

**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**  
**August 11, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. June 16, 2016 Minutes

**D. OLD BUSINESS**

1. Zoning Ordinance Revisions to the Mixed Use District, Stage III
2. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III
3. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage II
4. Wireless Communications Facilities and Towers, Stage III

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 8/11/2016  
TO: The Policy Committee  
FROM: Paul D. Holt, III Secretary  
SUBJECT: Minutes Adoption - June 16, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	June 16, 2016 Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	8/5/2016 - 3:46 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 16, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Richard Krapf called the meeting to order on Thursday, June 16, 2016 at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

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

Staff:

Mr. Paul Holt, Planning Director  
 Ms. Ellen Cook, Senior Planner II  
 Mr. Scott Whyte, Senior Landscape Planner II  
 Mr. Alex Baruch, Planner

**C. MINUTES**

1. April 14, 2016 Minutes

Mr. Heath Richardson moved to approve the April 14, 2016 minutes with the addition of the attendees included in the final version.  
 The minutes were approved 4 – 0.

**D. OLD BUSINESS**

1. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage II

Ms. Ellen Cook gave a presentation on Stage II of the Zoning Ordinance revisions to allow event facilities in the A-1 and R-8 districts. The draft ordinance includes performance standards to distinguish by-right uses from those requiring a Special Use Permit. Ms. Cook stated that since the Stage I meetings, staff has also received feedback from residents along Forge Road who were concerned with noise, traffic and preservation of rural lands. To address residents' concerns, Ms. Cook stated one option could be to specify in the performance standards that event facilities be excluded from all roads classified as collector roads. However, any future changes to road classifications are outside of the County's control. Ms. Cook stated another option would be to evaluate all applications on a case-by-case basis through the SUP process, using the performance standards informally to help evaluate the SUP application and/or develop permit conditions. Ms. Cook welcomed any input to the draft ordinance language should the Commission choose to proceed with the ordinance revisions.

Mr. Richardson asked about VDOT's process for assessing and re-categorizing roads.

Ms. Cook stated that development trends and improvements to the roads would be evaluated, but she did not know the specific timeline.

Mr. Richardson asked about the origins of this policy consideration.

Mr. Krapf stated that the consultant's report from the Rural Economic Development Committee laid out options for alternate economic uses of rural lands, so the topic was added to the 2016 work plan during the October 2015 meeting.

Mr. Krapf asked for clarification on the last sentence in Section 24-48(a).

Ms. Cook explained that groups distinguished as public assembly use are not considered an event facility in the A-1 and R-8 districts. She stated that one-time events could still apply for a Special Event Permit.

Mr. Richardson asked if a venue holding events with 250 people or more every week would need to get a SUP each time.

Ms. Cook stated that the venue would only need to go through the SUP process once.

Mr. Krapf expressed concern with properly enforcing the proposed ordinance, as well as opening the door for large weekly events, whether by-right or on a case-by-case basis.

Mr. Richardson agreed with Mr. Krapf's concerns, but stated his support for a case-by-case SUP process.

Mr. Krapf expressed concern with traffic levels during event arrivals and departures at non-signalized intersections such as Forge Road at Richmond Road.

Mr. Wright asked if there were performance standards for parking.

Ms. Cook stated the applicant would be required to turn in a site plan showing any exterior physical improvements and parking.

Mr. Richardson asked about the procedures for ensuring case-by-case SUP review.

Ms. Cook stated that the special regulation section would be removed, and public assembly would be defined as on the use list as "SUP."

Mr. Krapf asked about adding sunset clauses to proposed SUPs.

Mr. Paul Holt stated the County Attorney's Office strongly discourages sunset clauses.

Mr. Richardson suggested adding language to individual SUPs that would trigger staff review, such as a land conveyance.

Mr. Holt explained that staff does not have the enabling legislation to revisit a SUP when land sells. There must be an increase in limitation to the original SUP conditions or the

new owner must apply for an amendment of those conditions.

Mr. Krapf expressed concern that the SUP conditions cannot distinguish between types of allowable events. He asked how to manage the volume of people attending events.

Mr. Wright suggested establishing performances standards.

Mr. Holt stated that setting an attendance performance standard would help applicants know if their proposal is appropriate before investing in the SUP process.

Mr. Krapf asked for public comment.

Mr. Bert Geddy spoke in favor of the SUP process on a case-by-case basis.

Ms. Linda Rice spoke against allowing event facilities in the rural lands.

Ms. Jessica Aiken spoke in favor of the SUP process on a case-by-case basis, but noted she was originally against it as a business owner.

Ms. Michelle Peardly spoke against allowing event facilities in the rural lands.

Ms. Rice asked for clarification on the current ordinance.

Mr. Krapf explained that event facilities are not currently allowed in the rural lands.

Mr. Richardson asked for further clarification on collector and arterial roadway distinctions for by-right and SUP uses.

Mr. Holt and Mr. Krapf explained that the hybrid approach has by-right use on arterial roads, while collector roads would require the SUP process.

Mr. Sandy Rico spoke in favor of allowing event facilities in the rural lands.

Mr. Wright asked if by-right parcels would still have to meet performance standards.

Ms. Cook confirmed.

Mr. Krapf expressed support for economic growth in the rural lands through agriculture-related uses, but did not support all commercial growth including public event facilities.

Mr. Richardson expressed support for by-right use on arterial roads, and the SUP process on collector roads.

Mr. Danny Schmidt expressed concern with allowing public event facilities, whether by-right or through the SUP process due to not allowing sunset clauses.

Mr. Wright stated that people are already doing this, so we need to put something in place to have some control over it.

Mr. Krapf suggested allowing event facilities as a SUP only on arterial roads and removing collector roads entirely.

Mr. Holt stated the ordinance cannot be conditioned in that way.

A motion was made by Mr. Richardson to have staff further refine by-right road categorization and performance standards for a Phase III ordinance review.

The motion passed 4-0.

2. Zoning Ordinance Revisions for Electric Vehicle Charging Stations (EVCS), Stage II

Mr. Scott Whyte gave a presentation on the draft ordinance for allowing electric vehicle charging stations (EVCS) as an accessory use to off-street parking. Mr. Whyte stated that Section 24-2 Definitions has been revised to include a new definition for EVCS and specifies three levels of charging devices. Mr. Whyte stated that Section 24-63, Division II has been added to allow EVCS as an accessory use to off-street parking, as well as allow those spaces to be used in the minimum off-street parking calculations. Also included in Section 24-63 are performance standards for screening, lighting, and ADA-compliant parking. Mr. Whyte welcomed any feedback or questions from the Policy Committee regarding the draft ordinance.

Mr. Wright asked if there is any regulation governing private residential installation of charging stations.

Mr. Whyte stated private residential use is allowed, and is regulated by building codes.

Mr. Holt clarified that a private resident would not be allowed to charge a fee to others to use their private charging station.

Mr. Richardson asked if the first charging station will be ADA compliant.

Mr. Whyte confirmed.

Mr. Krapf stated ADA compliance does not inhibit anyone from using the station, but it will meet structural ADA compliance requirements.

Mr. Whyte stated the ordinance does not include any standards on enforcement at this time. As charging stations become more popular, standards can be crafted to mitigate future problems.

Mr. Wright asked if there are large vehicles that use charging stations.

Mr. Whyte stated none that he knew of that would not fit into a standard parking spot.

Mr. Schmidt suggested incentivizing a technology company to install a charging station by the commuter lot in the north and south ends of the County.

Mr. Holt stated there is a legal process for private use of public land through the Virginia Department of Transportation (VDOT).

Mr. Whyte stated that a lot of localities are taking the approach that they want to build an infrastructure for the charging station.

A motion was made by Mr. Wright to approve the ordinance as received.

The motion passed 4-0.

3. Zoning Ordinance Revisions to Reduce Parking Requirements, Stage II

Mr. Whyte gave a presentation on proposed ordinance amendments to reduce minimum parking requirements. Mr. Whyte stated this amendment was proposed at the October 2015 Policy Committee meeting and first presented at the April 2016 Policy Committee meeting. Section 24-2 Definitions was amended to reduce Floor Area Ratio calculations to 80% of the total floor area. Section 24-55(a)(2) was deleted to allow buildings that have been vacant for a period of over one year to be exempt from redesigning the parking lot to today's standard when a new use is proposed. In Section 24-59, minimum off-street parking requirements were proposed to be amended in five areas to reduce off-street parking requirements. Mr. Whyte welcomed any feedback or questions from the Policy Committee pertaining to the proposed changes.

