

ARTICLE 20. USE STANDARDS

USE STANDARDS TABLE OF CONTENTS

Sec. 15-281 Agricultural

- A. Biosolids, routine storage facility
- B. Farm stand
- C. Farmers market
- D. Manufactured home, farm operation
- E. Sawmill, minor
- F. Winery, cidery, brewery, and accessory public assembly uses

Sec. 15-282 Animals and associated structures

- A. Animals
- B. Riding stable

Sec. 15-283 Commercial/Industrial

- A. Adult business
- B. Building and landscaping supplies and equipment
- C. Child care center
- D. Drive-thru
- E. Grocery/Retail "pick up"
- F. Sand and gravel pit, quarry, mining
- G. Shopping center

Sec. 15-284 Multi-family residential and mixed-use design

- A. Development standards
- B. Submission requirements

Sec. 15-285 Residential

- A. Accessory family housing unit, attached or detached
- B. Accessory building
- C. Commercial vehicle parking
- D. Family health care structure, temporary
- E. Home occupation
- F. Multiple principal structures on a lot
- G. Short-term rental, hosted and unhosted; bed and breakfast
- H. Tiny house

Sec. 15-286 Motor vehicle

- A. Automobile rental
- B. Automobile/motor vehicle storage lot
- C. Inoperable vehicle
- D. Recreational vehicle
- E. Sale of trucks, trailers, equipment, and tools

Sec. 15-287 Construction, office, and sales trailer

- A. Temporary trailer permit
- B. Renewal

Sec. 15-288 Communication tower and facilities

- A. Small cell facility
- B. Telecommunication facilities

Sec. 15-289 Renewable energy

- A. Small wind turbine
- B. Solar energy panel or structure

Sec. 15-290 Place of public assembly and use open to the public

- A. Road requirements
- B. Exemption
- C. Conditional use permit

Sec. 15-291 Use standards and zoning districts

Sec. 15-281 Agricultural

A. Biosolids routine storage facility

- (1) This use is only allowed with a conditional use permit in the A-1 (Agriculture, General) district.
- (2) Routine storage facilities must meet or exceed current state standards.
- (3) Any conditional use permit for the routine storage of biosolids will terminate if the facility's state permit is terminated or revoked for any reason, including, but not limited to, violations, or change in ownership of the property.
- (4) Sites must be served by Virginia Department of Transportation approved commercial entrances from a state road. Each entrance must have signage. Prior to operating the facility, the operator must submit to the zoning administrator a sign package that meets the following criteria:
 - a. Signs must be a minimum of 3 feet by 5 feet 4 inches (8 square feet) and a maximum of 16 square feet total;
 - b. All lettering must be a minimum of 3 inches in height;
 - c. Signs must include the language "Biosolid Storage Facility Entrance" and the operator's contact name and phone number; and
 - d. Signs must be clearly and easily visible to traffic traveling in either direction on the state road.
- (5) Storage site cannot be located within a 100-year floodplain or within the dam break inundation zone of any state-regulated dam.
- (6) Truck cleaning facilities must be located adjacent to the storage site and must drain into the leachate collection system for the storage facility.
- (7) Setbacks are required from the perimeter of the storage facility, as follows:
 - a. *Residential use*. Perimeter of the facility must be at least 750 feet from the nearest residential use.
 - b. *Streams and wetlands*. Facility must be located at least 100 feet from any wetland or stream.
- (8) The volume of material stored in the facility is limited to the amount of material that can be land applied within the county during the calendar year, based upon the data furnished in the required annual report (Sec. 15-281.A.14).
- (9) Facilities must be enclosed by fencing at least five feet high, and site must be secured when there is no activity occurring.
- (10) Facilities must be constructed with a cover to prevent contact of stored material with precipitation.
- (11) Upon approval from the Virginia Department of Environmental Quality, but prior to construction, the applicant must transmit a copy of the approved routine storage facility permit to the county, including scaled drawings and elevations from a Virginia licensed professional engineer.
- (12) Information required for submittal:
 - a. A conceptual plan, elevation view, and other supporting drawings, and calculations showing the location and dimensions of all improvements, including information concerning topography, zoning, site layout, setbacks, driveways, parking, fencing, facility storage volume, canopy/cover, and adjacent uses and adjacent buildings.
 - b. A statement justifying the need for the project at the proposed location which must contain an inventory of existing facilities that are either within the county or within five miles of the county border, including for those facilities information about the location, ownership, operator, type of facility (dry or liquid), and capacity.
 - c. Designation of primary and alternative hauling routes to the storage facility. These routes are required to minimize travel on local roads to the maximum extent possible.
 - d. The applicant's signed statement describing efforts considered and taken to screen or camouflage the facility and reduce its visual impact. This statement should include, at a minimum, design, height, location, and landscaping alternatives.
 - e. Proposed construction schedule and date on which facility is expected to begin operation.
 - f. Certification from a Virginia licensed professional engineer that the design of the storage facility is in compliance with all applicable provisions of the Virginia Uniform Statewide Building Code.
- (13) *Removal of abandoned routine storage facilities*. Any routine storage facility that is not operated for a continuous period of 24 months will be considered abandoned and must be removed unless

permission to allow it to remain is requested and granted by the county. Removal of the storage facility includes removing the storage pad, underground storage facilities supporting use of the pad, and any support buildings.

- (14) *Required annual report.* The owner of each routine storage facility is required to submit a report to the county once a year, no later than July 1. The report must include:
- a. The current user status of the storage facility;
 - b. Report on tonnage stored at site during the year;
 - c. A list of locations where material taken from the site was land applied and tonnage used at each site; and
 - d. A list of sites available for operator's use for land application in the next year and quantity of material needed to service those sites.

