

Nelson County Zoning Ordinance Update
Worksession 4 Memo
June 25, 2025



Overview:

Nelson County has partnered with the Berkley Group, a local government consulting firm, to update, modernize, and restructure the Zoning and Subdivision Ordinances. The revised Zoning and Subdivision Ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider citizen needs and issues identified through the public engagement process.

This process will be guided by County staff, the Planning Commission, and the Board of Supervisors with opportunities for input from the community.

Agenda:

The purpose of the joint work session scheduled for June 25, 2025, is to review the following Articles:

- Article 6 – Use Matrix
- Article 7 – Use Performance Standards

The following agenda is provided as an outline for discussion:

- Schedule & Progress to Date – 5 minutes
- Article Review – 110 minutes
- Next Steps – 5 minutes

Schedule & Progress to Date:

See (Attachment A) for the current schedule.

Progress to date includes:

- **Land Use Tools Diagnostic** – A diagnostic of the current Zoning and Subdivision Ordinances was conducted. The purpose of this diagnostic was to identify deficiencies in the Ordinances compared to requirements of state regulations and planning best practices. It also included a comparison of the Ordinances to the updated Comprehensive Plan. This diagnostic was presented to the Board of Supervisors and Planning Commission on August 28, 2024.
- **Public Workshops** – Two public workshops were conducted on October 22, 2024, at the Rockfish Valley Community Center, and on October 30, 2024, at the Nelson Center. Following a presentation on the Zoning and Subdivision

Ordinance Update, attendees worked in groups to respond to exercise questions and provide meaningful feedback on the project.

- **Focus Groups** - On October 30, 2024, Berkley Group facilitated four focus group listening sessions for the Zoning and Subdivision Ordinance update. The topics and list of invitees were selected by Nelson County, and each session was conducted in a roundtable discussion format. The four discussion topics were: agriculture and agritourism, natural and cultural preservation, development and real estate, and business and economic development. A list of relevant questions was used to guide discussions and identify challenges that participants or their organizations face related to the Zoning and Subdivision Ordinances.
- **Joint Worksession 1** – Berkley Group met with the Nelson County Planning Commission and Board of Supervisors on December 18, 2024, to review the public engagement for the project and discuss the organization of the Zoning Ordinance.
- **Joint Worksession 2** - Berkley Group met with the Nelson County Planning Commission and Board of Supervisors on February 26, 2025, to review Article 1, General Provisions, Article 2, Administration, Article 3, Permits & Applications, Article 9, Nonconforming Uses, Lots, and Structures, and the relevant definitions in Article 11, Definitions.
- **Joint Worksession 3** – Berkley Group met with the Nelson County Planning Commission and Board of Supervisors on April 23, 2024, to review Article 4, Primary Zoning Districts, and Article 5, Overlay Zoning Districts, as well as their relevant definitions.

Article Review:

Article 6 – Use Matrix (Attachment B)

Article 6 contains a matrix that includes all allowable uses within the County and which districts these uses are allowed by right or by special use permit. The Article is currently in an excel format to allow for easier comparison and review by the Board and Commission members but will be modified and edited into the Ordinance following this review. Existing uses and their permissions are included to help with comparisons but will be removed in its final version. This version of Article 6 also includes relevant definitions that will be moved to Article 11 following review. Some of the key changes in this Article compared to the existing ordinance are:

- Consolidated existing uses into broader categorical uses that can apply to a wide range of uses rather than individual specific ones.
- Modernized use terms and added new and emerging land uses.

- Included uses required by, and modified permissions to ensure compliance with, the Code of Virginia.
- Added new land uses based on planning best practices, public engagement results, and guidance from the Comprehensive Plan.

Article 7 – Use Performance Standards (Attachment C)

Article 7 establishes performance standards for specific land uses, including operational, locational, and design requirements to ensure compatibility with surrounding development. Uses included in this Article will be required to adhere to the standards included regardless of their use permission (by right or by special use permit). These standards act as a baseline for uses and if a use is allowed by special use permit the County may still add additional standards as conditions. Some of the key changes in this Article compared to the existing ordinance are:

- Added new use standards for many land uses based on requirements from the Code of Virginia, best planning practices, public engagement results, or guidance from the Comprehensive Plan.
- Included additional standards for Home Occupations, both Class A & B.
- Modified standards for telecommunications facilities to better meet state and federal requirements.

Comprehensive Plan Strategies Addressed:

Strategy Number	Strategy Text
3.1	Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.
3.14	Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.
3.17	Discourage the use of large-scale development in Montebello through zoning actions.
4.13	Work with community organizations to help facilitate the installation of EV charging stations in the County.
5.1	Update the definition of short-term rentals. Maintain an inventory of all short-term rentals in order to track and better understand costs and benefits. Create regulations for short-term rentals as necessary through the Zoning Ordinance and other tools that maintain a significant stock of single-family homes and long-term rentals.

Nelson County Zoning Ordinance Update
Worksession 4 Memo
June 25, 2025



5.2	Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.
5.4	Create ordinances that offer a mixture of housing types and sizes integrated within the development area, including affordable and senior housing.
5.5	Expand the types of allowable housing in appropriate areas to accommodate multi-family housing unit, such as townhouses, condominiums, and duplexes.
6.10	Condition approval of operations utilizing underground storage tanks (USTs) on assurances guaranteeing proper closure or removal of unused USTs and remediation of impacted soils.
6.28	Continue working toward the stated goal of becoming a SolSmart-designated community.
6.30	Consider amendments to existing ordinances to encourage installation of solar panels on existing impervious surfaces, such as rooftops and parking lots.
6.31	Strengthen performance standards for ground- mounted solar energy systems to protect existing landscapes, such as limiting clear-cutting on undeveloped parcels, specifying minimum vegetation requirements, and increasing perimeter buffer widths.
7.5	Support private and public investments in the County's service economy to provide long-term economic and community growth and stability.
7.6	Promote and support community centers as hubs for education and economic development.
7.13	Support multiple revenue streams for farmers by reviewing and amending ordinances to better allow farmers to host complementary agritourism uses on agricultural properties.
7.16	Review and modify the Zoning Ordinance, as necessary, for regulations regarding special event venues and temporary events in the County.
7.18	Update and enforce the temporary event ordinance to protect Nelson's rural character.
8.25	Support expansion of cellular service quality and availability through cooperation with cellular providers. Evaluate the need for planning and zoning changes to improve service.
8.29	Develop a strategy for greater investment in personnel, facilities, and/or public-private partnership as needed to expand access to childcare programs.

Next Steps:

The Berkley Group will continue drafting ordinance articles. Articles to be discussed at the next meeting include:

Nelson County Zoning Ordinance Update
Worksession 4 Memo
June 25, 2025



- Article 8, Community Design Standards
- Article 10, Subdivisions
- Related Definitions

Nelson County
Zoning & Subdivision Update
Project Timeline & Meeting Schedule – Updated 06/25/2025

PROJECT TIMELINE																								
Phase	#	Task Description	2024						2025												2026			
			July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April
Investigation	A1	Project Management / Staff Input																						
	A2	Project Kickoff (Virtual)	V																					
	A3	Joint Kickoff & Land Use Diagnostic Presentation		X																				
	A4	Public Workshop (1)				X																		
	A5	Focus Group Listening Sessions (up to 4)				X																		
	A6	Engagment Summary																						
Development	B1	Joint Work Sessions (up to 6)					X		X		X		X		X		X							
	B2	Ordinance Table of Contents & Crosswalk					*																	
	B3	Definitions								*														
	B4	General, Administrative, Nonconformity								*														
	B5	Permit & Application Provisions								*														
	B6	District Standards									*													
	B7	Overlay & Special Districts									*													
	B8	Use Matrix										*												
	B9	Use Performance Standards										*												
	B10	Community Design Standards (Signs, Lighting, Subdivisions														*								
	B11	Subdivisions														*								
	B12	Formatting & Final Review																*						
	B13	Changes Matrix & Contents Crosswalk Update																*						
Adoption	C1	Open House (Public Draft Review) (up to 1)																	X					
	C2	Pre-Adoption Joint Work Session (up to 1)																		X				
	C3	Incorporate Final Revisions																						
	C4	PC & Board of Supervisors Public Hearings																			X	X		
	C5	Post-Adoption Deliverables																						

X = Anticipated In-person Attendance; V = Virtual Attendance; * = Meeting Topic

Nelson County
Zoning & Subdivision Update
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Note: Topics to be covered at each meeting are tentative and subject to change. Public Meeting or Event

Date, Time, Location	Event	Topics/Notes	Attendees
7/24/2024, 10pm, Teams	Kickoff & Orientation	Staff & BG Internal Kickoff & Orientation	Berkley Group; County Staff
August 28, 2024 @6pm	Joint Worksession— Kickoff	Comprehensive Planning Overview Review Project Schedule Review Engagement Plan (Advertisement, Workshop Formats, Focus Groups) Review Land Use Report Discuss Current Issues, Challenges, and Opportunities	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
October 30, 2024	Focus Groups	Focus Topics (Development, Business, Agriculture, Conservation) and Issues Discussion with Stakeholder Groups—TBD	Berkley Group; Stakeholder Groups
October 22, 2024	Public Workshop # 1	Challenges & Opportunities Exercise	Public; Berkley Group; County Staff; Public Officials
October 30, 2024	Public Workshop # 2	Challenges & Opportunities Exercise	Public; Berkley Group; County Staff; Public Officials
December 18, 2024	Joint Worksession	Public Engagement Summary Report Table of Contents Crosswalk	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
February 26, 2025	Joint Worksession	Article Review: General Provisions Article Review: Administration Article Review: Permits and Applications Article Review: Nonconforming Uses, Lots, and Structures Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
April 23, 2025	Joint Worksession	Article Review: Primary Districts Article Review: Overlay Districts Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)

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Zoning & Subdivision Update
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Date, Time, Location	Event	Topics/Notes	Attendees
June 25, 2025	Joint Worksession	Article Review: Use Matrix Article Review: Use Performance Standards Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
August 27, 2025	Joint Worksession	Article Review: Community Design Standards Article Review: Subdivisions Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
October 22, 2025	Joint Worksession	Final Full Ordinance Review Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
November, 2025	Public Open House	Present ordinance at a public open house. Receive feedback and comments from public.	Public; Berkley Group; County Staff; Public Officials
November, 2025	Joint Worksession – Final Review	Review open house public comments.	Berkley Group; County Staff; PC; BOS
January, 2026	Public Hearing & Recommendation	Present Final Ordinance for consideration by Planning Commission.	Berkley Group; County Staff; PC
February, 2026	Public Hearing & Adoption Present ZO/SO Diagnostic Part II	Present Final Ordinance for adoption by Board of Supervisors.	Berkley Group; County Staff; BOS

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		B = By-Right SUP = Special Use Permit Blank = Not Permitted													
Rural															
Agriculture / Silviculture	Any operation devoted to the bona fide production of crops, or animals, or fowl; the growing, harvesting, and production of plants, fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.	B	B									B	B	B	
Agriculture	See agricultural operations below	B	B							B					
Agricultural operations	Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity. The preparation, processing, or sale of food products in compliance with subdivisions (A)(3), (4), and (5) of Code of Virginia, § 3.2-5130 or related state laws and regulations are accessory uses to an agricultural operation, unless otherwise specifically provided for in this ordinance. When used in this ordinance, the words agricultural or agriculture shall be construed to encompass the foregoing definition.								B						
Agritourism	Pursuant to the Code of Virginia §15.2-2288.6, any activity carried out at a farm winery, farm brewery, farm distillery, farm, ranch, or other agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant/animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. This use does not include weddings and other non-agricultural events as provided by the use Event Venue, as defined by this Ordinance.		B									B	B	B	7-2-2
Agritourism activity	Any activity carried out on a farm or ranch engaged in bona fide Agricultural Operations that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.		B												
Farm brewery, limited	A brewery that manufactures no more than fifteen thousand (15,000) barrels of brewed beverages per calendar year, provided that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its brewed beverages are grown on the farm. The on-premises sale, tasting, or consumption of brewed beverages during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of brewed beverages and the sale and shipment of brewed beverages to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of brewed beverages, and the sale of limited farm brewery-related items that are incidental to the sale of brewed beverages are permitted.		B						B						
Farm winery	An establishment as defined in Va. Code § 4.1-100 Subsection (i) and licensed by the Commonwealth pursuant to Va. Code § 4.1-207 where wine may be sold for on-premises consumption and in closed containers for off-premises consumption. The serving of light snacks (cheese, crackers, peanuts, etc.) is permitted at a farm winery, without regulation. Other food prepared on-site shall be prepared in a facility in compliance with the Virginia State Building Code requirements and licensed by the Virginia Department of Health. The sale of wine-related items that are incidental to the sale of wine is permitted at a farm winery without regulation.		B						B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		Grey=proposed new use/definition/consolidation White=existing													
B = By-Right SUP = Special Use Permit Blank = Not Permitted															
Conservation and preservation	Areas designated for the protection, management, and maintenance of natural lands in their existing or restored condition. This category includes land set aside for environmental protection, such as wildlife sanctuaries, game preserves, wetlands, conservation easements, and open space areas intended to remain largely undeveloped. These lands may support limited public access, educational activities, and passive recreation, while prioritizing long-term ecological protection and land stewardship.	B	B												
Wildlife rehabilitation center	A facility whose purpose is the care, rehabilitation, and release of orphaned and injured Virginia native wildlife. Wildlife rehabilitation centers are regulated by the U.S. Fish and Wildlife Service, and the Virginia Department of Game and Inland Fisheries and must be supervised by a wildlife rehabilitator with valid permits from each of these agencies.	B	SUP												
Confined Animal Feeding Operation	A lot or facility, including any associated treatment systems, where animals are or will be confined and fed or maintained for a total of 45 days or more within any 12-month period. During the time of operation, no crops, vegetation, forage growth, or post-harvest residues are sustained in the confined area.		B											7-2-4	
Dairy plant	A commercial establishment for the processing and sale of milk or milk products at either wholesale or retail.		SUP												
Meat Processing Facility	A small-scale commercial use for the for-profit slaughtering and processing of animals where at least 20% of the animals are transported to the facility; includes the processing and storage of animal products/waste that result from the process.		SUP											7-2-5	
Agricultural processing facility	The preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than twenty (20) percent of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.		B												
Agricultural processing facility, major	An agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than ten thousand (10,000) square feet of enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than fifty (50) percent of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.		SUP												

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		B = By-Right SUP = Special Use Permit Blank = Not Permitted													
Suggested Rural															
Agriculture, Residential	The personal and recreational practice of maintaining, raising, and/or breeding of limited agricultural livestock on land incidental to a principal dwelling.			B	B								B	B	7-2-1
Biosolid Application	The spreading, placement, or distribution of biosolids upon, or insertion into, the land.		B												
Biosolid Storage	The permanent storage of biosolid materials for a period greater than forty-five (45) days in length. This definition shall not include the temporary (less than forty-five (45) days) storage of biosolid material for agricultural purposes.		SUP												7-2-3
Stable, Commercial	A lot, building, or group of buildings, where compensation, whether monetary or goods, is provided for the boarding of equine; training of students; or fields or arenas used for scheduled, public, or club events.		B										SUP	SUP	7-2-6
Stable, Private	A building, or group of buildings, where horses are kept for the private use of the owners or their guests, but in no event for hire or compensation.		B	B									B	B	7-2-7
Residential															
Bed and Breakfast	A single-unit dwelling, that is occupied by the owner or agent who resides on premises, that provides temporary lodging.		B	B	B							B	B	B	7-3-1
Bed and Breakfast, class A	A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one (1) or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than six (6) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the class A bed and breakfast, provided that the dining and meeting rooms are accessory to the class A bed and breakfast use.		B	B	SUP		B	B							
Bed and Breakfast, class B	A use composed of transient lodging provided within a single family dwelling and/or one (1) or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than ten (10) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.		B	B SUP			B	B							
Boardinghouse	A use composed of a single building in which more than one (1) room is arranged or used for lodging by occupants who lodge for thirty (30) consecutive days or longer, with or without meals, for compensation. A boardinghouse may be occupied by the owner or operator, but may not be operated on the same parcel as a bed and breakfast.		B		SUP		B	B	B						
Dwelling, Caretakers	A dwelling occupied by a supervisor or person in care of a building, plant, equipment, or grounds associated with an industry, business, office, or recreation area carried on or existing on the same site.	B	B	B	B							B	B	B	
Residential quarters for a bona fide caretaker										B	SUP				
Dwelling, Duplex	A single building arranged or designed to have only two dwelling units.		B	B	B				B			B			
Two-family detached dwelling	A building arranged or designed to contain two (2) dwelling units.		B	B	B		SUP		B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		Grey=proposed new use/definition/consolidation White=existing													
B = By-Right SUP = Special Use Permit Blank = Not Permitted															
Dwelling, Manufactured Home	A "single-wide," "double-wide," or "triple-wide" structure that is transportable in one (1) or more sections, is eight (8) feet or more in width and forty (40) feet or more in length in the traveling mode, is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when connected to the required utilities. For purposes of this Ordinance, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.		B	B					B						
Double-wide mobile home	A mobile home is a dwelling which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, 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. This dwelling is not subject to federal regulations.			B											
Manufactured Home	A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis, is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.		B						B						
Dwelling, Multi-Family	A building arranged or designed to be occupied by five or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type, but not limited to, would be garden apartments, low-and high-rise apartments, apartments for elderly housing, and condominiums.				SUP	B			SUP			SUP	SUP	7-3-2	
Multifamily dwellings	A building or portion thereof arranged or designed for the purpose of providing three (3) or more separate dwelling units.		SUP		B		SUP		SUP						
Dwelling, Single-Family	A site built or modular building designed for and used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.	B	B	B	B				B			B	B	B	7-3-3
Single-family detached dwellings	A building arranged or designed to contain one (1) dwelling unit.	B	B	B	B		SUP		B						
Group Home	As provided by Code of Virginia § 15.2-2291, a licensed residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia §54.1-3401. Such facility shall be licensed by the Virginia Department of Behavioral Health and Developmental Services (Code of Virginia §15.2-2291).	B	B	B	B							B	B	B	
Group home							SUP								
Home Occupations Class A	An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.	B	B	B	B				B					7-3-5	
Home occupations Class A	An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.	B	B	B	B				B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		Grey=proposed new use/definition/consolidation White=existing													
B = By-Right SUP = Special Use Permit Blank = Not Permitted															
Home Occupations Class B	An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.		B						B						7-3-6
Home occupations Class B	An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.		B						B						
Manufactured Home Park	An area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for manufactured homes intended for use as occupied dwelling units and meeting or exceeding all applicable requirements for manufactured home parks as stipulated by this Ordinance and the Commonwealth of Virginia.		SUP												7-3-7
Mobile home park	One (1) or more contiguous parcels of land in which two (2) or more rental lots are provided for mobile homes or upon which two (2) or more mobile homes are located. This shall include mobile homes that are stored on property, but shall not include mobile homes for sale by a bona fide licensed dealer.		SUP												
Migrant Labor Camp	One or more structures, buildings, tents, barracks, trailers, vehicles, converted buildings, and unconventional enclosures of living space, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters for one or more persons, one or more of whom is a migrant worker engaged in agricultural or fishing activities, including related food processing.		B												7-3-8
Labor camp facilities			SUP												
Short-Term Rental * *To be finalized at a later date.	A residential dwelling in which a room or rooms are offered for rent for less than thirty (30) consecutive days by an owner who resides in the residential dwelling as the primary residence. This use does not include Bed and Breakfast uses as defined in this ordinance.		SUP	B	B										7-3-9
Vacation house	A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.		B	B SUP	SUP		B		B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		Grey=proposed new use/definition/consolidation White=existing													
Suggested Residential															
Adaptive Reuse, Residential	The conversion of an existing building, regardless of its original use, into one or more residential dwelling units. This definition applies only when the original structure is retained and substantially reused, rather than demolished and replaced. May include redevelopment as a fully residential structure or mixed-use structure with commercial and residential units.		SUP	SUP	B	B	SUP	SUP				B			
Day Care	Any facility operated for the purpose of providing care, protection, and guidance during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals, including adults, and other similar uses. Excluded are public and private educational facilities, family day home, or any facility offering care to individuals for a full twenty-four-hour period.	B	B	B	B			B	B			B	B	B	
Dwelling, Single-Unit, Attached	Single-unit dwellings that share a common wall, but are on separate lots.				B	B						B			
Dwelling, Townhouse	A row of three or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units, which is commonly known as a firewall, and each on a separate parcel.				B	B			SUP			B			7-3-4
Dwelling, Triplex or Quadplex	A single building arranged or designed to have three or four dwelling units.				B	B			SUP			B			
Family Day Home (1-4 Children)	A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.	B	B	B	B				B			B	B	B	
Family Day Home (5-12 Children)	A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for between five and twelve children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.		SUP	SUP	B							SUP			
Life Care Facility	A residential facility primarily for the continuing care of the adults, providing for transitional housing which may progress from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.		SUP	SUP	SUP			B	SUP			SUP			
Shelter, Residential	A facility providing temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless; and victims of abuse, those experiencing teenage pregnancy, orphaned, and/or similar situations. Ancillary community support services may be provided including, but not limited to, child care, counseling, food distribution, or vocational training.			SUP	SUP		B								
Short-Term Rental, Homestay *	A residential dwelling in which a room or rooms are offered for rent for less than thirty (30) consecutive days by an owner who resides in the residential dwelling as the primary residence. This use does not include Bed and Breakfast uses as defined in this ordinance.	B	B	B	B				B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		B = By-Right SUP = Special Use Permit Blank = Not Permitted													
Public, Civic, and Recreational															
Cemetery, Public	Any land or structure used, or intended to be used, for the permanent interment of human remains, consisting of multiple burial plots or sites available to the public. Typically used by the general community, a neighborhood, or a church. Accessory uses may include mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia § 15.2-2288.5). This use does not include family cemetery or private burying ground.	B	B						B						
Cemeteries	A privately or church-owned and/or operated place for burial of the dead where lots may be sold and perpetual care of the grave may be furnished.	B	SUP						B						
Club	A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use	SUP	SUP				B	B	SUP			SUP			
Hunting clubs		SUP													
Fraternal lodges	Places of assembly for clubs, community groups and/or civic organizations, at which regularly scheduled fraternal or public meetings and other public activities are conducted.	B	SUP				SUP	B	B						
Community/Cultural Center	A place, structure, or other facility used for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, recreational programs, cultural centers, or interpretive sites, but does not include commercially-operated theatres and event venues.		B	B	B		B	B	B			B	B	B	
Community buildings			SUP				SUP	B	B						
Community center	A building and grounds used for recreation, social, educational, health, or cultural activities open to the public or a portion of the public, owned and operated by a public or private non-profit group or agency. The activities may involve leasing of space for the sale of goods and services, offices, and Temporary Events in conjunction with Article 24 of this ordinance and subject to applicable zoning district regulations. The sale of goods and services may be carried on a for-profit basis or for charitable non-profit purposes by the owner or the owner's approved lessee or licensee. Community Center uses, structures, and activities are subject to site plan approval. Signage conveying information about permissible Temporary Events		SUP												
Education Facility, Primary or Secondary	A public, private, or parochial school offering instruction at the primary, elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.	B	B	B	B		B	B	B			B	B	B	
Schools		B	B	B	B		B	B	B						
Schools of special instruction	A commercial school giving instruction in business, cultural or dramatic subjects.						B								
Public Use	Public use means facilities or the use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, or any combination thereof. This use shall not include Educational Facilities, Public Parks and Recreation, or Utility Service (major or minor) as defined in this Ordinance.	B	B	B	B	B	B	B	B			B	B	B	

