MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Jim Politis, Chair
Montgomery Co. Board of Supervisors

FROM: Frank Lau, Chair FL/DJ
Montgomery Co. Planning Commission

DATE: November 5, 2012

SUBJ: An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

During our meeting on August 8, 2012, the Planning Commission reviewed the request described above. Upon a motion duly seconded and carried by a vote of 7 to 0, the Commission recommended **approval** of the ordinance amendment incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

There was no public present to speak and commission members expressed no concerns regarding the proposed amendment.

Attachments

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTIONS 10-21 THROUGH 10-25, SECTIONS 10-28 THROUGH 10-31, SECTIONS 10-33, 10-34 AND SECTION 10-61, BY CREATING A NEW PRIVATE KENNEL USE DEFINED AS HAVING MORE THAN FIVE (5) DOGS FOR NON-COMMERCIAL PURPOSES ALLOWABLE BY RIGHT UNDER CERTAIN USE LIMITATIONS IN AGRICULTURAL (A-1) AND CONSERVATION (C-1) ZONING DISTRICTS AND ALLOWABLE BY SPECIAL USE PERMIT UNDER CERTAIN USE LIMITATIONS IN RURAL-RESIDENTIAL (R-R), RESIDENTIAL (R-1), RESIDENTIAL (R-2) ZONING DISTRICTS, AND BY AMENDING THE COMMERCIAL KENNEL DEFINITION BY DELETING ANY REFERENCE TO NON-COMMERCIAL USE OF A KENNEL AND BY CREATING CERTAIN USE LIMITATIONS ON COMMERCIAL KENNEL USES UNDER A SPECIAL USE PERMIT IN THE GENERAL BUSINESS (GB), COMMUNITY BUSINESS (CB), MANUFACTURING (M-1), MANUFACTURING LIGHT (M-L), PLANNED INDUSTRIAL (PIN), PLANNED UNIT DEVELOPMENT COMMERCIAL (PUD-COM) ZONING DISTRICTS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-21 through 10-25, Sections 10-28 through 10-31, Sections 10-33, 10-34 and Section 10-61 shall be amended and reordained as follows:

Sec. 10-21. - A-1 Agricultural District.

(1) *Purpose.* The A-1 Agricultural District is intended to preserve and enhance the rural, low density character and natural resources of the rural portions of the county where agriculture, forest and open space uses predominate, as well as to accommodate limited amounts of low density residential development that is generally not served by public water or wastewater systems.

This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas. Land in this district is generally not intended to be served with public water or wastewater or to be in proximity to other public services.

(2) *Qualifying lands.* Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development and performance standards contained in this chapter, and all other applicable regulations:

(a) Agriculture.
(b) Agriculture, intensive.
(c) Agriculture, small scale.
(d) Bed and breakfast homestay.

(e) Cemetery.
(f) Church.
(g) Dwelling, single-family.
(h) Farm enterprise.
(i) Fire, police and rescue stations.
(j) Home occupation.
(k) Kennel, private (refer to sue limitations in subsection 7)
~~(k)~~(l) Manufactured (mobile) home, Class A or B.
~~(l)~~(m) Natural area.
~~(m)~~(n) Park, unlighted.
~~(n)~~(o) Pet, farm.
~~(o)~~(p) Pet, household.
~~(p)~~(q) Playground, unlighted.
~~(q)~~(r) Public utility lines, other; and public utility lines, water and sewer.
~~(r)~~(s) Sawmill, temporary.
~~(s)~~(t) School.
~~(t)~~(u) Telecommunications tower, attached.
~~(u)~~(v) Veterinary practice, animal hospital.

(4) (i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Boarding house.
(d) Campground.
(e) Camp, boarding.
(f) Civic club.
(g) Contractor's storage yard.
(h) Country club.
(i) Country inn.
(j) Custom meat cutting, processing and packaging.
(k) Day care center.
(l) Disposal facility, landfill.
(m) Exploratory activities associated with extractive industries.
(n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
(o) Game preserve.
(p) Garden center.
(q) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
(r) Golf course.
(s) Golf driving range.
(t) Grain mill, feed mill.

(u) Home business.
(v) Junkyard, automobile graveyard.
(w) Kennel, commercial (refer to use limitations in subsection 7).
(x) Landfill (see Disposal facility).
(y) Livestock market.
(z) Park, lighted.
(aa) Playground, lighted.
(bb) Public utility plant, other.
(cc) Public utility substations.
(dd) Public utility plant water or sewer (not including distribution or collection lines).
(ee) Recreational vehicle park.
(ff) Recycling collection points.
(gg) Repair shop, automotive (refer to use limitations in subsection 7).
(hh) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
(ii) Rural resort.
(jj) Sawmill.
(kk) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
(ll) Slaughterhouse.
(mm) Solid waste collection point.
(nn) Stable, commercial.
(oo) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
(pp) Structures over forty (40) feet in height.
(qq) Telecommunications tower, freestanding.
(rr) Transition house.
(ss) Flea market (also subject to requirements of article VI of the County Code).
(tt) Stone engraving and sales.
(uu) School of special instruction.

(4)(ii) *Special uses.* The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than one thousand two hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(b) Farm enterprise with less than forty (40) feet of public road frontage subject to the requirements of section 10-41(18)(g) of this Zoning Ordinance.

(5) *Lot requirements.*

(a) *Minimum lot area.* One (1.0) acre.