Mr. Wright expressed concern with reducing minimum parking requirements for townhouses.

Mr. Whyte stated that staff adopted parking regulations from Albemarle County.

Mr. Wright asked if staff had confirmed with Albemarle County that the level parking was adequate.

Mr. Whyte replied no.

Mr. Wright stated in commercial areas we have parking that we don't need, while in residential areas there is not enough.

Mr. Holt stated these are just minimums and that staff would not cap a developer if they wanted to do more parking.

Mr. Wright stated his concern that a developer would not necessarily go beyond the minimum parking requirements.

Mr. Krapf stated some units might not have more than one car.

Mr. Wright stated if the numbers are working for Albemarle County he would be okay with it.

Mr. Whyte stated it's a very small reduction, especially when considering one guest space is required for every four units.

Mr. Wright stated he agrees with reducing the parking requirements, but reiterated his concern for multi-family parking reductions.

Mr. Whyte stated it is tricky because it all depends on how successful a development is.

Mr. Schmidt and Mr. Richardson expressed support for the amendments.

Mr. Krapf asked if the requirement for three parking spaces plus two additional spaces per barber or beautician chair is necessary.

Mr. Richardson stated that requirement was proposed two years ago in response to a local business request.

Mr. Whyte asked if the Committee would like staff to review parking for barbershops and beauty parlors.

Mr. Krapf confirmed. He also asked that staff talk with Albemarle County about the success of their minimum parking requirements.

Mr. Whyte confirmed that he would.

Mr. Wright asked if existing locations could go back and reduce their parking.

Mr. Whyte confirmed, as long as they are not below the minimum that is required for that use.

Mr. Holt clarified that staff would review that as part of the site plan amendment phase.

Mr. Krapf made a motion to have staff look into parking minimums for barbershops and beauty parlors, as well as conduct further research into minimum parking requirements in other jurisdictions.

The motion passed 4-0.

## **E. NEW BUSINESS**

Mr. Holt asked that the Policy Committee prepare any specific questions about AirBNB for future discussions.

Mr. Schmidt asked if cases could be reviewed in areas where there were no existing covenants.

Mr. Holt stated the County does not have enabling legislation to stop an AirBNB application. The decision about whether or not it is in conflict with HOA covenants is by a judge, not the County.

Mr. Wright stated it depends on what the Virginia Assembly does.

Mr. Richardson explained the Board of Supervisors called for a policy to be crafted based on local demand.

Mr. Schmidt asked if the County has any authority to put a hold on all AirBNB related items.

Mr. Richardson reiterated that the Supervisors called for the policy to be crafted.

Mr. Schmidt asked about the vote in Lakewood.



Mr. Richardson said they voted against the application 4-0 with one abstaining.

Mr. Krapf said this would be a future discussion item after staff conducts research.

Mr. Holt stated it would be prudent to wait until the General Assembly takes action.

**F. ADJOURNMENT**

Mr. Wright made a motion to adjourn at approximately 5:45 p.m.

The motion passed 4-0.

**ITEM SUMMARY**

DATE: 8/11/2016  
TO: The Policy Committee  
FROM: Ellen Cook, Principal Planner  
SUBJECT: Zoning Ordinance Revisions to the Mixed Use District, Stage III

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**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	8/5/2016 - 3:49 PM

**ITEM SUMMARY**

DATE: 8/11/2016  
TO: The Policy Committee  
FROM: Ellen Cook, Principal Planner  
SUBJECT: Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

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**ATTACHMENTS:**

	Description	Type
▣	Staff Memo	Cover Memo
▣	Draft Ordinance Language for A-1	Backup Material
▣	Draft Ordinance Language for R-8	Backup Material
▣	Draft Ordinance Language Special Regulations Section 24-48	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	8/4/2016 - 3:13 PM
Policy	Holt, Paul	Approved	8/4/2016 - 3:17 PM
Publication Management	Boles, Amy	Approved	8/4/2016 - 3:22 PM
Policy Secretary	Secretary, Policy	Approved	8/5/2016 - 11:25 AM

## MEMORANDUM

DATE: August 11, 2016  
TO: The Policy Committee  
FROM: Ellen Cook, Principal Planner  
SUBJECT: Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

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### History

The Policy Committee met on January 27, 2016, to discuss initial planning for ordinance amendments related to privately-run for-profit event facilities on parcels in the County designated as Rural Lands. At that meeting, the Committee expressed interest in pursuing a hybrid approach to permitting such venues. This approach would attempt to capture a portion of these requests as a permitted use with defined performance standards. Any proposal not able to meet the performance standards would then be evaluated on a case-by-case basis through the Special Use Permit (SUP) process.

On March 10, 2016, the Policy Committee discussed a set of specific proposed changes to the Zoning Districts (A-1, R-8) and to the Special Regulations section of the Ordinance to include the performance standards. Following discussion and feedback, the Committee directed staff to transform the language in the memorandum into draft ordinance language. On June 16, 2016, the Policy Committee reviewed the resulting draft ordinance language. Among other items, the Committee discussed feedback that staff had received from residents along Forge Road (these concerns were noted in the June 16 memorandum). Following discussion, the Committee directed staff to revise proposed new Section 24-48, which would list the standards for places of public assembly used primarily as an event facility, by removing the words “or collector” from subsection (b)(5). Staff has made this revision, as shown in Attachment No. 2.

### Draft Ordinance

Staff has drafted the ordinance language using the March 10, 2016, Policy Committee memorandum as the base material, and incorporated the feedback from June 16, 2016 meeting as well. This draft language is included as Attachment Nos. 1 and 2 and accomplishes the following:

- In both A-1 and R-8, deletes the uses “houses of worship and cemeteries accessory hereto” and “lodges, civic clubs, fraternal organizations or service clubs” and consolidates them into the use “place of public assembly,” consistent with what has been done previously in the other Zoning Ordinance Districts. Further, the places of public assembly use is listed in three parts, with “places of public assembly used primarily as an event facility in accordance with Section 24-48” listed as a permitted use and “places of public assembly” and “places of public assembly used primarily as an event facility not in accordance with Section 24-48” listed as SUP uses.
- In the Special Regulations section of the Ordinance, adds a new section (Section 24-48) which lists the performance standards for event facilities.
- In R-8, the Use List is reformatted as a table to make it consistent with the other Zoning Districts, and the “group home” use has been updated to be consistent with state code requirements and with what has been done previously in the other residential Zoning Ordinance Districts.

Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

August 11, 2106

Page 2

Staff recommends that the Policy Committee recommend approval of the attached draft amendments to the Planning Commission for consideration at its September 7, 2016 meeting.

EC/ab

ZORevEventFacRL-mem

Attachments:

1. Draft Ordinance Language – possible changes to A-1 and R-8
2. Draft Ordinance Language – possible changes to the Special Regulations (new Section 24-48)

ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 2. - General Agricultural District, 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	Accessory buildings and structures.	P	

Uses			
	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 24-38.		SUP
	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 to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	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	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	<del>Houses of worship and cemeteries accessory hereto.</del>	<del>P</del>	
	<del>Lodges, civic clubs, fraternal organizations or service clubs.</del>		SUP
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48</i>		<i>SUP</i>
	<i>Places of public assembly</i>		<i>SUP</i>
	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
	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 dam heights of less than 15 feet.	P	

	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

DistrictA-1-ord

ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District

**Sec. 24-348. - ~~Permitted uses.~~ Use list.**

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.~~

~~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.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartments, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<del>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.</del>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults.</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured home parks.</i>		<i>SUP</i>
	<i>Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.</i>		<i>SUP</i>

	<i>Site-built single-family detached dwellings and modular homes.</i>	P	
	<i>Two-family dwellings.</i>		SUP
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, as defined herein.</i>	P	
	<i>Adult day-care centers.</i>		SUP
	<i>Airports and landing fields, helistops or heliports and accessory uses.</i>		SUP
	<i>Barber and beauty shops.</i>		SUP
	<i>Business, governmental and professional offices.</i>		SUP
	<i>Campgrounds.</i>		SUP
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		SUP
	<i>Child day-care centers.</i>		SUP
	<i>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.</i>		SUP
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		SUP
	<i>Drug stores.</i>		SUP
	<i>Farm equipment sales and service establishments.</i>		SUP
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	P	
	<i>Farmers' markets over 2,500 square feet.</i>		SUP