B. Farm stand

- (1) Permitted as accessory to an agriculture use.
- (2) No more than one roadside stand per farm or other agricultural unit.
- (3) Sales are limited to agricultural products grown or produced on the property.
- (4) Cannot exceed 200 square feet.
- (5) Cannot be located within 25 feet of any right-of-way.
- (6) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

C. Farmers' market

- (1) Must ensure vendors have valid business licenses.
- (2) Must provide adequate ingress, egress, and off-street parking areas.
- (3) Must have established operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- (4) Must have an authorized manager to direct the operations of all participating vendors during all hours of operation.
- (5) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

D. Manufactured home, farm operation

- (1) Manufactured homes may be used for housing farm workers on a farm operation in agricultural zoning districts.
- (2) One manufactured home is permitted each 100 acres comprised by the farm operation, but no more than four manufactured homes are permitted per farm operation.
- (3) The head of the household for each manufactured home must be employed full-time on the farm operation.
- (4) Each manufactured home will be considered a conventional dwelling for purposes of applying general regulations of the zoning district.
- (5) If property where the manufactured home is located is reclassified to a residential district, the manufactured home must be removed within 90 days.
- (6) Each manufactured home must be connected to an approved residential sewage disposal system, and to a satisfactory water supply.
- (7) No manufactured home may be located within 750 feet of an existing conventionally-built dwelling that is not located on the same farm operation.

E. Sawmill, minor

- (1) Must be located on property of at least 20 acres.
- (2) Must have at least a 500-foot setback from any property line.

- (3) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

F. Winery, cidery, brewery, distillery, and accessory public assembly uses

- (1) The following operational uses, events, and activities are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
 - b. Tasting room open to the public.
 - c. Direct sale and shipment of product.
 - d. Storage and warehousing of product.
 - e. Sale of souvenir-type items, such as t-shirts, pint glasses, or bottle openers.
 - f. Private personal gatherings by the property owner.
 - g. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
 - h. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (2) The following agritourism uses are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. Exhibits and museums related to farming or agricultural production.
 - b. Facility tours.
 - c. Agri-education activities.
 - d. Hayrides.
 - e. Picnics, self-provided or purchased on-site.
 - f. Pick-your-own activities.
 - g. Other uses determined by the zoning administrator.
 - h. Other activities which, under state law, are not subject to local regulation at agricultural operations.
 - i. Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (3) Weddings, receptions, reunions, or similar events are permitted at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. The winery, cidery, brewery, or distillery must have:
 - (i) Fermentation or brewing process and bottling done on site or on adjacent property under the same ownership.
 - (ii) An on-site tasting room that is open to the public.
 - (iii) A minimum of five acres dedicated, for at least one season of each calendar year, to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
 - (iv) If property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
 - b. The maximum attendance at each event is calculated using the number of parking spaces, as shown on the property's approved plan of development, multiplied by four; however, if the tasting room will be open during the event, then the maximum occupancy of the tasting room will be subtracted from the maximum attendance calculation. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. An event with anticipated attendance above the maximum attendance

calculation is deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.

- c. No outdoor amplified music can be plainly audible from any exterior boundary of all adjacent properties under the same ownership.
- d. Limit of one event per week.
- e. Events must conclude by 11:00 p.m. on Friday and Saturday, and by 10:00 p.m. on Sunday through Thursday, except that, regardless of the day of the week, events held on days before a national holiday occur until 11:00 p.m.
- f. Areas used for events need a 200-foot setback from the exterior boundary of all adjacent properties under the same ownership.
- g. Required parking areas may be composed of one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
- h. All exterior lighting must be dark sky compliant.

Sec. 15-282 Animals and associated structures

A. Animals

1. Livestock is not permitted in any district zoned R-1, R-3, R-O, R-N, RPUD, or MPUD.
2. On a residential lot of two acres or more (unless specifically permitted in certain districts), not more than one horse or pony may be housed and maintained; for each additional acre, one additional horse or pony may be housed and maintained.
3. In residential zoning districts where chicken-keeping is specifically permitted, no more than six chickens are allowed, subject to the following standards:
 - a. Keeping male chickens is prohibited.
 - b. Chickens must be kept within an enclosure.
 - c. Coops and chicken enclosures must be:
 - i. Set back at least ten feet from the side and rear property line and at least 50 feet from any residential dwelling on an adjacent lot.
 - ii. Located behind the front building line of the dwelling unit.
 - iii. Well-ventilated and kept in a clean, dry, and sanitary condition at all time.
 - d. Chicken manure cannot create a nuisance or health hazard to adjoining property owners.
 - e. Outdoor chicken slaughtering is prohibited.
4. For properties zoned R-R, limited agricultural uses may be permitted on lots of 10 acres or more. On such properties, structures for the sale of farm products raised on the premises are allowed. Open or enclosed storage of farm materials, products or equipment; form building including barns, stables, sheds, tool rooms, shops, bins, tanks and silos are permitted. All large or small animals must be kept within fences or other enclosed areas. The minimum acreage shall not apply to chickens.

B. Riding stable

- (1) If no more than two horses are kept, the stable can be located on a lot of at least three acres.
- (2) If three or more horses are kept, the stable must be located on a lot of at least five acres.
- (3) No part of any building used for the riding stable can be located within 150 feet of the nearest property line or within 100 feet of a public road.
- (4) If the above standards cannot be met in those zoning districts that allow riding stables, the use may be allowed with a conditional use permit.

Sec. 15-283 Commercial/Industrial

A. Adult business

Conditional use permit criteria for adult businesses:

- (1) Unless the applicant consents to a longer period, a completed application for a conditional use for an adult business must be approved or denied within 90 days following receipt of a complete application.
- (2) In reviewing the conditional use permit, the planning commission and board of supervisors may consider the following factors, in addition to other appropriate land use considerations:
 - a. The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;
 - b. The proximity of dwellings, churches, schools, parks, or other places of public gatherings;
 - c. The probable effect of the proposed use on the peace and enjoyment of people in their dwellings;
 - d. The limitations of fire and rescue equipment and the means of access for fire and rescue services;
 - e. The limitations of law enforcement and means of access for law enforcement officers;
 - f. The preservation of cultural and historical landmarks and trees;
 - g. The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
 - h. The conservation of property values;
 - i. The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and
 - j. The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and the negative secondary effects on surrounding properties, the neighborhood, and the area.
- (3) If an application for conditional use for an adult business is denied and the applicant desires to appeal the denial, the county will facilitate the applicant's obtaining prompt review of the decision from the county's circuit court, including agreement to a shortened time for filing of pleadings and prompt scheduling of a trial or hearing.

B. Building and landscaping supplies and equipment

Outdoor storage of landscaping materials and equipment must be screened from public roads as described in Sec. 15-379. The screening must be either dense evergreen vegetation; an opaque, solid fence; or a wall of treated wood, brick, stone, masonry, or similar solid material and construction.