(b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the A-1 district shall be in accord with the following sliding scale:

TABLE INSET:

Parent Parcel Area	Total Lots Permitted on Parent Parcel
Less than 1.0 acre	0 lots
Less than 2.0 acres	1 lot
Less than 3.0 acres	2 lots
3.0 to 10.0 acres	Up to 3 lots
More than 10.0 acres up to 30.0 acres	Up to 4 lots
More than 30.0 acres up to 50.0 acres	Up to 5 lots
More than 50.0 acres up to 70.0 acres	Up to 6 lots
More than 70.0 acres up to 90.0 acres	Up to 7 lots
More than 90.0 acres up to 110.0 acres	Up to 8 lots
More than 110.0 acres up to 130.0 acres	Up to 9 lots
More than 130.0 acres	One (1) additional lot for every 20 acres over 130 acres

All lots in the A-1 district are subject to the above sliding scale and all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted; except for green space (open space) lots and conservation easements, public utility, telecommunications towers or public water or sewer installation lots or similar which are not for habitation and which may be a minimum of ten thousand (10,000) square feet. Moreover, the board of supervisors may authorize the issuance of a special use permit for more lots than the total permitted by the sliding scale in situations where a family subdivision conflicts with the sliding scale.

(c) *Clustering of permitted lots between parent parcels.* A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection (5) are met.

(d) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements with one exception. Under the exception, one lot divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.

(e) *Maximum coverage.* No more than twenty (20) percent of any lot shall be covered by buildings and no more than thirty (30) percent of any lot shall be covered by impervious surfaces.

(f) *Minimum width.* One hundred twenty (120) feet at the minimum setback line of the front yard. Frontage requirements for family subdivisions and public utility or public water or sewer installation lots shall be in accord with the Montgomery County Subdivision Ordinance.

(g) *Maximum length/width ratio.* Five to one (5:1) for any lot less than twenty (20) acres in area.

(6) *Building requirements.*

(a) *Minimum yards:*

1. *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).

2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear*. Forty (40) feet.

4. *Accessory buildings.* No accessory building may be located closer than ten (10) feet to a side or rear lot line.

(b) *Maximum building height.* No building or structure, except for exempted structures provided for in section 10-2(5)(b) of this chapter, shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.

(7) *Use limitations.*

(a) *Repair shop, automotive.* All work must be conducted within a completely enclosed building no larger than one thousand two hundred (1,200) square feet in size; and the shop shall be at least three hundred (300) feet from any residential zoning district or existing dwelling, other than the owner's dwelling.

(b) *Kennels.* ~~No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.~~

1. Kennels, private.

(1) A private kennel shall be permitted only when accessory to a single-family dwelling.

(2) Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.

2. Kennels, commercial. Each commercial kennel, shall be subject to the following:

(1) Except where animals are confined in soundproofed, air-conditioned buildings, no principal or accessory use or structure or area occupied by animals shall be within five hundred (500) feet of an existing dwelling, other than the owner’s dwelling, nor within three hundred (300) feet of any adjacent lot.

(2) Soundproofed confinements shall not be located closer than two hundred (200) feet to any agricultural or residential lot line.

(3) Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.

(4) Animal waste shall be disposed of in a manner acceptable to the department of health.

(c) *Shooting ranges.* Shooting ranges shall not operate between 10:00 p.m. and 7:00 a.m.

Sec. 10-22. - C-1 Conservation District.

(1) *Purpose.* The C-1 Conservation District is established for the specific purpose of providing recreational, conservation and scenic areas for the growing population of the county and its vicinity. It is intended to facilitate the conservation of water and other natural resources, to assist the U.S. Forest Service with its conservation programs, to encourage the closure of the boundaries of the national forest within one (1) contiguous conservation area and to encourage the retention of the open space characteristic of excessive slope and floodplain areas or other areas not amenable to good development practices. This district contains all of the forest and mountain land in the Jefferson National Forest. The land area of this district is essentially undeveloped open space, except for some private holdings. This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas.

(2) *Qualifying lands.* Lands qualifying for inclusion in this district shall be current C-1 on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall not generally include those served or planned to be served by public water or sewer service. The minimum area required to create a district is twenty (20) acres of total contiguous land.

(3) *Use permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and all other applicable regulations:

(a) Agriculture.
(b) Agriculture, small scale.
(c) Bed and breakfast homestay.
(d) Cemetery.
(e) Dwelling, single-family.
(f) Game preserve.
(g) Home occupation, as defined in this chapter.
(h) Kennel, private (refer to use limitations in subsection 7)
~~(h)~~(i) Manufactured home, Class A and Class B.
~~(i)~~(j) Natural area.
~~(j)~~(k) Pet, farm.
~~(k)~~(l) Pet, household.
~~(l)~~(m) Public utility lines, other; public utility lines, water and sewer.

~~(m)~~(n) Telecommunications tower, attached.
~~(n)~~(o) Veterinary practice, animal hospital.
~~(o)~~(p) Farm enterprise.
~~(p)~~(q) Sawmill, temporary.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Campground.
(c) Bed and breakfast inn.
(d) Park, unlighted.
(e) Playground, unlighted.
(f) Sawmill, temporary.
(g) Structures over sixty-five (65) feet in height.
(h) Telecommunications tower, freestanding.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

(a) *Minimum lot area.* Two and one-half (2.5) acres.

(b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the C-1 district shall be in accord with the following sliding scale:

TABLE INSET:

Parent Parcel Area	Total Lots Permitted on Parent Parcel
Less than 2.5 acres	0 lots
Less than 5.0 acres	1 lot
Less than 7.5 acres	Up to 2 lots
7.5 acres up to 10.0 acres	Up to 3 lots
More than 10.0 acres	One (1) additional lot for every additional 30 acres over first 10 acres

All lots in the C-1 district are subject to all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted.

(c) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced road designed by a professional

engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator; except that up to three (3) lots divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.

(d) *Minimum width.* One hundred twenty (120) feet at the setback line of the front yard.

(e) *Maximum length/width ratio.* Five to one (5:1) for any lot of less than twenty (20) acres.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).

