59. Minimum off-street parking requirements.

(a) *Residential uses.*

(1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

Type of Residential Unit	Minimum No. of Spaces Required
Single-Family Unit	2
Single-Family Unit with an accessory apartment	3
Townhouse Unit	2.5
1 Bedroom Apartment	1.5
2 or more Bedroom Apartment	2.2
<i>Multi-family less than or equal to 500 square feet</i>	<i>1.25 *</i>
<i>Multi-family greater than 500 square feet</i>	<i>1.5 *</i>
<i>Multi-family with two or more bedrooms over 500 square feet</i>	<i>2 *</i>
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full-size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle and interior access to the residential unit.

** In addition, if parking is provided in individual lots rather than in lots or bays that are shared by all units in the development, then one guest space per every four units shall be provided.*

(b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A - High demand. High parking demand generators shall provide a minimum of one parking space per 200 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Convenience stores.
- Dance Halls/Clubs.
- Drug stores.
- Libraries.
- Liquor stores.
- Lodges, civic clubs, fraternal organizations, service clubs and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- Truck stops.

Category B - Moderate demand. Moderate parking demand generators shall provide a minimum of one parking space per 250 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Arcades.
- All other commercial uses not specified in Category A or C.
- Automobile and trailer sales and service.
- Banks and other financial institutions.
- Billiard parlors and pool rooms.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, artist and sculptor stores and studios.
- Plumbing and electrical supply.
- Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel and yard goods.
- Retail stores, general.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

Category C - Uses with unique requirements. Category C uses shall provide minimum parking as stated below but not more than 120% of the minimum requirement:

(1) *Assisted living. One space for every two units, plus one parking space for every six units for visitor parking.*

- (⊕) (2) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.

- (2) ~~(3)~~ *Barber shops and beauty parlors. At least three spaces plus two spaces for every barber or beautician chair. Three spaces for the first barber or beautician chair and two spaces for each additional barber or beautician chair.*
- (3) (4) *Furniture and carpet stores and/or show rooms. One space for every 400 square feet of retail floor area.*
- (4) (5) *Hospitals. Two parking spaces for every bed.*
- (6) (6) *Independent living for seniors. One space for every unit, plus one parking space for every six units for visitor parking.*
- (5) (7) *Indoor vehicular sales show rooms. One space for every 400 square feet of retail floor area.*
- (6) (8) *Medical office/clinic (reference (18) below for Veterinary Hospitals). Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.*
- (7) (9) *Mini-storage warehouses. One space per 100 units, plus two spaces per on-site caretaker residence.*
- (8) (10) *Mortuaries and funeral homes. The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.*
- (9) (11) *Motels, hotels and tourist homes. One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.*
- (10) ~~(12)~~ *Nursing homes. One space for every four residents, plus one parking space for each employee on the largest shift.*
- (11) (12) *Outdoor retail sales/display areas. At least one space per 500 square feet of area.*
- (12) (13) *Outlet malls. Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which 1) are physically connected or are otherwise arranged in an integrated manner; 2) share a common parking area; and 3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock and/or similar goods.*
- (13) (14) *Planned shopping centers, excluding outlet malls, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:*

<i>Total Retail Floor Area per</i>	<i>Number of Spaces per</i>
------------------------------------	-----------------------------

<i>1,000 square feet</i>	<i>1,000 square feet</i>
1 to 300,000	4
Over 300,000	4.5

Where a theater or other place of public assembly is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under subsection (17) below.

- (14) ~~(15)~~ *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (15) ~~(16)~~ *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- (16) ~~(17)~~ *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
- ~~(17)~~ *Skilled nursing. One space for every two patient beds.*
- (18) ~~(19)~~ *Places of public assembly including houses of worship and public meeting halls.* One *parking* space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- (19) ~~(20)~~ *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.
- (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.
- (d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.
- (e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with [Section 24-55](#) (b). Shared use of required *residential or nonresidential* parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of ~~both~~ *all proposed* uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- ~~(2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.~~
- ~~(3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.~~
- ~~(4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.~~

(g) *Parking Garages.* The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

(h) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from ~~any category to Category A to Category B~~ or a less restrictive requirement; however, ~~the burden of proof shall be upon~~ the applicant to *shall* show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to parking classifications shall be made to the planning director.
- (2) *Waivers.* A property owner may be granted a waiver by the planning director from the 120% maximum parking capacity if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking capacity. The planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director may place conditions upon the granting of a waiver and may require that the parking area be landscaped in addition to the minimum landscaping requirements. In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

ITEM SUMMARY

DATE: 7/14/2016
TO: The Policy Committee
FROM: Ellen Cook, Principal Planner
SUBJECT: Zoning Ordinance Revisions to the Mixed Use District, Stage II

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Draft Mixed Use Ordinance Revisions	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/8/2016 - 3:59 PM
Policy	Holt, Paul	Approved	7/8/2016 - 4:11 PM
Publication Management	Boles, Amy	Approved	7/8/2016 - 4:13 PM
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 4:23 PM

MEMORANDUM

DATE: July 14, 2016
TO: The Policy Committee
FROM: Ellen Cook, Principal Planner
SUBJECT: Zoning Ordinance Revisions to the Mixed Use District, Stage II

History

The Policy Committee met on April 14 to discuss initial planning for ordinance amendments related to additional flexibility in the Mixed Use District. Staff noted that this flexibility was to provide for the following circumstances:

1. Development of mixed-use structures (i.e., “vertical mixed use”) or mixed-use development on parcels or groups of parcels less than five acres total.
2. Mixed-use development in an infill or redevelopment context.

Staff outlined amendments to the Mixed Use District for four sections including the minimum size of the district, required use mix, open space and setback and buffer requirements. Staff received feedback from the Committee to create the draft ordinances for review.

Draft Ordinance

Since the Stage I meeting, staff has drafted the ordinance language using the April 14, 2016 Policy Committee memorandum as the base material. This draft language is included as Attachment No.1 and accomplishes the following:

- Eliminates Section 24-517, thereby allowing mixed-use development on parcels less than five acres.
- Revises Section 24-519, clarifying the mix of uses requirement calculation as it applies to mixed-use structures (“vertical mixed use”), and adding specifications for Mixed Use zoned development in areas designated Neighborhood Commercial or Community Commercial on the Comprehensive Plan such that the development must consist of mixed-use structures and contain a minimum percentage of non-residential uses.
- Revises Section 24-520, removing the prohibition on counting landscape area adjacent to buildings toward the required percentage of open space.
- Revises Section 24-523, clarifying the right-of-way and perimeter buffer standards. For the right-of-way, the language is revised to refer to the standards for right-of-way buffers in the landscape ordinance. For perimeter buffers, the language has been amended to tailor the perimeter buffer width to the type of adjacent development, and to simplify the buffer modification process by having the same process for all Comprehensive Plan designations.

Recommendation

Staff is seeking Policy Committee guidance on the attached draft ordinance for amendments to the Mixed Use District. Based on input received at this meeting, staff will revise the draft ordinance and provide the final ordinance for review at the September 15 Policy Committee meeting.

EC/ab

ZORevMUD-mem

Attachments:

1. Draft Ordinance Language – possible changes to Mixed Use District

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 15. – Mixed Use, MU

~~Sec. 24-517. – Minimum area of districts.~~

~~Mixed use districts shall be located on a single parcel of land, or separate but adjacent parcels, which shall total not less than five acres. Mixed use districts may be located on a parcel of less than five acres provided that the purpose of the district is to provide for the development of a mixed use structure or mixed use structures within an area designated mixed use in the Comprehensive Plan.~~

Sec. 24-519. Density.

- (a) The number of dwelling units which may be constructed in any residential or mixed use-residential area designation as indicated on the master plan shall be determined by the number of gross acres at the site and the use proposed. The maximum densities of dwelling units per acre which may be constructed are:

Area Designation	Dwelling Type	Base Gross Density (Dwelling Units Per Acre)	Maximum Gross Density with density bonus (see table under section 24-519 (c))
A	Single-family structures	3	6
B	Multi-family dwellings containing up to four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

- (b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:

Percent non-developable land	Percent of gross acreage added to the developable land
0-20 percent	Use total parcel acreage
21-40 percent	20
41-70 percent	15
71-100 percent	10

Illustration of Gross Acreage Calculation

- (a) If a 50 acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.
- (b) If the 50 acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).

In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).

- (c) In addition to the base density standards from section 24-519 (a) a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus increase from base density	Required density bonus points from list below
Up to the base density	0
Greater than the base density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base density, up to and including 100 percent above the base density	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated	1

	by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5 percent of the developable area of the site.	
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	1
	3. Conservation area as identified by an approved watershed management plan	
	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
I.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter.	1
J.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
K.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
L.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

- (d) To achieve the intent of a mixed use development, *more than one land use category shall be used and* no single use or use category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan. *Where the mixed use development contains one or more mixed use structures (vertical mixed use), the developable land area may be converted to square feet to demonstrate compliance with this requirement.*

Illustration of Vertical Mixed Use Buildings Calculation

For a vertical mixed use building of 60,000 square feet in size, no one use could exceed 48,000 square feet.

(e) For areas designated neighborhood commercial or community commercial on the comprehensive plan,

all proposed structures should be mixed use structures (vertical mixed use) and residential floor area should not exceed 50% of the total floor area. Either of these criteria may be modified if specifically shown on a master plan approved by the board of supervisors that exceeds design standards in the comprehensive plan.

Sec. 24-520. Open space.