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Fire departments and rescue squad facilities			B				B	B	B						
Libraries			B	B	B		B	B	B						
Museum			B	B	B		B	B							
Penal, detention facilities, public or private										SUP					
Post Offices		B	B	B	B		B	B	B						
Public garage for storage and/or repair of vehicles in enclosed space	A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.		SUP				B								
Parks		B	B	B	B				B						
Playgrounds		B	B	B	B				B						
Outdoor entertainment Venue in connection with permissible public or semi-public use				SUP											
Recreation Facility, Neighborhood	An indoor or outdoor recreation facility that is managed and operated by an HOA or developer, and that is to be used specifically by the residents and guests of a particular residential development, planned development, or residential neighborhood.			B	B	B						B	B		
Recreational facilities for employees										B					
Religious Assembly	A use located in a permanent building or in outdoor spaces and providing regular organized religious worship and related incidental activities. This use may include a cemetery as an incidental, subordinate use and shall not include Educational facility, primary/secondary schools and Day care facilities.	B	B	B	B	B	B	B	B			B	B	B	
Churches		B	B	B	B		B	B	B						
Church adjunctive graveyards	An area one (1) acre or less, owned and operated by an adjoining church.	B	B	B	B		B	B	B						
Telecommunications Facility	Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also excluded are wireless communication antennas which fit the definition of Small cell facility and “Administrative review-eligible project” as defined in the Code of Virginia §15.2-2316.6 and supplied as Utility service, minor by this ordinance.	B	B	B			B	B	B	B	B		B	B	7-4-2
Communication towers		B	B	B	B		B	B	B	B	B				
Any television antennas, radio antennas, microwave towers, and other public communication facilities which exceed thirty-five (35) feet in height.										SUP					

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
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Utility Service, Major	Service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources; electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; sanitary landfills; waste recycling and collection centers; and similar facilities. All overhead transmission lines are included in this definition. This use does not include Data Centers, Battery Energy Storage Facilities, or any Wind and Solar Energy Generation uses, as defined in this Ordinance.	SUP	B				B	SUP		B	B		SUP		7-4-4
Booster or relay stations		B	B							B	B				
Distribution transformers				B	B		B		B						
Generating										B					
Public utilities								B			B				
Public utilities generating		B	B												
Transmission lines with support structures		B	B							B					
Water storage tanks		B	B	B	B		B			B	B				
Water and sewerage installations/facilities	Public water and sewer systems: A central water or sewer system owned and/or operated by a municipality, county or service authority or by an individual, partnership or corporation approved by the governing body in accordance with Title 15.1 of the Code of Virginia, as amended.	B	B	B	B		B		B	B	B				
Utility Service, Minor	A service that is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as “Administrative review-eligible project” as defined in the Code of Virginia §15.2-2316.3, transformers, and relay and booster devices. This use does not include Data Centers, Battery Energy Storage Facilities, or any Wind and Solar Energy Generation uses, as defined in this Ordinance.	B	B	B	B	B	B	B	B	B	B	B	B	B	
Lines				B	B		B		B	B					
Pipes, meters and other facilities for the provision and maintenance of public utilities		B	B	B	B		B		B	B					
Poles, wooden poles for electric									B	B	B				
Telephone lines										B	B				
Transformer substations		B	B								B				

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Grey=proposed new use/definition/consolidation White=existing															
Suggested Public, Civic, and Recreation Additions															
Educational Facility, College, University, Business or Trade	An educational institution authorized by the Commonwealth of Virginia toward certificate, license, associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college, university, business or trade school use.		SUP				B			B			SUP		
Elective Vehicle Charging Station, Accessory		B	B	B	B	B	B	B	B	B	B	B	B	B	
Recreation Facility, Noncommercial	Privately owned, not for profit park and recreation facilities that are open to the public. These uses may charge a fee but not for commercial gain. This use includes parks, picnic areas, playgrounds, active or passive recreation facilities, outdoor shelters, amphitheaters, open spaces, and other similar uses. This use does not include Recreation/Entertainment, Commercial Indoor or Outdoor; Recreation Facility, Neighborhood;Public Parks and Recreation, or Public Use, as defined by this Ordinance.	B	B	B	B	B		B	B			B	B	B	
Shelter, Animal	A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.		SUP				B	B	B						7-4-1
Telecommunications Facility, Small Cell	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).	B	B	B	B	B	B	B	B	B	B	B	B	B	7-4-3

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
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Commercial															
Agricultural Sales and Services	The retail sale of agricultural products, farming equipment, or agricultural supplies and the service thereof.		B				B	B					B		
Commercial sale of agricultural equipment.			SUP												
Feed and seed stores							B								
Alcohol Production or Sales	An establishment that is primarily involved in the production of alcoholic beverages and produces no more than 15,000 barrels of alcoholic beverages per year, and may include sales, a lounge, restaurant, taproom, or tavern as an accessory use.		SUP				SUP	SUP	SUP	B			B		
Brewery	A facility for the production of brewed beverages, including beer or other fermented beverages.						SUP		SUP	B	B				
Distillery	A facility for the production of distilled spirits.						SUP		SUP	B	B				
Farm winery permanent remote retail establishment	A permanent retail establishment located off of the farm winery premises but associated with a farm winery as defined in Va. Code § 4.1-100 Subsection (ii) and licensed by the Commonwealth pursuant to Va. Code § 4.1-207 where wine may be sold for on-premises consumption and in closed containers for off-premises consumption. The serving of light snacks (cheese, crackers, peanuts, etc.) is permitted at a farm winery permanent remote retail establishment, without regulation. Other food served on-site shall be prepared in an off-site facility licensed by the Virginia Department of Health. The sale of wine-related items that are incidental to the sale of wine is permitted at a farm winery permanent remote retail establishment without regulation.		SUP				SUP	SUP	SUP	SUP					
Winery	An establishment where wine is made, bottled, and/or stored for distribution and which may contain accessory facilities for retail sales and tastings.						SUP			B	B				
Automobile Sales and Rental	A lot arranged, designed or used for the storage and display for sale, lease, or rent of any new or used automobile capable of independent operation or any type of boat, travel trailer, and recreation vehicle, provided the travel trailer and recreation vehicle is unoccupied, and where warranty repair work and other major and minor repair service is done wholly within an enclosed building as an accessory use.						SUP						SUP		7-5-2
Sale of new and/or used cars.	Any lot and accompanying structure meeting the requirements of the Virginia Department of Motor Vehicles, upon which new and/or used cars, trucks, or other vehicles may be sold.		SUP												
Business Support Services	The use of land for the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, caterers, or information technology support services. Retail sales to the general public are a common accessory use.						B	B							
Auto and home appliance services							B				SUP				
Personal and Professional services							B	SUP							

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Camp	A lot, tract or parcel of land operated as a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, including tents or similar rustic structures (excluding recreational vehicles and mobile homes) for recreational or educational purposes.	B	SUP						B						
Day Camp	A tract of land devoted to primarily outdoor recreational uses not including overnight accommodations for users.	B	SUP						B						
Summer Camp	A tract of land used or designed to be used for seasonal accommodation of individuals in tents or similar rustic structures and for use by such individuals for sports, handcrafts and other outdoor-oriented activities and recreation.	B	SUP						B						
Campground	An area that provides recreational opportunities on a daily or overnight basis, upon which are located sites for one (1) or more travel trailers, camping trailers, pickup truck campers, motor homes, tents, or other recreational vehicle for seasonal or temporary recreational occupancy. This term includes short-term rental of outdoor campsites.	SUP	SUP												7-5-3
Campgrounds	Any place used for transient camping where compensation is expected in order to stay in a tent, travel trailer, or motor home. Campgrounds require the provision of potable water and	SUP	SUP												
Event Venue	A business where the primary use is to host temporary events such as weddings, receptions, luncheons and dinners, various celebrations, galas, reunions, ordinations, fundraisers, corporate meetings, conferences, trade shows, speaker series, auctions, museum exhibits, music festivals, carnivals and fairs, and similar events. An event venue may be indoors and/or outdoors. Event venues may also be accessory or ancillary uses to other uses, such as, hotels or restaurants. Event venues shall not include government and military services.		SUP				SUP	SUP	SUP						7-5-6
Outdoor Entertainment Venue.	The non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Temporary Events, Exempt Events, or other entertainment activities for cultural, artistic, social, or recreational purposes.		SUP				SUP	SUP	SUP						
Category 3 Temporary Events	A temporary event with more than 10,000 attendees.		B SUP												
Farmer's Market	Any structure, assembly of structures, or land used by multiple vendors for the off-farm sale or resale of agricultural and/or horticultural products, goods, and services, including value-added agricultural or horticultural products. Farmers markets may include the sale or resale of accessory products, including arts, crafts, and/or farm-related merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products.		SUP				B	B	B						
Farmer's Market	Any structure, assembly of structures, or land used by multiple vendors for the off-farm sale or resale of agricultural and/or horticultural products, goods, and services, including value-added agricultural or horticultural products. Farmers markets may include the sale or resale of accessory products, including arts, crafts, and/or farm-related merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products.		SUP				B	B	B						
Financial Institution	An establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a Federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by Federal code.						B	B	B						
Bank							B	B	B						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Fuel center	Any place of business with fuel pumps and underground or aboveground storage tanks that provides fuels and oil by individual sale for motor vehicles and equipment and may include electric vehicle charging facilities. A store associated with automobile fuel sales shall be considered a fuel center.						B	SUP	SUP		SUP	SUP	B		7-5-7
Automobile Service Station											SUP				
Gasoline filling stations and/or the servicing and minor repairing of motor vehicles when in an enclosed structure.							B	SUP	SUP						
Funeral Home	A building used for and engaged in undertaking services such as preparing the dead for burial, cremation, and arranging and managing funerals.						B	B	B						
Funeral home	A building used for the preparation of a corpse for burial or the preparation of a corpse for cremation, which may also be used for funeral services and/or cremation services.						B	B	B						
Crematorium							B								
Hospital	Pursuant to § 32.1-123 of the Code of Virginia, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.						B	B		B					
Hospitals	An institution rendering inpatient or outpatient medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanitariums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein).	B	B	B	B		B	B							
Hospitals, special care	A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.						SUP								

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Hotels	The use of land for transitory lodging or sleeping accommodations offered to transients for compensation, typically by the day or week. Typical uses include hotels, motels, travel lodges, or hostels, but not including a Bed and Breakfast or Short-term Rental.		SUP				B	SUP	SUP		SUP	SUP	SUP		
Hotels	Any hotel, inn, hostelry, motel, or other place used for overnight lodging which is rented by the room to transients, is not a residence, and where the renting of the structure is the primary use of the property.						B	SUP	SUP						
Motels	One (1) 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.		SUP				B		SUP		SUP				
Kennel, Commercial	Any location where raising, grooming, caring for, dog day care services, or boarding of five or more dogs, cats, or other small animals over four months of age for commercial purposes, including but not limited to breeding, training, or boarding, is conducted.		SUP				B	B	B					7-5-8	
Kennels	A place where the primary use is to house, board, breed, handle, groom, train, or otherwise keep or care for dogs, cats, or similar small animals for sale or in return for compensation. Kennels may include associated facilities necessary to support the operation including, but not limited to, office space, meeting space, and temporary lodging accommodations exclusive to those clients training with the animals.						B		SUP						
Marina	Waterfront establishments designed and intended to be used for mooring and launching of boats; the servicing, repair, or storage of same watercraft; packaged food sales; travel lift services; slip rental; fuel; and sanitary pump out service. Restaurants may be an accessory/incidental use.		SUP				B							7-5-9	
Waterfront business activities	wholesale and retail marine activities such as boat docks, piers, small boat docks, yacht clubs, and servicing facilities for the same; activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.						B								

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Office, General	The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, and travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical/Clinic Office as defined by this Ordinance.						B	B	B			B	SUP		
Offices							B	B	B						
Office Complex										B					
Offices, professional, and services.			SUP								SUP				
Personal Service	Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; and florists serving individuals and households.						B	B	B			B	B		
Barber and beauty shops							B		B		SUP				
Recreation/Entertainment, Commercial Indoor	An establishment which provides an enclosed building for indoor sports and spectator uses, and may include multiple coin operated amusement or entertainment devices or machines as an incidental use of the premises. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, billiard halls, game rooms, video arcades, movie theaters, fitness centers, and concert or music halls.						B	B	B			SUP			
Activity center	An indoor facility used for athletic, recreational, therapeutic, and wellness activities, including but not limited to a gym, health club, fitness club, racquet sports, aquatics, yoga studio, dance studio, or martial arts studio.						B	B	SUP						
Billiard parlors and pool rooms							SUP								
Bowling alleys							SUP		SUP						
Commercial assembly halls							SUP								
Dance Halls							SUP		SUP						
Theater							SUP		SUP						

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
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Recreation/Entertainment, Commercial Outdoor	Participant or spectator uses conducted in open or partially enclosed or screened facilities for commercial purposes. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, sports arenas, and outdoor movie theaters or drive-ins.		SUP				B		B						7-5-11
Commercial amusement park							SUP		SUP						
Country club	A nonprofit entity organized to provide recreational facilities such as golf, swimming, and tennis to its membership.	SUP													
Driving range							B		B						
Golf Courses	Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein and miniature golf courses.	SUP	SUP												
Golf driving ranges and miniature golf courses.							B								
Race Track			SUP												
Restaurant, General	An establishment in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops, eat-in delis, and refreshment stands. May contain an accessory drive-thru window as defined in this Ordinance.		SUP				B	B	B			B	B	B	
Food sales							B			SUP					
Restaurants	Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments cafes, tea rooms, confectionery shops, or refreshment stands.		SUP					SUP	B						
Store, Large	An establishment that is 4,000 square feet or more in total floor area and serves for the display and sale of merchandise at retail.						B	SUP					SUP		
Flea markets	Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit. Churches and other nonprofit organizations are exempt from these requirements. Permitted by right in Business (B-1) zone.						B								
Retail Sales								SUP							
Wholesale and processing activities							B								
Store, Small	A small-scale (less than 4,000 square feet per business) retail use which offers for sale items of art, crafts, food, or items related to a specific theme, e.g., kitchen wares, jewelry, pet care. This use does not include fuel pumps or the selling of fuel for motor vehicles.		SUP				B	B	B			B	B		
Antique, craft, or gift shops.			SUP					B	B						
Blacksmith Shop			SUP						SUP						
Craft production or assembly								B							
Convenience store									SUP						
Drugstores							B			SUP					
Hardware store							B			SUP					
Neighborhood retail store.			SUP												
Wearing apparel shops							B								