2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear*. Forty (40) feet.

4. *Accessory buildings.* Ten (10) feet to rear and side lot line.

(b) *Maximum building height.* No building or structure shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.

(7) *Use limitations.* ~~[Reserved.]~~

(a) Kennels, private.

1. A private kennel shall be permitted only when accessory to a single-family dwelling.
2. Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.

Sec. 10-23. - R-R Rural Residential District.

(1) *Purpose.* The R-R Rural Residential District is composed of certain quiet, low-density, residential areas with a rural character, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life, to provide for an orderly transition from predominately agricultural or forestal uses to mostly rural residential uses, and to strictly limit activities of a commercial nature. To these ends, development is limited to relatively low densities and permitted uses are limited basically to single-family dwellings for the residents, home-occupation uses for compatible home-based businesses, as well as certain additional institutional uses such as schools, parks and churches that serve the residents of the district. The purpose of the R-R

district is to accommodate residential development of a strictly rural nature, and therefore is generally not intended to be served with public water and wastewater services.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-R zoning district shall be within areas mapped as rural, rural communities, or residential transition in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be five (5) acres of contiguous total land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

(a) Agriculture, small-scale.
(b) Bed and breakfast homestay.
(c) Church.
(d) Dwelling, single-family.
(e) Home occupation.
(f) Park, unlighted.
(g) Pet, farm.
(h) Pet, household.
(i) Playground, unlighted.
(j) Public utility lines, other; public utility lines, water and sewer.
(k) School.
(l) Telecommunications tower, attached.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Cemetery.
(d) Civic club.
(e) Country club.
(f) Day care center.
(g) Fire, police and rescue stations.
(h) Golf course.
(i) Golf driving range.
(j) Home business.
(k) Kennel, private (refer to use limitations in subsection 7)
~~(k)~~(l) Park, lighted.
~~(l)~~(m) Playground, lighted.
~~(m)~~(n) Public utility substations.
~~(n)~~(o) Public utility plant, water or sewer.

~~(o)~~(p) Stable, commercial.
~~(p)~~(q) Telecommunications tower, freestanding.
~~(q)~~(r) Veterinary practice, animal hospital.
~~(r)~~(s)Structures over fifty (50) feet in height.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

(a) *Minimum lot area.*

1. For small-scale agriculture: Five (5) acres.

2. For all other uses: One and one-half (1.5) acres.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum coverage.*

1. Buildings shall not exceed ten (10) percent of gross site area.

2. Impervious surfaces shall not exceed thirty (30) percent of gross site area.

(d) *Minimum width.* One hundred twenty (120) feet at the setback line of front yard.

(e) *Maximum length/width ratio.* Five to one (5:1) for any lot less than fifty (50) acres.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Forty (40) [feet] (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).

2. *Side.* The minimum side yard for each main structure shall be fifteen (15) feet for each principal structure.

3. *Rear*. Each main structure shall have a rear yard of forty (40) feet.

4. *Accessory buildings.* No accessory building may be located closer than ten (10) feet to any side or rear lot line.

(b) *Building height.*

1. No building shall exceed thirty-five (35) feet in height, as defined.

2. No structure shall exceed fifty (50) feet in height, as defined, unless authorized

by special use permit.

(7) *Use limitations.* ~~[Reserved.]~~

(a) Kennels, private.

1. A private kennel shall be permitted only when accessory to a single-family dwelling.
2. Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.
3. Minimum lot size of one (1) acre is required.

(8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

•Natural resource preservation.

•Pedestrian-friendly streetscapes.

•Cost-efficiency in providing infrastructure.

•Appropriate design solutions for unique site conditions.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-R district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* One (1) acre, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent green space, as defined herein.

2. *Minimum required green space.*

a. *Minimum lot area.* Twenty-five (25) percent of the gross area parent tract. No one (1) lot of such required green space in any compact development shall be less than one and one-quarter (1.25) acres. Green space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the green space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner association acceptable to the zoning administrator. Green space established for purposes of meeting the requirements of this provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in

perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* Five to one (5:1).

c. *Minimum width.* One hundred (100) feet at the setback line of the front yard.

(b) *Building requirements for compact option.* Minimum yards:

1. *Front.* Thirty (30) feet.

2. *Side.* Ten (10) feet for each principal structure.

3. *Rear*. Thirty (30) feet.

4. *Accessory buildings.* No less than ten (10) feet to side or rear lot line.

Sec. 10-24. - R-1 Residential District.

(1) *Purpose.* The R-1 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities and low density suburban residential uses in the village expansion and residential transition areas to be served by public water and/or sewer facilities. It includes areas currently zoned R-1 and planned for residential transition, villages, village expansion and urban expansion as shown in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-1 zoning district shall be R-1 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

(a) Bed and breakfast homestay.

(b) Church.
(c) Dwelling, single-family.
(d) Home occupation.
(e) Library.
(f) Pet, household.
(g) Public utility lines, other.
(h) Public utility lines, water or sewer.
(i) School.
(j) Telecommunications tower, attached.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Boarding house.
(d) Cemetery.
(e) Civic club.
(f) Country club.
(g) Day care center.
(h) Fire, police and rescue stations.
(i) Funeral home.
(j) Golf course.
(k) Home business.
(l) Kennels, private (refer to use limitations in subsection 7).
~~(l)~~(m) Nursing home.
~~(m)~~(n) Park, lighted or unlighted.
~~(n)~~(o) Playground, lighted or unlighted.
~~(o)~~(p) Private club.
~~(p)~~(q) Public utility plant, other.
~~(q)~~(r) Public utility plant, water or sewer.
~~(r)~~(s) Transition house.

(4) (ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(b)—(o). Reserved.

(5) *Lot requirements.*

(a) *Minimum lot area.* Twenty thousand (20,000) square feet.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.