Development within the mixed use districts shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Nondevelopable area shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Preservation Ordinance, article II, division 4 of this chapter (Landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

- (1) Perpetual easement(s) of no less than 50 feet in width dedicated to James City County or another group approved by the county adjoining any road designated as a Community Character Corridor on the Comprehensive Plan.
- (2) Buffer area(s) of no less than 50 feet around an RMA wetland as measured from the landward edge of the wetland.
- (3) Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places or National Historic Site register.
- (4) Preservation of any developable area onsite that is set aside to meet the county's natural resource policy where preservation of such area is not required by other local, state or federal law.
- (5) Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.
- (6) Public or private picnic areas, parks, plazas or other gathering areas.
- (7) Public or private community facilities such as swimming pools, tennis courts, and recreation buildings. Golf courses may also be counted as open space for the purpose of meeting the open space requirement to a maximum of 60 percent of the required open space.

Open space area shall be protected by easements, maintenance agreements and/or other assurances satisfactory to the county attorney.

Sec. 24-523. Setback and buffer requirements.

- (a) ~~Location of structures. Structures shall be set back 50 feet or more from any external existing or planned public road right of way, or any internal arterial road right of way, which is 50 feet or greater in width. Where the external existing or planned public road right of way or the internal arterial road right of way is less than 50 feet in width, structures shall be set back 75 feet or more from the centerline of the external existing or planned or internal arterial public road. Landscape area(s) along right(s)-of-way. A landscape area shall be provided along right(s)-of-way in accordance with section 24-98.~~
- (b) ~~Required buffer from mixed use districts. Perimeter buffer. For commercial, industrial, office, residential and mixed uses a buffer of 50 feet shall be maintained from the perimeter of a mixed use district. A perimeter buffer shall be planned and maintained along the perimeter property lines of the development, except for areas adjacent to rights-of-way. The minimum perimeter buffer depth shall be in accordance with the table below. The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development. Landscaping guidelines for perimeter buffers shall follow the requirements specified in section 24-96 of this chapter.~~

Mixed Use Master Plan Area Designation	Adjacent Development*	Perimeter Buffer Width
Single-family (A)	Residential	15
	Commercial	30
	Industrial	50
Multi-family and Apartments (B,C,D)	Residential	30
	Commercial	30
	Industrial	50
Commercial and Office (E,G), Institutional and Public Uses (I)	Residential	30
	Commercial	0
	Industrial	0
Wholesale and warehouse (F), Light Industrial (H)	Residential	50
	Commercial	0
	Industrial	0
Areas of common open space (J)	Residential	50 if active recreation is present (pool, clubhouse, etc.) or 0 if area is passive open space.
	Commercial	
	Industrial	
Structures containing a mixture of uses (MS), other structures, facilities or amenities (X)	Residential	30
	Commercial	0
	Industrial	0
Master Plans with Multiple Area Designations within a given land bay or tract	Residential	Max Buffer width for each of the listed uses
	Commercial	Max Buffer width for each of the listed uses
	Industrial	Max Buffer width for each of the listed uses

* Residential=land zoned R-1, R-2, R-3, R-4, R-5, R-8, PUD-R, MU (area designations A, B, C, D), A-1; Commercial=land zoned LB, B-1, RT, EO, PL, MU (area designations E,G, I, M, X), PUD-C; Industrial=land zoned M-1, M-2, MU (area designations F, H).

In instances where a proposed Mixed Use area will form a logical component of an existing development (such as sharing entrances, roads, parking areas, etc.), the perimeter buffer shall be zero adjacent to the existing development, even if all, or components of, the existing development are not zoned Mixed Use.

~~(e) Setback and/or buffer modifications; criteria for determination. Reduction of the width of the setbacks and/or buffers specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated mixed use by the Comprehensive Plan upon demonstration that the proposed setback and/or buffer, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback and/or buffer requirement of this section and the intent of section 24-86 (Landscaping and tree preservation requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, a request for a setback and/or buffer modification must meet one or more of the following criteria:~~

- ~~(1) The proposed setback and/or buffer is for the purpose of integrating proposed mixed use development with adjacent development;~~
- ~~(2) The proposed setback and/or buffer substantially preserves, enhances, integrates and complements existing trees and topography;~~
- ~~(3) The proposed setback and/or buffer is due to unusual size, topography, shape or location of the property, existing structures or other unusual conditions, excluding the proprietary interests of the developer.~~

~~Reduction of the width of the setbacks and/or buffers may also be approved for a mixed use zoning district that is not designated mixed use by the Comprehensive Plan upon finding that the proposed setback and/or buffer meets one or more of the criteria listed above and both of the following additional criteria:~~

- ~~(1) Properties adjacent to the properties being considered for a reduction in setback and/or buffer must be compatible;~~
- ~~(2) The proposed setback and/or buffer reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.~~

(c) Buffer modifications; criteria for determination. The width of the buffer specified in (b) may be reduced with approval of the planning director. The planning director will consider a buffer reduction only if the reduced buffers do not have additional adverse impact on adjacent properties or public areas when compared to the required buffers, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (1) The site is designated a community character area on the Comprehensive Plan Land Use Map, and the proposed buffer will better complement the design standards of the Community Character Area.*
- (2) The adjacent properties have setbacks or buffers that are non-conforming with this section, and the proposed buffer will better complement the established setbacks or buffers of adjacent properties, where such buffers help achieve the goals and objectives of the Comprehensive Plan.*

- (3) *The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.*
- (4) *The buffer reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).*
- (d) Requests for modifications. Requests for modifications pursuant to subsection (c) above shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall approve, deny, or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.
- (e) Appeals. In the event the planning director disapproves the items specified in section 24-523 (d) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.
- (f) No minimum lot size or yard requirements. Except for required setbacks and/or buffer specified in (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District, MU, other than as specified in approved final plans.
- (g) Uses prohibited. Setbacks and/or buffers shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback and/or buffer.

Ch24ArtV-ord

ITEM SUMMARY

DATE: 7/14/2016

TO: The Policy Committee

FROM: Savannah Pietrowski, Planner and Scott Whyte, Senior Landscape Planner II

SUBJECT: Wireless Communications Facilities and Towers, Stage II

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Draft Communications Facilities Ordinance	Ordinance
▣	Draft Definitions	Ordinance
▣	Draft A-1 Use List	Ordinance
▣	Draft R-1 Use List	Ordinance
▣	Draft R-2 Use List	Ordinance
▣	Draft R-3 Use List	Ordinance
▣	Draft R-4 Use List	Ordinance
▣	Draft R-5 Use List	Ordinance
▣	Draft R-6 Use List	Ordinance
▣	Draft R-8 Use List	Ordinance
▣	Draft LB Use List	Ordinance
▣	Draft B-1 Use List	Ordinance
▣	Draft M-1 Use List	Ordinance
▣	Draft M-2 Use List	Ordinance
▣	Draft RT Use List	Ordinance
▣	Draft PUD Use List	Ordinance
▣	Draft MU Use List	Ordinance
▣	Draft PL Use List	Ordinance
▣	Draft EO Use List	Ordinance
▣	Draft Performance Standards for Communications Facilities, Antennas, Tower and Support Structures That Require a Special Use Permit Policy	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/8/2016 - 3:04 PM
Policy	Holt, Paul	Approved	7/8/2016 - 3:16 PM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 3:21 PM
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 3:24 PM

MEMORANDUM

DATE: July 14, 2016

TO: The Policy Committee

FROM: Savannah Pietrowski, Planner
Scott Whyte, Senior Landscape Planner II

SUBJECT: Wireless Communications Facilities and Towers, Stage II

History

The Policy Committee met on May 12, 2016 (Stage II), to discuss initial planning for ordinance amendments related to the Wireless Communications Facilities (WCF) Ordinance and associated WCF policy. Staff noted that these proposed amendments have two main goals:

1. Expanding the ordinance to apply other types of towers (such as microwave or radio), not just WCFs; and
2. Complying with the provisions of the Middle Class Tax Relief and Job Creation Act of 2012, also known as the Spectrum Act.

Staff outlined proposed amendments to the WCF Ordinance and the use lists of each district.

Draft Ordinance

Since the Stage I meeting, staff has compiled the draft ordinance language using the May 12 Policy Committee memorandum as the base material. This draft language is included as Attachment Nos. 1-20 and accomplishes the following:

- Revises the title of the “WCF” Ordinance to “Communications Facilities.”
- Replaces all references to WCFs with a more encompassing term – Communications Facilities, Antennas, Towers and/or Support Structures (CATS).
- Revises Section 24-121, Statement of Intent.
- Revises Table 1 of Division 6, listing each Zoning District separately. Also, it corrects discrepancies between the table and the use list of each district. Tables 1.1 and 2 of Division 6 were also revised to list each Zoning District separately.
- Revises Section 24-124, replacing the existing WCF policy with the newly proposed policy name (“Performance Standards for CATS That Require a Special Use Permit (SUP)”).
- Revises Section 24-128, adding submittal requirements for applications for modifications to an existing eligible support structure that do not qualify as a substantial change per the Spectrum Act. It also clarifies that balloon tests for new communications facilities that require an SUP will require balloons to be flown at both the proposed height and the maximum potential height following any modifications that could be permitted by-right per the Spectrum Act.
- Revises Section 24-2, adding definitions for the following terms: base station, concealment element, eligible facilities request and substantial change. Although these definitions may not appear in the proposed revisions to the WCF Ordinance, they are pertinent to the new application process that is

being prepared for applications for modifications to existing eligible support structures that do not qualify as a substantial change per the Spectrum Act.

- Revises Sections 24-212, 24-232, 24-252, 24-273.2, 24-281, 24-305, 24-328, 24-348, 24-368, 24-390, 24-411, 24-436, 24-461, 24-493, 24-518, 24-535.1, 24-536.4, replacing the various ways communications facilities are referred to in the use list of each district with the more encompassing “CATS” term. This also ensures consistency with the tables in the WCF Ordinance.
- Revises the Performance Standards for WCFs That Require an SUP Policy adopted by the Board of Supervisors January 10, 2012, to encompass all types of communications facilities, not just WCFs.