	<i>Feed, seed and farm supplies.</i>		<i>SUP</i>
	<i>Flea markets, temporary or seasonal.</i>		<i>SUP</i>
	<i>Food processing and storage, but not the slaughter of animals.</i>		<i>SUP</i>
	<i>Food processing and storage in a residence.</i>		<i>SUP</i>
	<i>Gift shops, antique shops.</i>		<i>SUP</i>
	<i>Golf courses and country clubs.</i>		<i>SUP</i>
	<i>Greenhouses, commercial.</i>		<i>SUP</i>
	<i>Home occupations, as defined herein.</i>	<i>P</i>	
	<i>Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.</i>	<i>P</i>	
	<i>Horse and pony farms with 50 or more animals.</i>		<i>SUP</i>
	<i>Horse show areas, polo fields.</i>		<i>SUP</i>
	<i>Hospitals.</i>		<i>SUP</i>
	<i>Hotels and motels.</i>		<i>SUP</i>
	<i>House museums.</i>	<i>P</i>	
	<i>Hunting clubs.</i>		<i>SUP</i>
	<i>Kennels.</i>		<i>SUP</i>
	<i>Medical clinics or offices.</i>		<i>SUP</i>
	<i>Nurseries.</i>	<i>P</i>	
	<i>Nursing homes and facilities for the residence and/or care of the aged.</i>		<i>SUP</i>

	<i>Off-street parking as required by section 24-54.</i>	<i>P</i>	
	<i>Photography, artist and sculptor studios.</i>		<i>SUP</i>
	<i>Photography sales and arts and crafts shops.</i>		<i>SUP</i>
	<i>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.</i>		<i>SUP</i>
	<i>Rental of rooms to a maximum of three rooms.</i>		<i>SUP</i>
	<i>Restaurants, taverns.</i>		<i>SUP</i>
	<i>Rest homes for fewer than 15 adults.</i>	<i>P</i>	
	<i>Rest homes for 15 or more adults.</i>		<i>SUP</i>
	<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
	<i>Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
	<i>Slaughter of animals for personal use, but not for commercial purposes.</i>	<i>P</i>	
	<i>Tourist homes.</i>		<i>SUP</i>
	<i>Veterinary hospitals.</i>		<i>SUP</i>
	<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
	<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
	<i>Yacht clubs and marinas and commercial and service facilities accessory thereto.</i>		<i>SUP</i>

<i>Agricultural Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>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.</i>		<i>SUP</i>
	<i>Fish farming and aquaculture.</i>		<i>SUP</i>
	<i>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.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Raising of hogs.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment as accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
<i>Civic Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations or rescue squad stations, volunteer or otherwise.</i>		<i>SUP</i>
	<i>Houses of worship and cemeteries accessory thereto.</i>		<i>SUP</i>
	<i>Lodges, civic clubs, fraternal organizations and service clubs.</i>		<i>SUP</i>
	<i>Neighborhood Resource Centers.</i>		<i>SUP</i>
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	

	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<b>SUP</b>
	<i>Places of public assembly.</i>		<b>SUP</b>
	<i>Post offices and public buildings generally.</i>		<b>SUP</b>
	<i>Schools, libraries, museums and similar institutions.</i>		<b>SUP</b>
	<i>Seminaries.</i>		<b>SUP</b>
<b>Utility Uses</b>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.</i>		<b>SUP</b>
	<i>Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.</i>	<b>P</b>	
	<i>Communication towers over 35 feet in height.</i>		<b>SUP</b>
	<i>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. b</i>		<b>SUP</b>
	<i>Radio and television stations or towers.b</i>		<b>SUP</b>
	<i>Telephone exchanges and telephone switching stations.b</i>		<b>SUP</b>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		<b>SUP</b>
	<i>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.</i>		<b>SUP</b>
	<i>Utility substations.</i>		<b>SUP</b>

	<p><i>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:</i></p> <p><i>(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.</i></p> <p><i>(b) Distribution lines and local facilities within a development, including pump stations.</i></p>		<b>SUP</b>
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<b>P</b>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<b>SUP</b>
	<i>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.</i>	<b>P</b>	
<b>Open Uses</b>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<b>P</b>	
	<i>Timbering in accordance with section 24-43.</i>	<b>P</b>	
<b>Industrial Uses</b>	<i>Accessory buildings and structures.</i>	<b>P</b>	
	<i>Accessory uses, as defined herein.</i>	<b>P</b>	
	<i>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).</i>		<b>SUP</b>
	<i>Manufacture and sale of wood products.</i>		<b>SUP</b>

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.~~

~~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.~~

DistrictR-8-ord

ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

**Sec. 24-48. – Place of public assembly used primarily as an event facility.**

- (a) *Applicability. A proposed event venue is a commercial facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meeting space or conferences. The event venue may be a permanent building, temporary tent, uncovered outdoor gathering space, or a combination thereof. For the purposes of this section, a commercial facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.*
- (b) *Performance standards. All event facilities, and the parcel(s) where they are located, must meet the following standards:*
- (1) *Location. The property shall be zoned A-1 or R-8.*
  - (2) *Parcel Size. The property must be ten or more acres. This may consist of a single property or multiple adjacent properties under the same ownership, which, when aggregated, total ten or more acres.*
  - (3) *Maximum Number of Attendees. The maximum number of attendees for any given event is limited to 250 people, including but not limited to, any event staff, caterers, photographers and vendors.*
  - (4) *Setbacks.*
    - a. *Setback areas shall be:*
      - i. *Not less than 75 feet from any property line for all development and activity areas related to the event venue, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;*
      - ii. *Not less than 150 feet from the edge of the right-of-way for roads that are community character corridors as designated by the comprehensive plan for all development and activity areas related to the event venue;*
      - iii. *Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.*
    - b. *All existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. The planning director may require the installation of trees*

or shrubs to help buffer the view of any event facilities on sites without sufficient screening.

(5) *Access.* The property must be located on a road that is classified as an arterial road by the Virginia Department of Transportation (VDOT). Access to and from the event facility may not occur via a shared or common driveway.

(6) *Limitations on noise.* No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. Sound produced by a bona-fide agricultural activity is exempt from these provisions. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code. In addition, all sources of amplified music shall be oriented toward the interior of the property.

(7) *Temporary Tents.* Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.

(8) *Conformance with Applicable Regulations:*

a. All facilities, both temporary and permanent, shall be permitted and constructed in accordance with applicable local and state building code requirements for such a use and obtain the appropriate permits and inspections and/or certificates of occupancy;

b. All of the activities shall be required to comply with county and state erosion and sediment control, Chesapeake Bay preservation area, floodplain and Virginia stormwater management permit regulations, as applicable;

c. Any food service or catering associated with an event at the event facility shall be approved by the Virginia Department of Health;

d. Restrooms shall be provided in accordance with applicable building code requirements and shall be approved by the Virginia Department of Health.

(9) *Consideration of Future Production Capacity.* To the greatest degree possible, the proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the event facility. The planning director may allow the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that the placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance or unusual shape of the parcel.

(c) *Development plans.*

(1) The applicant must demonstrate that all performance standards would be met by their proposal. The following would apply:

- a. *Submission of a conceptual plan in instances where no exterior physical improvements to the property are proposed;*
  - b. *Submission of a site plan in instances where exterior physical improvements are proposed (new building, paved parking, new driveway, etc.).*
- (2) *Upon written request, the director of planning may waive or modify provisions of the following sections of the zoning ordinance if, in his judgement, specific circumstances relative to the proposal and the site indicate that a waiver or modification of the provisions will properly assist in keeping the proposal consistent with the Rural Lands designation and are not contrary to public health, safety and welfare. If an applicant disagrees with the director's decision, appeals can be heard by the development review committee.*
- a. *Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading*
  - b. *Chapter 24, Article II. Special Regulations, Division 4. Landscaping*
  - c. *Chapter 24, Article III. Site Plan*
- (d) *Relationship to Other Regulations.*
- 1. *The permitting of an event venue in accordance with the above-listed performance standards does not permit secondary uses by-right on the property when such uses are otherwise listed as specially permitted uses in the zoning ordinance including, but not limited to, tourist homes, overnight accommodations, bed and breakfasts or inns, food processing, restaurants, camping, etc. Such other uses shall be evaluated in accordance with applicable zoning ordinance standards.*
  - 2. *Event venues subject to these special regulations are separate from the use "agri-tourism activity" which has separate standards established by the Virginia Code and county zoning ordinance.*
  - 3. *If any event at a permitted event venue triggers the requirements of chapter 14 of the county code, the event sponsor must obtain a special event permit.*