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Veterinary Hospital or Clinic	An establishment rendering surgical and medical treatment of animals. Boarding of domestic animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel, as defined by this Ordinance.						B	B	B			SUP			7-5-13
Veterinary hospital								B	B						
Suggested Commercial															
Adult use	Any premise from which minors are excluded and in which features the viewing, retail sale, and/or rental of books, magazines, newspapers, digital media, movie films, devices, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.						B								7-5-1
Campground, Primitive	An area that provides recreational opportunities on a daily or overnight basis, upon which are located sites for one (1) or more tents, hammocks, or other non-vehicular, temporary camping apparatus, for seasonal or temporary recreational occupancy.	B	B												7-5-4
Car wash	A structure or portion thereof, standalone or accessory to gas station, containing facilities for washing and/or waxing motor vehicles, typically using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others. Car washes are a separate use and not treated as accessory to gasoline stations, automobile service, or other similar uses.						B						B		7-5-5
Garden Center/Commercial Greenhouse	An establishment or place of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants, and plant materials primarily for agricultural, residential and commercial consumers. Such an establishment may include a structure used for the cultivation and exhibition of plants under controlled conditions in which plants are offered for sale to the public, either at wholesale or at retail.		B				B	SUP	B			SUP	B		
Office, Medical	The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. This definition does not include Hospital as defined herein.						B	B	B			SUP	SUP		
Parking Lot, Recreational Vehicle	An area used for a fee for the storage of recreational vehicles and boats that are not currently being used.						B	B					SUP		7-5-10
Self-Storage Facility	A building or groups of buildings divided into separate compartments designed to provide rental storage space. Each storage space shall be enclosed by walls and ceiling and may have a separate entrance for the loading and unloading of stored goods, and shall not be pre-fabricated structures arranged on a lot. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.									B	B				

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Smoke/Vape Shop	Any establishment, facility, or location whose business operation involves (i) retail sale of tobacco products, nicotine vapor products, alternative nicotine products, as defined in this Ordinance, or hemp products intended for smoking, as defined in this Ordinance, and (ii) includes tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking as 25% or more of its total inventory or 15% or more of its total display shelf area.						SUP								7-5-12
Tradesperson Service	Tradesperson service means an establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, and landscapers.						B	B		B	B				
Vehicle Service or Repair	The repair and/or maintenance of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, and similar repair and service activities where minor repairs and routine maintenance are conducted.						B	B							7-5-14

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Industrial															
Composting, Commercial	The large-scale processing of organic waste into compost, soil, woodchips, mulch, firewood, and other products.		SUP								B				
Composting, commercial	The process by which organic wastes are combined in proper ratios to which might be added bulking agents, such as wood chips, to provide air space and by using controlled temperature, moisture, and oxygen, to achieve accelerated decomposition, thereby producing a stable humus material. "Organic waste" includes, but is not limited to, yard trimmings, agricultural by-products, food wastes, and manures.		SUP								SUP				
Vegetative rubbish recycling	A facility in which vegetative rubbish, as defined in Section 10-1.T. of the Solid Waste Ordinance, is received from off-site properties and temporarily stored until converted on-site into firewood, and into mulch and compost, and where the resultant firewood, mulch, compost, soil, and rocks are temporary stored prior to their removal.		SUP								B				
Construction Yard	Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.		SUP							B	B				
Contractor's equipment storage yard or plant											B				
Rental of contractors equipment											B				
Factory outlet store	A retail activity offering for sale goods or products which are produced on the same premises, but do not exceed 25% of the total floor area of the manufacturing facility.									B					
Retail stores, planned and built as part of manufacturing	Processing operations dealing in the products produced in such operations, intended primarily for the exhibition and promotion of those products as well as their sale.									B					
Junkyard/Salvage Yard	An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling scrap metal, or any lot or place upon which more than five (5) motor vehicles of any kind, incapable of being operated, exposed to the weather, are placed. The definition does not include litter, trash, and other debris scattered along or upon roadways, or temporary operations and outdoor storage of limited duration. (Reference Code of Virginia § 33.2-804, as amended).		SUP								SUP				7-6-2
Automobile graveyard, Class A	Any rear yard or part of a rear yard upon which a maximum of two (2) inoperative vehicles of any kind are located and which is screened by natural plantings or by other reasonable means acceptable to the Administrator so that vehicles are not visible from the roadway or adjacent residential, commercial, or agricultural properties. A "class A automobile graveyard" is considered to be an accessory use to single-family residential use.	B	B	B	B		B								
Automobile graveyard, Class B	Any place meeting setback side and rear yard requirements for buildings upon which a maximum of five (5) inoperative vehicles of any kind are located and which is screened by natural plantings or by other reasonable means acceptable to the Administrator so that such vehicles are not visible from the roadway or adjacent residential, commercial, or agricultural properties.	B	B								B				
Automobile graveyard, Class C	Any place meeting setback side and rear yard requirements for buildings upon which more than five (5) inoperative vehicles of any kind are located, and which is screened by natural plantings or by other reasonable means acceptable to the Administrator, so that such vehicles are not visible from the roadway or adjacent residential, commercial or agricultural properties.		SUP								SUP				

Use Types	Definitions	Districts									Overlay Zoning Districts			Use Standards	
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor		CO151, Route 151 Corridor
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Laboratory, Research, and Development	Laboratory, research and development means an establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.									B	B				
Computing										B					
Data processing										B					
Drugs, pharmaceuticals: manufacturing, compounding, processing, packaging or treatment											B				
Laboratory, pharmaceutical and/or medical											B				
Research and development										B					
Landfill, Sanitary	A method of disposing of refuse, trash, or waste on land without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.		SUP								SUP				
Landfill	A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.		SUP												
Maker's Space	An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production and makers' space establishments include, but are not limited to the making of prints, leather products, jewelry and clothing/apparel, metal work, glass, ceramic or paper, together with accessory uses such as training or educational programs. Co-working spaces are included in this definition. The term does not include home occupation uses as defined herein.						B	B	B	B	B	SUP	SUP	SUP	
Blacksmith shop			SUP						SUP		B				
Cabinet making									B		B				
Pottery and figurines and other similar ceramic products: using only previously pulverized clay, and kilns fired only by electricity or gas.											B				

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Manufacturing, Heavy	The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, asphalt plants, concrete plants, lumber mills, and planning mills.										B				
Abattoir	A commercial slaughterhouse.										SUP				
Agricultural processing facility, major	An agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than ten thousand (10,000) square feet of enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than fifty (50) percent of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.		SUP												
Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work											B				
Battery manufacture											B				
Boat building											B				
Cotton spinning mills											B				
Fabrication of metal products											B				
Food or meat packing or processing plant											SUP				
Glass manufacture											B				
Sawmill, permanent		B	SUP								B				
Stone works											B				
Tire retreading or recapping											B				
Truck repairing or overhauling											B				
Welding or machine shop											B				

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Manufacturing, Light	Establishments primarily engaged in the on-site production of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, bottling, electronic equipment, business machines, furniture, medical appliances, tools or hardware, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.									B	B				
Assembly										B					
Bakery goods, candy, dairy products & food products other than meat packing or processing: manufacturing, compounding, processing, packaging or treatment											B				
Coils, condensers, transformers, crystal holders, and other similar, manufacture of											B				
Cosmetics, perfumes, toiletries, perfumed toilet soap: manufacturing, compounding, processing, packaging or treatment											B				
Electrical appliances, assembly of											B				
Electronic instruments and devices, assembly of											B				
Furniture and upholstery shop											B				
Manufacturing										B					
Musical instruments, toys, novelties, rubber and metal stamps, manufacture of											B				
Radios and phonographs, assembly of											B				
Telemarketing										B					

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Manufacturing, Small-Scale	An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, prints, leather products, jewelry and clothing/apparel, metal work, glass, ceramic or paper, together with accessory uses such as training or educational programs.								B	B	B	SUP			
Art									B						
Crafts									B						
Decorating									B						
Pottery									B						
Upholstery									B						
Resource extraction	Resource extraction means a use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, soil mining, and other major excavations. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.		SUP								SUP				7-6-3
Borrow pit	Sand, soil, and gravel operation of a temporary nature.	B	SUP				SUP								
Quarrying	The industry of extracting stone from an open excavation, including both the extraction and processing of crushed stone for aggregate and related uses and the extraction of stone in blocks for building monumental and related uses.		SUP								SUP				
Natural resource extraction			SUP												
Truck/Freight Terminal	An area of land used for the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of freight.										B				
Draying and freighting or trucking yard or terminal.											B				
Warehousing and Distribution	Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firm.									B	B				
Warehousing										B	B				
Wholesale business, storage warehouses Wholesale business or merchandising brokers	Any business which deals in the bulk supply of goods that are sold to others who will retail the same goods in smaller quantities at a marked-up retail price. A wholesale business is a supply source for goods and raw materials.										B				
Suggested Industrial															
Data center	An enclosed facility, or part thereof, that houses information technology (IT) infrastructure for building, running, and delivering applications and services, and for storing and managing the data associated with those applications and services. This use includes, but is not limited to, housing virtualized IT infrastructure for the shared use of multiple companies and customers. This use may include redundant or backup power supplies, redundant data communications connections, specialized environmental controls and various security devices.										SUP				7-6-1
Hazardous Materials, Storage, and Distribution	The storage and/or distribution of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety of the environment.										B				
Landfill, Construction Debris	A method of disposing of solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures on land without creating nuisances or hazards to public health or safety. Construction wastes include lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.										B				
Livestock market	A site where livestock is assembled and sold at public auction or on a commission basis during regularly scheduled or seasonal sales. The term "livestock market" shall not include private farms or ranches or sales made at livestock shows, fairs, exhibitions, or special breed association sales. This use may be in conjunction with feedlot, commercial, as defined by this Ordinance.		CUP								B				

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Miscellaneous															
Firing Range, Outdoor	A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor firing range does not include any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis.		SUP												
Firing range, outdoor			SUP												
Private airstrip	A runway for the landing and takeoff of small aircraft on a noncommercial basis, which shall be approved by the Federal Aviation Administrator and the Virginia Division of Aeronautics.	SUP	SUP												
Private airstrip	A runway for the landing and takeoff of small aircraft on a noncommercial basis, which shall be approved by the Federal Aviation Administrator and the Virginia Division of Aeronautics.	B	SUP								SUP				
Solar Energy, Small-Scale	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of 500 kilowatts (500 KW) alternating current or less. Generated electricity may be used for on-site consumption and/or provided to electric cooperative member-customers (non-retail, from behind the meter).	B	B	B	B	B	B	B	B	B	B	B	B	B	7-7-2
Small solar energy system	An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying less than one (1) acre of total land area.														
Solar Energy, Medium-Scale	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of greater than 500 kilowatts (500 KW) and less than five megawatts (5 MW) alternating current. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.						B	B		B	B				7-7-1
Large solar energy system	An energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area. Also known as solar energy arrays or solar energy farms.														
Solar Energy, Utility-Scale	A ground-mounted solar facility that generates electricity from sunlight on an area adequate to support a rated capacity of five megawatts (5 MW) alternating current or greater.		SUP												7-7-3
Commercial solar energy systems			SUP												

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
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Transportation Services	Individual modal or multimodal conveyances and terminals; facilities may be of local, regional, or statewide importance. Examples of facilities are highways, airports, rail transit lines, and transit stations. Uses may also include vehicle services such as limousine, taxi service, or bus transportation.						SUP			B	B		SUP		
Airport											SUP				
Heliports, helistops										SUP					
Yard or Garage Sales	A use, accessory to a dwelling, that includes display and noncommercial sales for the disposal of personal property accumulated by the residents of a residential dwelling unit.	B	B	B	B	B						B	B	B	7-7-4
Yard sale	Any offering of household items or clothing for sale on the premises of a private residence. Such sales shall be limited to not more than four (4) sale days in twelve (12) months and any proceeds shall accrue to no more than six (6) individuals not residing in the same household. No items offered shall have been purchased specifically for resale at a profit. Churches and other nonprofit organizations are exempt from these requirements. To be permitted by right in any residential yard.		B	B	B										
Suggested Miscellaneous															
Firing Range, Indoor	A totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.						SUP	SUP		B	B				
Structure, Mixed-Use	A building containing residential and non-residential uses permitted in the zoning district. Mixed-use structure should not be confused with a mix of uses each in separate structures in a single development.					B	B	B				B	B		

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		B = By-Right SUP = Special Use Permit Blank = Not Permitted														
Accessory																
Accessory Structure	A building or structure subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. The term "accessory structure" also includes, but is not limited to, portable storage containers, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation. Accessory building or structure does not include motorhomes, travel trailers, or other recreational vehicles.	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-8-1
Accessory uses or structure	A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building. Use, accessory: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.	B	B	B	B		B	B								
Outdoor Storage	The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.						B	B	B	B	B					7-8-5
Building materials, plumbing supplies, storage yards with or without sales.											B					
Coal and wood yards											B					
Lumberyards											B					
Open storage area with or without gates			SUP							B						
Outside storage or displays										SUP						
Wood yard	A parcel of land or portion thereof, used for the commercial storing and marketing of logs.		SUP													
Roadside Farm Stand	An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise accessory to an agricultural operation.		B				B	B	B				B	B		7-8-7
Roadside stand, class A	A Roadside Stand which accesses a Local or Secondary road, or other road which is not functionally classified (as defined by the Virginia Department of Transportation).						B	B	B							
Roadside stand, class B	A Roadside Stand which accesses a Minor Collector, Major Collector, Minor Arterial, Principal Arterial, or other road which is functionally classified (as defined by the Virginia Department of Transportation), or located within three hundred (300) feet of an intersection with any such road.		SUP				B	B	B							
Wind Energy Generating Facility, Accessory	A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW.	B	B	B	B		B	B	B	B	B					7-8-8
Additonal small wind energy system(s). Two or more small wind energy systems.				SUP	SUP		SUP	SUP	SUP	SUP	SUP					
Lattice structure to support a wind turbine	Tower: The monopole or lattice structure that supports a wind turbine. Tower, lattice: A self-supporting three-sided or four-sided, open steel frame tower used to support a wind turbine.			SUP	SUP		SUP	SUP	SUP	SUP	SUP					
Small wind energy system	A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics which has a rated capacity of not more than twenty (20) kW and which is intended to primarily reduce on-site consumption of utility power.	B	B	B	B		B	B	B	B	B/SUP					Check Article 22

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		B = By-Right SUP = Special Use Permit Blank = Not Permitted													
Suggested Accessory															
Dwelling, Accessory	An ancillary or secondary dwelling unit that exists on the same lot as the principal dwelling as a standalone structure, in an accessory structure, or attached to or in a principal structure.	B	B	B	B				B			B			7-8-4
EV Charging Station	A public or private parking space that is served by electric vehicle supply equipment (EVSE) and is designed for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. This use is accessory to any primary use, may be public or private, and may include associated equipment, signage, and infrastructure necessary to facilitate safe and efficient charging operations.	B	B	B	B	B	B	B	B	B	B	B	B	B	

Use Types	Definitions	Districts										Overlay Zoning Districts			Use Standards
		C-1, Conservation	A-1, Agricultural	R-1, Low-Density Residential	R-2, Mid-Density Residential	R-3, High-Density Residential	B-1, Highway Business	B-2, Neighborhood Business	SE-1, Service Enterprise	M-1, Light Industrial	M-2, Heavy Industrial	VO, Village	CO29, Route 29 Corridor	CO151, Route 151 Corridor	
		B = By-Right SUP = Special Use Permit Blank = Not Permitted													
Temporary															
Dwelling, Temporary	A temporary structure or mobile unit used only as a temporary substitute for any structure or use permitted in the district, to alleviate a hardship during periods required for reconstruction, replacement or repair of the primary structure.	B	B	B	B				B			B	B		7-9-1
Travel trailer temporary occupancy	A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes.		B												
Family Health Care Structure, Temporary	As required by and pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).	B	B	B	B	B									7-9-2
Temporary family health care structures	"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, (iii) has no more than three hundred (300) gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (Code of Virginia §§ 36-70 through 36-85.1) and the Uniform Statewide Building Code (Code of Virginia §§ 36-97 through 36-119.1).	B	B	B	B										
Temporary Event	A temporary gathering or activity that occurs outside the normal operations of a property and is intended to attract the public or a group of invitees. Special events may include festivals, fairs, concerts, weddings, markets, or similar functions.		B				B	B	B						7-9-3
Category 1 Temporary Events	A temporary event with less than 500 attendees.		B				B	B	B						
Category 2 Temporary Events	A temporary event with between 500 and 10,000 attendees.		B				B	B	B						
Sawmill, temporary	A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.	B	B												7-9-4
Sawmill, temporary	A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.	B	SUP								B				
Suggested Deletions from the Existing Ordinance															
Cluster Housing Development	Subdivisions consisting of clusters of small lots and open space.	B	B	B											
Conservation and preservation areas		B													
Historical areas															
Intentional Community	A tract of land developed or to be developed as a unit under single ownership, including, but not limited to ownership by a group of people or a corporation, or unified control which is to contain three (3) or more residential dwelling units.		B												
Offices planned and build as part of manufacturing or processing operation.										B					
Railroads and facilities		B	B							B	B				

Article-7 Use Performance Standards

Division 7-1 General

Section 7-1-1 Purpose and Intent

The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this Ordinance that may apply. The standards set forth in this Article for a specific use apply to the individual use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance.

Section 7-1-2 Compliance with Additional Regulations.

- A. Each use provided in this Article may also require permits and approvals, including but not limited to:
 - (1) Zoning Permit;
 - (2) Special Use Permit;
 - (3) Site Plan Approval; and/or
 - (4) Other permits as required by Nelson County, such as a business license.
- B. The applicant should consult with Nelson County staff to ensure that all permits and requirements are met.

Division 7-2 Rural Use Standards

Section 7-2-1 Agriculture, Residential¹

- A. All instances of keeping livestock animals as a residential agriculture use accompanying a primary dwelling must comply with the regulations of this Section. If a livestock animal is not included in this section is shall not be allowed in a residential agriculture use.
- B. **Poultry.**

¹ Editor's Note: The standards in this section are new and are provided to allow for the keeping of minimally intrusive livestock in residential zoning districts.

- (1) Dwellings are allowed two (2) poultry birds per 20,000 sq. ft. of the total lot size, and a maximum of ten (10) total poultry birds.
- (2) All enclosures, runs, and coops must be located at least 10 ft. from any property line and at least 30 ft. from any dwelling not located on the same lot.
- (3) **General Standards.**
 - (a) The keeping of poultry birds must comply with all relevant state and federal laws.
 - (b) The keeping of roosters shall be prohibited for all residential agriculture uses.
 - (c) Poultry birds must be used for non-commercial domestic purposes. The harvesting of chickens for commercial purposes is prohibited.
 - (d) No enclosures, runs, or coops will be located in a front setback or within the front yard of a lot.
 - i. The Administrator may grant an exception to this requirement in cases where due to unusual lot configuration, steep slopes, or proximity of neighbors, another area of the yard is more suitable for such an activity.
 - (e) All feed for the keeping of domestic laying hens must be kept in a secure container or location in order to prevent the attraction of rodents and other animals.
 - (f) All coops and runs must provide adequate space in accordance with recommendations from the Virginia Cooperative Extension Small-Scale Poultry Housing.