Other Considerations

Staff is also seeking Policy Committee feedback regarding proactive actions that could be taken regarding the siting of new communications facilities in order to address the implications of the Spectrum Act.

One possible action would involve reconsidering the permitted heights in each Zoning District. Because the Spectrum Act allows for towers to increase in height by 10% or 20 feet, decreasing the maximum permitted height for new towers could account for any future expansion and staying within height limits of the majority of existing towers and antennas in the County.

Another avenue for proactively addressing the Spectrum Act involves more clearly identifying the concealment elements associated with any new tower. This could be accomplished in a variety of ways, including adding additional language to the Zoning Ordinance regarding concealment elements, as well as drafting standard language for SUP conditions that clearly identify these elements. The County would then have greater flexibility in determining if a proposed modification constitutes a substantial change to the facility.

Encouraging applicants to consider siting new towers on County-owned property is an approach that is also being considered.

Recommendation

Staff is seeking Policy Committee guidance on the attached draft ordinance for amendments to the various Zoning Ordinance sections, the WCF policy and the possible proactive action outlined above. Based on input received at this meeting, staff will revise the draft ordinance and policy, as well as prepare a draft application for eligible modification requests. Staff will provide the final ordinance, policy and application for review at the August 11, 2016 Policy Committee meeting.

SP/SW/ab

WCFTStageII-mem

Attachments:

1. Draft Communications Facilities Ordinance
2. Draft Definitions
3. Draft A-1 Use List
4. Draft R-1 Use List
5. Draft R-2 Use List
6. Draft R-3 Use List
7. Draft R-4 Use List
8. Draft R-5 Use List
9. Draft R-6 Use List
10. Draft R-8 Use List
11. Draft LB Use List
12. Draft B-1 Use List
13. Draft M-1 Use List
14. Draft M-2 Use List
15. Draft RT Use List
16. Draft PUD Use List
17. Draft MU Use List
18. Draft PL Use List
19. Draft EO Use List
20. Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP" Policy

**DIVISION 6. ~~WIRELESS COMMUNICATIONS FACILITIES~~
COMMUNICATIONS FACILITIES**

Sec. 24-121. - Statement of intent.

The purpose of this article is to provide guidance for the deployment and usage of ~~wireless communications facilities (WCF)~~ *Communications facilities, Antennas, Towers and/or Support Structures (CATS)*.

- (a) The goals for ~~WCF~~ *the placement of CATS* are to:
1. Protect viewsheds and the scenic beauty of James City County.
 2. Deploy ~~WCFs~~ *CATS* in a manner that will not adversely impact property values.
- (b) The objectives for the ~~WCF~~ *CATS* are to:
1. Ensure that the deployment of ~~WCFs~~ *CATS* will accommodate existing and future technologies by providing sufficient height and facility expansion capabilities to accommodate the needs of the current and future residential, commercial, and industrial marketplace.
 2. Ensure all antenna deployments provide ~~significant~~ *substantial* coverage area.
 3. Promote the use of camouflaged, alternatively mounted, and low-rise ~~WCF~~ *CATS*.
 4. ~~Ensure that all new technologies accommodate the needs of the current and future residential and commercial marketplace.~~

Sec. 24-122. - Antenna mounting.

- (a) Antenna mounting categories.

There are five categories of antenna mounting:

1. Tower. Requirements for this mounting category are found in section 24-122(b)(1).
2. Alternative Mounting *CATS*. Requirements for this mounting category are found in section 24-122(b)(2).
3. Camouflaged ~~WCF~~ *CATS*. Requirements for this mounting category are found in section 24-122(b)(3).
4. Multi-Antenna System. Requirements for this mounting category are found in section 24-122(b)(4).
5. Portable Cellular Transmission Facility (PCTF). Requirements for this mounting category are found in section 24-122(5).

(b) ~~Wireless Communications Facility Structures~~ *Communications facilities, Antennas, Towers and/or Support Structures*

1. *Tower-mounted WCFs communications facilities*. Tower-mounted ~~WCFs communications facilities~~ shall be allowed as shown on Table 1.

Table 1: Tower mounted ~~wireless communications facilities~~ *communications facilities*

Zoning District	Maximum By Right Tower Height	SUP Required
General Agricultural, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Residential, R-1, R-2, R-3, R-5, R-6	Not Permitted	Not Permitted
Limited Residential, R-1	Not Permitted	Not Permitted
General Residential, R-2	Not Permitted	Not Permitted
Residential Redevelopment, R-3	Not Permitted	Not Permitted
Residential Planned Community, R-4 with a designation other than residential on a Board adopted master plan	Not Permitted	All Towers
Residential Planned Community, R-4 with a residential designation on a Board adopted master plan	Not Permitted	Not Permitted
Multifamily Residential, R-5	Not Permitted	Not Permitted
Low-Density Residential, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤60'	>60'
Industrial, M-1, M-2	≤60'	>60'
Limited Business/Industrial, M-1	≤60'	>60'
General Industrial, M-2	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	≤60' Not Permitted	>60' All Towers
Public Lands, PL	≤60' 35'	>60' 35'
Research and Technology District, RT	≤60'	>60'

- a. Towers *mounted communications facilities* shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.
- b. All towers *mounted communications facilities* shall be set back from any off site existing residential structure by no less than 400 feet.

2. *Alternative mounting structure - WCFs CATS.* ~~WCFs CATS~~ determined by the planning director to be utilizing alternative mounting structures as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:
- a. The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the ~~wireless~~ communications facility as determined by the planning director.
 - b. In addition to the height limitations of the underlying zoning district, the antennas mounted on alternative mounting structures shall conform to the following requirements:
 - (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
 - (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
 - (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
 - (4) Building mounted antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. Building mounted antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.
 - (5) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
 - (6) ~~WCFs CATS~~ shall meet the requirements in sections 24-123 through 24-128.
3. *Camouflaged wireless communications facilities communications facilities.* Camouflaged ~~WCFs CATS~~ as defined by this ordinance shall be permitted pursuant to Table 1.1 below.

Table 1.1 Camouflaged ~~Tower~~ CATS Determinations

Zoning District	Planning Director	SUP Required
General Agriculture al , A-1	✓	✓
Rural Residential, R-8		✓
Residential, R-1, R-2, R-3, R-5, R-6		✗
<i>Limited Residential, R-1</i>		✓
<i>General Residential, R-2</i>		✓
<i>Residential Redevelopment, R-3</i>		✓

Residential Planned Community, R-4		✓
<i>Multifamily Residential, R-5</i>		✓
<i>Low-Density Residential, R-6</i>		✓
Limited Business, LB	✓	
General Business, B-1	✓	
Industrial, M-1, M-2	✗	
<i>Limited Business/Industrial, M-1</i>	✓	
<i>General Industrial, M-2</i>	✓	
Planned Unit Development - Residential, PUD-R*		✓
Planned Unit Development - Commercial, PUD-C*	✓	
Mixed Use, MU	✓	
Economic Opportunity, EO	✓	
Public Lands, PL	✓	
Research and Technology District, RT	✓	
* or similar use designation on a Board adopted master plan zoned PUD		

Upon application for a special use permit for a camouflaged ~~WCF~~ *CATS* in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) if a proposed tower is camouflaged. An appeal of a planning director determination shall be made to the development review committee which shall forward a recommendation to the planning commission. Written notice of the appeal must be received by the planning division within 30 days of the date of the planning director's determination.

Applicants may apply for any of the three categories of camouflaged ~~WCFs~~ *CATS* as defined below:

- a. *Architecturally compatible.* The ~~WCF~~ *CATS* has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located. When an architecturally compatible ~~WCF~~ *CATS* is proposed the following requirements shall be met:
 - (1) The ~~WCF~~ *CATS* shall use materials best suited to camouflage as determined by the planning director to create the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located;
 - (2) The architecturally compatible ~~WCF~~ *CATS* shall be placed in the vicinity of another structure that the proposed ~~WCF~~ *CATS* intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a ~~WCF~~ *CATS*;
 - (3) The architecturally compatible ~~WCF~~ *CATS* should be no taller than twice the permitted height of the replicated structure up to 70 feet;

- (4) Professional design requirements:
 - i. All ~~WCFs~~ **CATS** shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and view of the proposed ~~WCF~~ **CATS** in profile;
 - ii. The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia;
 - (5) Meet the requirements in sections 24-123 through 24-128;
 - (6) Shall be set back from any off-site existing residential structure no less than 400 feet.
- b. *Native vegetation.* The structure has the appearance of vegetation native to eastern Virginia. Where a native vegetation ~~WCF~~ **CATS** is proposed the following requirements shall be met:
- (1) Should the ~~WCF~~ **CATS** be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation from an off-site view.
 - (2) The ~~WCF~~ **CATS** shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion to existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - (3) The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
 - (4) The ~~WCF~~ **CATS** shall use materials best suited to camouflage as determined by the planning director to appear as native vegetation and be unnoticeable to the casual observer that the function of structure is for a ~~WCF~~ **CATS**.
 - (5) Access drives shall be designed and located in a manner that obscures views of the ~~WCF~~ **CATS**'s base or related facilities from the road point of ingress.
 - (6) Meet the requirements in sections 24-123 through 24-128.
 - (7) Shall be set back from any off site existing residential structure no less than 400 feet.
 - (8) Shall not exceed 120 feet in height.
- c. *Buffered.* The structure is well buffered by tall vegetation and/or other structures. Where a buffered ~~WCF~~ **CATS** is proposed, the following requirements shall be met:
- (1) A minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, buildings, or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure renders the ~~WCF~~ **CATS** generally unnoticeable to the off-site casual observer as determined by the planning director.