(d) *Minimum width.* One hundred (100) feet at the setback line of the front yard.

(e) *Maximum length/width ratio.* Five to one (5:1).

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Forty (40) feet.

2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear.* Forty (40) feet.

4. *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

1. The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

3. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

(7) *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all moderate density developments in any R-1 district established after the date of adoption of this chapter. In instances when public water or public wastewater service is not available, low density developments located in village expansion and residential transitions areas as indicated on the comprehensive plan may be allowed in R-1 when these developments are serviced by either public water or public wastewater, but not both.

(b) *Keeping and raising horses and ponies.*

1. Horses and ponies may only be kept for personal enjoyment and not for

commercial purposes;

2. A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and

3. No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

(c) *Kennels, private.*

1. A private kennel shall be permitted only when accessory to a single-family dwelling.
2. Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.
3. Minimum lot size of one (1) acre is required.

(8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

•Natural resource preservation.

•Pedestrian-friendly streetscapes.

•Cost-efficiency in providing infrastructure.

•Appropriate design solutions for unique site conditions.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-1 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* Fourteen thousand (14,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent green space, as defined herein.

2. *Minimum required green space.*

a. *Minimum lot area.* Twenty-five (25) percent of the gross area parent tract. No one (1) lot of such required green space in any compact development shall be less than fourteen thousand (14,000) square feet. Green space may include active

or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the green space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administrator. Green space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* Five to one (5:1).

c. *Minimum width.* Eighty (80) feet at the setback line of the front yard.

(b) *Building requirements for compact option.* Minimum yards:

1. *Front.* Thirty (30) feet.

2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear*. Thirty (30) feet or more.

4. *Accessory buildings.* No less than ten (10) feet to side.

Sec. 10-25. - R-2 Residential District.

(1) *Purpose.* The R-2 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities. It includes areas currently zoned R-2 and planned for urban or rural expansion in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single-family and two-family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance

with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

(a) Bed and breakfast homestay.
(b) Church.
(c) Dwelling, single-family.
(d) Dwelling, two-family.
(e) Home occupation.
(f) Library.
(g) Pet, household.
(h) Public utility lines, other.
(i) Public utility lines, water or sewer.
(j) School.
(k) Telecommunications tower, attached.

(4) (i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Boarding house.
(d) Cemetery.
(e) Civic club.
(f) Country club.
(g) Day care center.
(h) Fire, police and rescue stations.
(i) Funeral home.
(j) Golf course.
(l) Kennels, private (refer to use limitations in subsection 7)
~~(l)~~(m) Nursing home.
~~(m)~~(n) Park, lighted or unlighted.
~~(n)~~(o) Playground, lighted or unlighted.
~~(o)~~(p) Private club.
~~(p)~~(q) Public utility plant, other.
~~(q)~~(r) Public utility plant, water or sewer.
~~(r)~~(s) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

(a) *Minimum lot area.* Fifteen thousand (15,000) square feet.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.

(d) *Minimum width.* Ninety (90) feet at the setback line of front yard.

(e) *Maximum length/width ratio.* Five to one (5:1).

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Forty (40) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).

2. *Side.* Fifteen (15) feet for each principal structure.

3. *Rear.* Forty (40) [feet].

4. *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

1. The height limit for dwellings may be increased up to ten (10) feet, provided that there, is one (1) additional foot or more of side yard in each side yard for each additional foot of building height over thirty-five (35) feet.

2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

3. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

(7) *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all development in any R-2 district established after the date of adoption of this chapter.

(b) *Keeping and raising horses and ponies.*

1. Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;

2. A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and
3. No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

(c) Kennels, private.

1. A private kennel shall be permitted only when accessory to a single-family dwelling.
2. Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.
3. Minimum lot size of one (1) acre is required.

(8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

•Natural resource preservation.

•Pedestrian-friendly streetscapes.

•Cost-efficiency in providing infrastructure.

•Appropriate design solutions for unique site conditions.

•Transit-supportive design.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* eight thousand (8,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent open space, as defined herein.

2. *Minimum required open space.*

a. *Minimum required open space.* A minimum of twenty-five (25) percent of the gross area parent tract shall be set aside as open space. At least one (1) area of such required open space in any compact development shall be eight thousand (8,000) square feet. Open space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the open space should be held by a homeowner's association or other

form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administration. Open space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space and maintained by the appropriate owner.

For the purposes of this article, the following items shall qualify as open space: Natural areas including environmental corridors, greenways, protected natural areas and reserves; Parks, squares, greens and plazas; Streams, ponds, and other water bodies; Stormwater detention/retention facilities; Accessory parking areas or lots located within public parks or publicly accessible natural areas; Recreational facilities, such as ballfields, playgrounds.

The subdivision plat shall establish, where applicable, a buffer at least one hundred (100) feet wide from the center of all streams and a buffer of at least fifty (50) feet from all lakes, ponds, springs, and other surface waters. This shall be set aside as open space.

Lots, buildings, structures, streets, and parking areas shall be situated to minimize the alteration of natural features, natural vegetation, and topography.

The subdivision plat shall accommodate and preserve any features of historic, cultural, or archaeological value.

Floodplains, wetlands, and areas with slopes in excess of twenty-five (25) percent shall be protected from development.

(b) *Building requirements for compact option.*

Minimum yards:

1. *Front:*
   a. Minimum: Ten (10) feet
   b. Maximum: Twenty-five (25) feet

2. *Side:*
   a. Minimum: Ten (10) feet
   b. Maximum: None

3. *Rear:*
   a. Minimum: Twenty-five (25) feet
   b. Maximum: None

4. *Accessory buildings:* Not less than ten (10) feet to side or rear lot line.