**ITEM SUMMARY**

DATE: 8/11/2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage II

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**ATTACHMENTS:**

	Description	Type
▣	Staff Memorandum	Cover Memo
▣	Staff Memo from the May 12, 2016 Policy Committee Meeting	Backup Material
▣	Draft Ordinance Language - Section 24-2 (In General, Definitions)	Backup Material
▣	Draft Ordinance Language - Special Regulations (new Section 24-49)	Backup Material
▣	Draft Ordinance Language - M-1 Use List (Section 24-411)	Backup Material
▣	Draft Ordinance Language - M-2 Use List (Section 24-436)	Backup Material
▣	Draft Ordinance Language - PUD-C Use List (Section 24-493)	Backup Material
▣	Draft Ordinance Language - PL Use List (Section 24-535.1)	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	8/5/2016 - 2:29 PM
Policy	Holt, Paul	Approved	8/5/2016 - 3:23 PM
Publication Management	Boles, Amy	Approved	8/5/2016 - 3:33 PM
Policy Secretary	Secretary, Policy	Approved	8/5/2016 - 3:45 PM

## MEMORANDUM

DATE: August 11, 2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner  
Jake Hoioos, Planning Intern

SUBJECT: Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage II

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### History

On May 12, 2016, the Policy Committee met to discuss initial planning for ordinance amendments related to permitting food trucks in certain Zoning Districts. At that Stage I meeting, the Committee discussed a range of options for both defining and regulating the operation of food trucks. The Committee directed staff to transform the language in the memorandum into draft ordinance language for the specific Zoning Districts (M-1, M-2 and PUD-C), as well as language for Section 24-2 (In General, Definitions) and for creating a new subsection of Special Regulations. The Committee also asked staff to develop a strategy for public input and business community outreach, to ensure that both “brick and mortar” restaurant owners and interested food truck operators had an additional opportunity to share their comments and concerns about this issue.

Since that meeting, staff has received additional feedback from the Board of Supervisors and from the Committee which has helped direct both the scope of the draft ordinance language as well as the scope and direction of our community outreach. The Board has requested that staff also consider ordinance language which would permit food trucks on land zoned PL, Public Land. Additionally, with the direction of the Committee at its July 14 meeting, staff has developed a schedule and strategy to efficiently and effectively reach out to business owners; this strategy includes both an email survey component and a public meeting.

Staff intends to use feedback from this Stage II meeting, as well as from our community outreach survey and meeting, to edit the attached draft ordinance language for Stage III. Staff also intends to bring an additional initiating resolution forward to the Planning Commission during the month of September which will address expanding the scope of this amendment to the PL, Public Land District.

### Draft Ordinance

Since the Stage I meeting, staff has drafted ordinance language using the May 12, 2016 Policy Committee memorandum as the base material, incorporating feedback from that meeting into the draft text. This draft language is included as Attachment Nos. 1- 6 and accomplishes the following:

- In Section 24-2 (In General, Definitions), creates a definition for “mobile food vending vehicle (food truck).”
- In the Special Regulations section of the ordinance, adds a new section (Section 24-9) which describes the application process and requirements for food truck permits, as well as the performance standards for food truck operations. Per the Committee’s discussion at the May 12, 2016 meeting, these performance standards include the areas of lighting, noise, trash, hours of operation, licensing, setbacks, parking and accessories.

Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District, and the PL, Public Land District - Stage II

August 11, 2016

Page 2

- In the M-1, M-2, PUD-C and PL districts, adds “mobile food vending vehicles” as a permitted use.

Staff drafted the following language pertaining to permitting and performance standards based on feedback received at the Stage I meeting:

- Setbacks: Food trucks must be located at least 100 feet away from existing restaurants and residential dwellings.
- Permits: Operators must clearly display copies of a valid health permit and a valid business license on the vehicle at the time of operation.
- Property Owner Permission: Operators must provide written documentation of property owner consent at the time of application.
- Parking: Parking is specifically prohibited in designated handicapped parking spaces and in public rights-of-way.
- Sketch: A sketch showing the general location of the food truck relative to the site as a whole shall be required at application.

### **Recommendation**

Staff is seeking Policy Committee guidance on the attached draft ordinance for amendments to the applicable districts and ordinance sections. Based on input received at this meeting and at the community outreach meeting, staff will revise the draft ordinance and provide the final ordinance for Stage III review at the September 15 Policy Committee meeting.

RS/JH/ab

ZORevFoodTrucks-mem

### Attachments:

1. Staff Memo from the May 12, 2016, Policy Committee Meeting
2. Draft Ordinance Language - Section 24-2 (In General, Definitions)
3. Draft Ordinance Language - Special Regulations (new Section 24-49)
4. Draft Ordinance Language - M-1 Use List (Section 24-411)
5. Draft Ordinance Language - M-2 Use List (Section 24-436)
6. Draft Ordinance Language - PUD-C Use List (Section 24-493)
7. Draft Ordinance Language - PL Use List (Section 24-535.1)

## MEMORANDUM

DATE: May 12, 2016

TO: The Policy Committee

FROM: Roberta Sulouff, Planner

SUBJECT: 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

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### Background

On February 9, 2016, the Board of Supervisors asked staff and the Planning Commission to research the issue of mobile food vending vehicles (“food trucks”) and to initiate a discussion and consideration of the issue, specifically considering what may be the best fit for James City County. With guidance from the James City County Economic Development Authority, staff has focused its initial research on the M-1, Limited Business/Industrial, M-2, General Industrial and Planned Unit Development-Commercial Districts. In recent years staff has received a number of inquiries from companies interested in operating food trucks within the parking lots of businesses in the County’s industrial parks zoned M-1, M-2 and PUD-C.

In addition to potentially drawing new business to the County, staff believes that food trucks could provide additional on-site meal options for workers in these areas. Staff also finds that the proposed amendments support standards found in the Land Use Map Descriptions and Development Standards of the 2035 Comprehensive Plan, which recommends that secondary uses in Limited and General Industry areas should support the needs of employees and other persons associated with industrial and commercial development in these areas.

Staff is proposing to evaluate this item in a multiple stage process similar to review of ordinance amendments proposed after adoption of the 2009 Comprehensive Plan. In Stage I (the subject of this staff memorandum), staff will identify issues and possible directions for the proposed amendment. Later, in Stage II, staff will provide the Policy Committee with a proposed draft ordinance for discussion. Lastly, in Stage III, staff will draft the final ordinance accounting for any Policy Committee comments.

As noted by the Board of Supervisors at its April 12, 2016 meeting, these revisions may also provide the opportunity to explore the subject of food trucks more broadly, as staff considers future amendments to other zoning districts.

### Discussion Items

1. Definitions: Currently, food trucks are not listed as a permitted or specially permitted use in any of the districts, and are thus not defined anywhere in the James City County Zoning Ordinance. Staff reviewed the definitions of food trucks in the Zoning Ordinances of several Virginia localities, including York County, the City of Charlottesville and the City of Portsmouth. Those definitions are as follows:
  - *York County*: Mobile food vending vehicle (food truck): A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, containing a mobile kitchen in which food and non-alcoholic beverages are stored and prepared, which is not parked on public rights-of-way, and from which menu items are served in individual portions to walk-up customers. The terms shall not include vehicles that



traverse streets in residential areas to sell and dispense exclusively ice cream and similar frozen dessert products, nor shall it include mobile food concession vehicles (“chuck wagons”) that travel from construction site to construction site during the course of a day to sell and dispense pre-packaged food items to persons engaged in permitted work being conducted on site.

- *City of Charlottesville*: Mobile food unit means a readily movable wheeled vehicle or a towed vehicle designed and equipped for the preparation, service and/or sale of food.
- *City of Portsmouth*: Food truck means a food establishment that is located in or upon a self-propelled vehicle licensed by the state Department of Motor Vehicles, containing a mobile kitchen, where food and non-alcoholic beverages are stored, prepared and served in individual portions to walk-up customers.

*Recommendation*: As the stated intent of these amendments is to serve workers in industrial areas, potentially at construction sites, as well as to provide a possible basis for any future allowance of food trucks in other zoning districts, staff recommends that the proposed definition be somewhat less restrictive than York County’s.