- (2) Shall be set back from any off site existing residential structure no less than 400 feet.
- (3) The buffer shall remain undisturbed except for any access drives and utilities necessary for the ~~WCF~~ **CATS** and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director. The buffer shall be located in an on-site or off-site area that:
 - i. the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the ~~WCF~~ **CATS** would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or property depicted as conservation area on the Comprehensive Plan; or
 - ii. such areas where the ~~WCF~~ **CATS** owner has guaranteed the buffer will remain undisturbed while the ~~WCF~~ **CATS** is in existence by way of lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the ~~WCF~~ **CATS** is removed.
- (4) Professional design requirements:
 - i. ~~WCFs~~ **CATS** shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - ii. Landscape architect shall be professionally licensed in the Commonwealth of Virginia.
 - iii. Access drives shall be designed and located in a manner that obscures view of the ~~WCFs~~ **CATS** base or related facilities from the point of ingress.
- (5) Meet the requirements in sections 24-123 through 24-128.
- (6) Shall not exceed 120 feet in height.

4. *Multi-antenna system.* A multi-antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall be permitted as shown on Table 2.

Table 2: Multi-antenna system. Antennas shall be mounted no higher than stated below unless approved by the board of supervisors. Multi-antenna systems are permitted in the following zoning districts:

Zoning District	Maximum By Right Antenna Mounting Height	SUP Required
General Agriculture al , A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Residential, R-1, R-2, R-3, R-4, R-5, R-6	Not Permitted	All Applications
<i>Limited Residential, R-1</i>	<i>Not Permitted</i>	<i>All Applications</i>

<i>General Residential, R-2</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Residential Redevelopment, R-3</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Residential Planned Community, R-4</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Multifamily Residential, R-5</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Low-Density Residential, R-6</i>	<i>Not Permitted</i>	<i>All Applications</i>
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Industrial, M-1, M-2	≤60'	>60'
<i>Limited Business/Industrial, M-1</i>	≤60'	>60'
<i>General Industrial, M-2</i>	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands, PL	≤60'	>60'
Economic Opportunity, EO	≤60'	>60'
Research and Technology District, RT	≤60'	>60'

Requirements for antenna mounting of Multi-antenna systems:

- a. To the greatest extent possible, antennas should be mounted on structures not originally associated with the wireless communications facility as determined by the zoning administrator.
 - b. Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.
 - c. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.
 - d. Antenna support structures for multi-antenna systems shall be designed to appear as native vegetation or other typical features of the zoning district (such as a light/telephone pole).
 - e. Meet the requirements in sections 24-123 through 24-128.
5. *Portable Cellular Transmission Facility (PCTF).*
- a. A PCTF shall be permitted for a maximum of 90 days in any 365-day period or longer during an emergency as determined by the county administrator or his designee.

- (1) Any applicant who is aggrieved by the time limitations for a PCTF may petition the board of supervisors for an extension. If additional time is determined to be in the interest of the public, the board of supervisors may grant an extension.
- b. The PCTF shall be set back at least two times the height of the PCTF from any residential or public structure.
- c. The maximum height of the PCTF shall be 120 feet.
- d. The applicant shall submit a conceptual plan of the structure pursuant to section 24-144, RF Report and a noninterference/intermodulation study no fewer than seven business days prior to deployment stating how long the PCTF will be in use and demonstrate a public health or safety need. Upon review of the application, the zoning administrator may request additional information, deny the application because of an ordinance violation or approve the use of the PCTF at the location and time duration indicated on the conceptual plan.

Sec. 24-123. - General requirements.

~~Except where otherwise noted in this section,~~ The following requirements shall apply to all ~~WCF~~ *CATS*, ~~except for modifications to an existing eligible support structure, and where otherwise noted in this section:~~

- (a) *Setbacks.* In addition to meeting the requirements of the underlying zoning district, tower mounted ~~WCFs~~ *communications facilities* (including camouflaged ~~WCFs~~ *CATS*) shall conform to the following setback requirements:
 - (1) All towers shall be set back from any off site existing residential structure by no less than 400 feet. All towers shall be located no closer than 400 feet from an occupied school or building used primarily for daycare.
 - (2) All towers shall meet the structural requirements set forth in standard of the "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," or its successors as determined by the building official.
 - (3) All towers shall comply with the Virginia Uniform Statewide Building Code.
 - (4) All towers shall be set back from all property lines a minimum of 110 percent of the documented collapse radius.
 - (5) All setbacks from a public right-of-way shall exclude any planned public right-of-way designated on the Six-Year Primary and Secondary Road Plans or the Comprehensive Plan.
- (b) *Appearance.* Towers, all ~~WCFs~~ *CATS* equipment enclosures, and security fences shall conform to the following requirements:
 - (1) Lighting installed at all ~~WCFs~~ *CATS*, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the

lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.

- (2) Towers shall be gray in color unless otherwise approved by the planning director and in compliance with the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
 - (3) No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
 - (4) All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.
- (c) *Security*. Except where otherwise noted, the following security requirements shall apply to all ~~WCFs~~ *CATS*:
- (1) All ~~towers, WCFs~~ *CATS* using alternative mounting structures, and camouflaged ~~WCFs~~ *CATS* shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
 - (2) Security fencing, if used, shall conform to the following:
 - a) Security fencing shall be screened from view with landscaping.
 - b) Chain-link fences shall be of a black or green color.
 - c) No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.
- (d) *Special requirements for certain antenna*. Installation or replacement of any antenna on a tower shall require a special use permit if all of the following conditions apply:
- (1) The tower on which it is to be placed was constructed after the effective date of this ordinance;
 - (2) The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and
 - (3) A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

Sec. 24-124. - Performance standards.

In considering an application for a special use permit for a ~~WCF~~ *CATS*, the planning director shall prepare a composite report identifying the extent to which the application is in compliance with the "Performance Standards for ~~Wireless Communication Facilities~~ *Communications Facilities, Antennas, Towers and Support Structures (CATS)* That Require a Special Use Permit," dated ~~January 10, 2012~~ *XXXX XX,XXXX*, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

Sec. 24-125. - Radio frequency standards.

- (a) *Federal communications commission emissions standards.* The ~~WCF~~ **CATS** shall comply with Federal Communications Commission (FCC) standards for all electromagnetic emissions.
- (b) *Noninterference/intermodulation with local broadcasts.* The applicant shall ensure that the ~~WCF~~ **CATS** will not cause localized interference/intermodulation with the transmittance or reception of area television or radio authorized FCC broadcasts. Prior to preliminary site plan approval of the ~~WCF~~ **CATS**, a noninterference/intermodulation study shall be submitted to and approved by the planning director indicating that no interference with any communications equipment will take place. If such interference/intermodulation is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

Sec. 24-126. - Public safety considerations.

- (a) *Noninterference with public safety communications.* The applicant shall ensure that the ~~WCF~~ **CATS** will not interfere with public safety communications. Should such interference be detected, and is not corrected or ceased within 24 hours, operation of the ~~WCF~~ **CATS** shall be terminated and the special use permit or any other permits may be modified or revoked.
- (b) *Antenna mountings for public safety communications.* Applicants shall be required to negotiate in good faith, and provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval, with public safety agencies regarding vacant antenna locations on ~~WCFs~~ **CATS** prior to making these locations available to other providers. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.
- (c) All ~~WCFs~~ **CATS** providing voice service shall be reported to the county dispatch center to ensure that all wireless E-911 calls placed within the boundaries of the county are routed to the county dispatch center.

Sec. 24-127. - Permit limitations.

- (a) *Guarantee of removal.* Prior to final site plan approval, the owner of the property on which a ~~WCF~~ **CATS** is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of an abandoned or unused ~~WCF~~ **CATS** or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the ~~WCF~~ **CATS**. A ~~wireless communication facility~~ **CATS** shall be considered abandoned or unused if it is not being utilized for the purpose of providing wireless communications services for a period of six months. At such time the ~~WCF~~ **CATS** shall be removed, except where the ~~WCF~~ **CATS** is used by the county or deemed necessary by the county for placement of its communications equipment.
- (b) *Right of access.* The county shall be granted access to the ~~WCF~~ **CATS** for the purposes of inspection and, in the event a ~~WCF~~ **CATS** is abandoned or unused, removal for the life of the facility.
- (c) *Site restoration.* The site of a removed ~~WCF~~ **CATS** shall be restored to its original state, except that any installed landscaping shall remain in place.

Sec. 24-128. - Processing and submittal requirements.