C. Bees.

- (1) Residential agriculture use shall allow for the keeping of bees with the following lot area requirements:
 - (a) Two (2) hives permitted with a minimum 15,000 sq. ft. of lot area.
 - (b) Three (3) hives permitted with a minimum 20,000 sq. ft. of lot area.
 - (c) Four (4) hives permitted with a minimum 25,000 sq. ft. of lot area.
 - (d) Five (5) or more hives permitted with a minimum 1 acre of lot area.

- (2) Hives must be located a minimum of ten (10) ft. from any property line and at least 30 ft. from any dwelling not owned by the applicant.
- (3) **General Standards.**
 - (a) Bees must only include European Honeybees, otherwise known by the species name *Apis Mellifera*, and genetic variations thereof.
 - (b) No hives will be located in a front setback or within the front yard of a lot.
 - (c) A constant supply of fresh water must be provided on the lot within 50 ft. of all hives.
 - (d) A fly away barrier of at least 6 ft. in height must shield any part of a property line that is within 25 ft. of a hive.
 - i. Fly away barriers shall consist of dense vegetation, a wall, or a solid fence. Any wall or fence must comply with **Article 8, Community Design Standards**, of this Ordinance.
 - (e) Any sale of bees on combs or hives, used beekeeping equipment, or appliances must have a certificate of health as required by the Code of Virginia **§ 3.2-4407**.
 - (f) Applicants must adhere to the best management practices provided in the Virginia Administrative Code **2VAC5-319-30**.

Section 7-2-2 Agritourism²

- A. **Applicability.** This section applies only to events and activities and does not apply to the agricultural operation itself.
- B. **Trip Generation.** The event or activity must generate no more than 250 visitor vehicle trips per day and each event or activity must have 500 or fewer attendees at any single time.³
 - (1) An agritourism operation anticipating higher trip generation may be considered through a Special Use Permit in accordance with **Article 3, Permits and Applications**, of this Ordinance.

² Editor's Note: This section includes new standards for events held at agritourism venues.

³ Editor's Note: Nelson County should consider this level of activity with their existing agritourism uses to ensure that it is appropriate for the community.

- C. **Noise.** All noises emitting from an agritourism use must comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.
- D. **Structures.** Any structure intended for occupancy by members of the public must provide emergency vehicle access and fire and safety measures to the extent permissible under the Virginia Administrative Code 13VAC5-63-20 and Virginia Administrative Code 13VAC5-63-200.
- E. **Sanitary Facilities.** Sanitary facilities used in conjunction with an agritourism event must be provided in accordance with VDH standards set forth in the Virginia Administrative Code 12VAC5-610-980.
- F. **Parking.**
 - (1) Adequate parking must be provided on the same parcel as the agritourism operation. Parking on highway rights-of-way is prohibited.
 - (2) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion, as defined in this Ordinance.
- G. **Access.** All agritourism operations must have a minimum of one access point to a state-maintained road which must be approved and in accordance with VDOT standards for commercial entrances.
- H. **Temporary Events; Event Venues.** An agritourism use may have a temporary event and/or an event venue as an accessory use, subject to the above regulations and those provided in Section ____, below.

Section 7-2-3 Biosolid Storage⁴

- A. All biosolid storage shall be subject to the requirements of Chapter 10, Article II, Biosolids, of the Nelson County Code.
- B. For the storage of biosolids for a length of time greater than 45 days:
 - (1) A special use permit shall be required, in accordance with Article 3, Permits & Applications.
 - (2) Biosolid storage shall be in accordance with the Virginia Administrative Code 9VAC25-35-550.

⁴ Editor's Note: These new standards, in conjunction with existing regulations in Chapter 10 of the County Code, regulate the storage of biosolids for longer than 45 days.

- (3) Only Class A or B Biosolids, as defined by the Virginia Administrative Code 9VAC25-32-675, shall be placed into storage facilities.
- (4) Biosolid storage shall be setback at least 100 ft. from any property line or water body.

Section 7-2-4 Confined Animal Feeding Operation⁵

- A. Livestock confinement systems must comply with all requirements of the Code of Virginia §62.1-44.17:1.
- B. The minimum lot size required for livestock confinement systems shall be 15 acres for the first system, with an additional five (5) acres for each additional livestock confinement system.
- C. A minor site plan must be submitted and approved in accordance with Article 3, Permits & Applications, of this Ordinance.
- D. All livestock confinement structures, buildings, and facilities shall have the following setbacks:
 - (1) 300 ft. from any property line.
 - (2) 600 ft. from any existing dwelling not located on the associated lot.
 - (3) 1,000 ft. from any residential or commercial districts.
 - (4) 600 ft. from any body of water.
- E. No livestock confinement facility shall be located within the General Floodplain Overlay District, the Route 29 Corridor Overlay District, or the Route 151 Corridor Overlay District.

Section 7-2-5 Meat Processing Facility⁶

- A. In accordance with Code of Federal Regulations 9 CFR § 303.1, the slaughtering and processing of animals for personal use by the owner, and raised and/or kept on the associated parcel is exempt from these provisions.
- B. The minimum lot area required for meat processing facilities shall be 10 acres.

⁵ Editor's Note: This section includes all new standards for confined animal feeding operations.

⁶ Editor's Note: This section includes all new standards for meat processing facilities (formerly agriculture processing facilities).

- C. Meat processing facilities and any related operations shall have the following setbacks:
 - (1) 250 ft. from any property line or street.
 - (2) 150 ft. from any property line or street if screened by fencing and/or vegetation in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (3) 500 ft. from any dwelling not located on the associated lot.
- D. All meat processing facilities shall conduct their operations between the hours of 7:00 a.m. and 8:00 p.m., seven days a week.
- E. No noise, lighting, dust, odors, or other nuisances may be perceptible beyond the associated lot.
- F. All operations of meat processing facility, including the handling and disposal of waste, must operate in compliance with all applicable state, federal, and local regulations, including the Nelson County Code, Virginia Department of Health (VDH) regulations, U.S. Department of Agriculture regulations, and Virginia Department of Agriculture and Consumer Services regulations, as applicable.
- G. General Standards.
 - (1) All activity associated with the meat processing facility must be performed within a completely enclosed building;
 - (2) Entrances must be approved and in accordance with Virginia Department of Transportation (VDOT) standards for commercial entrances;
 - (3) Exterior storage of meat processing related equipment, trailers, materials, or otherwise must be screened from view using plantings, fences, walls, or other appropriate means so as not to be visible from any right-of-way; and
 - (4) One sign shall be permitted, in accordance with **Article 8, Community Design Standards**, of this Ordinance.

Section 7-2-6 Stable, Commercial

A. Minimum Lot Area.

- (1) Minimum of 1 acre per horse.

- B. **Trip Generation.** The event or activity must generate no more than 250 visitor vehicle trips per day and each event or activity must have 500 or fewer attendees at any single time.
- C. **Location.** Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage must be located at least 100 ft. from any property line.
- D. **Hours of Operation.** 6:00 a.m. – 10:00 p.m.; six days a week.
- E. **Structures.** Any structure intended for occupancy by members of the public must provide emergency vehicle access and fire and safety measures to the extent permissible under the Virginia Administrative Code **13VAC5-63-20** and Virginia Administrative Code **13VAC5-63-200**.
- F. **Sanitary Facilities.** Sanitary facilities used in conjunction with a commercial equestrian facility must be provided in accordance with VDH standards set forth in the Virginia Administrative Code **12VAC5-610-980**.
- G. **Access.** All commercial equestrian facilities must have a minimum of one access point to a state-maintained road which must be approved and in accordance with VDOT standards for commercial entrances.
- H. **General Standards.**
 - (1) Riding surfaces must be covered and maintained with a substance to minimize dust and erosion.
 - (2) Fencing and other means of animal confinement must be maintained at all times.
 - (3) Pens, stalls, and grazing areas must be maintained in a sanitary manner.

Section 7-2-7 Stable, Private

- A. Private Stable shall be an accessory use to a primary residential use.
- B. **Minimum Lot Area.**
 - (1) Minimum of two (2) acres for each horse.
 - (2) Horses shall be kept for the private use of the owners or their guests, but in no event for hire or compensation.
- C. **Location.**

- (1) Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 200 ft. from any lot line.
- (2) Any buildings for the keeping of animals shall be located at least 100 ft. from any highway or other right-of-way for passage.

D. General Standards.

- (1) Riding surfaces shall be covered and maintained with a substance to minimize dust and erosion.
- (2) Fencing and other means of animal confinement shall be maintained at all times.
- (3) Pens, stalls, and grazing areas shall be maintained in a sanitary manner.
- (4) Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate within a designated flood zone.

Division 7-3 Residential Use Standards

Section 7-3-I Bed and Breakfast

- A. **Owner/Operator Occupied.** Bed and breakfasts shall be occupied by the owner/operator wherein the owner or manager provides full-time management during operation.
- B. **Licensure.** The owner/operator shall hold a valid business license from the County and, where applicable, a permit from the Department of Health.
- C. **Registration.**
 - (1) The owner/operator of a bed and breakfast shall maintain a log of all patrons, including their name, address, license plate number and state, and their length of stay. The log shall be available to County staff upon request.
 - (2) Guest(s) may stay no longer than 30 consecutive days.
- D. **Guest room Limit.** No more than ten (10) guest rooms shall be permitted.
- E. **General Standards.**
 - (1) Signage and parking shall comply with the regulations of **Article 8**, Community Design Standards, of this Ordinance.

- (2) Every room occupied for sleeping purposes shall comply with the Uniform Statewide Building Code.
- (3) Guest rooms shall not have cooking facilities.
- (4) Food services in connection with the use shall be limited to meals provided to guests taking lodging at the facility. Restaurant service open to the general public is a separate use, permitted according to the district regulations.
- (5) Additional activities, including indoor/outdoor events such as weddings, receptions, and similar activities on site are allowed subject to other applicable restrictions such as those in **Article 8, Community Design Standards**, of this Ordinance, and **Chapter 8, Article II, Noise Control**, of the Code of the County of Nelson.

Section 7-3-2 Dwelling, Multi-Family⁷

- A. Applicants seeking site plan approval for a multi-family dwelling must demonstrate the following:
 - (1) Adequate water and sewer services can be provided to the development by the Nelson County Service Authority;
 - (2) The impact to public roads accessing the development;
 - (3) Parking is provided in accordance with **Article 8, Community Design Standards**, of this Ordinance; and
 - (4) The development is properly landscaped and screened in accordance with **Article 8, Community Design Standards**, of this Ordinance.

Section 7-3-3 Dwelling, Single Family

- A. Up to three (3) single-family dwellings may be permitted on a single lot, provided they are arranged and constructed in a manner that allows the lot to be subdivided in the future, with each resulting lot and structures meeting all minimum district standards.

Section 7-3-4 Dwelling, Townhouse

- A. **Placement and Setbacks.**

⁷ Editor's Note: The provisions for multi-family dwellings have been carried over from the existing ordinance and should be considered the minimum requirements for such a use. Nelson County should consider if they wish to add more standards for multi-family developments such as street, pedestrian access, connectivity, amenities, or maintenance requirements.

- (1) No more than eight (8) adjoining townhouses will be constructed in a single row.
 - (a) The total length of any one (1) group of units must not exceed 180 feet.
 - (2) No more than two (2) abutting units in a row will have the same front and rear setbacks, with the minimum setback offset being three (3) feet.
 - (3) Connecting structures and outdoor living spaces may be designed to provide access between front and rear yards.
- B. **Vehicular Access.** Each townhouse unit must have unencumbered access from a dedicated public street that is built to VDOT standards.
- (1) Vehicular access from alleyways is permitted in accordance with **Article 10, Subdivisions**, of this Ordinance.⁸
- C. **Landscaping and Buffers.** Landscaping must be installed in accordance with **Article 8, Community Design Standards**, of this Ordinance.
- D. **Screening.** Whether ground-level or rooftop, refuse collection and mechanical equipment must be screened from adjacent property and rights-of-way in accordance with **Article 8, Community Design Standards**, of this Ordinance.
- E. **Maintenance.** A maintenance plan must be submitted to ensure proper maintenance of all improvements, infrastructure, amenities, and open space accompanying the development.

Section 7-3-5 Home Occupation, Class A⁹

- A. **Size of Use.** The maximum area permitted in conjunction with a home occupation will be as follows:
- (1) No more than 500 sq. ft. or 30% of the floor area of the dwelling, whichever is greater; or
 - (2) Up to 100% of the floor area of an accessory structure.
- B. **General Standards.**

⁸ Editor's Note: Provisions and requirements for alleyways will be added during the drafting of the Subdivision Article.

⁹ Editor's Note: Unless otherwise noted, the provisions contained in this section are all new for home occupations.

- (1) No more than one (1) person, other than family members residing on the premises, shall be employed.¹⁰
- (2) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.
- (3) No customers will be allowed on-site.
- (4) There will be no change in the exterior of the structure and/or property to indicate the home occupation use.
- (5) One minor sign, up to 2 sq. ft. in size, will be permitted, in accordance with **Article 8, Community Design Standards**, of this Ordinance.¹¹
- (6) No equipment or process will be used which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the property.
- (7) Exterior storage of business-related equipment, trailers, materials, or merchandise is prohibited.

Section 7-3-6 Home Occupation, Class B¹²

A. **Size of Use.** The maximum area permitted in conjunction with a home occupation will be as follows:

- (1) No more than 500 sq. ft. or 40% of the floor area of the dwelling, whichever is greater; or
- (2) Up to 100% of the floor area of an accessory structure.

B. **General Standards.**

- (1) No more than four (4) persons, other than family members residing on the premises, shall be employed.¹³
- (2) Hours of operation will be limited to 8:00 a.m. to 8:00 p.m.
- (3) No more than five (5) customers may be on the property at any one time.
 - (a) Customers may come to the site by appointment only.

¹⁰ Editor's Note: This provision is carried over from the current definition of Class A Home Occupations.

¹¹ Editor's Note: This provision is carried over from the allowable sign size for home occupations.

¹² Editor's Note: Unless otherwise noted, the provisions contained in this section are all new for home occupations.

¹³ Editor's Note: This provision is carried over from the current definition for Class B Home Occupations.

- (4) One minor sign, up to 12 sq. ft. in size, will be permitted, in accordance with **Article 8, Community Design Standards**, of this Ordinance.¹⁴
- (5) There will be no change in the exterior of the structure and/or property to indicate the home occupation use.
- (6) No equipment or process will be used which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the property.
- (7) Sufficient off-street parking must be provided for the allowed number of customers, and in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (a) Parking area(s) must be provided on the lot that the home occupation is associated with and in the side or rear yard of the property.
- (8) Exterior storage of business-related equipment, trailers, materials, or merchandise shall not be located in any required setback.
- (9) The type of traffic generated by the home occupation must be consistent with the type of traffic of other dwellings in the area.

Section 7-3-7 Manufactured Home Park¹⁵

- A. **Dimensional Standards.** A manufactured home park must comply with district standards and requirements in accordance with **Article 4, Primary Zoning Districts**, of this Ordinance.¹⁶
 - (1) Each individual manufactured home shall be provided with at least 4,000 sq. ft. of land.
 - (2) Distance between each manufactured home shall be at least 25 ft.
- B. **Screening.** Every manufactured home park must be enclosed with an approved fence or landscaped buffer in accordance with **Article 8, Community Design Standards**, of this Ordinance.

¹⁴ Editor's Note: This provision modifies the current allowable sign size for home occupations to allow for larger signs for Class B Home Occupations.

¹⁵ Editor's Note: Unless otherwise noted, the provisions contained in this section are all new for manufactured home parks.

¹⁶ Editor's Note: The provisions of Sec. 7-3-9(A) are carried over from section 4-8.

- C. **Open Space.** Each manufactured home park must provide a minimum of one (1) recreation area or playground at least 4,000 sq. ft. in area. Such area must be used exclusively for recreational purposes.
 - (1) An additional 200 sq. ft. of open space must be provided for every unit over 20 units.
- D. **Streets.** The design and construction of the interior street system must be sufficient to adequately serve the size and density of the development.
 - (1) All interior streets must conform and be constructed to VDOT specifications for a rural rustic street.
 - (2) The internal street improvements must extend continuously from the existing improved street system to provide suitable access to manufactured homes, to provide adequate connections to the existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles with origins or destinations on the property.
- E. **Utilities.** All utilities, including, but not limited to, telephone, television, internet, and electrical systems and infrastructure, shall be installed underground.
 - (1) Appurtenances to these systems which require above-ground installations shall be screened in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (2) **Water and Sewer.** All manufactured home parks, greater than 20 units, must be served by public or centralized water and sewer systems to accommodate all lots.
 - (a) Each unit within a manufactured home park shall be connected to such system.
 - (b) Private or centralized water and sewer systems must be approved by VDH.
 - (3) Gasoline, liquified petroleum, gas or oil storage tanks shall comply with all applicable County, state, and national fire prevention code regulations.
 - (a) Where oil heating of a manufactured home is provided, a minimum of a 250 gallon fuel storage facility shall be provided on each manufactured home lot in an inconspicuous location or manner.

- (4) **Refuse.** Except when curbside garbage and recycling services are available and in use, receptacles of a size and type approved by the County shall be placed in every manufactured home park in such a manner that no dwelling is further than 200 ft. from any receptacle.

(a) Each dwelling lot shall be provided at least one (1) garbage container.

(b) The receptacles shall be emptied by the owner/operator as frequently as may be necessary but not less than weekly to ensure that they shall not overflow.

F. Maintenance.

- (1) Internal streets must be maintained by the manufactured home park owner, or accepted into the VDOT maintenance system, to ensure that such streets remain unobstructed and in safe, reliable condition for the passage of tenants, visitors, and public safety vehicles.
- (2) Recreation and open areas designed for common use must be maintained by the manufactured home park owner to ensure that such areas are clean and safe and do not offer refuge for rodents and other pests.

Section 7-3-8 Migrant Labor Camp¹⁷

- A. All farm labor dwellings must be in compliance with Code of Virginia §§ 32.1-203 – 32.1-211 et seq and 12VAC5-501.

Section 7-3-9 Short-Term Rental¹⁸

[Use standards for short-term rentals to be included following adoption by County.]

Division 7-4 Public/Civic/Recreation Use Standards

Section 7-4-I Shelter, Animal

- A. **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:
- (1) 100 ft. from the property lines of adjoining rural or residential zoned property; and

¹⁷ Editor's Note: The provided section of state code allows for localities to regulate location and area of such dwellings if Nelson County so desires.

¹⁸ Editor's Note: This Section will be completed when the County makes decisions for this use.

- (2) 200 ft. from any dwelling not on the associated parcel.

B. General Standards.

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum six (6)-foot-high opaque screen from adjacent lot lines and street rights-of-way.
- (2) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) Waste disposal shall be in accordance with Virginia Department of Health standards.
- (4) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 8:00 a.m. This does not include leashed walking of animals.