2. Permitted Districts: As stated above, staff has focused initial attention to the M-1, M-2 and PUD-C Districts. It will thus be necessary to amend Section 24-411, Use list in M-1, Section 24-436, Use list in M-2 and Section 24-493(b), Use list in PUD-C, to include food trucks as permitted uses in these districts.

*Recommendation*: Staff recommends adding food trucks as permitted uses to the above referenced zoning district use lists.

3. Permitting and Performance Standards: Staff reviewed permitting and operating procedures for food trucks in several Virginia localities, including those listed above, as well as those for Albemarle County and the Town of Blacksburg. In most of those localities, including our nearest neighbor, York County, the permitting process required some form of administrative application, usually approved by the Zoning Administrator. Approval of this permit, in most localities, is subject to the fulfillment of a number of performance standards. Staff identified several performance standards common among the localities listed above, those standards include:

- *Licensing*: All of the above localities required that the owner/operator of the vehicle produce verification of licensing through the Virginia Department of Transportation and the Health Department as part of the administrative zoning permitting process. Several also included requirements that, prior to a permit approval, the applicant provide verification of proper business licensing and/or a Home Occupation Permit if the vehicle was to be stored at the applicant’s home.
- *Permissions*: All localities required the applicant to obtain and possess proof of permission of the property owner of the location they intend to serve. Some localities specified that this verification be provided at the time of zoning permitting, some required that the vendor possess verification on the vehicle at the time of operation, but not furnish it at the time of application.
- *Parking*: Per County and State codes, vendors cannot park along public rights-of-way or in designated handicapped parking spots.
- *Location*: The Town of Blacksburg does not permit vendors to locate within 100 feet of an existing “brick and mortar” restaurant, while York and Albemarle counties do not permit vendors to locate within 100 feet of a residential dwelling.

- *Hours of Operation:* York County limits hours of operation to the hours of operation for the business at which the vendor is parked. Several other localities specify universal hours of operation, such as 6:30 a.m.-9:30 p.m.
- *Accessories:* Nearly all localities studied including York, Blacksburg and Charlottesville, allowed for a single, covered 10x10 area for trash receptacles and tables with condiments, napkins and such to accompany the vehicle.

*Recommendation:* Staff recommends implementing an administrative permitting system through the Zoning Administrator. Staff also recommends amending Article II, Division I, Special regulations, to add a section of text dealing specifically with the topic of food trucks and performance standards. Staff recommends reviewing the above listed, and any other relevant areas of regulations, with staff preparing a set of draft standards as a component of the draft ordinance. Other relevant areas of regulations include lighting, signage, trash and waste, music and the use of generators.

### **Recommendation**

Staff looks forward to the Committee's input on these discussion items and recommendations prior to moving forward with a draft ordinance in Stage II of this process.

RS/ab  
ZORevFoodTrucks-mem

### Attachments:

1. Initiating Resolution, adopted by the Board of Supervisors on April 12, 2016
2. Albemarle County Food Truck Permit
3. City of Portsmouth Food Truck Ordinance Amendment
4. York County Food Truck Ordinance

Chapter 24. Zoning

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:

**M**

*Manufacture; manufacturing.* The assembly of components, pieces or subassemblies, or the processing or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

*Manufactured home.* A manufactured home is a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

*Manufactured home park.* A lot or parcel, not part of a manufactured home subdivision, on which are located or which are arranged or equipped for the accommodation of three or more manufactured homes occupied as single-family dwellings.

*Medical clinic.* An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight. "Medical clinic" includes a facility known as surgical outpatient clinic.

*Micro-brewery.* A brewery that produces less than 15,000 barrels per year.

*Mixed use structure.* A building or other structure containing a combination of two or more different principle uses.

*Mobile food vending vehicle (food truck):* A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, containing a mobile kitchen in which food and beverages are stored and prepared, which is not parked on public rights-of-way, and from which menu items are served in individual portions to walk-up customers. The terms shall not include vehicles that traverse streets in residential areas to sell and dispense frozen foods or ice cream and similar frozen dessert products.

*Mobile home.* A mobile home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation,

location on jacks or permanent foundations, connection to utilities and the like. (See "trailer" and "travel trailer" following in this section.)

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

*Motel.* One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

*Multi-antenna system.* Wireless communication 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.

*Multiple provisioning antenna.* Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

Sec24-2-Definitions

ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

**Sec. 24-49. Mobile food vending vehicles (Food trucks)**

*In order to protect the health, safety, and welfare of the citizens of James City County and to ensure that the unique aesthetic characteristics of the area are maintained, the following regulations shall apply to the permitting and operation of mobile food vending vehicles (“food trucks”) on public and private property within certain zoning districts of the county.*

(a) *Administration. When not in conjunction with a special event, for which a special event permit would be required per chapter 14 of James City County Code, the operation of food trucks on appropriately zoned properties shall be permitted by administrative permit. Written application for a mobile food vendor permit shall be made to the zoning administrator or their designee. Such application shall be on forms provided by the county and shall accompanied by the following:*

- (1) *A copy of a valid health permit from the Virginia Department of Health stating that the mobile food vending operation meets all applicable standards. A valid health permit must be maintained for the duration of the permit.*
- (2) *Verification of fire department inspection and approval.*
- (3) *Written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending unit will be operated. On property owned by the county, permission shall be obtained from the county administrator or his designee. On property owned by the Williamsburg/James City County School District, permission shall be obtained from the school superintendent or his designee.*
- (4) *A \$20.00 processing fee and a sketch or similar depiction showing the proposed location of any accessory canopies or tables, signage, and the food truck relative to any structures and parking on the subject property. Upon review and determination that the proposed mobile food vending operation complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.*

*The administrative permit shall be issued for a period not to exceed one (1) year.*

(b) *General Operational Requirements. The following standards and conditions shall apply to all mobile food vending vehicle operations:*

- (1) *Parking: Mobile food vending vehicles shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Mobile food vending*

*vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians.*

- (2) *Hours of Operation: Mobile food vending vehicles shall operate only during the operational hours of the establishment on the premises.*
- (3) *Permitting: The operator shall display, in a prominent location visible to potential customers, a copy of a valid business license and a copy of a valid health permit.*
- (4) *Setbacks: Mobile food vending vehicles shall be parked at least 100 feet from any residential dwelling or the main entrance of any existing restaurant establishment.*
- (5) *Signage: Not more than two (2) A-frame signs may be used in conjunction with the food vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-frame) and four (4) feet in height, shall be positioned within thirty (30) feet of the vehicle, and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the vehicle shall be permitted; however, flags, banners, flashing signs or other decorative appurtenances, whether attached or detached, shall not be allowed.*
- (6) *Lighting: No lighting shall be displayed on the exterior of the food truck. If a food truck is operating after dark, appropriate lighting may be used to illuminate the menu board and the customer waiting area adjacent to the vehicle. Such lighting shall be provided in accordance with section 24-132 of James City County Code and shall not produce light spill onto adjacent roadways or properties or into the night sky.*
- (7) *Noise: The volume of any background music played from the vehicle shall be limited so as not to be plainly audible beyond the property boundaries of the site where the vehicle is located, or at a distance of 100 feet from the vehicle, whichever is less.*
- (8) *Trash: Operators must provide at least one trash receptacle within ten (10) feet of their vehicle.*
- (9) *Liquid Waste: No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.*
- (10) *One (1) station, for items such as condiments and paper products and the like, may be set up next to the vehicle. Such station may be covered by a roll-out awning extending from the vehicle or by a temporary canopy not exceeding 10 feet by 10 feet in size.*

ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 11. Limited Business/Industrial District, 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	
	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	P	

	centers		
	Museums	P	
	<i>Mobile Food Vending Vehicles, in accordance with Section 24-49.</i>	<i>P</i>	
	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 courses as approved by the board of supervisors		SUP
	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,	P	

	blueprinting and publishing establishments		
	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	
	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	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. 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		SUP

	proposed development, are permitted generally and shall not require a special use permit		
	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	
	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,		SUP

	noise, odor or other objectionable effect)		
	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



ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 12. General Industrial District, 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	P	

	other permitted uses		
	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, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	<i>Mobile food vending vehicles in accordance with Section 24-49.</i>	<i>P</i>	
	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	
	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
	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		SUP

	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	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 products, but not the slaughter of animals		SUP
	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



ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 14. Planned Unit Development District, PUD

**Sec. 24-493. - Use list.**

(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	

	<i>Mobile food vending vehicles in accordance with Section 24-49.</i>	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 designation other than residential on a board adopted master plan	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		
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	
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ORDINANCE NO. \_\_\_\_\_

Chapter 24. Zoning

Article V. Districts

Division 16. Public Land District, 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.