- (a) *The following shall apply to applications involving modifications to an existing eligible support structure that do not qualify as a substantial change:*
- (1) *Evidence of eligible support structure. The applicant shall provide evidence of prior approval letters or actions from the county authorizing the initial construction of the support structure. If no approvals were granted by the county for the structure, the applicant shall provide evidence that the structure was constructed lawfully.*
 - (2) *Evidence of eligible request. The applicant shall provide a plan, drawn to scale specifying the following information in order to verify that the proposal will not result in a substantial change to the existing eligible support structure:*
 - a. *Location and dimensions of all existing and proposed improvements to the structure, including appurtenances, ground equipment and enclosures, landscaped/vegetative buffer areas, fences and access ways. This plan should include elevation or profile views.*
 - b. *Identification of the color of the existing structure and any new appurtenances or fencing.*
 - c. *Depiction of the facility illustrating the maximum height above ground and maximum width of the structure permitted without triggering a substantial change to the facility.*
 - (3) *For the purposes of this section, an eligible support structure shall be defined as any tower or base station, provided that it is existing at the time the relevant application is filed with the county. Existing shall be defined as having been reviewed and approved under the applicable zoning process. A tower or base station that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, shall also be deemed existing.*
- (b) *The following shall apply to all WCF applications for new CATS and/or for modifications to eligible support structures that do result in a substantial change:*
- (1) *Conceptual plan. A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties. This plan should also include elevation or profile views.*
 - (2) *Preapplication meeting. Prior to formal application for a camouflaged WCF CATS, multi antenna system or a tower submittal, the prospective permittee or its representative shall attend a pre-application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed WCF CATS location, the configuration of the proposed WCF CATS, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building mounted WCF CATS, utilizing an alternative mounting structure or a camouflaged WCF CATS. The planning director may request a tower simulation (balloon test) for a camouflaged determination.*
 - (3) *Professional certification. The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:*

- a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated. *Applications for new CATS shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, using the proposed project as a baseline.*
- b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto.
- c. A RF report.
- d. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

(b) (c) In addition to meeting all other processing and submittal requirements for site plans, special use permits for tower mounted WCFs *communications facilities* shall also comply with the following:

- (1) *Co-location efforts.* The applicant shall allow other users to locate on the tower and site and shall provide the county, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all *wireless communications facilities* service providers licensed to serve the county and a copy of their response, if any, shall be provided to the planning director. The planning director may waive this requirement for camouflaged WCFs *CATS* where co-location would preclude the WCF *CATS* from meeting ordinance requirements for such facilities, and for *wireless-communications facilities* that utilize alternative mounting structures, or are building mounted.
- (2) Any application for a special use permit for the installation of a WCF *CATS* shall not be deemed complete until accompanied by the following materials, which shall be submitted six weeks prior to the planning commission meeting.
- (3) *Search and service area mapping.* The applicant shall provide mapping, deemed suitable by the planning director, depicting the following:
 - a. The search area for the proposed WCF *CATS* along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.
 - b. The intended service area of the proposed WCF *CATS* with a radio signal propagation map to include information such as building, car, and ambient coverage or other suitable graphic, depicting the level of signal coverage with and without the proposed WCF *CATS*. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs *CATS* operated by the same provider and future service plans, within the county and within five miles of the border thereof.
- (4) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* An applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:

- a. The applicant shall indicate on a map provided by the planning department all existing tower and building mounted ~~WCFs~~ *CATS*, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed ~~WCF~~ *CATS* is less than three miles.
 - b. Applicants shall provide evidence acceptable to the planning director, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed ~~WCF~~ *CATS* have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged ~~wireless communication facilities~~ *CATS*, alternative mounting structures, building mounted ~~WCFs~~ *CATS*, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed ~~WCF~~ *CATS* is less than three miles.
 - c. The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing ~~WCFs~~ *CATS*, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.
 - d. The applicant shall provide verifiable written evidence, deemed suitable by the planning director, of the feasibility of replacing all existing ~~WCFs~~ *CATS* within a three mile radius of the site of the proposed ~~WCF~~ *CATS* in order to accommodate the proposed ~~WCF~~ *CATS*.
- (5) *Public safety communications antenna requirements.* The applicant shall provide written evidence, deemed suitable by the planning director, of consultation with the relevant public safety agencies regarding their need for antenna space at any newly proposed ~~WCF~~ *communications facility* support structure.
- (6) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates *both the height of the proposed ~~WCF~~ *CATS*, and the maximum increase in the physical dimensions of the proposed project permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.* The balloon test shall be scheduled within the first week following application submittal. The planning director may also require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test providing representative photographic evidence of the views of a proposed ~~WCF~~ *CATS* from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed ~~WCF~~ *CATS* may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.

Sec. 24-2. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Base station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Stations include, without limitation:

- (1) *Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless service and fixed wireless services such as microwave backhaul.*
- (2) *Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks.*
- (3) *Any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the county, does not support or house equipment described in paragraphs (1) and (2) of this definition.*

Communications facility. A facility for the transmission or reception of low power radio signals used in communications provided by a FCC licensee. Communications facilities shall not include facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users.

Concealment element. Any condition of approval, including any applicable requirements of Article II, Special Regulations, Division 6, Communications Facilities, in effect at the time of approval, established and imposed on a communications facility as a concealment technique designed to render the facility minimally visible to the casual observer or otherwise not having the appearance of an antenna or a tower.

Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) *Co-location of new transmission equipment*
- (2) *Removal of transmission equipment*
- (3) *Replacement of transmission equipment*

Monopole. A wireless communications facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Multi-antenna system. Wireless-eCommunications facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would

normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Noninterference/intermodulation study. A study prepared by a licensed engineer indicating potential interference of wireless communications facilities with public safety communication equipment.

Radio frequency (RF) report. A statement from a registered engineer demonstrating that electromagnetic radiation emitted from wireless communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the wireless communications facilities that exceeds relevant federal communication commission standards.

Substantial change. A modification to an eligible support structure which meets any of the following criteria:

- (1) *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, the modification increase the height of the structure by more than 10 percent (10%) or more than ten (10) feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
- (2) *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.
- (3) *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public-rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.
- (4) *Expands tower site.* The modification entails any excavation or deployment outside the current site.
- (5) *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure
- (6) *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this section.

Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) *Tower.* A pole or latticed structure designed for the attachment of one or more antenna as the primary use of the structure.
- (2) *Alternative mounting structure.* Light poles, utility transmission structures, water towers, buildings, and other structures other than towers or camouflaged wireless communications facilities which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.
- (3) *Camouflaged structure.* Any ~~wireless~~ communications facility disguised or hidden *by utilizing concealment elements* so that all of its components are unnoticeable to the casual observer, or otherwise not having the appearance of an antenna or a tower.
- (4) *Antenna support structures for multi-antenna systems.* Structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.

~~*Wireless communications facility (WCF).* A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:~~

- ~~(1) Antenna;~~
- ~~(2) Support structure;~~
- ~~(3) Equipment enclosure; or~~
- ~~(4) Security barrier.~~

Sec24.2-Definitions-ord

DIVISION 2 – GENERAL AGRICULTURAL, A-1

Sec. 24-212. - Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32 .	P	
	Accessory apartment, detached, in accordance with section 24-32 .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38 .		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c) .		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	38.		
	Day care and child care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	to 2,500 square feet and repair limited to a fully enclosed building.		
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40 , construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2 .	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Houses of worship and cemeteries accessory hereto.	P	
	Lodges, civic clubs, fraternal organizations or service clubs.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 35 feet.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 35 feet.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	dam heights of less than 15 feet.		
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43 .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

- **Editor's note**— Ord. No. [31A-296](#), adopted June 9, 2015, amended [§ 24-212](#) in its entirety to read as herein set out. Former [§ 24-212](#) pertained to use list. See the Code Comparative Table for complete derivation.

Sec24.212-UseList-ord

DIVISION 3 – LIMITED RESIDENTIAL, R-1

Sec. 24-232. - Use list.

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with Section 24-32	P	
	Accessory apartments, detached, in accordance with Section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	Keeping of chickens in accordance with Section 24-47	P	
	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Rental of rooms to a maximum of three rooms		SUP
	Retail food shops and food service establishments accessory to community recreation facilities		SUP
	Civic Uses	Cemeteries and memorial gardens	
Fire stations			SUP
Libraries			SUP
Neighborhood resource centers			SUP
Places of public assembly			SUP
Publicly owned solid waste container sites			SUP
Schools			SUP
Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet		P	
Water impoundments, new or expansion of, 50 acre or more and dam heights of 25 feet or more			SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit		SUP
	Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	

DIVISION4 – GENERAL RESIDENTIAL, R-2

Sec. 24-252. - Use list.

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with Section 24-32	P	
	Accessory apartments, detached, in accordance with Section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Keeping of chickens in accordance with section 24-47	P	
	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a) , or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either		SUP
• in accordance with section 24-253(b) , or			
• contained within residential cluster development in accordance with article VI, division 1 of this chapter			
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Barber and beauty shops		SUP
	Child day care centers		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artists and sculptor studios		SUP
	Rental of rooms to a maximum of three rooms		SUP
	Retail shops accessory to community recreation facilities	P	
	Tourist homes		SUP
Civic Uses	Cemeteries and memorial gardens		SUP
	Fire stations		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP
	Places of public assembly		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acre or more and with dam heights of 25 feet or more		SUP
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas,		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit		
	Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	

Sec24-252-UseList-ord

DIVISION 4.1 – RESIDENTIAL REDEVELOPMENT, R-3

Sec. 24-273.2. - Use list.