C. Child care center

- (1) The facility must comply with all applicable state regulations regarding the licensing and operation of child care facilities.
- (2) Outdoor play areas must be:
 - a. Safely segregated from accessways, and parking, loading, or service areas
 - b. Enclosed by a fence at least 3 ½ feet high.
- (3) Vehicular access and circulation must:
 - a. Be designed to enhance the safety of children as they arrive and leave the facility
 - b. Provide a designated pick-up and delivery zone that includes, at a minimum, one parking drop-off/pick-up space per 20 children, located adjacent to the child day care center in such a way that children do not have to cross vehicular accessways to enter or exit the facility.
- (4) If the above standards cannot be met in those zoning districts that allow child care centers, the use may be allowed with a conditional use permit.

D. Drive-thru

- (1) *Site design.*
 - a. *Vehicular movement.* Each drive-thru business must be designed to provide safe, unimpeded vehicle movements at site access points, as well as within drive aisles and parking areas;

b. *Pedestrians.* The layout cannot create unsafe conditions for pedestrians. Pedestrian crossings are required and must be clearly marked with enhanced paving and/or pavement markings.

(2) *Bypass lane.* Each drive-thru must provide a bypass lane with a minimum width of 10 feet.

(3) *Drive-thru lane requirements.* Drive-thru lanes must include a stacking area for vehicles that meet the following criteria:

- a. Cannot impede traffic movements, or cross or overlap a drive aisle or off-street parking.
- b. Each initial point of service needs a stacking area. An "initial point of service" is any designated place for customers to begin a transaction from a vehicle, e.g., ATM, menu board, intercom, window, or similar place.
- c. Stacking areas cannot block access to parking spaces.
- d. Each stacking area space must be a minimum of 10 feet by 20 feet.
- e. The stacking area requirements are below for the initial point of service, but the POD administrator may allow variations if the overall site design is safe and provides adequate mobility and storage for vehicles:

Use	Spaces Required
Bank; financial institution	5
Restaurant	6
Dry cleaner	2
Pharmacy	2
Car wash, automated or self-service	2
Car wash, full service	6
Service station; fueling facility, two-way	1 space on each end of each fuel pump island
Service station; fueling facility, one-way	2 spaces on approach end of each fuel pump island
Vehicle maintenance facility	1
Parking decks	1
All other uses	To be determined by the POD administrator

(4) *Menu or preview board requirements.*

- a. Designed to reduce visibility from off-site residential uses.
- b. Oriented away from public rights-of-way, or screened with landscaping approved by the POD administrator to decrease visibility.
- c. Designed to be compatible with the principal structure and similar in terms of color, materials, scale, and form.
- d. Speakers:
 - (i) Oriented away from residential districts or uses, and
 - (ii) Not audible off the property.

(5) *Conditional use permit.* In zoning districts that permit drive-thrus in accordance with these provisions, a drive-thru that cannot or does not meet these requirements may be allowed with a

conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements of this section.

E. Grocery/retail “pick up”

The following modifications are required for a parking lot to accommodate grocery “pick up” uses:

- (1) Signage installed to identify the “pick up” waiting area
- (2) Up to six parking spaces for the “pick up” waiting area. If additional spaces are desired, they will not be counted to meet the minimum parking requirements for the grocery/retail use.
- (3) Not impact fire safety access or handicap accessibility.

F. Sand and gravel pit, quarry, mining

Located at least 1,000 feet from the nearest occupied dwelling at the time the use is permitted by the state.

G. Shopping center

- (1) Site must be a minimum of two acres.
- (2) Located on property zoned for commercial use.
- (3) Uses permitted include uses permitted by right in the B-2 district and conditional uses permitted in the B-2 district; except that no residential or industrial uses are permitted.
- (4) The applicant must submit a plan of development for the shopping center which demonstrates a coordinated design which is attractive, convenient, and safe to use, and which will have no adverse effect on the adjoining or surrounding development. The plan must comply with the following regulations:
 - a. *Building height*. No building more than 35 feet high unless authorized by a conditional use permit.
 - b. *Yards*. No building closer than 50 feet to any property line.
- (5) *Landscaping and screening*. The shopping center is required to be landscaped, buffered, and screened in accordance with the landscape article of this ordinance.
- (6) *Impervious coverage*. Impervious coverage is limited to 70%.
- (7) *Parking space*. Parking spaces are required at a rate of one space per 250 square feet of gross leasable area, excluding unfinished storage areas.
- (8) *Loading space*. Loading spaces must be provided in accordance with Sec. 15-331, and at least one space must be large enough to accommodate the size and height of tractor-trailers.
- (9) *Entrances*. Entrances must comply with the access management requirements.
- (10) *Signs*. No more than one detached sign is permitted per shopping center entrance.
- (11) *Roadway classification*. The shopping center must have direct access to an arterial or collector road.
- (12) The entire shopping center must be under one ownership, or signed agreements must be provided from all parcel owners agreeing to the conditions.