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.

*Mobile food vending vehicles in accordance with section 24-49.*

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.

**ITEM SUMMARY**

DATE: 8/11/2016

TO: The Policy Committee

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

SUBJECT: Wireless Communications Facilities and Towers, Stage III

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**ATTACHMENTS:**

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

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Policy	Rosario, Tammy	Approved	8/5/2016 - 2:34 PM
Policy	Holt, Paul	Approved	8/5/2016 - 3:17 PM
Publication Management	Boles, Amy	Approved	8/5/2016 - 3:20 PM
Policy Secretary	Secretary, Policy	Approved	8/5/2016 - 3:45 PM

## MEMORANDUM

DATE: August 11, 2016

TO: The Policy Committee

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

SUBJECT: Wireless Communications Facilities and Towers, Stage III

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### History

The Policy Committee met on May 12, 2016 (Stage I), to discuss initial planning for ordinance amendments related to the Wireless Communications Facilities (WCF) Ordinance and associated WCF Policy, now both titled Communications Facilities, Antennas, Towers and Support Structures (CATS). Staff outlined proposed amendments to the WCF Ordinance and Policy and the use lists of each district and 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.

The Policy Committee met on July 14, 2016 (Stage II), to discuss the draft ordinance and policy language prepared by staff. Following discussion and feedback, the Committee directed staff to consider additional approaches to proactively address the implications of the Spectrum Act, such as lowering the permitted heights of new towers and enhancing language regarding camouflaged towers. Staff has also had further discussions with the County Attorney regarding the Spectrum Act and made minor revisions to the submittal requirements section based on this feedback.

### Draft Ordinance

Staff has drafted the ordinance language using feedback from both the Stage I and Stage II Policy Committee meetings, and consultation with the County Attorney. This draft language is included as Attachment Nos. 1-20. Revisions since the Stage II Policy Committee meeting accomplish the following:

- Revises Section 24-122, Table 1 of Division 6, to decrease the maximum by-right tower heights in order to account for any potential by-right increases allowed by the Spectrum Act. The following changes were made:
  - The A-1 and R-8 Zoning Districts previously permitted towers up to 35 feet. Staff proposed to require a Special Use Permit (SUP) for all towers in these districts, as reducing the permitted height of these towers by 20 feet would result in a maximum height of 15 feet, which would likely effectively eliminate any future proposals for by-right towers.
  - The B-1, M-1, M-2, and RT Zoning Districts previously permitted towers up to 60 feet. Staff proposed to reduce these heights to 40 feet.



- Staff identified an inconsistency between the LB Zoning District Use List, which permitted towers with an SUP, and Table 1, which stated that towers were not permitted at all. Staff revised Table 1 to permit towers with an SUP.
  - Staff identified an inconsistency between the PL Zoning District Use List, which required an SUP for towers over 35 feet, and Table 1, which required an SUP for towers over 60 feet. Staff revised Table 1 to require an SUP for towers over 40 feet, consistent with revisions made to other district.
  - Staff also revised the Use List for each Zoning District in order to ensure consistency with the above changes.
  - In Table 2, staff also added separate columns to distinguish between the permitted heights of Tower-mounted multi-antenna systems and alternative mounted or camouflaged
- Revises Section 24-122(b)(3), clarifying that applications for by-right camouflaged towers shall be reviewed by the Planning Director to ensure the camouflaged requirements are met, and, as previously specified, applications for specially permitted camouflaged towers shall be reviewed by the board of supervisors to ensure the requirements are met.
  - Revises Section 24-128, adding additional submittal requirements for applications involving modifications to an existing support structure that do not qualify as a substantial change, per the Spectrum Act. In order to ensure public safety, a structural analysis, radio frequency report and noninterference/intermodulation study will still be required for these applications, consistent with current requirements for site plan applications for tower modifications.
  - Revises the height limitation sections for each Zoning District. Staff removed references to permitted tower heights in each of these sections and instead provided a statement that Communications facilities shall be permitted in accordance with the heights identified in Division 6, Communications Facilities, Antennas, Towers and Support Structures. This change was made to avoid any possible conflicts that could be created by future amendments to the CATS Ordinance. Staff also added language to Section 24-122(b)(2) regarding alternative mounting structures to ensure that the height limitation language from the Zoning District sections was carried over into the CATS Ordinance.

### **Other Considerations**

Based on feedback provided at the Stage II Policy Committee meeting, staff has considered several options to concealment elements associated with new towers, as the Spectrum Act states that if a modification would “defeat the concealment elements of the eligible support structure,” the modification is a substantial change and subject to normal review. Staff has proposed two changes to the Zoning Ordinance to address this:

- Revising Section 24-2 to add additional language to the definition of concealment element.
- Revising Section 24-122(b)(2) to clarify that utilizing alternative mounting structures is a form of concealment.
- Revising Section 24-122(b)(4) to clarify that the standards identified for multi-antenna systems ensure concealment.

Staff has also considered several procedural changes when reviewing applications for new towers to ensure that any concealment elements associated with the tower are identified. For legislative applications, this includes preparing a standard “whereas” clause for resolutions stating that the tower is concealed/camouflaged in the resolution and preparing standard SUP conditions addressing items such as the size, color and location of the tower and equipment, and the height in relation to the surrounding tree canopy. For administrative applications, this includes including language in the approval letter stating that the tower is concealed/camouflaged and ensuring notes are included on the site plan regarding the concealment elements.

Staff has also revised the CATS policy to clarify that the Board of Supervisors and Planning Commission should evaluate proposed towers based on both the proposed height and the maximum height allowable following any modifications permitted by the Spectrum Act.

While incorporating the above revisions, staff identified several additional other sections in the CATS Ordinance that could be revised in order to help achieve the goals of the CATS Ordinance. Staff looks forward the Policy Committee’s feedback on these suggestions:

- Revising Section 24-122(b)(2) to eliminate the discrepancy between the permitted height for alternative mounted CATS in R-5, Multifamily Residential, versus all other Zoning Districts. Currently, the maximum height for alternative mounted CATS in R-5 is 35 feet, and 60 feet in all other districts (including all other residential districts). Staff is proposing a maximum height for alternative mounted CATS of 60 feet in all Zoning Districts, in order to provide consistency.
- Revising Section 24-122(b)(2) to allow antennas mounted on alternative mounting structures that have received a height limitation waiver from the Board of Supervisors to exceed the maximum approved height of the structure to which it is mounted, upon issuance of a separate height limitation waiver. In these circumstances, the current language only allows antennas to be attached to the side of the structure, and the antenna may not protrude higher than the maximum structure height approved by the Board. Staff is proposing to add language allowing applicants to apply for a separate height limitation waiver for the antenna, which would permit the antenna to exceed the permitted height for the structure to which it is mounted.

### **Recommendation**

Staff recommends that the Policy Committee recommend approval of the attached draft amendments to the Planning Commission for consideration at its October 5, 2016 meeting.

SP/SW/ab

WCFTStageIII-mem

Attachments:

1. Draft Communications Facilities Ordinance
2. Draft Definitions
3. Draft A-1 Ordinance
4. Draft R-1 Ordinance
5. Draft R-2 Ordinance
6. Draft R-3 Ordinance
7. Draft R-4 Ordinance
8. Draft R-5 Ordinance
9. Draft R-6 Ordinance
10. Draft R-8 Ordinance
11. Draft LB Ordinance
12. Draft B-1 Ordinance
13. Draft M-1 Ordinance
14. Draft M-2 Ordinance
15. Draft RT Ordinance
16. Draft PUD Ordinance
17. Draft MU Ordinance
18. Draft PL Ordinance
19. Draft EO Ordinance
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	$\leq 35'$ <i>Not Permitted</i>	$> 35'$ <i>All Towers</i>
Rural Residential, R-8	$\leq 35'$ <i>Not Permitted</i>	$> 35'$ <i>All Towers</i>
<del>Residential, R-1, R-2, R-3, R-5, R-6</del>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Limited Residential, R-1</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>General Residential, R-2</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Residential Redevelopment, R-3</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
Residential Planned Community, R-4 with a designation other than residential on a Board adopted master plan	<i>Not Permitted</i>	All Towers
Residential Planned Community, R-4 with a residential designation on a Board adopted master plan	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Multifamily Residential, R-5</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Low-Density Residential, R-6</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
Limited Business, LB	<i>Not Permitted</i>	<del>Not Permitted</del> <i>All Towers</i>
General Business, B-1	$\leq 60'40'$	$> 60'40'$
<del>Industrial, M-1, M-2</del>	$\leq 60'$	$> 60'$
<i>Limited Business/Industrial, M-1</i>	$\leq 40'$	$> 40'$
<i>General Industrial, M-2</i>	$\leq 40'$	$> 40'$
Planned Unit Development, PUD	<i>Not Permitted</i>	All Towers
Mixed Use, MU	<i>Not Permitted</i>	All Towers
Economic Opportunity, EO	$\leq 60'$ <i>Not Permitted</i>	$> 60'$ <i>All Towers</i>
Public Lands, PL	$\leq 60'40'$	$> 60'40'$
Research and Technology District, RT	$\leq 60'40'$	$> 60'40'$