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings up to and including four units	P	
	Multifamily dwellings greater than four units	P	
	Single-family dwellings	P	
	Commercial Uses	Accessory buildings or structures as defined	P
Adult day care centers		P	
Assisted living facilities			SUP
Barber and beauty shops			SUP
Business, professional and governmental offices			SUP
Child day care centers		P	
Coin laundries which are accessory to other residential uses and for the primary use of its residents		P	
Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities		P	
Continuing care retirement facilities			SUP
Hospitals and mental health facilities			SUP
Off-street parking as required by article II, division 2 of this chapter		P	
Photography studios and sales, artist and sculptor studios			SUP
Places of public assembly		P	
Professional and business offices located in the same structure as and in conjunction with multifamily uses			SUP
Rental of one room		P	
Rental of two or three rooms to a maximum of three rooms			SUP
Retail shops accessory to community recreation facilities		P	
Schools, libraries and fire stations	P		
Skilled nursing facilities (nursing homes)		SUP	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Temporary offices in accordance with section 24-111		SUP
	Tourist homes		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	

Sec24-273.2-UseList-ord

DIVISION 5 – RESIDENTIAL PLANNED COMMUNITY, R-4

Sec. 24-281. - Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses	
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P		
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan		SUP	
	Accessory buildings or structures, as defined	P		
	Apartments	P		
	Group homes or residential facilities for eight or fewer adults	P		
	Group homes or residential facilities for nine or more adults		SUP	
	Independent living facilities		SUP	
	Multi-family dwellings (up to and including four dwelling units)	P		
	Multi-family dwellings (more than four dwelling units)	P		
	Single-family dwellings	P		
	Commercial Uses	Accessory buildings or structures, as defined	P	
		Assisted living facilities	P	
Automobile service stations; if fuel is sold, then in accordance with section 24-38		P		
Banks and other similar financial institutions		P		
Barber and beauty shops		P		
Business, professional and governmental offices		P		
Continuing care retirement facilities		P		
Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores		P		
Dinner theaters		P		
Dry cleaners and laundries		P		
Funeral homes, cemeteries and memorial gardens		P		
Home occupations, as defined		P		
Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields		P		
Hospitals and mental care facilities		P		
Hotels, resort hotels, motels, tourist homes and convention centers		P		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, fast food restaurants, tea rooms and taverns	P	
	Retail food stores, bakeries and fish markets	P	
	Skilled nursing facilities (nursing homes)	P	
	Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	plan		
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:		SUP
	(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(2) Distribution lines and local facilities within a development; including pump stations.		
	Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open Uses	Timbering in accordance with section 24-43	P	

All uses are subject to the limitations hereinafter provided.

Sec24-281-UseList-ord

DIVISION 6 – MULTIFAMILY RESIDENTIAL, R-5

Sec. 24-305. - Use list.

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Group home or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings containing two or more dwelling units	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	
	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement communities		SUP
	Golf courses, country clubs		SUP
	Home occupations, as defined	P	
	Hospitals and mental health facilities		SUP
	Lodges, civic clubs, fraternal organizations, service clubs		SUP
	Marina, boat dock or waterfront recreational facilities	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios	P	
	Professional and business offices located in the same structure as and accessory to multifamily uses		SUP
	Rental of one room	P	
	Rental of two or three rooms to a maximum of three rooms		SUP
	Restaurants which are accessory to permitted private clubs or marinas	P	
Retail shops accessory to community recreation facilities	P		
Skilled nursing facilities (nursing homes)		SUP	
Temporary offices in accordance with section 24-111		SUP	
Tourist homes	P		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Civic	Cemeteries and memorial gardens		SUP
	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Schools	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Utility	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvement in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipments such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit		
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with section 24-43	P	

Sec24-305UseList-ord

DIVISION 7 – LOW-DENSITY RESIDENTIAL, R-6

Sec. 24-328. - Permitted uses.

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with section 24-32.

Accessory buildings or structures as defined.

Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.

Boat docks.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Home occupations as defined.

Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.

Houses of worship.

Off-street parking, as required by section 24-54.

Preserves, conservation areas or hunting clubs.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Single-family dwellings.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

~~Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-329. - Uses permitted by special use permit only.

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Accessory apartments, detached, in accordance with section 24-32.

Adult day care centers.

~~Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.~~

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.

Cemeteries and memorial parks.

Day care and child care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Golf courses, county clubs.

Home care facilities.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, of 50 acres or more or with dam heights of 25 feet or more.

Sec24-328-PermittedUses-ord

DIVISION 8 – RURAL RESIDENTIAL, R-8

Sec. 24-348. - Permitted uses.

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with [section 24-32](#).

Accessory buildings and structures.

Accessory uses, as defined herein.

~~Communication towers and tower-mounted wireless communication facilities, up to a height of 35 feet.~~

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 35 feet.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Nurseries.

Off-street parking as required by section 24-54.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Site-built single-family detached dwellings and modular homes.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

~~Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-349. - Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections [24-9](#) and [24-10](#) and such other guides and standards as may be contained in this chapter:

Accessory apartments, detached, in accordance with [section 24-32](#).

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Barber and beauty shops.

Business, governmental, and professional offices.

~~Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.~~

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Child day care centers.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 35 feet.

~~Communication towers over 35 feet in height.~~

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

Convenience stores; if fuel is sold, then in accordance with [section 24-38](#).

Drug stores.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospitals.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

Lodges, civic clubs, fraternal organizations, and service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics or offices.

Neighborhood Resource Centers.

Nursing homes and facilities for the residence and/or care of the aged.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

~~Radio and television stations or towers.~~

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Raising of hogs.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Retreat facilities.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Seminaries.

Telephone exchanges and telephone switching stations.

Tourist homes.

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Utility substations.

Veterinary hospitals.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Sec24-348-PermittedUses-ord

DIVISION 9 – LIMITED BUSINESS, LB

Sec. 24-368. - Use list.

Reference [Section 24-11](#) for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P	
Commercial	Accessory uses and structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries and fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation 5,000 sq. ft. or less	P	
	Catering and meal preparation larger than 5,000 sq. ft.		SUP
	Child day care centers	P	
	Contractor offices (with materials and equipment storage limited to a fully enclosed building)	P	
	Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Drug stores 10,000 sq. ft. or less	P	
	Drug stores larger than 10,000 sq. ft.		SUP
	Dry cleaners and laundries	P	
	Firearms sales and service		SUP
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Feed, seed and farm supply stores	P	
	Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores 10,000 sq. ft. or less	P	
	Grocery stores larger than 10,000 sq. ft		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Health clubs and exercise clubs, fitness centers	P	
	Janitorial service establishments	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	Medical clinics or offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores 10,000 sq. ft. or less	P	
	Office supply stores greater than 10,000 sq. ft.		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply (with storage limited to a fully enclosed building)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with 100 seats or less	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats		SUP
	Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, health and beauty aids, home appliance, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores 5,000 sq. ft. or less	P	
	Retail food store greater than 5,000 sq. ft.		SUP
	Security service offices	P	
	Tourist home	P	
	Vehicle parts sales, new and/or rebuilt (with storage limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle service stations, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with section 24-38		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building, with the exception of supervised animal exercise while on a leash)	P	
Civic	Fire stations	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter.</i>		SUP
Utility	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	

7

Sec24-368-UseList-ord

DIVISION 10 – LIMITED BUSINESS, B-1

Sec. 24-390. - Use list.

Reference [section 24-11](#) for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P	
Commercial	Accessory uses and structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Amphitheaters		SUP
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty salons	P	
	Business and professional offices	P	
	Campgrounds		SUP
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices (with storage of materials and equipment limited to a fully enclosed building)	P	
	Convenience stores which sell and dispense fuel in accordance with section 24-38		SUP
	Convention centers		SUP
	Country clubs and golf courses, public or private		SUP
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Flea markets		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Health and exercise clubs, fitness centers	P	
	Heliports and helistops, as an accessory use		SUP
	Hospitals		SUP
	Hotels and motels	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities (excluding firing and shooting ranges)	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices	P	
	Museums	P	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)	P	
	Nursing homes		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf driving ranges, batting cages and skate parks		SUP
	Parking lots, structures or garages	P	
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Radio and television stations and accessory antenna or towers which are 60 feet or less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Tourist homes	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing)	P	
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash)	P	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Schools		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas or towers in excess of 60 feet in height		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 60 feet.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 60 feet.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial Uses	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
	Waste disposal facilities		SUP

Sec24-390-UseList-ord

DIVISION 11 – LIMITED BUSINESS/INDUSTRIAL, M-1

Sec. 24-411. - Use list.

Reference [section 24-11](#) for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Convention centers	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges (limited to a fully enclosed building)	P	
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Health and exercise clubs, fitness centers	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities, including firing and shooting ranges	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	courses as approved by the board of supervisors		
	Parking lots, structures or garages	P	
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, and taverns, not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Tattoo parlors		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
	Welding and machine shops (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
Civic	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 60 feet.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 60 feet.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations.		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property)	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Manufacture and processing of textiles and textile products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of cans and other products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Manufactured home or mobile home sales	P	
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components (with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect)		SUP
	Propane storage, distribution or sale		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

Sec24-411-UseList-ord

DIVISION 12 – GENERAL INDUSTRIAL, M-2

Sec. 24-436 - Use list.

Reference [section 24-11](#) for special use permit requirements for certain commercial uses and exemptions.

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Business and professional offices	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Data processing centers	P	
	Firearms sales and service	P	
	Health and exercise clubs, fitness centers as an accessory use to other permitted uses	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Indoor sport facilities, including firing and shooting ranges	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving,	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	packaging or distribution		
	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks		SUP
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within qualifying industrial parks in accordance with article II, division 2 of this chapter	P	
	Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use	P	
	Security service offices	P	
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Fire stations	P	
	Governmental offices	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 60 feet.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 60 feet.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	Asphalt mixing plants		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of same		SUP
	Drop forge industries, manufacturing, forgings with a power hammer	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	Manufacture and compounding of chemicals		SUP
	Manufacture and processing of acrylic and synthetic fibers	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
	Manufacture and sale of wood and wood products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiberglass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	products, but not the slaughter of animals		
	Manufacture of batteries	P	
	Manufacture of boats, marine equipment and boat trailers	P	
	Manufacture of cans and other metal products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)		SUP
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of aircraft and aircraft parts	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of automobiles, trucks, machinery or equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Metal foundry and heavy weight casting	P	
	Petroleum refining		SUP
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect		SUP
	Propane storage, distribution or sale		SUP
	Ready mix concrete production		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Structural iron and steel fabrication	P	
	Vehicle graveyards and scrap metal storage yards		SUP
	Waste disposal facilities		SUP
	Welding and machine shops including punch presses and drop hammers	P	
	Wood preserving operations		SUP

DIVISION 13 – RESEARCH AND TECHNOLOGY, RT

Sec. 24-461. - Use list.