(c) *Streets.*

1. *Public streets:* New streets as part of the compact development option shall be public and designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete.

2. *Private streets.* The board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land consistent with the standards set forth in section 8-152

3. Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations, in accordance with the minimum standards required by VDOT.

4. Streets shall be designed to:

a. Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
b. Minimize alteration of natural, cultural or historic site features; and
c. Promote pedestrian movement.

5. All streets shall be designed to promote pedestrian circulation. Pedestrian circulation shall be designed with respect to topography, integration with surrounding streets, connection to existing or future pedestrian ways and transit stops, interior circulation and the separation of pedestrians from vehicles. Sidewalks, informal walkways and footpaths shall be no less than five (5) feet wide. Paths in open space shall be constructed using mulch or stone. The compact development option shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

(d). *Maximum density.* The density of development under the compact development option shall be no greater than four (4) dwelling units per gross acre.

Sec. 10-28. - GB General Business.

(1) *Purpose.* This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. It is intended for the orderly growth of business within the unincorporated territory of the county and most often abuts the incorporated urban areas along primary highways. Activities in GB districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, preference for locations adjoining concentrations of existing commercial or industrial uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for commercial use are best suited for rezoning to this district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be those within the current GB district on the date of adoption of this chapter, or other lands within areas mapped as village, village expansion, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Apartment as accessory use, maximum of two (2) per business structure.
(b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
(c) Automotive, light truck, sales, service, rental and repair, excluding motor fuel sales.
(d) Building material sales.
(e) Business or trade school.
(f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
(g) Cemetery.
(h) Church.
(i) Civic club.
(j) Community center.
(k) Conference or training center.
(l) Crematorium.
(m) Custom meat cutting, processing and sales (excluding slaughtering).
(n) Day care center.
(o) Equipment sales and service.
(p) Financial services.
(q) Fire, police, rescue facility.
(r) Funeral home.
(s) ~~General store, convenience store without motor fuel sales~~ Garden center.
(t) ~~Homeless shelter~~ General store, convenience store without motor fuel sales.
(u) ~~Hotel, motel~~ Homeless shelter.
(v) ~~Laundromat~~ Hotel, motel.
(w) ~~Library~~ Laundromat.
(x) ~~Medical care facility~~ Library.
(y) ~~Motor vehicle rentals~~ Medical care facility.
(z) ~~Office, administrative, business or professional~~ Motor vehicle rentals.
(aa) ~~Park.~~ Office, administrative, business or professional.
(bb) ~~Park and ride lot~~ . Park
(cc) ~~Pet, household.~~ Park and ride lot.
(dd) ~~Post office~~ Pet, household.
(ee) ~~Printing service~~ Post office.
(ff) ~~Public utility lines, other distribution or collection facility~~ Printing service.

(gg) ~~Public utility lines, water or sewer~~ Public utility lines, other distribution or collection facility
(hh) ~~Radio station; excluding tower~~ Public utility lines, water or sewer.
(ii) ~~Restaurant~~ Radio station; excluding tower.
(jj) ~~Retail sales and services~~ Restaurant.
(kk) ~~School~~ Retail sales and services.
(ll) ~~Shopping center~~ School.
(mm) ~~Telecommunication tower, attached~~ School of special instruction.
(nn) ~~Veterinary practice, animal hospital~~ Shopping center.
(oo) ~~Garden center~~ Telecommunication tower, attached.
(pp) ~~School of Special Instruction~~ Veterinary practice, animal hospital.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
(b) Boarding house.
(c) Truck, trailer, heavy equipment sales, service, rental and repair.
(d) Building greater than fifty (50) feet in height.
(e) Contractors service establishment.
(f) Farm machinery sales and service.
(g) Feed and seed store and mill.
(h) General store, convenience store with motor fuel sales.
(i) Golf driving range, miniature golf and similar outdoor recreation.
(j) Kennel, commercial~~.~~ (refer to use limitations in subsection 7).
(k) Livestock market.
(l) Mini-warehouse.
(m) Outpatient mental health and substance abuse center.
(n) Public utility plant, other.
(o) Public utility substation.
(p) Public utility plant, water or sewer.
(q) Recreation establishment.
(r) Recycling facility.
(s) Service station.
(t) Shooting range, indoor.
(u) Telecommunication tower, freestanding.
(v) Transition house.
(w) Night club.
(x) Stone engraving and sales.

(5) *Lot requirements.*

(a) *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access for GB uses shall avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(d) *Maximum floor area ratio.* 0.40.

(e) *Maximum coverage by buildings.* Forty (40) percent.

(f) *Total impervious surface.* The total impervious surface located on a lot shall not exceed eighty-five (85) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Fifty (50) feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.

2. *Side.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Fifty (50) feet (reference subsection (4) for exception).

(7) *Use limitations.*

(a) *Screening and landscaping.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.

(b) *Off-street parking and loading.*

1. Off-street parking permitted in required setback.

2. Must be provided in accordance with section 10-44

(c) *Indoor/outdoor operations.* All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(d) Kennels, commercial. Each commercial kennel, shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.
3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
   - Separate building entrance and exit to avoid animal conflicts.
   - Area for outside exercise to be exclusive from access by the public by fencing or other means.
   - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.

Sec. 10-29. - CB Community Business.

(1) *Purpose.* The Community Business, CB district is intended to create locations in the county for the provisions of nonintensive and small scale commercial services to the rural communities, residential transition, village, village expansion, or urban expansion designated in the comprehensive plan. Such locations shall be designated principally along the secondary road system where they are in the best interest of promoting community life and reducing travel costs. The scale and character of uses shall be compatible with crossroads settlement and village locations. Lighting, hours of operation and other characteristics shall respect neighboring uses and community character.