Sec. 15-284 Multi-family residential and mixed-use design

A. Development standards.

- (1) *Road and pavement design.* These road and pavement design standards apply to private roads, driveways, and parking areas. The developer must use a state certified professional engineer to monitor and supervise materials used; adequacy of the subgrade; installation of drainage structures, curb and gutter, and all concrete items; and all road, driveway, and parking area construction activities, including material compaction, grading tolerances, and compliance with the plans and specifications. Prior to issuance of a certificate of occupancy, the certified professional engineer must provide the county with certification that each phase of construction met pavement design requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.
- (2) *Distribution of parking spaces.* For residential uses, two parking spaces must be located in close proximity to each dwelling unit, and common parking areas for visitors must be in the general vicinity. Parking for commercial and other uses must provide easy access to the uses and enhance the project's interconnectivity.
- (3) *Recreational vehicle parking.* If recreational vehicles, boats, or trailers may be parked on the property, adequate supplemental parking spaces for those vehicles must be provided. If a separate, designated parking area is provided, it must be screened with landscaping.
- (4) *Setbacks for driveways and parking areas.* A landscaped buffer is required between all public rights-of-way and driveways or parking lots.
- (5) *Refuse containers.* Containers for refuse and recyclable materials must be located in an enclosed area conveniently accessible to all residents, commercial operators, and other users approved for the development. Enclosures must be constructed of finished masonry materials or of materials consistent with the finish of adjacent buildings, with the exception of gates and doors, which must be opaque and constructed of substantial and durable materials. The number of refuse containers and the level of servicing must be adequate for the development.
- (6) *HVAC screening.* HVAC and mechanical equipment must be screened from view to the greatest extent practical. Screening must consist of landscaping, or building materials used for main building exteriors.
- (7) *Landscape design.* A landscaping package is required to provide extensive landscaping and planting of entrances, recreational areas, parking areas, street frontage, and areas surrounding buildings.
- (8) *Perimeter buffer.* The project's perimeter must be landscaped.
- (9) *Streetscape planting.* Streetscape plantings are required within or along all rights-of-way.
- (10) *Site design.* Incorporate an attractive building layout which retains and enhances the natural vegetation and terrain of the site and incorporates natural design features such as preservation of scenic vistas, natural areas, or other unique elements of the site.
- (11) *Relationship to adjacent properties.* Project design should pay special attention to the compatibility of adjacent land uses, topography, existing vegetation, building height and orientation, and other factors.
- (12) *Proximity to single-family residences.* Provide special attention to the project perimeter adjacent to single-family dwellings or property zoned for single-family dwellings. Building setbacks adjacent to single-family residential districts or single-family dwellings should be greater than elsewhere in the project. No active recreational areas, parking, or refuse containers should be located within this setback area. In areas where natural screening or other vegetative and tree cover is not present,

provide a planted buffer and include a combination of large deciduous or evergreen trees, small trees, and shrubs.

- (13)*Recreational areas and structures.* Provide areas conveniently accessible to residents for recreational use. Design areas to serve a variety of passive and active uses and consider locating them in a manner that enhances the form and appearance of the development. Recreational areas should be consolidated areas of sufficient size located outside the flood plain and steep slopes. Include recreational facilities such as gazebos, clubhouses, swimming pools, playgrounds, and tennis and basketball courts.
- (14)*Open space.* Provide open space in addition to required building setbacks and areas between buildings.
- (15)*Stormwater management facilities.* Design stormwater management facilities as water feature amenities and/or design and landscape to make an integral part of the project.
- (16)*Pedestrian pathways.* Sidewalks must be provided along at least one side of roadways. Use pathways or trails to provide for pedestrian circulation and access to open space, recreational areas, and other common facilities to create a network for pedestrian circulation. Connect to or design to connect to offsite pedestrian facilities.
- (17)*Architectural design.* Incorporate an attractive architectural design which promotes a unified design theme and creates a sense of place.
- (18)*Building height.* Building heights on the development's perimeter must be compatible with surrounding uses and site considerations. Taller buildings should be concentrated in the project interior. If adjacent to a current or future lower density residential land use, buildings over two stories high must generally be set back more in proportion to building height (the taller the building the greater the setback).
- (19)*Building materials.* Incorporate high quality building materials (brick, stone, cementitious siding, EIFS, etc.). Vinyl and aluminum siding are discouraged.
- (20)*Underground utilities.* Except for junction /transformer boxes, meters, and existing overhead utility lines, and except for technical or environmental reasons, all utilities must be underground. Junction/transformer boxes should be screened.
- (21)*Lighting.* Provide parking lot lighting. Lighting must be "dark sky" compliant and directed to minimize illumination and glare on adjacent properties. A lighting plan is required.
- (22)*Signage.* Signage must promote the project and improve the convenience and safety of persons traveling to and within the development. Comprehensive sign criteria must be established to coordinate all nonpublic signage erected.
- (23)*Transportation.* The site design must minimize impacts to the public road network. This may include some combination of providing interconnecting pedestrian pathways, facilitating access to mass transit, or otherwise contributing to roadway infrastructure.
- (24)*Fencing.* Opaque fencing along the perimeter is discouraged, except for a combination of opaque fencing with landscaping at selected locations where screening of HVAC equipment, parking, or a similar design element is desired. Fences must be constructed of durable, low maintenance materials. Masonry materials are encouraged, and wood materials are discouraged.
- (25)*Accessible units.* A number of at-grade, ground-level dwelling units are encouraged to meet the needs of senior and disabled populations.
- (26)*Garages.* Garages, especially side or rear entry, and covered parking are encouraged.
- (27)*Sound suppression.* Provide sound suppression measures between units and floors/ceilings and on exterior of units when adjacent to high impact noise areas.

B. Submission requirements.

Applicant must submit any information required by the community development department to evaluate a rezoning application, plan of development, subdivision, building permit, or other application for any multi-family residential or mixed-use development.

Required documents. Notwithstanding other requirements, an application for multi-family, residential, or mixed-use development must include:

- (1) *Master plan.* A conceptual master plan prepared by a licensed surveyor, engineer, architect, landscape architect, or certified planner, including:
 - a. Uses;
 - b. Acreage of common area and open space;
 - c. Footprints of structures;
 - d. Impervious area and floor area ratios;
 - e. Maximum number of dwelling units and density for residential areas;
 - f. Square feet of floor space for non-residential uses, and number of bedrooms and square footage for residential units;
 - g. Parking, required and provided;
 - h. Schematic plans which indicate the phasing of development; and
 - i. Master water, sewer, and drainage plans.

- (2) *Development impact statement.* Applicant should submit a development impact statement which describes the probable effects and impacts of the proposed development on the county and community, and specifies the applicant's commitments to mitigate or reduce any negative impacts. It should include sufficient information and detailed analysis to evaluate and mitigate the impacts. At a minimum, it needs to address:
 - a. Adequacy of existing public facilities and services for the development, including sewer, water, schools, fire-rescue, and other public facilities and services;
 - b. Additional on-site and off-site public facilities or services which would be required as a result of the development;
 - c. Traffic impact analysis prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the county and the Virginia Department of Transportation;
 - d. Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements expected to be financed by the county or otherwise. The study must be prepared by an individual or firm qualified to conduct fiscal impact analysis and be in a manner and form acceptable to the county;
 - e. Impact of construction and permanent change in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, and noise, air, or water pollution;
 - f. Impact of the development on cultural and historic sites; and
 - g. Guarantees and assurances that will be provided for the maintenance of common areas, open space, recreation areas, sidewalks, parking, private streets, and other privately owned but common facilities serving the development.