- 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 a concealment element* 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~~ *The principal structure shall be permitted in accordance with the height limitations of the underlying zoning district. CATS utilizing* alternative mounting structures shall conform to the following requirements:
    - (1) *CATS utilizing alternative mounting structures in the R-5, Multifamily Residential, zoning district may be erected to a total height of 35 feet from grade. CATS utilizing alternative mounting structures in all other zoning districts may be erected to a total height of 60 feet from grade, except antennas mounted on alternative mounting structures that have received a height limitation waiver from the board of supervisors, which are permitted to exceed 60 feet from grade but shall not exceed the maximum approved height of the structure to which it is mounted.*
    - (2) *CATS utilizing alternative mounting structures in excess of 35 feet from grade in the R-5, Multifamily Residential, zoning district, or in excess of 60 feet from grade in all other zoning districts, may be permitted by issuance of a height limitation waiver from the board of supervisors upon finding that the proposal is in accordance with the criteria identified in the height limitation section of the zoning district in which it is proposed.*
    - (1) (3) 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) (4) 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) (5) 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) (6) 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) (7) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.

- (6) (8) 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 <del>al</del> , A-1	✓	
Rural Residential, R-8		✓
Residential, R-1, R-2, R-3, R-5, R-6		✗
Limited Residential, R-1		✓
General Residential, R-2		✓
Residential Redevelopment, R-3		✓
Residential Planned Community, R-4		✓
Multifamily Residential, R-5		✓
Low-Density Residential, R-6		✓
Limited Business, LB	✓	
General Business, B-1	✓	
Industrial, M-1, M-2	✗	
Limited Business/Industrial, M-1	✓	
General Industrial, M-2	✓	
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. Upon application for a by-right camouflaged CATS, the planning director 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 *utilize concealment elements and* 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 <del>al</del> , A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
<del>Residential, R-1, R-2, R-3, R-4, R-5, R-6</del>	<del>Not Permitted</del>	<del>All Applications</del>
<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'
<del>Industrial, M-1, M-2</del>	<del>≤60'</del>	<del>&gt;60'</del>
<i>Limited Business/Industrial, M-1</i>	<i>≤60'</i>	<i>&gt;60'</i>
<i>General Industrial, M-2</i>	<i>≤60'</i>	<i>&gt;60'</i>
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'

**Concealment 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 certification by a Virginia-registered engineer 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) *Public safety.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information in order to verify that the proposal will not adversely impact public safety:
- a. 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.
  - b. A radio frequency (RF) report indicating compliance with FCC standards for electromagnetic emissions.
  - c. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.
- (4) 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 it because it was not required to be reviewed when it was built, but was lawfully constructed, shall also be deemed existing.
- (a) (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.
    - a. c. ~~A RF report.~~ *A RF report indicating compliance with FCC standards for electromagnetic emissions.*
    - 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~~



- ~~WCF~~ *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.* For the purposes of Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures only, base station shall be defined as 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, Antennas, Towers and Support Structures, 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, including conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, maximum tower diameters, limitations on tower height relative to a reference tree, screening by trees, including the restrictions on removing trees that are screening the tower, and the size, location, design and screening for ground based equipment.

*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 communications 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.* For the purposes of Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures, substantial change shall be defined as 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.~~

**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	<del>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</del>	P	
	<del>Communication towers over 35 feet in height.</del>		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 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
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</del>		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 dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with		SUP



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	dam heights of 15 feet or more.		
	<del>Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.</del>	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.

### Sec. 24-218. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory or nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:

- a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.
- (4) ~~Heights of Communications towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.~~

**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	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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
	<del>Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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	

**Sec. 24-240. Height of structures.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennae and home radio aerials ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:
  - a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.
- (5) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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		
	<del>Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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	

**Sec. 24-261. Height of structures.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials ~~and wireless communication facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100



~~feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:~~

- a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.

*(5) Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

## 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	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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	

**Sec. 24-273.11. Height of structures.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (a) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (b) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (c) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:
  - (1) Such structure will not obstruct light to adjacent property;
  - (2) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (3) Such structure will not impair property values in the surrounding area;
  - (4) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
  - (5) Such structure will not be contrary to the public health, safety and general welfare.
- (d) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that

the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.

*(e) Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

Sec27-273-2and24-273-11-R3

**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 <u>section 24-32</u>	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> 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 <u>section 24-38</u>		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 <u>section 24-38</u>	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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 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	
	<del>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 plan</del>		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	<del>P</del>	
Open Uses	Timbering in accordance with <u>section 24-43</u>	P	

All uses are subject to the limitations hereinafter provided.

**Sec. 24-286. Height limits.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting, or other accessory functions, which are part of the structure. A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities and in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors. *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- b. Such structure will not obstruct light from adjacent property;



- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
- f. Such structure will not be contrary to the public health, safety and general welfare.

Sec24-281and24-286-R4-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 <u>section 24-111</u>		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	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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 equipment's 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		
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	P	
Open	Timbering in accordance with <u>section 24-43</u>	P	

**Sec. 24-310. Requirements for improvements and design.**

- (a) *Sewer and water.* All dwelling units within the Multifamily Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.
- (b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.
  - (1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected though a conservation easement dedicated to the county or other legal entity approved by the county attorney.
  - (2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:
    - a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
    - b. Areas on site used to achieve density bonus points in accordance with section 24-307;
    - c. The following areas, up to the percent specified:
      - 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
      - 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).
  - (3) For the purpose of meeting the developable open space requirements, open space area may not include:
    - a. Area on any individual private lots, with the exception of easements for streetscapes, or
    - b. Land within public road rights-of-way and utility or drainage easements.
  - (4) Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.
- (c) *Recreation.* A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed ten percent of the gross area of the site. For

multifamily projects with less than 50 dwelling units, the recreation areas shall total ten percent of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any certificates of occupancy. Recreation areas and facilities may be deeded to a residents' association.

- (d) *Parking.* Off-street parking facilities shall be provided in accordance with article II, division 2 of this chapter.
- (e) *Streets.* All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. Private streets may be permitted in accordance with the provisions of section 24-62. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled Trip Generation published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer.
- (f) *Outdoor lighting.* Outdoor lighting shall be provided, as required by article II, division 7 of this chapter and the county subdivision ordinance. No lighting fixture on pedestrian or bicycle paths or parking lots shall exceed a height of 15 feet.
- (g) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~ A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank, ~~radio, television and microwave antennas and towers or other accessory functions, and for wireless communications facilities that utilize alternative mounting structures to exceed 35 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors. *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Such structure will not obstruct light from adjacent property;
- (2) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (3) Such structure will not impair property values in the surrounding area;
- (4) Such structure is adequately designed and served from the stand point of safety and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment to offer adequate protection to life and property; and
- (5) Such structure would not be contrary to the public health, safety and general welfare.

- (h) *Maximum number of units and facade variety.* A maximum of ten multifamily dwelling units shall be included in one structure. The facade of multifamily dwelling within a group shall be changed by variation in the depth of front yards, building materials and/or design so that no more than two abutting units shall be of like appearance.
- (i) *Minimum distances.* The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.
- (j) *Maintenance of common open space, recreation facilities, etc.* The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.
- (k) *Signs.* To assure an appearance and condition which is consistent with the purposes of this district, outdoor signs shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

Sec24-305and24-310-R5

## 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.



**Sec. 24-335. Height limits.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that the two side yards for the dwelling are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:
  - a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height, except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 35 feet in height.
- (4) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

## 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, 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.*

~~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.