Activities in CB districts shall have limited traffic and other impacts on uses in other districts through proper location at street intersections, preference for locations adjoining existing

nonresidential uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for use in the comprehensive plan are best suited for rezoning to this district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be those within the current CB district on the date of adoption, or other lands within areas mapped as rural communities, residential transition, village, village expansion, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. Locations not meeting county criteria may be permitted if all water and sewage disposal facilities are approved by health official prior to approval of rezoning or special use permit. The minimum area required to create a district shall be one (1) acre of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Apartment as accessory use, maximum of two (2) per business structure.
(b) Assembly of electrical, electronic devices, less than one thousand two hundred (1,200) square feet floor area.
(c) Automotive, light truck, sales, service, rental and repair, without motor fuel sales, less than two thousand (2,000) square feet.
(d) Business or trade school.
(e) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.
(f) Cemetery.
(g) Church.
(h) Civic club.
(i) Community center.
(j) Conference or training center.
(k) Crematorium.
(l) Custom meat cutting, processing and sales (excluding slaughtering).
(m) Day care facility.
(n) Financial services.
(o) Fire, police, rescue facility.
(p) Funeral home.
(q) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
(r) Homeless shelter.
(s) Library.
(t) Medical care facility.
(u) Garden center.
(v) Office, administrative, business or professional less than three thousand (3,000) square feet.
(w) Park, unlighted.
(x) Park and ride lot, unlighted.
(y) Pet, household.
(z) Post office.
(aa) Printing service.

(bb) Public utility lines, other.
(cc) Public utility lines, water or sewer.
(dd) Restaurant.
(ee) Retail sales and services less than three thousand (3,000) square feet.
(ff) Roadside stand.
(gg) School.
(hh) School of special instruction.
(ii) Telecommunication tower, attached.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Assembly of electrical, electronic devices, greater than one thousand two hundred (1,200) square feet floor area.
(b) Boarding house.
(c) Truck, trailer sales, service, rental and repair with outside operations.
(d) Building greater than thirty-five (35) feet in height.
(e) Contractors service establishment.
(f) Convenience store less than three thousand (3,000) square feet, with motor fuel sales.
(g) Dwelling, single-family or two-family.
(h) Farm machinery sales and service.
(i) Feed and seed store and mill.
(j) Golf course.
(k) Golf driving range.
(l) Kennel, commercial~~.~~, (refer to use limitations in subsection 7).
(m) Public utility plant, other.
(n) Public utility substation.
(o) Public utility plant, water or sewer.
(p) Recreation establishment.
(q) Recycling facility.
(r) Telecommunication tower, freestanding.
(s) Transition house
(t) Veterinary practice, animal hospital.
(u) Mini-warehouse.
(v) Stone engraving and sales.

(5) *Lot requirements.*

(a) *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot and connected to public water or sewer, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access for CB uses shall

avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(d) *Maximum floor area ratio.* 0.40.

(e) *Maximum coverage by buildings.* Forty (40) percent.

(f) *Total impervious surface.* The total impervious surface located on a lot shall not exceed seventy-five (75) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Fifty (50) feet when any off-street parking is in front of building and opposing street frontage is residential district; thirty-five (35) feet otherwise. Fifteen (15) feet when no off-street parking is in front of building.

2. *Side*. Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear*. Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Thirty-five (35) feet (reference subsection (4) for exception).

(7) *Use limitations.*

(a) *Screening and landscaping.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.

(b) *Off-street parking and loading.*

1. Off-street parking permitted in required setback.

2. Must be provided in accordance with section 10-44

(c) *Indoor/outdoor operations.* All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(d) *Kennels, commercial*. Each commercial kennel, shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.
3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
    - Separate building entrance and exit to avoid animal conflicts.
    - Area for outside exercise to be exclusive from access by the public by fencing or other means.
    - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.
7. The site shall front on or have direct access to a publicly owned and maintained street.

Sec. 10-30. - M-1 Manufacturing.

(1) *Purpose.* This district is established to provide for economic development and job opportunities by accommodating a mix of industrial uses and industrial-related business uses. Activities in M-1 districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of space and physical buffers as prescribed.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be those within the current M-1 district on the date of adoption of this chapter, or other lands within areas mapped as urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water, or other lands concurrently rezoned and granted a special use permit for either natural resource extraction or processing in any area of the county. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards

contained in this chapter and with all other applicable regulations:

(a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
(b) Automobile or mobile home assembling, painting, public garages, upholstering repairing, rebuilding, reconditioning, truck repairing or overhauling and tire retreading or recapping.
(c) Cabinets, furniture and upholstery shop.
(d) Civic club.
(e) Contractor service establishment.
(f) Crematorium.
(g) Custom meat cutting, processing and sales.
(h) Day care center.
(i) Equipment sales and service.
(j) Feed and seed store and mill.
(k) Fire, police, rescue facility.
(l) Fruit processing and storage.
(m) Laboratory.
(n) Laundry, dry cleaning plant.
(o) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
(p) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
(q) Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.
(r) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
(s) Monument stone works.
(t) Park and ride lot.
(u) Pet, household.
(v) Public utility lines, other.
(w) Public utility line, water or sewer.
(x) Railroad facility.
(y) Recycling facility.
(z) Retail sales and service incidental to any other permitted use.
(aa) Telecommunication tower, attached.
(bb) Truck terminal.
(cc) Welding or machine shop.
(dd) Wholesale business, storage warehouse.
(ee) Wood preserving operation.

(4) *Uses permissible special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

(a) Airport.