- (3) *Demonstrate compliance.* Methods to demonstrate compliance with the multi-family residential and mixed-use design standards include, but are not limited to, zoning proffers, pattern books, traffic impact or other studies, subdivision conditions, conditional use permit conditions, and plan of development conditions.

Sec. 15-285 Residential

A. Accessory family housing unit, attached or detached

- (1) One additional attached dwelling unit per lot is allowed.
- (2) Only persons related to a resident of the principal dwelling can reside in the accessory dwelling

unit.

- (3) The second dwelling unit cannot be rented separately from the principal dwelling.
- (4) A working smoke detector and a working carbon monoxide monitor must be installed and maintained in the second dwelling unit.
- (5) Emergency vehicle access must be provided and maintained to the second dwelling unit.
- (6) Prior to using an attached second dwelling unit, the property owner(s) must file with the Goochland County Circuit Court Clerk an affidavit stating that an attached second dwelling unit is on the property and agreeing to comply with each of the use standards; and provide proof of filing that affidavit to the community development department. Moreover, prior to the transfer of the property that includes the attached second dwelling unit, the property owner(s) is required to notify the purchaser, in writing, of the use standards for the attached second dwelling unit; and file a copy of that written notice with the community development department.
- (7) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

B. Accessory building

Accessory buildings are allowed in accordance with setbacks of the district in which they are located. Garages or other accessory buildings, such as carports, porches and stoops, attached to the main building are considered a part of the main building and may encroach 3 feet into the setback. No accessory structure may be closer than five feet to any property line. See Sec. 15-505.A.2 for additional information.

C. Commercial vehicle parking

Parking of any commercial enclosed or flatbed trailer, or of any weight wrecker is permitted only while loading or unloading, unless the vehicle is enclosed or adequately screened by a fence and/or trees and shrubs, in accordance with Sec. 15-379.

D. Family health care structure, temporary

(1) Definitions:

- a. *Caregiver* means an adult who provides care for a mentally or physically impaired person. A caregiver must be either related by blood, marriage, or adoption to or be the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
- b. *Mentally or physically impaired person* means a person who is a state resident and who requires assistance with two or more activities of daily living during more than half the year, as defined in Virginia Code § 63.2-2200. A state licensed physician must certify the need for assistance.
- c. *Temporary family health care structure* means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:
 - (i) is primarily assembled at a location other than its site of installation;
 - (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other who requires assistance with one or more activities of daily living during more than half the year as defined in Virginia Code § 63.2-2200. A state licensed physician must certify the need for assistance;
 - (iii) has no more than 300 gross square feet; and
 - (iv) complies with applicable provisions of the state's industrialized building safety law and the Virginia Uniform Statewide Building Code. Placing the temporary family health care structure on a permanent foundation is not required or permitted.

- (2) In any single-family residential zoning district, on lots zoned for single-family dwellings, temporary family health care structures are a permitted accessory use for use by a caregiver in providing care for a mentally or physically impaired person and on property owned or occupied by the caregiver as his residence. Temporary family health care structures must meet the following conditions:
- a. Temporary health care structures do not require a special use permit and are not subjected to any requirement other than those imposed upon other authorized accessory structures, except as otherwise provided in this section.
 - b. Temporary health care structures must comply with all setback requirements, and maximum floor area ratio limitations that apply to the primary dwelling.
 - c. Only one family health care structure is allowed on a lot.
 - d. The applicant must provide evidence of compliance with these use standards on an annual basis as long as the temporary family health care structure remains on the property, and allow county staff to inspect the temporary family health care structure at reasonable times convenient to the caregiver.
 - e. Any temporary family health care structure may be required to connect to any water, sewer, and electric utilities that are serving the primary dwelling, as appropriate, and comply with all applicable requirements of the state department of health.
 - f. No signage advertising or otherwise promoting the existence of the temporary family health care structure is permitted.
 - g. Temporary family health care structures must be removed within 60 days from when the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of assistance.

E. Home occupation

Home occupations are permitted within a dwelling unit or accessory building associated with a dwelling unit, subject to the following:

- (1) A home occupation must be clearly incidental and secondary to the use of the property as a dwelling.
- (2) The owner or occupant of the dwelling unit must be the business operator.
- (3) Materials may be stored within an enclosed accessory building; however, no new buildings may be constructed solely to serve the home occupation and there cannot be any outside storage of products or materials.
- (4) External alterations cannot change the residential character of the dwelling unit.
- (5) The home occupation can have no employees on the premises other than the family members residing on the premises.
- (6) The use of machinery or equipment not customary for purely domestic household purposes is prohibited, and there cannot be any equipment, process, or activity that generates any noise, vibration, odor, fumes, glare, or electrical interference detectable to the normal senses beyond the dwelling unit in which the home occupation is conducted.
- (7) No group instruction, assembly or activity is permitted. Individual visits may occur by appointment only.
- (8) One commercial vehicle and one trailer related to the home occupation is permitted.

F. Multiple principal structures on a lot

- (1) Except as permitted in (3), no more than one detached single-family dwelling unit may be erected on a single lot. However, one additional detached single-family housing unit may be allowed on a single lot with an approved conditional use permit.

- (2) In any R-3, R-O, Business, Industrial, or RPUD district, more than one structure housing the principal may be erected on a single lot in accordance with the provisions of the applicable zoning district and sanitation requirements.
- (3) Lots larger than 25 acres may have more than one single-family dwelling, as follows: 25-50 acres—two dwellings; 51-100 acres—three dwellings; 101 acres or more—four dwellings. Permission to exceed the permitted number of single-family dwellings may be sought through a conditional use permit.