In the Research and Technology District, RT, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	An apartment or living quarters for a guard, caretaker, proprietor or other person employed on the premises which is clearly secondary to the research and technology use of the property.	P	
Commercial Uses	Accessory uses and structures as defined in section 24-2	P	
	Banks and other similar financial institutions as an accessory use to other permitted uses	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Clinics as an accessory use to other permitted uses	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers as an accessory use to other permitted uses	P	
	Health clubs, exercise clubs and fitness centers as accessory use to other permitted uses	P	
	Off-street parking as required by article II, division II of this chapter	P	
	Restaurants as an accessory use to other permitted uses	P	
Civic	Fire stations	P	
Utility	Antennas or towers (not attached to buildings) in excess of 60 feet in height		SUP
	Antennas and towers, self supported which are 60 feet or less in height	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 60 feet.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 60 feet.</i>		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Radio and television studios and accessory antenna or towers, self-	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	supported (not attached to buildings), which are 60 feet or less in height		
	Railroad facilities including tracks, bridges, switching yards and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions or private connections to existing pipelines, which serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(a) private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) distribution lines and local facilities within a development, including pump stations		
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam height of 25 feet or more		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with section 24-43	P	
Industrial	Heliports and helistops and accessory uses		SUP
	Industrial and technical training centers or schools	P	
	Laser technology production	P	
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Research, development and design facilities or laboratories	P	
	Solid waste transfer stations and container sites, public or private		SUP
	Warehouse, storage and distribution centers to serve only uses permitted in the Research and Technology District, RT, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Waste disposal facilities		SUP

Sec24-461-UseList-ord

DIVISION 14 – PLANNED UNIT DEVELOPMENT, PUD

Sec. 24-493. - Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses	
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P		
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated for detached, single-family units		SUP	
	Accessory buildings or structures, as defined	P		
	Apartments	P		
	Group homes or residential facilities, for eight or fewer adults	P		
	Group homes or residential facilities, for nine or more adults		SUP	
	Home occupations, as defined	P		
	Independent living facilities	P		
	Multi-family dwellings up to and including four dwellings	P		
	Multi-family dwellings more than four dwellings	P		
	Single-family dwellings	P		
	Commercial Uses	Accessory buildings or structures, as defined	P	
		Assisted living facilities	P	
Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38		P		
Banks and other similar financial institutions		P		
Barber and beauty shops		P		
Business and professional offices		P		
Coin laundries which are accessory to other residential uses and for the primary use of their residents		P		
Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities		P		
Continuing care retirement facilities		P		
Drug stores		P		
Dry cleaners and laundries		P		
Funeral homes		P		
Golf courses, country clubs		P		
Indoor theaters		P		
Marinas, docks piers, yacht clubs, boat basins and waterfront activities, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		P		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Medical clinics or offices	P	
	Motels, hotels and resort facilities	P	
	Museums	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops	P	
	Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building	P	
	Restaurants, tea rooms and taverns	P	
	Restaurants which are accessory to permitted private clubs and marinas	P	
	Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods	P	
	Retail food stores, bakeries, fish markets	P	
	Retail shops associated with community recreation facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Veterinary hospitals	P	
	Wineries	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Post offices	P	
	Schools	P	
Open Uses	Timbering in accordance with section 24-43	P	
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged, and comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	Public utilities	P	
	Radio and television stations	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	a. Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	b. Distribution lines and local facilities within a development; including pump stations		
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings	P	
Commercial Uses	Commercial uses: Same as subsection (a) above		
	Assisted living facilities	P	
	Continuing care retirement facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Golf courses	P	
	Theme parks	P	
Civic Uses	Civic uses as listed in (a) above		
Utility Uses	Utility uses as listed in (a) above		
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	designation other than residential on a board adopted master plan		
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	<i>Communication facilities, antennas, towers, and support structures that are camouflaged, for a non-residential use and part of a Board approved Master Plan, and comply with division 6, Communications, Antennas, Towers, and Support Structures.</i>	P	
	<i>Communication facilities, antennas, towers, and support structures that comply with division 6, Communications, Antennas, Towers, and Support Structures.</i>		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	a. Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	b. Distribution lines and local facilities within a development; including pump stations		
Industrial Uses	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

DIVISION 15 – MIXED USE, MU

Sec. 24-518. - Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory structures, as defined in section 24-2	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
	Single-family dwellings	P	
Commercial Uses	Accessory structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts shops	P	
	Assisted living facilities	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Campgrounds		SUP
	Child day care centers	P	
Community recreation facilities, public or private, including parks,	P		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities		
	Continuing care retirement facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmer's markets	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Fish farming	P	
	Flea markets		SUP
	Funeral homes, cemeteries and memorial gardens	P	
	Gift stores	P	
	Golf courses		SUP
	Greenhouses and nurseries	P	
	Handicrafts stores	P	
	Health clubs, exercise clubs and fitness centers	P	
	Home occupations as defined	P	
	Hotels, motels, tourist homes and convention centers	P	
	Indoor sport facilities	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Limousine service	P	
	Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property		SUP
	Medical offices	P	
	Museums		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Office supply stores, secretarial and duplicating services	P	
	Parking lots and garages	P	
	Photographer, picture, artist and sculptor stores and studios	P	
	Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Printing and publishing establishments	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
	Rental of more than three rooms in a single-family dwelling unit		SUP
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, tea rooms and taverns	P	
	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Skilled nursing facilities (nursing homes)	P	
	Taxi services	P	
	Theme parks		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
Agricultural Uses	Wineries		SUP
Civic Uses	Fire stations	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools	P	
Utility Uses	Camouflaged wireless communications facilities that comply with	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	division 6, Wireless Communication Facilities		
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.	P	
	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Radio stations, television stations, transmission relay stations and communication towers		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
	Water impoundments, new or expansion of	P	
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open Uses	Timbering in accordance with section 24-43	P	
Industrial	Food processing and storage, but not the slaughter of animals	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Uses			
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals and mental health facilities	P	
	Industrial and technical training schools	P	
	Machinery sales and service with major repair under cover	P	
	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures of not more than 5,000 square feet	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of not more than 5,000 square feet	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of 5,000 square feet and greater		SUP
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture of carpets and carpet yarns in structures of not more than 5,000 square feet	P	
	Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
	Petroleum storage		SUP
	Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect	P	
	Publicly owned solid waste container sites		SUP
	Railroad facilities including tracks, bridges and stations. However,		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		
	Research, development and design facilities or laboratories	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations		SUP
	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Water well drilling establishments		SUP
	Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	

Sec24-518-UseList-ord

DIVISION 16 – PUBLIC LANDS, PL

Sec. 24-535.1. - Permitted uses.

In the public land district, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in [section 24-2](#) and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, up to a height of 35 feet.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Neighborhood resource centers.

Non-profit medical clinics or offices under 30,000 square feet.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-535.2. - Uses permitted by special use permit only.

In the public land district, structures to be erected or land to be used for the following public uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections [24-9](#) and [24-10](#) and such other guides and standards as may be contained in this chapter:

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

~~Communication towers over 35 feet in height.~~

Community recreation facilities, public, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Farmers markets, temporary or seasonal.

Fire stations or rescue squad stations, volunteer or otherwise.

Flea markets, temporary or seasonal.

Golf courses and country clubs.

Governmental institutions.

Governmental or non-profit offices over 30,000 square feet.

Horse show areas, polo fields.

Hospitals.

Marinas, docks, and waterfront recreation facilities.

Mental health facilities.

Non-profit medical clinics or offices over 30,000 square feet.

Nursing homes and facilities for the residence and/or care of the aged.

Post offices.

Public meeting halls over 30,000 square feet.

Publicly owned operational centers including equipment storage/warehouses.

~~Radio and television stations or towers.~~

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rest homes for 15 or more adults.

Retreat facilities.

Riding stables.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Solid waste transfer stations.

Telephone exchanges and telephone switching stations.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter, greater than a height of 35 feet.

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (1) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;

(2) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Sec24-535.1-PermittedUses-ord

DIVISION 17 – ECONOMIC OPPORTUNITY, EO

Sec. 24-536.4. - Use list.

In economic opportunity districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory structures, as defined in section 24-2	P	
	Apartments		SUP
	Group quarters		SUP
	Multiple-family dwellings		SUP
	Nursing homes		SUP
Commercial Uses	Accessory structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive product sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Child day care centers	P	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened from adjacent property with landscaping and fencing	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmer's markets	P	
	Fast food restaurants		SUP
Feed, seed and farm supply stores	P		

Use Category	Use List	Permitted Uses	Special Permit Uses
	Fire stations	P	
	Fish farming	P	
	Gift stores	P	
	Greenhouses and nurseries	P	
	Health clubs, exercise clubs and fitness centers	P	
	Home occupations as defined	P	
	Hotels, motels, tourist homes and convention centers	P	
	Indoor sport facilities	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Limousine service	P	
	Lumber and building supply with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packaging or distribution under cover or screened from adjacent property with landscaping and fencing		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores, secretarial and duplicating services	P	
	Parking lots and garages	P	
	Photographer, picture, artist and sculptor stores and studios	P	
	Plumbing and electrical supply with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	P	
	Printing and publication establishments	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, tea rooms and taverns	P	
	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	Shooting ranges, indoor		SUP
	Taxi services	P	
	Theme parks		SUP
	Truck stop; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
	Water well drilling establishments	P	
Civic	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Water impoundments, new or expansion of	P	
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures in accordance with article II, division 6 of this chapter.</i>		SUP
Utility	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Radio stations, television stations, transmission relay stations and communication towers		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such		SUP