Section 7-4-2 Telecommunications Facility¹⁹

A. Uses.

- (1) **Primary or Accessory Use.** For the purposes of determining compliance with the standards of this Ordinance, telecommunications facilities may be considered either primary or accessory uses.
 - (a) An existing use or an existing structure on the same lot will not preclude the installation of a telecommunications facility on such lot.
 - (b) For purposes of determining whether the installation of a telecommunications facility complies with district regulations, the dimensions of the entire lot will control, even though the facility may be located on leased area within such lots.
- (2) **Nonconforming Uses.** Telecommunications facilities and antennas installed in compliance with this Section are not considered an expansion of a nonconforming use or structure.
- (3) **Excluded Uses.** The following uses are not subject to the requirements of this Section for telecommunications facilities:
 - (a) Amateur radio operations as regulated by Code of Virginia § 15.2-2293.1.

¹⁹ Editor's Note: The following section consists of completely new provisions proposed to replace those of Article 20 in the current Ordinance to better reflect federal requirements and those of Code of Virginia §§ 15.2-2316.3 - 15.2-2316.5.

- (b) Television reception antennas that are less than 35 ft. above ground level (AGL) and used exclusively for non-commercial purposes.
- (c) Ground-mounted satellite earth station antennas that are less than or equal to ten (10) ft. AGL, less than or equal to six (6) ft. in diameter, and used exclusively for non-commercial purposes.
- (d) Micro-wireless facilities, provided that they are less than or equal to 80 ft. AGL. Co-location of additional antennae should be sought. The County reserves the right to require “stealth technology” to hide or camouflage wireless facilities for micro-wireless facilities.
- (e) Satellite earth station antennas. Ground-mounted satellite earth station antennas that are less than or equal to ten (10) ft. AGL, less than or equal to six (6) ft. in diameter, and used exclusively for non-commercial purposes.
- (f) County owned or operated wireless telecommunication facilities are exempt from the requirements of this Article, but are expected to adhere, to the extent reasonably possible, to the goals described herein.

B. Local Government Access. Owners of all new telecommunication facilities must provide, at no cost to the County, colocation opportunities as a community benefit to improve radio communication for County departments and emergency services (including both tower space and sheltered equipment space on the ground). All proposals for a telecommunication facility must acknowledge the critical role of the County’s radio system for emergency services including fire, rescue, and law enforcement personnel and must warrant that no interference with the County’s radio system will result from such installation.

C. Location Preference. The following sites must be considered by applicants as the preferred order of location of proposed telecommunications facilities, (1) being the most preferred, and (5) being the least preferred:

- (1) Existing telecommunication facilities (towers).
- (2) Co-locating on or camouflaged within structures, such as water towers, utility structures, fire stations, bridges, steeples, and other buildings not utilized primarily for residential uses.
- (3) Property zoned commercial or industrial.
- (4) Property zoned rural.

- (5) Within the viewshed of the Blue Ridge Parkway or the Appalachian National Scenic Trail.

D. Co-Location Requirements.

- (1) Existing towers may be extended to allow for additional users, provided that the overall height of the tower is not increased by more than 15 ft. for each new user and that the overall height of the structure does not exceed 199 ft.
- (2) No new tower will be permitted unless the applicant demonstrates, to the reasonable satisfaction of Administrator, that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna must consist of a minimum of the following information:
 - (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt to an existing tower or structure for sharing are unreasonable; and
 - (f) The applicant demonstrates that there are other limiting factors that render the existing towers and structures unsuitable.

E. Design Standards.

- (1) Wireless facilities must be designed, installed, and operated so as not to interfere with the County’s public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless facilities determined to interfere with the County’s or another jurisdiction’s public safety radio system must take corrective action immediately upon discovery.
- (2) Broadcasting or communication towers must be of a monopole design unless the Board of Supervisors determines that an alternative design would better blend into the surrounding environment.
- (3) Towers must be designed to collapse fully within the lot lines of the subject property in case of structural failure.
- (4) Unless utilizing camouflaging designs, towers must either maintain a galvanized steel finish, or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, to reduce visual obtrusiveness.
- (5) Dish antennas will be of a neutral, non-reflective color with no logos. Towers that are painted must be repainted if the original color has significantly degraded as the result of fading, peeling, flaking, or rust.
- (6) 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 tower facilities to the natural setting and surrounding structures.
- (7) 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 to make the antenna and related equipment as visually unobtrusive as possible.
- (8) Towers must be illuminated as required by the Federal Communications Commission (FCC), but no lighting will be incorporated if not required by the FCC, other than essential security lighting. Site lighting must be fully cut-off and directed downward.
 - (a) When incorporated into the approved design of the tower, light fixtures to be used to illuminate ball fields, parking lots, or other similar areas may be attached to the tower.

- (9) No advertising of any type will be placed on the tower or accompanying facility.
 - (10) All towers must meet or exceed current standards and regulations of the FAA and the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. Towers that are painted, as required by the FAA, must be repainted as necessary to maintain minimum visibility requirements as set forth by the FAA.
 - (11) To ensure structural integrity of towers, the owner of a tower must ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.
 - (12) The area immediately surrounding the tower and access road must be kept free of trash and debris.
 - (13) All electrical devices, fixtures, and wires, to include electric generators and fuel tanks, must be maintained in compliance with the requirements of the National Electrical Safety Code.
 - (14) Tower owners must maintain towers, telecommunication facilities, and antenna support structures in safe condition so that the same will not menace or endanger the life or property of any person.
- F. **Setbacks.** The following setback distances for towers will be required and will replace the setbacks otherwise required in the zoning district in which the facility is located.
- (1) The tower must be set back from any off-site residential structure at least 400 ft.
 - (2) Towers, guys, and accessory facilities must be set back:
 - (a) 100 ft. from any property line which abuts a residential or rural district; and
 - (b) 50 ft. from any property line which abuts a commercial or industrial district.
 - (3) No habitable structures or places where people gather will be located within any “fall zone” as certified by a registered professional engineer licensed in Virginia.

- (4) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Board of Supervisors, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, utility pole, water tower, public facility, or similar structure.
 - (5) No communication tower shall be located within 120 feet of any Virginia Scenic Byway.²⁰
 - (6) No communication tower shall be located within 1,320 feet of the nearest boundary of the Blue Ridge Parkway or the Appalachian National Scenic Trail.²¹
- G. **Height Restrictions.** Telecommunication facilities must be designed not to exceed an overall height of 199 ft. except as otherwise approved in the conditions of the Special Use Permit.
- H. **Landscaping.** Tower facilities must be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property.
 - (1) The buffer must consist of a landscaped strip at least 15 ft. wide outside the perimeter of the fencing.
 - (a) This buffer must consist of native trees and shrubs.
 - (2) Existing natural vegetation sufficient to serve as a buffer may be used in lieu of planting a landscaped buffer.
 - (3) Existing mature tree growth and natural landforms on the site must be preserved at a minimum radius depth of 100 ft. from the base of the facility to the maximum extent possible, except as necessary to accommodate the proposed facility and vehicular access.
 - (4) All plant material, used as landscaping and/or buffering, must be tended and maintained in a healthy growing condition. Dead plant material must be replaced in-kind.
- I. **Signage.** Signage on site will be limited to no trespassing, safety, or FCC required signs to be positioned on the fence surrounding the facility. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
 - (1) The following must be clearly posted at the site:

²⁰ Editor's Note: Retained from 20-9(B).

²¹ Editor's Note: Retained from 20-9(B).

- (a) The appropriate signage as required by FCC guidelines governing Electromagnetic Energy Fields (EMEF)
- (2) 24-hour emergency contact information for the owner and each co-locator; and
- (3) FCC tower registration.

J. Required Application Information.

- (1) Actual photographs of the site from a minimum of four (4) points surrounding the site, including simulated photographic images to scale of the proposed tower. The photograph with the simulated image must include the foreground, the midground, and the background of the site.
 - (a) County staff reserves the right to select the locations for the photographic images and require additional images. As photo simulations may be dependent upon a balloon test first being conducted, the applicant is not required to submit photo simulations with their initial application but must provide them prior to the Planning Commission public hearing .
- (2) An engineering report certifying that the proposed tower is structurally suitable and of adequate height for co-location with a minimum of three (3) users including the primary user.
- (3) The applicant must provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.
- (4) A copy of the FAA airspace study must be provided prior to the issuance of a building permit for the construction of the tower. The FAA airspace study must provide confirmation that the tower will not pose any hazard to air navigation.
- (5) A commitment from a service provider to locate the proposed tower.
- (6) A radio frequency engineer's Letter of Non-interference which attests that the wireless facility will not interfere with the public safety radio system.
- (7) An agreement allowing the County to collocate on the tower for the purpose of emergency service communications.
- (8) A proposed construction schedule.
- (9) Documentation showing other structures evaluated as support structures within a three (3) mile radius of the proposed site.

- (10) Letter(s) containing Federal approval and/or findings related to impacts on environmental and historic resources and including any conditions of approval.
 - (11) If the proposed tower is located within the viewshed of the Blue Ridge Parkway (BRP) or the Appalachian National Scenic Trail (AT) the applicant shall notify the Virginia Department of Historic Resources (DHR), the BRP Superintendent, and/or the AT Superintendent in writing to receive comments related to the project for inclusion in their application. In the event DHR and/or the Superintendent(s) do not provide written comments within 60 days of receiving the applicant's notification, a communication tower permit application for review and comment may be submitted with evidence that the notice was sent. The notification to the BRP Superintendent, and/or the AT Superintendent, must include the following:²²
 - (a) Be sent by certified mail, return receipt requested;
 - (b) Provide the location of the proposed communication tower;
 - (c) Describe the proposed communication tower, proposed antennas, and proposed ground equipment, including a copy of the engineered drawings detailing the proposed tower project; and
 - (d) Request the Superintendent(s) comment on the proposed communications tower in writing.
 - (12) The attendance sheets, notes, and materials from any community meeting held.
 - (13) Site Plans for telecommunications facilities must include:
 - (a) Radio frequency coverage and tower height requirements.
 - (b) All designated “fall zones” as certified by a registered professional engineer licensed in Virginia.
- K. **Balloon Test.** If determined to be necessary by the Administrator, a balloon test may be required for new towers prior to the public hearings. If required, the balloon test must comply with the following:

²² Editor’s Note: Retained from Section 20-9.

- (1) The applicant must arrange to raise a highly visible colored balloon (no less than five (5) ft. in diameter) at the maximum height of the proposed tower and within 50 horizontal ft. of the center of the proposed tower.
 - (2) The balloon and foreground must be photographed from a minimum of four (4) different perspectives and varying distances in preparation for photographic simulation of the wireless facility, including from neighboring homes, parks, historic areas, and rights-of-way.
 - (3) The applicant must inform the Administrator and adjacent property owners in writing of the date and times of the test at least seven (7), but no more than 14 days in advance.
 - (a) The applicant must request permission in writing from the adjacent property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
 - (4) If the wind during the balloon test does not allow the balloon to sustain its maximum height or there is significant fog or precipitation which obscures the balloon's visibility, then the test must be postponed and moved to the alternate inclement weather date provided in the advertisement. The Administrator reserves the right to declare weather inclement for purposes of the balloon test.
 - (5) The applicant is responsible for securing any FAA approvals required prior to this demonstration.
- L. **Community Meeting.** A community meeting is encouraged to be held by the applicant prior to the Planning Commission public hearing .
- M. **Approval Process and Time Restrictions.**
- (1) The approving bodies, in exercise of the County's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower height, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.
 - (a) In accordance with Code of Virginia § 15.2-2316.4:2, reasonable factors relevant to aesthetic effects are:

- i. The protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas;
 - ii. The concentration of towers in the proposed area; and
 - iii. Whether the height, design, placement, or other characteristics of the proposed tower could be modified to have a less intrusive visual impact.
- (2) The approving bodies, in accord with Code of Virginia § 15.2-2316.4:2, may disapprove an application based on the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.
- (3) Unless a different timeframe is mutually agreed upon, an application for a tower will be reviewed by the County and a written decision must be issued within 150 days of submission.
- (4) Unless a different timeframe is mutually agreed upon, an application for collocation will be reviewed by the County and a written decision must be issued within 90 days of submission.
- (5) A complete application for a project will be deemed approved if the locality fails to approve or disapprove the application within the specified or mutually agreed upon period.
- (6) If the County disapproves an application, it must provide the applicant with a written statement of the reasons for disapproval. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality must identify them in the written statement provided.
 - (a) The written statement must contain substantial record evidence and be publicly released within 30 days of the decision.
- N. **Structural Certification and Inspections.** All proposed towers must be certified by a licensed professional engineer to be structurally sound and in conformance with the requirements Structural Standards for Steel Antenna Towers and Antenna Supporting Structures (ANSI/TIA/EIA-222-F), International Statewide Building Code and all applicable, county, state, and federal laws.

- (1) For new structures, or the extension of existing structures, such certification must be submitted prior to issuance of the building permit. For existing towers being used for co-location, certification must be provided to verify their capability to support additional loading.
 - (2) Over the life of the tower, the County may require the tower owner to inspect and certify the structural integrity of the tower should there be evidence that the tower has degraded such that it may pose a legitimate threat to life and/or property. Structural analysis must be performed within 30 days, upon formal written request of the County.
 - (3) The County reserves the right to perform inspections upon notice to the tower owner, within one (1) week of notice. The County retains authority to enter onto the property for the purpose of assessing compliance with the statewide building code and all other construction standards provided by the County Code and federal and state law. If defects had been identified on previous inspections, the County may, at its discretion, require the tower owner to bear the cost of the inspection.
 - (4) The tower or telecommunication facilities owner must certify to the County on an annual basis that it is in compliance with all of the requirements set forth above.
- O. **Review Fee.** Any out-of-pocket costs incurred by the County for the review of any of the above required information must be reimbursed by the applicant.
- P. **Bond.** To secure the removal of abandoned structures, the County will require the tower owner to post a bond, or provide some other reasonable assurance, in an amount to be determined by the County based upon the anticipated removal cost of the tower.
- Q. **Abandoned Towers.** Any antenna or tower that is not operational for a continuous period of 24 months will be considered abandoned, and the owner of each such antenna or tower must remove the tower.
- (1) Removal includes the removal of the tower, all tower and fence footers, underground cables, and support buildings. The buildings may remain with the property owner's approval.
 - (2) If there are two (2) or more users of a single tower, then this provision will not become effective until all users cease using the tower.

- (3) The County may dismantle and remove the tower and recover the cost of the same from the owner.
- (4) In the event that the Bond amount is insufficient to cover the cost of removal, the County reserves the right to seek the remaining balance from the owner.

Section 7-4-3 Telecommunications Facility, Small-Cell²³

A. In accordance with Code of Virginia § 15.2-2316.4, small-cell telecommunications facilities must be permitted by-right in all zoning districts subject to the performance standards in this Section.

B. Installation.

- (1) The small-cell telecommunications facility must be installed by a wireless services provider or wireless infrastructure provider on an existing structure.
- (2) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to collocate the small-cell telecommunications facility on the existing structure and to collocate the associated transmission equipment on or proximate to the existing structure.
- (3) Each antenna is located inside an enclosure of, or the antenna and all its exposed elements could fit within an imaginary enclosure of, no more than 6 cubic ft.; and
- (4) Excluding electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services, all other equipment associated with the facility does not exceed 28 cubic ft., or such higher limit as may be established by the Federal Communications Commission.

C. Application and Review.

- (1) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small-cell telecommunications facilities on a single application. Permit application fees must be in accordance with Code of Virginia § 15.2-2316.4, Paragraph B (2).

²³ Editor's Note: Proposed new use standards for the new small-cell telecommunications facility use based on the Code of Virginia.

- (2) Permit applications for small-cell telecommunications facilities must be reviewed and approved as follows:
 - (a) Permit applications for the installation of small-cell telecommunications facilities must 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. The application will be deemed approved if the locality fails to act within the initial 60 days or an extended 30-day period.
 - (b) Within ten (10) days of receipt of an application submission and a valid electronic mail address for the applicant, the applicant will receive 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 be determined complete.
 - (c) Any disapproval of the application must 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; and/or
 - iii. In instances where the installation is to be located on or in publicly owned or publicly controlled property (excluding privately owned structures where the applicant has an agreement for attachment to the structure), aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.
 - (d) A permit application approval must not be unreasonably conditioned, withheld, or delayed.
 - (e) An applicant may voluntarily submit, and staff may accept, any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.

- (f) The submission of a permit application will represent a wireless services provider's or wireless infrastructure provider's notification of the County as required by Code of Virginia § 15.2-2316.4(A).

Section 7-4-4 Utility Service, Major

- A. No major utility service shall be located within 250 ft. of an existing dwelling unit.
- B. Buildings and facilities must be designed and constructed to be compatible with the surrounding area.
 - (1) All buildings and facilities in residential primary zoning districts or the VO, Village Overlay District, as established by Article 4, Primary Zoning Districts, of this Ordinance, must be screened from view from any adjacent right-of-way by a building by an opaque fence or wall in accordance with Article 8, Community Design Standards, of this Ordinance.
- C. All sewer and water utility services must be publicly owned and operated by a government agency unless otherwise recommended by the Nelson County Service Authority and approved by the Board of Supervisors.
- D. Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the Nelson County Comprehensive Plan.
- E. Any utility infrastructure, including but not limited to towers, transformers, and transmission lines, which are abandoned, damaged, in a state of disrepair, or otherwise in a state threatening the general public health, safety, and welfare, will be required, by the Administrator, to be removed within a reasonable time period.

Division 7-5 Commercial Use Standards

Section 7-5-1 Adult Use²⁴

- A. **Purpose.** It is a purpose of this Ordinance to regulate adult uses in order to promote the health, safety, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult uses within the County. The requirements of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene materials.
- B. **Findings.** Based on evidence of the adverse secondary effects of adult uses, and on findings, interpretations, and narrowing constructions incorporated in numerous legal cases, it is recognized that:
- (1) Adult uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, declining property value, urban blight, litter, and sexual assault and exploitation.
 - (2) Adult uses should be separated from sensitive land uses, including schools, churches, parks, libraries, public recreation areas, and residential areas, to minimize the impact of their secondary effects upon such uses and should be separated from other sexually oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

²⁴ Editor's Note: The standards in this section are new and provided for the appropriate allowance of adult uses in the County.