G. Short-term rental, hosted and unhosted; bed and breakfast

A short-term rental, unhosted, requires a conditional use permit. Short term rental, hosted, and bed and breakfast uses must meet the following conditions:

- (1) *Registration.* Before advertising or operating use, the dwelling must be registered by providing the name, address, and phone numbers of property owner(s) and any designee(s). The registration must be updated annually before January 1. There is no registration fee.
- (2) The following are exempt from the registration requirements:
 - a. Salespersons and brokers licensed by the real estate board.
 - b. Properties registered under the Virginia Real Estate Time-Share Act.
 - c. Tourist establishments regulated by the state department of health for lodging.
- (3) *Owner-occupied dwelling.* Dwelling must be owner's primary residence. Owner or designee is required to stay overnight at dwelling and, during the day, be able to return to dwelling within 60 minutes during all transient occupancy. Owner or designee must be available 24 hours a day, seven days a week, to respond to and resolve issues and complaints that may arise during transient occupancy. Designee must be at least 21 years old.
- (4) *Principal dwelling.* Transient lodging must occur within principal dwelling.
- (5) *Maximum occupancy.* Occupancy is limited to the maximum number of residents allowed by the septic system permit; however, in no circumstance can occupancy exceed 10 people, including both permanent residents and transient renters.
- (6) *Residential appearance.* Property must maintain a residential appearance.
- (7) *Smoke alarms; carbon monoxide detector.* There must be at least one carbon monoxide monitor installed and maintained in good working order. Smoke alarms must be installed and maintained in at least one common area and in each room providing transient lodging.
- (8) *Outdoor music.* No outdoor music, amplified or acoustic, after 11:00 p.m.
- (9) *Hunting; firearms.* Renters cannot hunt or discharge firearms on the property.
- (10) *Violations.* Property may not be advertised or operated as a short-term rental or bed and breakfast if violations of any applicable state and local laws, ordinances, or regulations relating to short-term rentals or bed and breakfasts have occurred on more than three occasions.
- (11) If the above standards cannot be met in those zoning districts that allow short-term rental or bed and breakfast uses, it may be allowed through a conditional use permit.

H. Tiny house

- (1) *Permits.* Building, well, and septic permits are required.
- (2) *Zoning.* Houses must comply with the same zoning regulations as applicable to single-family dwellings.
- (3) *Foundations.* A foundation is required if the house is over 256 square feet. If the house is 256 square feet or less, no foundation is required if the following criteria are met:

- a. Maximum 10 feet eave height.
- b. Finished floor not more than 18 inches above finished grade.
- c. Supporting structure in direct contact with the ground.
- d. Anchored to withstand wind loads.
- e. Structure of light-frame construction.

Sec. 15-286 Motor vehicle

A. Automobile rental

- (1) All automobile maintenance and repair work must be conducted within a building.
- (2) No outside storage is permitted of automobile parts, petroleum products, equipment, other supplies, or tools for automobile repair.
- (3) Site must ensure proper automobile circulation and maneuvering.
- (4) All automobiles must be operational.

B. Automobile/motor vehicle storage lot

- (1) No repair work is permitted on the property.
- (2) No outside storage is permitted of vehicle parts, petroleum products, equipment, other supplies, or tools for vehicle repair.
- (3) Outside vehicle storage is permitted on lots covered with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete or gravel.
- (4) Vehicles must be screened from view from all public roads and adjacent properties. Screening must comply with Sec. 15-379. No vehicles may be stored in buffer areas.
- (5) Site must ensure proper vehicle circulation and maneuvering.
- (6) All vehicles must be operational.

C. Inoperable vehicle

- (1) The following definitions apply:
 - a. "Inoperable motor vehicle" means any motor vehicle, trailer, or semi-trailer which:
 - (i) Is not in operating condition; or
 - (ii) For a period of 60 days or longer, has been partially or totally disassembled by the removal of tires, wheels, engine, or other essential parts required for operation of the vehicle; or
 - (iii) Displays neither valid license plates nor a valid inspection decal, if required by law. Farm tractors and farm utility vehicles as defined in Virginia Code § 46.2-100 are exempt.
 - b. "Motor vehicle," "trailer," and "semitrailer" are defined as provided in Virginia Code § 46.2-100.
 - c. "Adequately screened" means the view of the inoperable motor vehicle, trailer, or semi-trailer is obscured from all public roads and adjoining properties by dense evergreen vegetation; or by an opaque, solid fence; or by a wall of treated wood, brick, stone, masonry, or similar solid material and construction. Such screening, fencing, and/or enclosure must meet all applicable zoning ordinance and building code requirements and be maintained to ensure that permanent screening is provided to hide the vehicles from view. See Sec. 15-379.
- (2) On all property zoned for residential purposes, only one inoperable motor vehicle is allowed on any single lot and it must be screened in compliance with Sec. 15.286.C.1.c.
- (3) On all property zoned for agricultural purposes, no more than three inoperable motor vehicles are allowed on any single lot and they must be adequately screened in compliance with Sec. 15.286.C.1.c. This limit does not apply to:
 - a. Farm tractors and farm utility vehicles, as defined in Virginia Code § 46.2-100, if operable;

- b. Inoperable farm tractors and farm utility vehicles that are located more than 500 feet from the road; or
 - c. Trailers and semi-trailers which are actively used for farming operations.
- (4) On all property zoned for commercial or business purposes, all inoperable motor vehicles must be adequately screened, except that motor vehicle repair businesses, and service stations may have up to three inoperable motor vehicles visible from the public road or adjoining properties.
- (5) All owners of property zoned for residential, commercial, or agricultural purposes must remove any inoperable motor vehicle that is in violation of this section. The zoning administrator may cause any inoperable motor vehicle to be removed, if the owner of the property, after 10 days' written notice, has failed to do so. Upon 10 days' additional written notice to the owner, the zoning administrator may dispose of the inoperable motor vehicle. All costs of the removal and disposal may be charged to the owner of the vehicle or property and collected by the treasurer as taxes are collected. Every cost assessed against the property owner will constitute a lien against the property from which the vehicle was removed, until paid.
- (6) This section does not apply to the following:
- a. A licensed business which was on June 26, 1970, and is still regularly engaged in business as an automobile dealer, salvage dealer, or scrap metal processor; and
 - b. Inoperable motor vehicles completely enclosed within a building or structure, and not visible from public roads and adjoining properties.

D. Recreational vehicle

Recreational vehicles cannot be used as a dwelling.

E. Sale of trucks, trailers, equipment, and tools

- (1) Repair of all motors and other large equipment must occur within an enclosed building with a permanent foundation and a finished floor.
- (2) Vehicles, trailers, and equipment must be screened from view of all public roads and adjacent properties. Screening must comply with Sec. 15-379. Buffer areas cannot be used for storage.
- (3) No vehicle or equipment displays can be located within 35 feet of any right-of-way.