Use Category	Use List	Permitted Uses	Special Permit Uses
	as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering	P	
	Wineries	P	
Industrial Uses	Food processing and storage, but not the slaughter of animals	P	
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property		SUP
	Heliports, helistops		SUP
	Hospital		SUP
	Industrial and technical training schools	P	
	Laser technology production	P	
	Machinery sales and service with major repair under cover		SUP
	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures more than 10,000 square feet		SUP
	Manufacture and processing of textiles and textile products in structures not more than 10,000 square feet	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, and yarn	P	
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture of carpets and carpet yarns in structures of not more than 10,000 square feet	P	
	Manufactured home or mobile home sales	P	
	Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
	Petroleum storage		SUP
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect	P	
	Research, development and design facilities or laboratories	P	
	Warehouse, storage and distribution centers with storage under cover or screened from adjacent property with landscaping and fencing	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	P	

Sec24-536.4-UseList-ord

**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
COMMUNICATIONS FACILITIES, ANTENNAS, TOWERS AND SUPPORT STRUCTURES
(CATS) THAT REQUIRE A SPECIAL USE PERMIT**

~~January 10, 2012~~ *New Date XXXX*

In order to maintain the integrity of the James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, ~~wireless communications facilities (WCFs)~~ *communications, antennas, towers and support structures (CATS)* should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for ~~WCFs~~ *CATS*. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing ~~WCFs~~ *CATS* and potential alternative mounting structures more than 60 feet tall within a three-mile radius of the proposed site for a new ~~WCF~~ *CATS* cannot provide adequate service coverage or an antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing ~~WCF~~ *CATS* within a three mile radius of the site of the proposed ~~WCF~~ *CATS*, or through the use of a camouflaged ~~WCF~~ *CATS*, alternative mounting structure, multi-antenna system or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed ~~WCF~~ *CATS* is less than three miles.
3. Towers should be sited in a manner that allows placement of additional ~~WCF~~ *CATS* facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.2

B. Location and Design

1. ~~WCFs~~ **CATS** should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) ~~WCFs~~ **CATS** should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the ~~WCF~~ **CATS** would be located; and (2) ~~WCFs~~ **CATS** should be located and designed in a manner that protects the character of the County's Community Character Corridors and historic and scenic resource areas and their view sheds.

2. WCFs should be located and designed consistent with the following criteria:

<i>Proposed Location of WCF CATS</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, a well buffered slickstick, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>
<i>b. Near a historic or scenic resource area or on a Community Character Corridor</i>	<i>Use a camouflaged design or slicksticks that have minimal intrusion on to residential areas, historic and scenic resources areas or on community character corridors.</i>
<i>c. Within a rural lands designation in the Comprehensive Plan</i>	<i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a well buffered monopole, a camouflaged design, or other design that has minimal intrusion on to residential areas, or community character corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i>
<i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i>	<i>Use a camouflage design, well buffered monopole, or other design that has minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed ~~WCF~~ **CATS** is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.
2. A ~~WCF~~ **CATS** will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such ~~WCF~~ **CATS** should only be visible off-site when viewed through surrounding trees that have shed their leaves.

3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. WCFs CATS should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the WCF from residential areas and public roads are very limited. At a minimum, WCFs CATS 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. WCFs CATS should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF CATS as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the WCFs CATS base or related facilities.



Figure 1: Example of a well buffered slickstick with minimal intrusion

2. Towers should be buffered from adjacent land uses and public roads as much as possible. Following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or community character corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the tower.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

PerformanceStand-ord

ITEM SUMMARY

DATE: 7/14/2016
TO: The Policy Committee
FROM: Paul D. Holt, III, Planning Director and Jose Ribeiro, Senior Planner II
SUBJECT: Review of CIP process

Staff would like to discuss the CIP process with the Policy Committee. Specifically:

- 1.) Staff will review the proposed CIP process calendar for FY18.
- 2.) Staff will review the proposed process calendar provided by WJCC Schools.

Staff looks forward to discussions with the Policy Committee on these items as well as any items of particular interest or importance for consideration in finalizing the process for FY18.

ATTACHMENTS:

	Description	Type
▣	Draft timeline comparing FY17 to FY18	Backup Material
▣	WJCC Schools CIP Planning Process	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 11:28 AM
Publication Management	Burcham, Nan	Approved	7/8/2016 - 11:32 AM
Policy Secretary	Secretary, Policy	Approved	7/8/2016 - 1:34 PM

FY17 CIP Review Timeline

Month	Day/ Time	Action	Responsible Party
Sept.	29	Applications sent out	Planning (complete revisions to applications) and FMS (send email with materials and ELT)
Nov.	13	Applications due	Departments submit capital project applications to Planning
Nov.	18	Notify applicants if applications are incomplete	Planning
Nov.	24	Incomplete applications due and all applications forwarded to County Administrator	Departments
Dec.	11	Determination of which applications will move forward for Policy Committee review	County Administrator and FMS
January	20	Policy Committee packets delivered	Planning
February	11	Review non-school requests, Q&A with department heads (additional meeting in Feb. may be necessary - TBD)	Policy Committee and Planning
February	Late	School CIP requests due after School Board consideration	Schools and FMS
March	3 and/or 10	Review school requests and finalize recommendations	Policy Committee and Planning
March	21	Special PC meeting to evaluate CIP recommendations	Planning Commission and Planning
April	Early	Budget released	County Administrator and FMS
April	12	Reading file to BOS with PC's CIP recommendations	Planning
May	Early	Budget adopted	Board of Supervisors

FY18 CIP Review Timeline

Month	Time	Action	Responsible Party
Sept.	27	Applications sent out	Planning (complete revisions to applications) and FMS (send email with materials and ELT)
Nov.	14	Applications due	Departments submit capital project applications to Planning
Nov.	17	Notify applicants if applications are incomplete	Planning
Nov.	23	Incomplete applications due and all applications forwarded to County Administrator	Departments
Dec.	12	Determination of which applications will move forward for Policy Committee review	County Administrator and FMS
January	18	Policy Committee packets delivered	Planning
February	9	Review non-school requests, Q&A with department heads (additional meeting in Feb. may be necessary - TBD)	Policy Committee and Planning
February	Late	School CIP requests due after School Board consideration	Schools and FMS
March	2 and/or 9	Review school requests and finalize recommendation	Policy Committee and Planning
March	20	Special PC meeting to evaluate CIP recommendations	Planning Commission and Planning
April	Early	Budget released	County Administrator and FMS
April	11	Reading file to BOS with PC's CIP recommendations	Planning
May	Early	Budget adopted	Board of Supervisors

Capital Improvements Program (CIP) Planning Process

In fall 2015, Williamsburg-James City Public Schools commissioned a Facility Condition and Educational Adequacy Assessment of the division's 15 schools. The resulting report has provided WJCC with a blueprint for repair and replacement needs for the next 10 years; however, not all projects included in future CIPs will be associated with a recommendation included in the facility condition report.

The condition of our facilities impacts the educational environment available to our students and staff members. While the Facility Condition Index confirms the past good stewardship of funds dedicated to the construction, maintenance and repair of our schools, future expenditures must be clearly justified and effectively communicated.

To ensure that all CIP requests are thoroughly evaluated prior to inclusion in a WJCC funding request, a redesign of the CIP process is proposed. The new process will:

- Establish clear criteria for CIP requests
- Confirm past cost estimates and revise, as necessary
- Encourage community participation in CIP project evaluations
- Improve process transparency

Process Improvement Proposal

1. A CIP Committee will be formed comprised of the Chief Financial Officer, Deputy Superintendent, Senior Director for Operations, three principals, Coordinator of Athletics, Comptroller and Facilities Manager. Additionally, three community members with relevant experience will be full members of the committee. This group will provide insight and critical feedback to ensure an objective and thorough evaluation and prioritization process.
2. The CIP timeline will begin earlier in the fiscal year to provide sufficient time for the CIP Committee to do their work and for community input regarding proposed CIP inclusions. The proposed timeline is:

Date	Timeline
April - May	Financial, Facilities Systems and Component Assessment
May - June	State of Schools Assessment
June - August	CIP Committee Discussions and Recommendation Development
September	Community Input CIP Committee Recommendations to School Board
October	School Board Prioritization of CIP Committee Recommendations
November	Final CIP approved by School Board
December	School-Board Approved CIP submitted to James City County and City of Williamsburg
January	School-Board approved CIP submitted to James City County and City of Williamsburg Planning Commissions

3. CIP requests from cost-center managers will include greater detail and justifications. Projects must meet specific criteria and support educational needs. Estimates of long-term costs for each request will also be required, and lower-cost options, if available, must also be detailed.

4. A measurement and evaluation system will be developed and implemented to ensure that all CIP requests not associated with the FCI are accepted, reviewed for appropriateness, and evaluated in a timely manner. The CIP Committee will develop this system in FY2017.
5. A tracking system will guarantee that all projects deemed appropriate but not funded will carry over into future CIP discussions. The priority of these projects will be re-evaluated and determined as part of the CIP Committee's annual discussions, and a detailed narrative will be produced for projects that are eliminated from a recommended CIP.
6. Each fiscal year, representatives from the CIP Committee will meet with members of the county and the city planning commissions. These meetings will confirm awareness of process and documentation changes and ensure that division projects are given full consideration.

Strategic Plan Priority 2 details goals for creating and sustaining a safe, secure, welcoming climate for learning. The ability to develop an annual CIP, through a systematic and transparent process, is integral to meeting this priority. Additionally, by strengthening community involvement in the process, WJCC will foster an environment that facilitates healthy dialogue and ensures that CIP funds are dedicated to projects that will continue to move WJCC Public Schools forward into the 21st century.