- (3) Each of the foregoing negative secondary effects constitutes a harm, which the County has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects exists independent of any comparative analysis between adult uses and non-adult uses. Additionally, the interest in regulating adult uses to prevent future secondary effects of either current or future adult uses that may locate in the County. The County finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.
- C. **Establishment.** The establishment of an adult use as referred to herein will include the opening of such use as a new use, the relocation of such use, the enlargement of such use in either scope or area, or the conversion, in whole or part, of an existing business into an adult use.
- D. **Measurements of Distance.** All distances specified in this Section must be measured from the property line of one use to another. The distance between an adult use and a residential district or use must be measured from the property line of the use to the nearest point of the boundary line of the residential district or use.
 - (1) No adult use will be established within three (3) miles of any other adult use in any zoning district.
 - (2) No adult use will be established within 1,000 ft. of any existing residential use; religious assembly; educational facility; parks; recreational facility; day care centers; or community centers as defined in **Article 11 Definitions**, of this Ordinance.
- E. **Hours of Operation.**
 - (1) No adult use will be open:
 - (a) More than 72 hours in any week (a week being consecutive days from Sunday to Saturday);
 - (b) More than 12 hours within any 24-hour period; or
 - (c) Prior to 9 a.m. or later than 11 p.m.
- F. **Signs.**
 - (1) Any sign must be in accordance with **Article 8, Community Design Standards**, of this Ordinance. Furthermore:

- (a) No adult use will display adult media, depictions of specified sexual activities, or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others.
- (b) All window areas must remain fully transparent.
 - i. Window signs are prohibited.
- (c) Signs must not include graphic or pictorial depiction of material available on the premises.

G. Additional Standards.

- (1) All owners, managers, and employees must be at least 18 years of age.
- (2) All adult merchandise must be located in a separate room or area inaccessible to persons under 18 years of age.
- (3) The owner or operator must provide adequate lighting, which is sufficient for clear visual surveillance, for all entrances, exits, and parking areas serving the business, and all areas of the establishment where business is conducted.

Section 7-5-2 Automobile Sales and Rental²⁵

- A. Minimum Lot Area. A minimum lot area of three (3) acres is required for all Automobile Sales and Rental developments..
- B. **Setbacks.** Automobile Sales and Rental must be setback at least 100 ft. from all property lines adjoining properties in residential or rural districts.
 - (1) All vehicle storage and/or display areas must be setback at least 20 ft. from all property lines.
- C. **Parking.**
 - (1) All parking must comply with **Article 8, Community Design Standards**, of this Ordinance.
 - (2) All customer and employee parking must be located to the side or rear of the establishment.
- D. **General Standards.**

²⁵ Editor's Note: This section includes all new standards for automobile sales and rental uses.

- (1) No vehicle or equipment displays will be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.
 - (2) All vehicles for sale must be parked in a clearly striped parking space.
 - (3) Elevated displays of vehicles are prohibited.
 - (4) All vehicles must be operable and able to pass state inspection requirements.
 - (5) Automobile Sales and Rental sites must include a designated area for unloading new inventory, which must not impede vehicular movement external to the site or block access to any required parking spaces located on the site.
 - (6) Any areas where vehicles are awaiting body repair, auction, painting, or wholesale sales must be screened from view from the public right-of-way and adjacent properties zoned rural or residential in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (7) Automobile Sales and Rental must not operate a junkyard/salvage yard, as defined in **Article 11, Definitions**, of this Ordinance.
 - (8) All Automobile Sales and Rental must be licensed and must adhere to all requirements of the Motor Vehicle Dealer Board as required in the Code of Virginia **§ 46.2-1508 and § 46.2-1510**.
- E. **Repairs.** Minor repair and service of vehicles are permitted as an accessory use to automobile sales provided they are conducted inside a completely enclosed building.
- (1) Overhead or garage doors of such service must not face a public right-of-way or a residential district or use.

Section 7-5-3 Campground²⁶

- A. **Applications.** Prior to approval of a zoning permit, the owner/operator of a campground must submit a Concept Plan to the Administrator in accordance with **Article 3, Permits and Applications**, of this Ordinance.
- B. **Minimum Lot Area.** The minimum area for a campground will be 10 acres.
- C. **Permanent Residences.** No more than one (1) permanent residence will be allowed in a campground, which must only be occupied by the owner or operator.

²⁶ Editor's Note: Proposed as all new text.

- D. **Service Buildings.** The campground's service buildings, including restrooms and other facilities, must be provided in accordance with Virginia Department of Health requirements.
- E. **Water Supply.** An adequate supply of water must be furnished in accordance with Virginia Department of Health standards.
- F. **Noise.** All noise must comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.
 - (1) There will be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- G. **Refuse.**
 - (1) All bulk solid waste receptacles must be maintained in a clean condition. Such receptacles must be enclosed on all four sides by a fence, wall, or other acceptable enclosure in accordance with Article 8, Community Design Standards, of this Ordinance.
 - (2) The storage, collection, and disposal of garbage in the campground must not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
 - (3) All garbage must be collected at least once weekly and transported from the campground.
- H. **Open Space.** A minimum of 10% of the total acreage must be reserved as common open space and recreation facilities, provided in accordance with Article 8, Community Design Standards, of this Ordinance.
 - (1) Open space will not include setback areas, pedestrian ways, parking areas, or streets.
- I. **General Standards.**
 - (1) Interior campground roads and access to individual sites must be comprised at a minimum of an all-weather gravel surface.
 - (2) Campgrounds must have a permanent sign at their entrance designating the name of the campground. Signage must be designed in accordance with Article 8, Community Design Standards, of this Ordinance.
 - (3) The overall design must evidence a reasonable effort to preserve the natural amenities of the site.

- (4) Each camping site must have one (1) parking space, with minimum dimensions of 10 ft. by 20 ft.
- (5) Retail sales for the convenience of the campground tenants are permitted. Items are limited to branded souvenirs, food, concessions, recreational supplies, personal care items, and other items clearly supportive of campground tenants' needs.
- (6) Accessory structures or recreation facilities, washrooms, swimming pools, game courts, and the like must not be located closer than 100 ft. to any campground boundary or closer than 200 ft. to any lot in a residential district.
- (7) The sale, long-term storage, and/or permanent parking of recreational vehicles is strictly prohibited; nothing herein prohibits an applicant from seeking the permits for a Recreational Vehicle Parking Lot as provided in **Article 6, Use Matrix**, of this Ordinance.

Section 7-5-4 Campground, Primitive²⁷

A. General Standards.

- (1) Permanent occupancy shall be prohibited.
- (2) No camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time.
- (3) No permanent structure shall be allowed that is intended for overnight guest occupancy.
- (4) Primitive campground users may stay no longer than 10 nights in any 60-day period or 45 nights in any one calendar year.

B. Occupancy.

- (1) Maximum of two sites with no more than six individuals per site.

- C. **Refuse.** All waste and garbage shall be kept in sealed containers or bags and properly disposed of at a trash collection site upon conclusion of the visit. On-site dumping shall be prohibited.

²⁷ Editor's Note: This is a recommended new use with accompanying use standards that would apply to smaller non-vehicular campgrounds deemed primitive by state code 12VAC-450-183. Nelson County should review these provisions and ensure that they are adequate for such a use.

Section 7-5-5 Carwash²⁸

A. Location.

- (1) Car washes must be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
- (2) Buildings, structures, and vacuuming facilities must be a minimum of 100 ft. from any residential district or use.

B. Prohibited. No sales, repair, or outside storage of motor vehicles will be conducted on the site.

C. Design Standards.

- (1) All lighting and screening must be in accordance with the regulations of **Article 8, Community Design Standards**, of this Ordinance.
- (2) All car washing activity must occur within an enclosed structure.
- (3) An appropriately sized and designed in-ground grease and oil separator device must be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (4) An automatic water reclamation system must be used to recover a minimum of 70% of the car wash rinse for reuse.

D. Hazardous Materials Standards.

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.

²⁸ Editor's Note: This section contains recommended new provisions for the operation of car washes in the County.

- (2) The owner/operator must prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises prior to the issuance of any occupancy permits. The owner/operator/tenant will be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator must assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-6 Event Venue²⁹

- A. **General Design Standards.** All landscaping and screening, signage, lighting, and parking must be designed in accordance with applicable standards of **Article 8, Community Design Standards**, of this Ordinance.
- B. **Temporary Elements.** Temporary tents, fencing, seating, catering arrangements, or other elements of an event may be used during the event only and must be removed within 24 hours after the event concludes, and the building or premises must be returned to its normal condition.
 - (1) Building Permits must be obtained for tents, amusement devices, and other similar temporary structures, as required by **Chapter 4, Buildings**, of the Nelson County Code.
- C. **Minimum Lot Area.**
 - (1) Rural Districts: 10 acres
 - (2) Commercial Districts: 1 acre
- D. **Access and Parking.**
 - (1) Off-street parking requirements must be in accordance with Article 8, Community Design Standards, of this Ordinance, as well as the following:
 - (a) Parking must be setback a minimum of 50 ft. from any public road.
 - (b) Grass parking areas will be allowed in rural districts where no more than 24 events are permitted in a calendar year.
 - (c) Grass parking areas must be maintained in good condition with uniform grass coverage and free from rill or gully erosion.

²⁹ Editor's Note: This section contains all new recommended provisions for permanent event venues.

- (2) Travel lanes must be sufficient width to accommodate emergency services vehicles.
 - (3) Entrance into the property must be designed, approved, and constructed to meet VDOT entrance standards.
- E. **Noise.** All noise must comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.
- F. **Hours of Operation.** Hours of operation are limited to 7:00 am to 12:00 midnight Friday and Saturdays and 7:00 am to 10:00 pm Sunday through Thursday.
- G. **Sanitary Facilities.** Sanitary facilities must be provided in accordance with standards set forth in the Virginia Administrative Code 12VAC5-610-980.
- H. **Occupancy Limitations.** For all indoor and outdoor areas, occupancy limits must comply with all local and state laws.
 - (1) Any structure or building utilized for an event, or as an event venue, must meet the International Building Code requirements for public occupancy.

Section 7-5-7 Fuel Center ³⁰

A. Location and Dimensional Requirements.

- (1) Entrances to the gas station shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding neighborhood.
- (2) All gas station driveways and access points shall be a minimum of 200 ft. from any residentially zoned district or residence.
- (3) All fuel pump islands, compressed air connections, and similar equipment shall be 20 ft. from any property line.

B. Screening.

- (1) A 6 ft. solid fence, wall, or landscaping shall be provided along all property lines separating the site from any residentially zoned district or lot containing any residential dwelling unit.

³⁰ Editor's Note: This section contains new recommended standards for gas stations and other businesses with fuel centers.

- (2) Dumpsters or other refuse shall be screened in accordance with Article 8, Community Design Standards, of this Ordinance.

C. Design Standards.

- (1) Applicants shall demonstrate that the gas station will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- (2) Gas canopy shall be designed and built to be compatible with the primary use.
- (3) Outdoor speakers shall not be audible beyond the property lines.
- (4) Under-canopy lighting shall consist of recessed, flat lens fixtures.
- (5) All stormwater runoff from refueling areas shall pass through an in-ground grease and oil separator.
- (6) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

D. General Standards.

- (1) There shall be no storage of automobiles, trailers, recreational vehicles, boats, or similar equipment.
- (2) Sales of limited fuel oil or bottled gas is permitted as an accessory use.
- (3) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.
- (4) The Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

E. Hazardous Materials Standards.

- (1) All hazardous materials shall be handled, recycled, or disposed of according to federal, state, and local laws.

- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-8 Kennel, Commercial³¹

A. Minimum Lot Area.

- (1) Minimum lot area of 5 acres.

B. Location. Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

- (1) 100 ft. from the property lines of adjoining rural or residential zoned property;
- (2) 200 ft. from any dwelling not on the associated parcel.

C. General Standards.

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way.
- (2) Kennels shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) Waste disposal shall be in accordance with Virginia Department of Health standards.
- (4) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

Section 7-5-9 Marina

A. Minimum Lot Area.

- (1) Minimum lot area of 1 acre.

³¹ Editor's Note: This section contains all new recommended provisions for commercial kennels operated as a business.

B. General Standards.

- (1) Any storage, drydocking, or stacking of boats must be conducted in an enclosed structure or must be completely screened from adjacent property lines in accordance with screening requirements of Article 8, Community Design Standards, of this Ordinance.

Section 7-5-10 Parking Lot, Recreational Vehicle³²

- A. Recreational Vehicle Storage Parking Lots are intended for recreational vehicles and watercraft only.
- B. Spaces may be rented for parking and/or storing recreational vehicles, but no other business of any kind must be conducted.
- C. No service or repair work will be permitted in association with the parking facility except under emergency service work.
- D. No outdoor storage of inoperable recreational vehicles or equipment.
- E. To retain all recreational vehicles and watercraft completely within the parking lot, a rail, fence, wall, or other continuous barricade at least 6 ft. tall must be provided except at exit or access driveways.
- F. Screening must be provided on each side of the parking lot which:
 - (1) Abuts upon any residential district or use; or
 - (2) Faces across a street, alley, or place from any lot in a residential district or use.
- G. Screening must be in accordance with the regulations of Article 8, Community Design Standards, of this Ordinance.

Section 7-5-11 Recreation/Entertainment, Commercial Outdoor³³

A. Lot Area.

- (1) Minimum lot area of 5 acres.

B. Setbacks.

³² Editor's Note: This section contains all new provisions for the new recreational vehicle parking lot use.

³³ Editor's Note: This section contains new recommended provisions for outdoor commercial recreation venues.

- (1) For recreation/entertainment, commercial outdoor establishments adjacent to rural or residential districts:
 - (a) All buildings, structures, outdoor areas for the commercial recreation/entertainment use, and parking areas shall be set back at least 200 ft. from any property line.
 - (2) For recreation/entertainment, commercial outdoor establishments adjacent to commercial, industrial, or planned development districts:
 - (a) All buildings, structures, and parking areas shall be set back at least 75 ft. from any property line.
- C. **Access and Parking.** In addition to the parking standards provided in Article VIII, Community Design Standards, of this Ordinance, the following shall apply:
- (1) All recreation/entertainment, commercial outdoor establishments shall have direct access to a public road.
 - (2) If deemed necessary by the Administrator, a Traffic Impact Analysis may be required as part of the Site Plan process.
 - (3) All parking areas shall be to the side or rear of the primary use or structure, and comply with **Article 8, Community Design Standards**, of this Ordinance.
 - (4) If roads and parking areas are not paved, they shall be treated to prevent dust.
 - (5) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
- D. **General Standards.**
- (1) Any retail sales conducted on the property shall be accessory and incidental to the permitted recreation/entertainment, commercial outdoor establishment and conducted for the participants of the site.
 - (2) For uses such as paintball facilities, ball fields, driving ranges, outdoor batting cages, and other facilities that have objects that travel through the air in unpredictable directions:
 - (a) A minimum 20' high nylon mesh screen, backstop, or similar barricade, shall be installed to contain projectiles within the boundaries of the use.

- i. Where a Special Use permit is required, the height of the screen may be lowered by the Board of Supervisors upon a determination that the lower screen, in combination with other elements of the site design, provides adequate protection from projectiles.
 - (b) Supplemental barriers shall be provided as needed to contain all projectiles within the boundaries of the range.
- (3) All mechanical or motorized rides shall be located a minimum of 200 ft. from any adjoining residential district or use unless the applicant demonstrates to the Board's satisfaction that the existing topography of the site or the provision of noise attenuation measures will adequately mitigate any sound and visual impacts created.
- E. **Liability Insurance.** The owner shall provide proof of adequate liability insurance for all recreation facilities prior to beginning construction and before the issuance of any permits.

Section 7-5-12 Smoke/Vape Shop³⁴

- A. **Establishment.** Smoke Shop/Vape Shop includes retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking, in accordance with Code of Virginia § 15.2-912.4.
- B. **Location and Distance.**
 - (1) No Smoke/Vape Shop use will be established within three (3) miles of any existing Smoke/Vape Shop use in any zoning district.
 - (2) Any new or relocated Smoke/Vape Shop shall be located at least 1,000 linear ft. from the closest property line of parcels containing the following uses:
 - (a) Day Care Center; or
 - (b) Educational Facility, Primary or Secondary.
 - (3) No Smoke/Vape Shop will be established within 1,000 ft. of any existing residential use; religious assembly; educational facility; parks; recreational facility; day care centers; or community centers as defined in Article 11 Definitions, of this Ordinance.
- C. **Design Standards.**

³⁴ Editor's Note: This section contains all new recommended provisions.

- (1) Any signs and exterior lighting must be in accordance with the regulations of **Article 8, Community Design Standards**, of this Ordinance.
- (2) All window areas must remain transparent.

Section 7-5-13 Veterinary Hospital or Clinic³⁵

A. **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

- (1) 100 ft. from the property lines of adjoining rural or residentially zoned property; or
- (2) 200 ft. from any dwelling not on the associated parcel.

B. **General Standards.**

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way, and shall be in accordance with **Article 8, Community Design Standards**, of this Ordinance.
- (2) Veterinary hospitals/clinics shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) Waste disposal shall be in accordance with Virginia Department of Health standards.
- (4) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

Section 7-5-14 Vehicle Service or Repair

A. **General Standards.**

- (1) No portion of the use, excluding required screening and landscape buffers, will be located within 200 ft. of a residential district or structure containing a dwelling unit.
- (2) There will be no storage or display of vehicles within 10 ft. of a property line.
- (3) All repairs and maintenance of vehicles, including parts installation, must be performed within a completely enclosed building.

³⁵ Editor's Note: All new recommended provisions.

- (4) No vehicle or equipment displays must be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.
- (5) The temporary on-site storage of vehicles awaiting repair, service, or removal must be on the side or rear of the principal structure and screened from view from any adjacent right-of-way by a building, or by an opaque fence or wall, in accordance with Article 8, Community Design Standards, of this Ordinance.
- (6) Temporary on-site storage of vehicles is 30 days or less.
- (7) Nothing, including vehicles and vehicle equipment, will be displayed on the top of a building.
- (8) An appropriately sized and designed in-ground grease and oil separator device must be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (9) No outdoor storage of inoperable vehicles or equipment.
- (10) Vehicle Repair uses must not operate a junkyard/salvage yard, as defined in Article 10, Definitions, of this Ordinance.

B. Hazardous Materials Standards.

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator must prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant will be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator must assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

C. Tire and Outdoor Storage Standards.

- D. Location. No tire and/or outdoor storage will be located within 50 ft. of a residential district.

- (1) Tire and outdoor storage as an accessory use must not exceed 30% of the total site area and will be subject to the use standards of **Section 7-8-4, Outdoor Storage**, of this Article.
- (2) No more than 10 tires will be included in outdoor displays.
- (3) All tire and/or outdoor storage must meet any requirements of the Nelson County Fire Marshal.
- (4) All tire and/or outdoor storage must be screened by a solid wall or fence not less than 6 ft. in height. All screening must be in accordance with **Article 8, Community Design Standards**, of this Ordinance.
- (5) Tire and/or outdoor storage must be located on the side or rear of the main structure and screened from view from any adjacent roadway.

Division 7-6 Industrial Use Standards

A. General Standards.

- (1) The Administrator may require industrial uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or an evergreen hedge between six (6) and ten (10) feet in height.
 - (a) Public utilities requiring natural air circulation or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storage of any materials.
- (2) Screening and landscaping shall be in accordance with **Article 8, Community Design Standards**, of this Ordinance.

Section 7-6-I Data Center³⁶

- A. In addition to applicable requirements of Article III, Permits and Applications, of this Ordinance, the following shall be submitted as part of the initial application for a Data Center:

³⁶ Editor's Note: This is a proposed new use being recommended as a use by special exception only in the M-2 district. Due to its nature, recommended standards have been provided to set expectations for any application however Nelson County will have the authority to include additional conditions as part of the SUP process. The County should consider if they wish to include this use and whether these minimum standards are appropriate for the community.