Sec. 15-287 Construction, office, and sales trailer

- A. *Temporary trailer permit.* The zoning administrator may grant a temporary permit, issued for a 12-month period, for a mobile home or construction trailer during active construction, if applicant has a valid and approved building permit for a conventionally built residence, church, commercial, industrial, subdivision, public facility or public utility, subject to the following conditions:
- (1) *Residence use.* The mobile home, manufactured home, or travel trailer is situated at the residence construction site and is occupied solely by the property owner and his immediate family. Mobile home must be removed 30 days from issuance of the certificate of occupancy for the permanent dwelling. Other temporary mobile homes and travel trailers cannot be occupied as a dwelling.
 - (2) *Church use.* The mobile home is situated at the church construction site and is occupied only by church members and their guests, or by persons directly engaged in the supervision of the church construction. Mobile home must be removed 30 days from issuance of the church's certificate of occupancy.
 - (3) *Office use.* The mobile home or travel trailer is situated at the commercial, industrial, or public construction site and is occupied only by persons directly engaged in the supervision of the construction of the structure or development. Temporary trailers cannot be used as a permanent office.

- (4) *Sales use.* If trailer will be used for sales to the general public, paved parking areas are required.
- (5) *Yard requirements.* All yard requirements of the district in which the mobile home or travel trailer is located apply unless the zoning administrator grants a waiver.
- (6) *Ingress and egress.* No means of ingress and egress may be established to serve the mobile home or travel trailer until all necessary permits have been approved from the Virginia Department of Transportation.
- (7) *Occupancy.* The mobile home or travel trailer may not be occupied until a certificate of occupancy has been issued by the building official.

B. *Renewal.* The zoning administrator may renew the temporary trailer permit for an additional 12 months.

Sec. 15-288 Communication tower and facilities

A. Small cell facility

- (1) A wireless facility is considered a small cell facility if it meets the following criteria:
 - a. Each of the facility's antennas are located inside an enclosure of no more than six cubic feet in volume, or, in the case of antennas that have exposed elements, the antennas and all of the facility's exposed elements could fit within an imaginary enclosure of no more than six cubic feet.
 - b. All other wireless equipment associated with the facility have a cumulative volume of no more than 28 cubic feet, or a higher limit as if permitted by the Federal Communications Commission.
 - c. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunication demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (2) Small cell facilities are permitted by right in all zoning districts subject to the following standards:
 - a. The small cell facility is installed by a wireless services provider on an existing structure.
 - b. The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to co-locate the small cell facility on the existing structure and to co-locate the associated transmission equipment on or proximate to the existing structure.
 - c. A building permit is approved.
- (3) Wireless facilities which do not meet the criteria to be deemed a small cell facility are subject to the regulations for telecommunication facilities.
- (4) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small cell facilities on a single application. Permit application fees are stated in the county fee schedule adopted as an appendix to this code.
- (5) Permit applications for small cell facilities will be reviewed and approved as follows:
 - a. Permit applications for the installation of small cell facilities will be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.
 - b. Within 10 days of receipt of an application and a valid electronic mail address for the applicant, the applicant will be sent an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification will specify the missing information which needs to be included in a resubmission in order to complete the application.
 - c. Any disapproval of the application will be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
 - (i) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.

- (ii) Public safety or other critical public service needs.
- (iii) If the installation is to be located on or in publicly owned or publicly controlled property, aesthetic impact, or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property. If the installation is to be located on privately owned structure and the applicant does not provide an agreement from the owner of the structure.

B. Telecommunication facilities

(1) Definitions.

- a. *Alternative tower structure.* Manmade trees, silos, clock towers, bell steeples, light poles, utility poles, buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. *Antenna.* Communication equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communication services.
- c. *Height.* When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.
- d. *Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.

(2) *Use regulations for telecommunication facilities.* The goals are:

- a. To encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community,
- b. To strongly encourage the joint use of new and existing tower sites, and use of existing utility transmission rights-of-way,
- c. To encourage towers located in areas where the adverse impact on the community is minimal,
- d. To encourage users of towers and antennas to locate, design, and configure them in a way that minimizes their adverse visual impact, and makes them compatible with surrounding land uses, to the extent possible,
- e. To provide adequate sites for the provision of wireless communication services with minimal negative impact on the county's resources,
- f. To encourage public/private partnerships, where possible, that promote the county's communications needs, especially fire and emergency rescue services, and
- g. To strongly encourage the use of monopoles and camouflage for towers located in or near residential areas.

(3) *Applicability.* These regulations govern telecommunication facilities that exceed, as installed, 50 feet in height. Towers that are less than 50 feet high and meet all zoning requirements are deemed to be substantially in accordance with the comprehensive plan.

(4) *Amateur radio and receive-only-antennas.* These regulations do not govern any tower, or the installation of any antenna, that is operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas for amateur radio station operation.

(5) *Existing structures and towers.* The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, utility tower, or tower, water tank, or other free-standing structure is permitted without a conditional use permit so long as the addition of the antenna does not add more than 20 feet or 25 percent, whichever is less, to the height of the structure, and does not require additional lighting pursuant to Federal Aviation Administration or other applicable

requirements. Additional structures equipment needed in connection with the antenna may be placed so long as it is placed within the existing structure or property. Building permits are required.

(6) *General guidelines and requirements.*

a. *Principal or accessory use.* For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot does not preclude the installation of antennas or towers on the lot.

b. *Design.* These requirements govern telecommunication facilities:

- (i) Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color, to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- (ii) At a facility site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and surrounding structures.
- (iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- (iv) Towers cannot be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (v) No advertising may be placed on the telecommunication facility unless as part of retrofitting an existing sign structure.
- (vi) To permit co-location, a tower should be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in an approved conditional use permit.
- (vii) Towers must be designed to collapse, in case of structural failure, within the lot lines, and the fall zone must be located entirely on the property the tower is located on.
- (viii) Except where the provisions of an approved conditional use permit or other government regulation restricts the tower height, or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four users, including the primary user, must be submitted. If the tower height is restricted, or a stealth design is used and the tower cannot accommodate four facilities, then a report must be submitted that describes the design limitations for co-location.

(7) *Federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all Federal Communications Commission regulatory emission standards.

(8) *Building codes.* To ensure the structural integrity of towers, the tower owner must ensure that it is designed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations. A building permit is required.