(b) Building material sales yard.
(c) Cement manufacturing, concrete mixing plant, block plant and production of other concrete and asphaltic products.
(d) Contractors' storage yard and/or rental of equipment commonly used by contractors.
(e) Extractive industries and accessory uses including, but not limited to, the mining of minerals, the operation of oil and gas wells, and exploratory activities associated with extractive industry.
(f) Fertilizer manufacturing.
(g) Junkyards and automobile graveyards, provided the use is not within three hundred (300) feet of an existing dwelling.
(h) Kennel, commercial~~.~~, (refer to use limitations in subsection 7).
(i) Public utility plant, other.
(j) Public utility substation.
(k) Public utility plant, water.
(l) Refining, processing or distribution of petroleum, petroleum products, natural gas and other forms of liquid fuel, aboveground.
(m) Sawmill and planing mill, coal and wood yard.
(n) Storage of bulk petroleum products.
(o) Telecommunication tower, freestanding.
(p) Use listed in subsection (3), if a manufacturing process is to take place outside.
(q) Use similar to (a) through (o) above.
(r) Slaughterhouse.

(5) *Lot requirements.*

(a) *Minimum lot area.* Three (3) acres except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access for M-1 uses shall avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(d) *Maximum coverage by buildings.* Seventy (70) percent.

(e) *Total impervious surface.* The total impervious surface located on a lot shall not exceed eighty-five (85) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Seventy-five (75) feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.

2. *Side.* Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear.* Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Fifty (50) feet.

(7) *Use limitations.*

(a) *Screening and buffering.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, heavy equipment or trash must be screened from adjacent streets or from adjacent land not zoned for industrial use. The purpose of such screening shall be to substantially reduce, but not necessarily eliminate, public views of outside storage areas. Acceptable screening shall be approved by the zoning administrator.

(b) *Off-street parking and loading.*

1. Off-street parking permitted in front yard.

2. Must be provided in accordance with section 10-44

(c) *Indoor/outdoor operations.* All manufacturing operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(d) *Separation of certain uses.* Junkyards and automobile graveyards must be one thousand (1,000) feet from the nearest edge of the right-of-way of any interstate or primary highway or five hundred (500) feet from the nearest edge of the right-of-way of any other highway or street, unless the facility is screened so as to be not visible from the main-traveled way of the highway or street.

(e) *Kennels, commercial*. Each commercial kennel, shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.
3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.

5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
    - Separate building entrance and exit to avoid animal conflicts.
    - Area for outside exercise to be exclusive from access by the public by fencing or other means.
    - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.
7. The site shall front on and have direct access to a publicly owned and maintained street.

Sec. 10-31. - M-L Manufacturing-Light.

(1) *Purpose.* This district is established to provide for economic development and job opportunities by accommodating a mix of light industrial and business uses and related uses in settings outside of industrial parks but designated for industrial use in the comprehensive plan. Activities in M-L districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of space and physical buffers as prescribed. Areas designated for industrial uses in the comprehensive plan are best suited for rezoning to this district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be lands within areas mapped as urban expansion, village, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
(b) Business or trade school.
(c) Cabinets, furniture and upholstery shop.
(d) Civic club.
(e) Conference or training center.
(f) Crematorium.
(g) Day care center.
(h) Equipment sales and service.
(i) Financial services.

(j) Fire, police, rescue facility.
(k) Flex-industrial use.
(l) Homeless shelter.
(m) Hotel, motel.
(n) Laboratory.
(o) Laundry, dry cleaning plant.
(p) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
(q) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
(r) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
(s) Monument stone works.
(t) Offices, administrative, business or professional.
(u) Park and ride lot.
(v) Pet, household.
(w) Post office.
(x) Printing service.
(y) Public utility lines, other.
(z) Public utility lines, water or sewer.
(aa) Research, experimental, testing or development activity.
(bb) Retail sales and service incidental to any other permitted use.
(cc) Telecommunication tower, attached.
(dd) Veterinary service; animal hospital.
(ee) Wholesale business, storage warehouses.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Airport.
(b) Farm machinery sales and service.
(c) Feed and seed stores and mill.
(d) Kennel, ~~indoor.~~ Commercial, (refer to use limitations in subsection 7).
(e) Mini-warehouse.
(f) Motor vehicles rentals.
(g) Recreation establishment.
(h) Recycling facility.
(i) Public utility plant, other.
(j) Public utility substation.
(k) Public utility plant, water or sewer.
(l) Shooting range, indoor.
(m) Telecommunication tower, freestanding.
(n) Use listed in subsection (3), if a manufacturing process is to take place outside.
(o) Use similar to (a) through (m) above.

(5) *Lot requirements.*

(a) *Minimum lot area.* One (1) acre for lots sharing access with another lot, two (2) acres otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access drives or roads shall be a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access for M-L uses shall avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations shall be in accordance with the Montgomery County Subdivision Ordinance.

(d) *Maximum floor area ratio.* 0.40.

(e) *Maximum coverage by buildings.* Fifty (50) percent.

(f) *Total impervious surface.* The total impervious surface located on a lot shall not exceed eighty (80) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Fifty (50) feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.

2. *Side.* Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear.* Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Fifty (50) feet.

(7) *Use limitations.*

(a) *Screening and buffering.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash must be screened from adjacent streets or from adjacent land not zoned for industrial use. The purpose of such screening shall be to substantially reduce, but not necessarily eliminate, public views of outside storage areas. Acceptable screening shall be approved by the zoning administrator.

(b) *Off-street parking and loading.*

1. Off-street parking permitted in required front yard.

2. Must be provided in accordance with section 10-44

(c) *Indoor/outdoor operations.* All manufacturing operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(d) Kennels, commercial - Each commercial kennel shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.
3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
    - Separate building entrance and exit to avoid animal conflicts.
    - Area for outside exercise to be exclusive from access by the public by fencing or other means.
    - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.
7. The site shall front on or have direct access to a publicly owned and maintained street.

Sec. 10-33. - PIN Planned Industrial.