- (1) **Viewshed Analysis.** The purpose of a viewshed analysis is to evaluate and mitigate potential visual impacts of proposed Data Center development on designated scenic, historic, residential, or environmentally sensitive areas.
 - (a) A viewshed analysis is required at the time of application for any proposed Data Center within 1,000 ft. of:
 - i. Residentially zoned or developed properties;
 - ii. Any local, state, or federal park;
 - iii. Any lot zoned B-1, B-2, or SE-1; or
 - iv. Any lot within the VO, CO20, or CO151 overlay district.
 - (b) The viewshed analysis shall provide a three-dimensional (3D) visual simulation from at least one vantage point along all property lines.
 - (c) The Administrator may waive the requirement for a viewshed analysis if the applicant can sufficiently demonstrate the natural or proposed landscaping features effectively screen the proposed Data Center from the line of sight, as determined at the property line.
- (2) **Cooling System Information.** The applicant shall identify whether the proposed cooling system is water-based or air-based at the time of application.
 - (a) If a water-based cooling system is utilized, the applicant shall submit a water usage plan that shall:
 - i. Demonstrate expected water usage;
 - ii. Identify expected water supply; and
 - iii. If utilizing public water, ensure an adequate water supply from the County at all times during operation.
 - (b) If an air-based cooling system is utilized:
 - i. Air-based cooling systems shall be designed to include sound mitigation measures such as anti-vibration mounts, sound-absorbing barriers, and/or acoustic insulation in addition to the requirements of (C)(2) of this Section.
- B. No Data Center shall be constructed until evidence has been given as part of the application that the owner and/or facility operator has been approved by the utility company.

C. Development Standards.

(1) Setbacks.

- (a) All primary structures shall be set back at least 100 ft. from any property line abutting non-commercial or non-industrial zoned properties, or a public park.
- (b) All accessory structures, including ground-mounted mechanical equipment, shall be setback at least 75 ft. from the property line of:
 - i. Adjacent properties with existing residential development;
 - ii. Approved plats showing residential development; or
 - iii. Zoning districts permitting residential dwellings.

(2) Landscaping, Buffering, and Screening.

- (a) A vegetated buffer 50 ft. wide shall be required along any property line abutting or across a road from residential, commercial, mixed-use, and special districts or uses.
 - i. For sites in which 70% or more of the existing open space or vegetated area is cleared for development, the buffer shall be at least 100 ft. wide.
 - ii. Plantings shall include a combination of the following:
 - a. Large and understory deciduous trees;
 - b. Large and small evergreen trees; and
 - c. Ornamental trees and shrubs at a rate of 120 plants per 100 linear feet.
 - iii. At least 40% of the plantings shall consist of large evergreen trees, spaced at a minimum of 20 ft. apart (on center).
 - iv. No more than 20% of the plantings shall be shrubs.
- (b) Power generators, water- or air-cooling systems, storage facilities, and any other mechanical infrastructure necessary for Data Center operations shall be within an enclosed structure and screened from view from any adjacent street, use, or building.
 - i. Ground mounted mechanical equipment is prohibited in front yards.

- (c) Solid screening walls shall be constructed with a design, materials, details, and treatment compatible to those used on the nearest primary façade of a building but may include perforated surfaces as needed for ventilation of mechanical equipment.
- (3) Fencing used along all street frontages shall not consist of chain-link fencing, with or without slatted inserts.
 - (a) Barbed wire shall be permitted, provided that fencing within 35 ft. of a public street does not include barbed wire or other similar visible intrusion deterrence devices.
- (4) No new off-site transmission lines constructed for the purpose of serving the Data Center shall be permitted through existing residentially used or zoned districts.
- (5) The owner or operator shall coordinate with the Nelson County Fire Marshall to provide materials, education, and/or training on how to safely respond to on-site emergencies. Emergency personnel shall be given a key or code to access.
- (6) **Noise.**
 - (a) For sites abutting non-commercial or non-industrial zoned properties, the following noise studies shall be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development.
 - i. A pre-construction study shall be submitted at the time of Site Plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
 - ii. A post-construction study of noise conditions at the time of operations shall be submitted at least 1 month but no more than 12 months after the issuance of the first CO for the development.
 - iii. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 8, Article II, of the County Code, as measured at the property line abutting non-commercial and non-industrial uses and districts, noise mitigation measures shall be required to secure conformance.

- (b) Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the Site Plan.
- (c) The Administrator shall have the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.
- (d) Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00 p.m.
- (e) All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials and anti-vibration mounts.

Section 7-6-2 Junkyard/Salvage Yard³⁷

- A. **General Standards.** In accordance with Code of Virginia § 33.2-804, junkyards are permitted as a Special Use, with the following standards:
 - (1) **Setback.** Minimum setback of 500 ft. from any street, road, or other right-of-way.
 - (2) **Screening.** All junkyards must be completely screened by a solid wall or fence, including solid entrance and exit gates, not less than 8 ft. in height, so as not to be visible from any right-of-way.
 - (a) All walls and fences must have a uniform and durable character and must be properly maintained. All screening must be in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (b) Vehicles, parts, materials, and equipment stored must not be stacked higher than the screening wall or fence.
 - (c) When walls and fences are adjacent to commercial or residential districts, a landscaped buffer must be provided to break visibility of the fence in accordance with **Article 8, Community Design Standards**, of this Ordinance.

³⁷ Editor's Note: This section contains new standards for junkyards in the County based on provisions from state code.

- (3) **Maintenance.** All junkyards must be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.
- (4) **Compliance Required.** All junkyards must be operated in compliance with all federal and state record keeping and reporting requirements, to include, but not limited to:
 - (a) Reporting to Department of Motor Vehicles to confirm proper ownership;
 - (b) Research through National Motor Vehicle Title Information Systems to confirm clean title history; and
 - (c) Reporting of every purchase, exchange or acquisition of any salvage or scrap vehicle on a daily basis or such other frequency as requested by the sheriff, in accordance with the Code of Virginia § 46.2-1608.1.
- (5) **Prohibited.** The collection or storage of any material containing, or contaminated with, dangerous explosives, chemicals, gases, or radioactive substances is prohibited.

Section 7-6-3 Resource Extraction³⁸

- A. **Environmental Management Plan.** Any resource extraction conducted in the County must submit an Environmental Management Plan as part of an application for a Special Use Permit. Such plan shall contain the following:
 - (1) The type, length, slope, and maintenance plans for any access roads or trails which will be constructed in connection with the activity.
 - (2) The amount of land which will be disturbed as a result of the proposed activity and in particular any changes in the topography which would alter natural drainage patterns.
 - (3) The location of existing water wells and other existing or potential sources of water supply in the area to be established along with satisfactory proof that the proposed activity will not disturb the quality or production of water sources. Data describing area water quality and quantity shall be provided by the applicant.
 - (4) A plan for post drilling and post closure reclamation work.

³⁸ Editor's Note: This section contains revised text from Section 4-9.

- B. **Bonding.** Applicants for resource extraction shall submit a bond or surety to the County in an amount sufficient to complete all requisite preparation, drilling, and reclamation projects as well as potential significant environmental damage.
- C. **Drilling Permit.** Prior to commencing any activity involving drilling for oil or gas, the operator of the activity shall obtain a drilling permit from the Administrator. Such permit shall be granted only after a state drilling permit has been issued to the applicant. The County drilling permit shall be valid for a period of two (2) years. Renewal of the permit shall require a reapplication.

Division 7-7 Miscellaneous Use Standards

Section 7-7-I Solar Energy Facility, Medium-scale³⁹

- A. **Applicability.** Ground mounted Medium-Scale Solar Energy Facilities shall not be permitted in the following Zoning Districts:
 - (1) B-1, Highway Business; and
 - (2) B-2, Neighborhood Business.
- B. **General Provisions.**
 - (1) **Design.** The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.
 - (2) **Construction and installation.** All electrical wires associated with a medium-solar energy facility shall be installed underground unless the applicant can demonstrate the necessity for aboveground installations as determined by the Board of Supervisors.
 - (3) **Noise.** Solar energy facilities shall comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.

³⁹ Editor's Note: This section includes standards for large scale solar facilities from Article 22A of the existing ordinance with minor changes to adapt to medium and utility scale solar facilities. Any recommended new provision or major modification is indicated with an additional footnote.

- (4) **Consumption.** Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption. ⁴⁰
 - (5) **Ocular impact study.** When required by the FAA, an ocular impact study shall be performed for airports within five (5) miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
 - (6) **Liability Insurance.** The owner shall provide proof of adequate liability insurance for a medium-scale solar facility prior to beginning construction and before the issuance of any permits. ⁴¹
 - (7) **Inspection.** ⁴²
 - (a) The owner will allow the County access to the facility for inspection purposes. The County will provide the owner with one (1) week notice prior to such inspection when practicable.
 - (b) The owner shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.
- C. Location, Appearance and Operation of a Project Site.**
- (1) The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.
 - (2) Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
 - (3) The lowest surface of any panel shall be a maximum of four (4) ft. above the finished grade on which the panel is located. ⁴³

⁴⁰ Editor's Note: New provision.

⁴¹ Editor's Note: New provision.

⁴² Editor's Note: New provision.

⁴³ Editor's Note: New provision.

- (4) Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number.
- (5) **Setbacks.** All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least one hundred (100) feet from all property lines and at least two hundred (200) feet from any residentially zoned properties; unless the Board of Supervisors is satisfied that different setbacks are adequate to protect neighboring properties.
 - (a) Setbacks shall be kept free of all structures and parking lots.
 - (b) Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
- (6) **Land Disturbance.** ⁴⁴
 - (a) The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.
 - (b) Any medium-scale solar facility that has 2,500 sq. ft. or more of land disturbance for ground mounted panels shall require a Special Use Permit.
- (7) **Buffering.** A twenty-foot-wide vegetative buffer yard for the purpose of screening shall be provided and maintained adjacent to any residential property line or roadway. If able to demonstrate that existing vegetation can meet this requirement, existing vegetation can be used to satisfy buffer requirements. The buffer location must be indicated on the site plan.

⁴⁴ Editor's Note: New provision.

- (a) This buffer should be made up of plant materials at least three (3) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight (8) feet within three (3) years.
 - (b) Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer.
 - (c) The buffer must be maintained for the life of the facility.
- D. **Site Plan.** An approved major site plan shall be required for all medium-scale solar facilities, in accordance with **Article 3, Permits & Applications**, of this Ordinance. Such site plan shall include:
 - (1) Property lines and setback lines.
 - (2) Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
 - (3) Existing and proposed access roads, drives, turnout locations, and parking.
 - (4) Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
 - (5) Additional information as may be required by the Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
 - (6) Documentation which includes proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
- E. **Bonding.** Prior to the issuance of a Building Permit for a medium-scale solar energy facility, the applicant shall:
 - (1) Submit to the Administrator an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five (25) percent of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.

- (2) Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate plus twenty-five (25) percent as approved by the Planning and Zoning Director which shall:
 - (a) Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and
 - (b) Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.
- (3) The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Administrator has inspected the site and verified that the solar energy system has been removed. At which time, the Administrator shall promptly release the bond, irrevocable Letter of Credit, or other surety.

F. Decommissioning.

- (1) **Decommissioning plan.** As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following:
 - (a) The anticipated life of the project;
 - (b) The estimated decommissioning cost in current dollars;
 - (c) How said estimate was determined;
 - (d) The method of ensuring that funds will be available for decommissioning and restoration;
 - (e) The method that the decommissioning cost will be kept current; and
 - (f) The manner in which the project will be decommissioned and the site restored.
- (2) **Discontinuation, Abandonment, or Expiration of Project.**
 - (a) Thirty (30) days prior to such time that a solar energy system is scheduled to be abandoned or discontinued, the owner or operator shall notify the Administrator by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of twelve (12) consecutive months shall be deemed abandoned and subject to the requirements of this section.

- (b) Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended once (up to twelve (12) months) at the request of the owner or operator, upon approval of the Board of Supervisors.
- (c) Decommissioning of discontinued or abandoned solar energy systems shall include the following:
 - i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.
 - ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
 - iii. Compacted soils shall be decompacted as agreed to by the landowner.
 - iv. Restoration of the topography of the project site to its pre-existing condition using non-invasive plant species and pollinator-friendly and wild-life friendly native plants, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.
 - v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.
- (d) A zoning permit issued pursuant to this article shall expire if the solar energy system is not installed and functioning within twenty-four (24) months from the date this permit is issued.

- (e) The Administrator may issue a Notice of Abandonment to the owner of a small solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

Section 7-7-2 Solar Energy Facility, Small-Scale⁴⁵

- A. Ground mounted Small-Scale Solar Energy Facilities shall not be permitted in the following Zoning Districts:
 - (1) R-3, High-Density Residential; and
 - (2) VO, Village Overlay District.
- B. **General Provisions.**
 - (1) **Design.** The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.
 - (2) **Construction and installation.** All electrical wires associated with the solar energy facility shall be installed underground unless the applicant can demonstrate the necessity for aboveground installations as determined by the Board of Supervisors.
 - (3) **Noise.** Solar energy facilities shall comply with **Chapter 8, Article II, Noise Control**, of the Nelson County Code.
 - (4) **Ocular impact study.** When required by the FAA, an ocular impact study shall be performed for airports within five (5) miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

⁴⁵ Editor's Note: This section includes standards for small scale solar facilities from Article 22A of the existing ordinance with very minor changes to wording for clarification. Any recommended new provision or major modification is indicated with an additional footnote.

- (5) Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
- (6) The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.
- (7) Solar energy systems shall meet or exceed all applicable federal and state standards and regulations.
- (8) No signs or advertising of any type may be placed on the small solar energy system unless required by any state or federal agency.

C. Dimensional Standards.

- (1) All equipment and accessory structures associated with the small-scale solar energy facility shall meet the required setbacks for primary uses of the zone that the parcel is in.
- (2) Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

D. Design Standards. ⁴⁶

- (1) If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, then:
 - (a) The lowest surface of any panel shall be a maximum of four (4) ft. above the finished grade on which the panel is located.
 - (b) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.
- (2) Landscaping and screening shall be provided for ground mounted solar to block visibility of the panel(s) and ancillary equipment from adjacent properties. All landscaping and screening shall be in accordance with **Article 8, Community Design Standards**, of this Ordinance.

E. Permit Requirements.

⁴⁶ Editor's Note: New provision added to small-scale solar facilities.

- (1) A Zoning Permit shall be required for the installation of a small-scale solar energy facility, in accordance with **Article 3, Permits & Applications**, of this Ordinance.
- (2) A minor site plan shall be required for approval of a small-scale solar energy facility, in accordance with **Article 3, Permits & Applications**, of this Ordinance. Such site plan shall include:
 - (a) Property lines, physical dimensions, and acreage of the property.
 - (b) Location, dimensions, and types of existing major structures on the property.
 - (c) Location of the proposed solar equipment.
 - (d) The right-of-way of any public and private road that is contiguous with or crossing the property.
 - (e) Any overhead utility lines.
 - (f) Solar system specifications, including manufacturer and model.
 - (g) Foundation blueprints or drawings.
 - (h) Array blueprint or drawing.
 - (i) The proposed appearance of the small solar energy system.

Section 7-7-3 Solar Energy Facility, Utility-scale⁴⁷

A. General Provisions.

- (1) **Design.** The applicant shall submit documentation that the design of any buildings and structures associated with or part of a utility-scale solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.
- (2) **Construction and installation.** All electrical wires associated with a utility-scale solar energy facility shall be installed underground unless the applicant can demonstrate the necessity for above ground installations as determined by the Board of Supervisors.

⁴⁷ Editor's Note: This section includes standards for large scale solar facilities from Article 22A of the existing ordinance with minor changes to adapt to large and utility scale solar facilities. Any recommended new provision or major modification is indicated with an additional footnote.

- (3) **Noise.** Utility-scale solar energy facilities shall comply with **Chapter 8, Article II, Noise Control,** of the Nelson County Code.
- (4) **Ocular impact study.** When required by the FAA, an ocular impact study shall be performed for airports within five (5) miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- (5) **Consumption.** Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption. ⁴⁸
- (6) **Liability Insurance.** The owner shall provide proof of adequate liability insurance for a utility-scale solar facility prior to beginning construction and before the issuance of any permits. ⁴⁹
- (7) **Inspection.** ⁵⁰
 - (a) The owner will allow the County access to the facility for inspection purposes. The County will provide the owner with one (1) week notice prior to such inspection when practicable.
 - (b) The owner shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

B. Location, Appearance and Operation of a Project Site.

- (1) The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.
- (2) Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- (3) The lowest surface of any panel shall be a maximum of four (4) ft. above the finished grade on which the panel is located. ⁵¹

⁴⁸ Editor's Note: New provision.

⁴⁹ Editor's Note: New provision.

⁵⁰ Editor's Note: New provision.

⁵¹ Editor's Note: New provision.

- (4) Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number.
- (5) **Setbacks.** All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least one hundred (100) feet from all property lines and at least two hundred (200) feet from any residentially zoned properties; unless the Board of Supervisors is satisfied that different setbacks are adequate to protect neighboring properties.
 - (a) Setbacks shall be kept free of all structures and parking lots.
 - (b) Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
- (6) **Land Disturbance.** The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.⁵²
- (7) **Buffering.** A twenty-foot-wide vegetative buffer yard for the purpose of screening shall be provided and maintained adjacent to any residential property line or roadway. If able to demonstrate that existing vegetation can meet this requirement, existing vegetation can be used to satisfy buffer requirements. The buffer location must be indicated on the site plan.
 - (a) This buffer should be made up of plant materials at least three (3) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight (8) feet within three (3) years.

⁵² Editor's Note: New provision.

- (b) Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer.
 - (c) The buffer must be maintained for the life of the facility.
- C. **Site Plan.** An approved major site plan shall be required for all utility-scale solar facilities, in accordance with **Article 3, Permits & Applications**, of this Ordinance. Such site plan shall include:
 - (1) Property lines and setback lines.
 - (2) Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
 - (3) Existing and proposed access roads, drives, turnout locations, and parking.
 - (4) Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
 - (5) Additional information as may be required by the Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
 - (6) Documentation which includes proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
- D. **Bonding.** Prior to the issuance of a Building Permit for a utility-scale solar energy facility, the applicant shall:
 - (1) Submit to the Administrator an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five (25) percent of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.
 - (2) Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate plus twenty-five (25) percent as approved by the Planning and Zoning Director which shall:

- (a) Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and
 - (b) Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.
- (3) The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Administrator has inspected the site and verified that the solar energy system has been removed. At which time, the Administrator shall promptly release the bond, irrevocable Letter of Credit, or other surety.