(9) *Access to the site.* Site access to monopole towers must be, at a minimum, a 12-foot wide gravel access road designed to support 75,000 pounds with four feet of clearance on either side. Lattice towers must have, at a minimum, a 20-foot wide gravel road designed to support 75,000 pounds.

(10) *Information required.* Each applicant requesting a conditional use permit must submit the following:

- a. A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and documentation, signed and sealed by a state licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetation buffers, tree heights, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses and adjacent buildings.
- b. A certification from a licensed professional engineer experienced with the design and operation of towers and antennas that the emissions from the facility will not exceed the Federal Communication Commission maximum permissible exposure standard.
- c. The applicant's statement agreeing to allow co-location on the proposed tower, and co-location of a second tower on the site, where appropriate, and that the lease agreement will not prohibit or discourage co-location, or, if so, the reasons therefor.
- d. Applicant must provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image must illustrate how the facility will look from adjacent roadways, nearby residential areas, or public buildings such as a school, church etc. County staff reserve the right to select the location for the photographic images and require additional images. Applicant must also conduct a "balloon test" to demonstrate the height of a proposed tower and provide the community development staff with at least 48-hours notice of the test.
- e. The community development department may require other information deemed necessary to assess compliance.

(11) *Factors considered in granting a conditional use permit for a new tower.* Applicant must obtain a conditional use permit before erecting telecommunication facilities. The following factors will be used in determining whether to issue a conditional use permit:

- a. Proposed height;
- b. Proximity to residential structures, residential district boundaries, and other visually sensitive facilities, such as churches and schools;
- c. Nature of the uses and impacts of the proposed facility on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy and efforts to co-locate;
- i. Consistency with the comprehensive plan;
- j. Availability of suitable existing towers and other structures;
- k. Proximity to private airports;
- l. Proposed methods of mitigation for the visual impacts, including proposed landscaping or screening; and
- m. Communications needs of the county.

(12) *Security fencing.* Towers are required to be enclosed by security fencing not less than six feet high and equipped with an appropriate anti-climbing device.

(13) *Landscaping.* Landscaping is required as follows:

- a. Tower facilities must be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer will consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The applicant

may propose off-site landscaping if that better mitigates the visual impacts of the proposed facility. In such cases, a written agreement must be provided to evidence approval by the property owner on which the landscaping will be located.

- b. Existing mature tree growth and natural landforms on the property should be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the county may determine the natural growth around the property perimeter may be sufficient buffer.

(14) *Local government access.* Tower owners must provide the county co-location opportunities as a community benefit to improve communication for county departments and emergency services. The county has the right of first refusal to any available co-location; however, the county will be responsible for placing and maintaining its own equipment.

(15) *Removal of abandoned facilities.* Any telecommunication facility that is not operated for a continuous period of 12 months is considered abandoned, and must be removed within 90 days of abandonment or a county notice requiring the removal. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings, but the buildings may remain upon the owner's request.

Sec. 15-289 Renewable energy

A. Small wind turbine

These regulations govern the installation and siting of freestanding small wind turbines used to generate electricity primarily for onsite consumption; however, these regulations do not impact roof-mounted systems that meet the underlying height requirements of the respective zoning district. Both freestanding and roof-mounted systems must comply with the appropriate regulations of the Virginia Administrative Code (Sec. 20 VAC 5-315-10 through 20 VAC 5-315-80).

- (1) *Conditional use permit.* A conditional use permit is required for a freestanding small wind turbine system. Applicant should submit the following for review and approval by the planning director:
 - a. Plat of the lot showing lot lines, location of the small wind turbine, and setbacks.
 - b. Plans that show the total height of the structure, including rotor blades.
 - c. Certifications required by the state for net metering service, such as approval of the electric distribution company, and proof of liability insurance.
- (2) *General guidelines and requirements.* Freestanding small wind turbines must be:
 - a. Limited to 199 feet in height. The height will be measured from ground level to the highest point on the structure.
 - b. Constructed as monopoles. Guy wires may be used, but not lattice structures.
 - c. Set back at least 1½ times the height of the wind turbine from all property boundaries, overhead utility lines, and public rights-of-way. If guy wires are used, setback is measured from guy wires.
 - d. Energy generated must be used primarily for onsite consumption.
- (3) *Noise.* Small wind turbines cannot emit sound that is plainly audible beyond the closest property line, except during short-term events such as utility outages and/or severe windstorms.
- (4) *Signage and lighting.* No signage, other than safety and warning signs, is permitted. Lighting is prohibited unless required by the Federal Aviation Administration.
- (5) *Removal.* Any system that the building official finds unsafe must be repaired or removed. Any system that is not operated for a period of one year is considered abandoned and must be removed within 90 days of abandonment or notice from the county. If the property owner fails to remove the

wind turbine within the 90 days, the county may conduct the removal and disposal. All removal and disposal costs may be chargeable to property owner and collected by the treasurer as taxes are collected. Every cost authorized by this section with which the property owner has been assessed shall constitute a lien against the property from which the wind turbine has been removed

B. Solar energy panel or structure

- (1) A solar energy facility is permitted in any district by right if designed to serve only the property on which it is located.
- (2) The system may be located on the roof of a principal or accessory structure, on the side of those structures, on a pole, or on the ground.
- (3) A solar energy facility installed as an accessory structure must comply with the individual zoning district setback requirements.
- (4) Roof-mounted systems cannot extend more than six feet above the roofline of the structure on which it is mounted.

Sec. 15-290 Place of public assembly and use open to the public

- A. *Road requirements.* Uses and structures permitted by right in the A-1 and A-2 districts may locate on a public or private road except that public assembly uses or uses that are open to the public must abut and have a principal point of vehicular access directly on a state-maintained road or a private road that is not shared by other properties or uses.
- B. *Exemption.* Any structure or use existing prior to July 1, 2016 is exempt from Article 29, and may be enlarged upon, expanded, or extended on the same lot as the exempted structure or use.
- C. *Conditional use permit.* If the above standards cannot be met in those zoning districts that allow public assembly uses, the use may be allowed through a conditional use permit.

Sec. 15-291 Use standards and zoning districts

General standards for uses listed in this article apply to the use regardless of the zoning district in which it is located. Use is only permitted if allowed by the zoning district. These standards, in substantially similar form, would become conditions if the use is allowed pursuant to a conditional use permit.

Secs.15-292 – Sec. 15-310. Reserved.