#### **Sec. 24-354. Height limits.**

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet

~~from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:~~

- a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (5) ~~Heights of~~ ~~Communications towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height~~ *facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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 <u>section 24-2</u>	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 <u>section 24-38</u>		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 <u>section 24-38</u>		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	
	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
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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 <u>section 24-43</u>	P	

**Sec. 24-374. Height of structures.**

- (a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities~~ *and* flagpoles may be erected to a total height of 60 feet from grade. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:
  - (1) Such structure will not obstruct light to adjacent property;
  - (2) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (3) Such structure will not impair property values in the surrounding area;
  - (4) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - (5) Such structure will not be contrary to the public health, safety and general welfare.
- (c) All accessory structures shall be lower in height than the main structure.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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 <u>section 24-2</u>	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 <u>section 24-38</u>		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 <u>section 24-38</u>	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 <u>section 24-38</u>		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	<del>Antennas and towers, self supported, which are 60 feet or less in height</del>	P	
	<del>Antennas or towers in excess of 60 feet in height</del>		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 40 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 40 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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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:	
	(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	SUP
	(b) Distribution lines and local facilities within a development, including pump stations	
Open	Timbering, in accordance with <u>section 24-43</u>	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

**Sec. 24-396. Height of structures.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure ~~and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade,~~ in accord with the following criteria:

- (1) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
  - a. The regulations of section 24-397 regarding building coverage, floor area ratio and open space are met;
  - b. Such structure will not obstruct light from adjacent property;
  - c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - d. Such structure will not impair property values in the surrounding area;
  - e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - f. Such structure would not be contrary to the public health, safety or general welfare.



- (2) Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.
- (4) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

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**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 <u>section 24-2</u>	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 <u>section 24-38</u>		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	
	Health and exercise clubs, fitness centers	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 <u>section 24-38</u>	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 courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	
	Pawnshops		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 <u>section 24-62</u>	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 <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		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	
	Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	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 40 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 40 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. 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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</del>	P	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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 <u>section 24-43</u>	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	
	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

**Sec. 24-418. Height of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (b) Water towers, church spires, belfries, cupolas, monuments, chimneys, flues, flagpoles, ~~communication antennae~~, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.
- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
- (1) Additional setbacks have been provided as required by section 24-414 and section 24-415; however, the board of supervisors may waive additional setbacks in excess of 60 feet;
  - (2) Such structure will not obstruct light from adjacent property;
  - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (4) Such structure will not impair property values in the area;
  - (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

*(d) Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

Sec24-411and24-418-M1-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 <u>section 24-2</u>	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 <u>section 24-38</u>		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 <u>section 24-38</u>	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 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	
<del>Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet less in height</del>	<del>P</del>	
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 <u>section 24-38</u>		SUP
Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	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	
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	<del>Antennas and towers, self supported, which are 60 feet or less in height</del>	<del>P</del>	
	<del>Antennas and towers, not attached to buildings, in excess of 60 feet in height</del>		<del>SUP</del>
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 40 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 40 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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</del>	<del>P</del>	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		<del>SUP</del>
	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

	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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 <u>section 24-43</u>	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 products, but not the slaughter of animals		SUP
	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

**Sec. 24-443. - Height of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (b) Water towers, chimneys, flues, flagpoles, ~~communication antennae~~, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.
- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
  - (1) Additional setbacks have been provided as required by section 24-439 and section 24-440; however, the board of supervisors may waive additional setbacks in excess of 60 feet;
  - (2) Such structure will not obstruct light from adjacent property;
  - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (4) Such structure will not impair property values in the area;
  - (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - (6) Such structure will not be contrary to the public health, safety and general welfare.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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 <u>section 24-2</u>	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	<del>Antennas or towers (not attached to buildings) in excess of 60 feet in height</del>		SUP
	<del>Antennas and towers, self supported which are 60 feet or less in height</del>	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 40 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 40 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
	<del>Radio and television studios and accessory antenna or towers, self-</del>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>supported (not attached to buildings), which are 60 feet or less in height</del>		
	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	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	P	
Open	Timbering in accordance with <u>section 24-43</u>	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 <u>section 24-62</u>	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

**Sec. 24-469. Height limits and height limitation waivers.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (b) Water towers, chimneys, flues, flagpoles, ~~communication antennae~~, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure ~~and accessory and nonaccessory wireless communication facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities~~, shall be considered part of the structure.
- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
  - (1) Additional setbacks have been provided as required by section 24-468(c); however, the board may waive additional setbacks in excess of 60 feet;
  - (2) Such structure will not obstruct light from adjacent property;
  - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (4) Such structures will not impair property values in the area;
  - (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
  - (6) Such structures will not be contrary to the public health, safety and general welfare.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

Sec24-461and24-469-RT-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 <u>section 24-32</u>	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> 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 <u>section 24-38</u>		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 <u>section 24-38</u>		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 <u>section 24-43</u>	P	
Utility Uses	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		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		
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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		
	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a</del>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>designation other than residential on a board adopted master plan</del>		
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		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 article II, division 6 of this chapter.</i>	P	
	<i>Communication facilities, antennas, towers, and support structures that comply article II, division 6 of this chapter.</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 <u>section 24-62</u>	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	

**Sec. 24-490. Height and spacing of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~

- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, ~~radio, television, and microwave antennas and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
  - (2) Such structure will not obstruct light from adjacent property;
  - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (4) Such structure will not impair property values in the surrounding area;
  - (5) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
  - (6) Such structure would not be contrary to the public health, safety or general welfare.
- (c) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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 <a href="#">section 24-32</a>	P	
	Accessory structures, as defined in <a href="#">section 24-2</a>	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 <a href="#">section 24-2</a>	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 <a href="#">section 24-38</a>	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 <u>section 24-38</u>	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 <u>section 24-38</u>		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 <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		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	<del>Camouflaged wireless communications facilities that comply with</del>	<del>P</del>	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>division 6, Wireless Communication Facilities</del>		
	<del>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</del>		<del>SUP</del>
	<del>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.</del>	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
	<del>Radio stations, television stations, transmission relay stations and communication towers</del>		<del>SUP</del>
	Telephone exchanges and telephone switching stations	P	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		<del>SUP</del>
	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	
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	<del>P</del>	
Open Uses	Timbering in accordance with <u>section 24-43</u>	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 <u>section 24-55</u>	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	

**Sec. 24-521. Height of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~
- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas, and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
  - (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
  - (2) Such structure will not obstruct light from adjacent property;
  - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (4) Such structure will not impair property values in the surrounding area;

- (5) Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
- (6) Such structure would not be contrary to the public health, safety or general welfare.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

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## 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 40 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.

Nonprofit 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 40 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.

#### **Sec. 24-535.9. Height limits.**

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 60 feet, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (2) Spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade, ~~and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted,~~ upon finding that:
  - a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 45 feet in height.

- (4) ~~Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.~~ *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

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**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 <u>section 24-2</u>	P	
	Apartments		SUP
	Group quarters		SUP
	Multiple-family dwellings		SUP
	Nursing homes		SUP
Commercial Uses	Accessory structures, as defined in <u>section 24-2</u>	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 <u>section 24-38</u>	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 <u>section 24-38</u>	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		

Use Category	Use List	Permitted Uses	Special Permit Uses
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	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 <u>section 24-38</u>		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	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods		
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Taxi services	P	
	Theme parks		SUP
	Truck stop; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		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
	<del>Radio stations, television stations, transmission relay stations and communication towers</del>		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	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities</del>		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,		SUP

Use Category	Use List	Permitted Uses	Special Permit Uses
	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		
	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		
	<del>Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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	

Use Category	Use List	Permitted Uses	Special Permit Uses
	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	
	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 <u>section 24-62</u>	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	

**Sec. 24-536.7. - Height of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~
- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas, and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors.



- (c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
  - (2) Such structure is part of a Transit Oriented Development that utilizes a mass transit system, or is a primary economic opportunity use as determined by the county administrator and is of substantial fiscal benefit to the county;
  - (3) Such structure will not obstruct light from adjacent property;
  - (4) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - (5) Such structure will not impair property values in the surrounding area;
  - (6) Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - (7) Such structure would not be contrary to the public health, safety or general welfare.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

**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: *When considering these applications, the Planning Commission and the Board of Supervisors will evaluate the proposal based on both the initial height of the proposed CATS and the maximum increase in the physical dimension of the proposed project permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.*

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.

**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 <del>WCF</del> 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