E. Decommissioning.

- (1) **Decommissioning plan.** As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; and (6) the manner in which the project will be decommissioned and the site restored.
- (2) **Discontinuation, Abandonment, or Expiration of Project.**
 - (a) Thirty (30) days prior to such time that a solar energy system is scheduled to be abandoned or discontinued, the owner or operator shall notify the Administrator by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of twelve (12) consecutive months shall be deemed abandoned and subject to the requirements of this section.
 - (b) Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended once (up to twelve (12) months) at the request of the owner or operator, upon approval of the Board of Supervisors.
 - (c) Decommissioning of discontinued or abandoned solar energy systems shall include the following:

- i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.
 - ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
 - iii. Compacted soils shall be decompacted as agreed to by the landowner.
 - iv. Restoration of the topography of the project site to its pre-existing condition using non-invasive plant species and pollinator-friendly and wild-life friendly native plants, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.
 - v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.
- (d) A zoning permit issued pursuant to this article shall expire if the solar energy system is not installed and functioning within twenty-four (24) months from the date this permit is issued.
- (e) The Administrator may issue a Notice of Abandonment to the owner of a small solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

Section 7-7-4 Yard or Garage Sales

- A. A public sale at a dwelling shall be permitted as an accessory use in districts they are allowed pursuant to **Article 6, Use Matrix**, of this Ordinance, on a Friday, Saturday, Sunday, and federal holidays only during daylight hours, provided that:
 - (1) Items purchased elsewhere expressly for resale at a yard or garage sale shall be prohibited; and
 - (2) Items intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of sale.
- B. No individual lot may conduct a yard sale for more than four (4) non-consecutive days within any twelve (12) month period.

Division 7-8 Accessory Use Standards

Section 7-8-1 Accessory Structure

- A. **Exemptions.** Residential accessory structures including, but not limited to, flag poles, basketball hoops, clotheslines, arbors, swings, structures less than 6 sq. ft., or residential yard ornaments shall be exempt from the minimum setback, lot area, and certification requirements as specified in this Section.
- B. **Development Standards.**
 - (1) Accessory structures shall meet the standards of the underlying zoning district, including setbacks and height regulations.
 - (2) Accessory structures are not permitted in front setbacks, except in rural districts.
 - (3) Accessory structures shall not exceed 40% of the gross floor area of the main structure, except in rural districts.
 - (4) Accessory structures shall be setback at least 15 ft. from the primary structure.
- C. **Permanent Portable Storage Containers.**
 - (1) **Where Permitted.** Permitted in agricultural districts only. Prohibited in residential, commercial, industrial, and planned development districts.
 - (2) **Standards.**

- (a) Portable storage containers used as permanent storage located outside of a fully enclosed building or structure in an agricultural district, and visible from adjacent properties or highways shall be kept in good condition.
- (b) The portable storage container shall meet all setback requirements for the district in which it is located.
- (c) No sign shall be attached to a portable storage container except to provide the contact information of the container provider.
- (d) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.

D. Temporary Portable Storage Containers.

- (1) **Where Permitted.** Permitted in all zoning districts.
- (2) **Standards.**
 - (a) A Zoning Permit is required for any portable storage container used temporarily and located on a lot for more than 15 calendar days.
 - i. No permit shall be granted for more than 60 calendar days.
 - (b) The portable storage container shall be placed a minimum of 5 ft. from the property line, or on the driveway of the lot.
 - i. When it can be demonstrated that space is not available on the lot, one portable storage container may be placed in a legal parking space on the street for a period no longer than 15 days, with the approval of the Nelson County Service Authority and the Nelson County Fire Marshal.
 - (c) Other than the required Zoning Permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.
 - (d) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.

Section 7-8-2 Crematory⁵³

- A. **Use.** A crematory must only be accessory to the following uses, where permitted in the applicable zoning district:
 - (1) Funeral Home; or
 - (2) Veterinary Hospital or Clinic.
- B. **Setbacks.** Any Crematorium shall be located at least:
 - (1) 250 ft. from all property lines; and
 - (2) 500 ft. from the nearest property line of the following uses:
 - (a) Day Care Center;
 - (b) Educational Facility, Primary or Secondary; or
 - (c) Parks.
- C. **General.**
 - (1) All Crematorium operations shall be pursuant to 18VAC65-20-10 et seq. and Code of Virginia § 54.1-2800 et seq.
 - (2) **Landscaping, Screening, and Buffering.** All landscaping, screening, and buffering must be in accordance with Article 8, Community Design Standards, of this Ordinance.
 - (3) **Activity.** All cremation and associated activities must occur in a fully enclosed structure.
 - (4)

Section 7-8-3 Drive-Thru Window⁵⁴

- A. **Applicability.** Drive-Thru Window's shall be a permitted accessory use in all zoning districts.
- B. **Location.**
 - (1) All drive-thru windows must be located to the rear or side of the primary structure.

⁵³ Editor's Note: Proposed as all new text.

⁵⁴ Editor's Note: Proposed all new text for drive-thru establishments.

- (2) Stacking lanes for drive-thru facilities must not be located between the primary structure and the street.
- (3) Drive-thru windows and associated components, such as menu boards, screens, and speakers, must be located a minimum of 300 ft. from a residential district or use.

C. General Standards.

- (1) Drive-thru windows and menu boards must be designed to minimize glare on adjacent residential districts or uses by the installation of:
 - (a) Dense vegetative screening;
 - (b) A masonry wall no less than 4 ft. in height; or
 - (c) A combination or both.

D. Lanes. Lanes designed to provide vehicular access to drive-thru windows must meet the following requirements:

- (1) An escape/bypass lane from the service lanes that is at least 12 ft. in width must be included.
- (2) Stacking space must be included in accordance with Article 8, Community Design Standards, of this Ordinance.

Section 7-8-4 Dwelling, Accessory⁵⁵

A. General Standards.

- (1) Accessory dwellings shall only be allowed as accessory to a single-family detached dwelling, as defined in **Article 11, Definitions**, of this Ordinance.
- (2) An accessory dwelling may be within (e.g., a basement or upstairs apartment), attached to, or be detached from (e.g., a guesthouse) the primary dwelling.
 - (a) A detached accessory dwelling must be separated from the primary dwelling by at least 15 ft.
 - (b) Attached accessory dwellings may be connected by a common wall or a breezeway no longer than 15 ft.

⁵⁵ Editor's Note: This section contains all new provisions related to accessory dwellings.

- (3) Accessory dwellings must obtain permits and comply with requirements of VDH and the Virginia Uniform Statewide Building Code.
- (4) A recreational vehicle, as defined in this Ordinance, shall not be used as an accessory dwelling.
- (5) Where public sewer is not provided, accessory dwellings will only be permitted upon approval from VDH.

B. Development Standards.

- (1) **Minimum Lot Area.** 20,000 square feet.
- (2) **Density.** Maximum of one (1) accessory dwelling per lot.
- (3) **Parking.** One off-street parking space must be provided for the accessory dwelling in addition to any requirements in **Article 8, Community Design Standards**, of this Ordinance.
- (4) **Square Footage.** The floor area of an accessory dwelling must not exceed 50% of the finished area of the first floor of the primary dwelling.⁵⁶
 - (a) An accessory dwelling within a single-unit dwelling must not exceed 100% of the finished area of the first floor of the primary dwelling.
- (5) Accessory dwellings must adhere to the dimensional requirements for the zoning district as provided for in **Article 4, Primary Zoning Districts**, of this Ordinance.
 - (a) No accessory dwelling will be permitted to exceed the height of the primary dwelling.
- (6) Exterior entrances to an attached accessory dwelling must be located such that the primary dwelling appears as a single-unit dwelling.
- (7) Accessory dwellings should be architecturally compatible with the primary dwelling.

⁵⁶ Editor's Note: The size allowance for ADUs has been incorporated from peer localities, Nelson County should consider whether or not it is appropriate for the community or if they wish to increase or decrease the maximum size allowed.

Section 7-8-5 Outdoor Storage

- A. **Intent.** The following standards are intended to mitigate impacts of outdoor storage yards as a primary use, or as an accessory use to commercial and industrial businesses. Examples include construction materials, such as stacks of lumber or stone; equipment; surplus goods; among other items.
- B. **Location.**
- (1) No outdoor storage yard will be located within 50 ft. of a residential district or use.
 - (2) Outdoor storage yards are prohibited in any front yard.
- C. **Screening, Buffering, and Landscaping.**
- (1) Outdoor storage yards must be screened from view of all adjacent properties and public streets by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. nor more than 10 ft. in height.
 - (2) All screening must be in accordance with **Article 8, Community Design Standards**, of this Ordinance.
 - (3) When walls or fences are adjacent to commercial or residential districts, a landscaped buffer must be provided to break visibility of the fence in accordance with Article 8, Community Design Standards, of this Ordinance.
 - (4) Outdoor storage yards must be located within the side or rear yards.
 - (5) No wall or fence screening a storage area will encroach into a sight triangle.
 - (6) Parts, materials, and equipment stored in a storage area must not be stacked and/or piled higher than the screening wall or fence.

Section 7-8-6 Restaurant, Mobile⁵⁷

- A. Mobile restaurants, also known as food trucks, shall be a permitted accessory use to the following:
- (1) Any commercial or industrial use;

⁵⁷ Editor's Note: The provisions of this section will allow mobile restaurants (food trucks) to operate as an accessory use accompanying any commercial or industrial use, as well as the additional included uses. Subsection (6) was included to allow additional flexibility for any use that may be appropriate but not listed. Nelson County should consider these new regulations for food trucks and determine if they are appropriate for the community.

- (2) Agritourism;
- (3) Alcohol production or sales;
- (4) Farmers market;
- (5) Special event venues or temporary events; or
- (6) Any other use which customarily involves the sale of food or beverages.

Section 7-8-7 Roadside Farm Stand⁵⁸

A. A roadside farm stand must obtain a zoning permit from the Administrator in accordance with **Article 3, Permits and Applications**, of this Ordinance.

- (1) An application for a zoning permit for a roadside farm stand shall include the following:
 - (a) A signed affidavit declaring that the majority of products offered for sale at the roadside stand are cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family; and
 - (b) A sketch plan showing:
 - i. The location and type of proposed Roadside Stand equipment or facility;
 - ii. Property boundaries and right-of-way;
 - iii. Proposed signage;
 - iv. Proposed layout and provisions for safe vehicular access and parking; and
 - v. Lighting for any roadside farm stand request involving any proposed operation(s) after daylight hours.
- (2) All roadside stand structures or facilities must be located outside of VDOT right-of-way.

⁵⁸ Editor's Note: The standards contained in this section include the standards for a Class A Roadside Stand found in Section 4-11-2, along with the definition distinction for Class B Roadside Stands to effectively create one single class of roadside stands. The provision that a roadside farm stand permit must be renewed annually has been removed to comply with state code requirements.

- (3) All permanent roadside stand structures must comply with the required front yard setback areas of the applicable zoning district.
- (4) A maximum of one (1) temporary sign is allowed in accordance with **Article 8, Community Design Standards**.
- (5) All roadside farm stand applications must be submitted to VDOT for review and comment and any recommendation by VDOT must be submitted with the application for a zoning permit.
- (6) Roadside farm stands shall not be located within 300 ft. of any intersection of two or more roads.

Section 7-8-8 Wind Energy Generating Facility, Accessory⁵⁹

- A. One accessory wind energy system shall be allowed per lot.
 - (1) Any additional system may be allowed with an approved Special Use Permit in accordance with **Article 3, Permits & Applications**, of this Ordinance.
- B. **Height.** The maximum height of a small wind energy system shall be:
 - (1) Lots one (1) to two (2) acres in size: Maximum tower height forty-five (45) feet.
 - (2) Lots greater than two (2) acres and less than five (5) acres in size: Maximum tower height sixty (60) feet.
 - (3) Parcels five (5) acres or greater in size: Maximum tower height one hundred (100) feet.
 - (4) Building-mounted small wind energy system: Maximum height fifteen (15) feet above point of attachment to the building or above the roof deck where the system is placed.
- C. **Setback.** A small wind energy system shall be set back a minimum distance equal to 110% of the extended tower height or the building-mounted extended height from property lines, public and private roads, and overhead utility lines.
- D. **Utilities.** All electrical interconnection, distribution lines, and conduits shall be underground and comply with all applicable codes and public utility requirements.

⁵⁹ Editor's Note: This section includes provisions from Article 22, reworded and edited for clarity. Any new recommended provision is denoted with an additional footnote.

- E. **Interference.** No small wind energy system shall cause interference with television or other communication signals.
- F. **Siting.** Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impact on adjoining properties.
- G. **Signs.** All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:
 - (1) Manufacturer's or installer's identification on the wind turbine.
 - (2) Appropriate warning signs and placards.
- H. **Visual Impact.** Small wind energy systems must be placed in a way to minimize visual impacts to surrounding lots including, but not limited to, turbine design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
 - (1) The color of the small wind energy system shall be a nonreflective, unobtrusive color that blends in with the surrounding environment.
 - (2) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
- I. **Access.**
 - (1) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (2) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of twelve (12) feet above the ground.
- J. **Insurance.** The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60 (Virginia Administrative Code).
- K. **Permit Requirements.**

- (1) No zoning permit for an accessory wind energy generating facility shall be approved unless the applicant submits the following with their application:⁶⁰
 - (a) A narrative describing the proposed wind energy facility, including an overview of the project;
 - (b) The representative type, and height of the wind turbine to be constructed, including the generating capacity, dimension and respective manufacturer, and a description of ancillary facilities;
 - (c) Identification and location of the property on which the proposed wind energy facility will be located;
 - (d) A concept plan, in accordance with **Article 3, Permits and Applications, of this Ordinance**, showing the planned location of the wind turbine, property lines, setback lines, electrical lines, ancillary equipment, buildings, and structures;
 - (e) An engineering analysis of the tower and a structural analysis for a building-mounted system showing compliance with the Virginia Uniform Statewide Building Code and certified by a licensed professional engineer
 - (f) Other relevant studies, reports, certifications, and approvals as may be reasonable requested by the County to ensure compliance with this Ordinance; and
 - (g) Signature of the property owner(s) and the facility owner/operator of the wind energy facility.
- (2) A building permit is required for all small wind energy systems. Building permit applications for a small wind energy system shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.

Division 7-9 Temporary Use Standards

Section 7-9-I Dwelling, Temporary

- A. A temporary dwelling shall be permitted no longer than three (3) years.
- B. Adequate water and sewer services must be provided and approved by VDH if private water and sewer is used.

⁶⁰ Editor's Note: New provision.

Section 7-9-2 Family Health Care Structure, Temporary⁶¹

- A. Temporary family health care structures shall be permitted in all residential districts, provided that:
 - (1) The primary use of the property is a single-family dwelling;
 - (2) The occupant meets the qualifications of a mentally or physically impaired person as defined in Code of Virginia §63.2-2200, and a letter of certification, written by a physician licensed in Virginia, has been provided to the Zoning Administrator; and
 - (3) The property is occupied by the caregiver as their residence.
- B. Temporary family health care structures shall comply with all district standards applicable to the primary structure for the zoning district in which they are located.
- C. Temporary family health care structures shall comply with all provisions of the Code of Virginia § 15.2-2292.1.
- D. **Development Standards.**
 - (1) Only one (1) family health care structure shall be allowed on a lot or parcel of land.
 - (2) The proper permits shall be obtained before a temporary family health care structure may be placed on a lot or parcel of land. Required permits may include, but are not limited to, a zoning permit, building permit, electrical permit, mechanical permit, and plumbing permit.
 - (3) The structure shall be no larger than 300 sq. ft. and must comply with all applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the USBC (§ 36-97 et seq.).⁶²
 - (4) Placement of temporary family health care structures on a permanent foundation shall not be permitted.

Section 7-9-3 Temporary Event

- A. **Permit Required.** Any temporary event conducted within the County is required to receive a Temporary Use Permit pursuant to Article 3, Permits & Applications, of this Ordinance.

⁶¹ Editor's Note: This section includes provisions from Article 23 that have been reworded and edited.

⁶² Editor's Note: Added new provision to limit the size of family health care structures.

B. Exemptions. The following temporary events are exempt from the requirements of this Section:

- (1) Private non-commercial functions conducted on the property of the host.
- (2) Social Temporary Events where permitted by right.
- (3) Historical Property Temporary Events.
- (4) Non-Profit Temporary Events having or projecting no more than five hundred (500) attendees at any time during the event.
- (5) Athletic and sporting events conducted on sites approved for such events.
- (6) Political gatherings.
- (7) Religious gatherings.
- (8) Out-of-Door Accessory Uses.
- (9) Any use governed by the **Code of Virginia § 15.2-2286.6.**
- (10) Temporary Events which are conducted entirely within the Residential Planned Community District (RPC).

C. Category 1 Temporary Events.

- (1) A Category 1 Temporary Event is any event which is neither an otherwise permitted use nor exempt and:
 - (a) Which admission is charged or at which goods and services are sold, having or projecting no more than five hundred (500) attendees at any time during the event;
 - (b) Non-Profit Temporary Events having or projecting more than five hundred (500) attendees and less than one thousand (1,000) attendees at any time during the event; or
 - (c) Agritourism activities which, by virtue of the number of attendees, size and location of property, or hours of conduct, cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting less than one thousand (1,000) attendees at any time during the event.
- (2) **General Standards.**

- (a) Category 1 Temporary Events may not exceed a maximum duration of four (4) consecutive days open to the attending public, inclusive of an arrival day and a departure day. A
- (b) Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning.

D. Category 2 Temporary Events.

- (1) A Category 2 Temporary Event is any event which is neither an otherwise permitted use nor exempt:
 - (a) Which admission is charged or at which goods and services are sold, and having or projecting more than five hundred (500) attendees but less than ten thousand (10,000) attendees;
 - (b) Non-Profit Temporary Events having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees at any time during the event;
 - (c) Agritourism activities which by virtue of the number of attendees, size and location of property, or hours of conduct cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees at any time during the event.
- (2) **General Standards.**
 - (a) Category 2 Temporary Events may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day.
 - (b) Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning.

E. Structures for Category 1 and 2 Temporary Events.

- (1) The installation of temporary structures and facilities, such as tents and portable lavatories, is permissible in connection with approved Temporary Event Permits, subject to all applicable laws and regulations. All such temporary structures and facilities shall be lawfully removed within ten (10) days of the approved end date.

- (2) No new non-temporary structure(s) used for either Category 1 or 2 Temporary Event(s) shall be installed or constructed unless all required zoning permit approvals and building permit approvals are obtained, as may be applicable.
- (3) Existing non-temporary structures proposed for use for either Category 1 or 2 Temporary Event(s) shall:
 - (a) Have been in existence on the date of adoption of this Article, provided that this requirement shall not apply to accessory structures less than one hundred fifty (150) square feet in size; and
 - (b) Be a lawful conforming properly permitted structure and shall support or have supported a lawful use of the property.

Section 7-9-4 Temporary Sawmill

- A. No structure and no storage of lumber, logs, chips, or timber shall be located closer than 100 feet to any lot line. Trees and vegetation within the 100-foot setback shall be maintained as a buffer to abutting properties and uses, provided that during the last three months of operation the trees may be removed.
- B. No saw, planer, chipper, conveyor, chute, or other similar machinery shall be located closer than 600 feet from any dwelling on any lot other than the lot on which the sawmill, planning mill, or wood yard is located.
- C. All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust, and other debris, shall be conducted in accordance with the regulations of the Virginia Department of Forestry.