(1) *Purpose.* This district is established to provide for economic development and job opportunities by accommodating certain light industrial and business uses and related uses with limited environmental and visual impact that wish to locate in an area of like uses, all to be developed and operated according to standards that will ensure maintenance of a park-like atmosphere. Activities in PIN districts shall have limited traffic and other impacts on uses in other districts through proper location on major streets, adherence to ordinance performance standards and provision of open space and physical buffers as prescribed.

(2) *Qualifying lands.* Lands qualifying for inclusion in the PIN zoning district shall be PIN on the date of passage of this chapter, or other lands within areas mapped as urban expansion, urban development area, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

(a) Animal hospital.
(b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
(c) Business or trade school.
(d) Cabinets, furniture and upholstery shop.
(e) Cemetery, mausoleum or memorial park.
(f) Civic club.
(g) Conference or training center.
(h) Crematorium.
(i) Day care center.
(j) Equipment sales and service.
(k) Financial services.
(l) Fire, police, rescue facility.
(m) Flex-industrial uses.
(n) Homeless shelter.
(o) Hotel, motel.
(p) Laboratory.
(q) Laundry, dry cleaning plant.
(r) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
(s) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
(t) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
(u) Mini warehouse.
(v) Monument stone works.
(w) Office, administrative, business or professional.
(x) Park and ride lot.
(y) Pet, household.
(z) Post office.
(aa) Printing service.
(bb) Public utility lines, other.
(cc) Public utility lines, water or sewer.
(dd) Public utility substation.
(ee) Research, experimental, testing or development activity.
(ff) Retail sales and service incidental to any other permitted use.
(gg) Storage warehouse.

(hh) Telecommunication tower, attached.
(ii) Veterinary service.
(jj) Wholesale business.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

(a) Airport.
(b) Farm machinery sales and service.
(c) Feed and seed store and mill.
(d) Kennel, ~~indoor.~~Commercial, (refer to use limitations in subsection 7).
(e) Motor vehicles rentals.
(f) Public utility plant, other.
(g) Public utility plant, water or sewer.
(h) Recreation, commercial.
(i) Recycling facility.
(j) Shooting range, indoor.
(k) Telecommunication tower, freestanding.
(l) Use listed in subsection (3), if a manufacturing process is to take place outside.
(m) Uses similar to (a) through (l) above.

(5) *Lot requirements.*

(a) *Minimum lot area.* One (1) acre except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(b) *Lot access.* Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. Lot access shall avoid impact on residential subdivisions from primary access and through traffic.

(c) *Maximum coverage by buildings.* Fifty (50) percent.

(d) *Minimum width.* One hundred (100) feet. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.

(e) *Total impervious surface.* The total impervious surface located on a lot shall not exceed seventy-five (75) percent of the gross site area.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Fifty (50) feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.

2. *Side*. Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

3. *Rear*. Thirty-five (35) feet when adjacent lot is residential district; ten (10) feet otherwise.

(b) *Maximum building height.* Fifty (50) feet.

(7) *Use limitations.*

(a) Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash must be screened from adjacent streets or from adjacent land not zoned for industrial use. The purpose of such screening shall be to substantially reduce, but not necessarily eliminate, public views of outside storage areas. Acceptable screening shall be subject to approval by the zoning administrator.

(b) Off-street parking and loading must be provided in accordance with section 10-44

(c) All manufacturing operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(d) *Kennels, commercial* - Each commercial kennel shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.
3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
    - Separate building entrance and exit to avoid animal conflicts.
    - Area for outside exercise to be exclusive from access by the public by fencing or other means.
    - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.

6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.
7. The site shall front on or have direct access to a publicly owned and maintained street.

All performance standards of this chapter shall be met by the owner, applicant or user.

Sec. 10-34. - PUD-COM Planned Unit Development-Commercial District.

(1) *Purpose.* This district is established to provide for the development of planned commercial areas that incorporate a variety of commercial uses as well as residential development. This district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations. The PUD-COM district encourages ingenuity, imagination, and high quality design on the part of the developer. It is intended that multiple access to existing public roads be discouraged and that development and access be oriented toward an internal road system that has carefully planned intersections with existing public roads. PUD-COM districts should result in well planned unit developments that contain a mix of commercial and residential development that is harmonious with existing site conditions, adjacent land uses, well landscaped, and safe and efficient for pedestrians and vehicles.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-COM on the date of passage of this chapter, or other lands within areas mapped as village, village expansion or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Apartment as accessory use.
(b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
(c) Automotive, light truck, sales, service, rental and repair.
(d) Building material sales.
(e) Business or trade school.
(f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
(g) Cemetery.
(h) Church.
(i) Civic club.
(j) Conference or training center.
(k) Convenience store, without motor fuel sales.
(l) Crematorium.
(m) Custom meat cutting, processing and sales (excluding slaughtering).
(n) Day care center.
(o) Equipment sales and service.

(p) Financial services.
(q) Fire, police, rescue facility.
(r) Funeral home.
(s) General store, convenience store without motor fuel sales.
(t) Homeless shelter.
(u) Hospital, medical center, emergency care.
(v) Hotel, motel.
(w) Library.
(x) Medical care facility.
(y) Motor vehicle rentals.
(z) Movie theater.
(aa) Office, administrative, business or professional.
(bb) Park.
(cc) Park and ride lot.
(dd) Pet, household.
(ee) Post office.
(ff) Printing service.
(gg) Public utility lines, other.
(hh) Public utility lines, water or sewer.
(ii) Radio station, excluding tower.
(jj) Recreation club.
(kk) Recreation establishment.
(ll) Recycling collection point.
(mm) Restaurant.
(nn) Retail sales and services.
(oo) School.
(pp) Shopping center.
(qq) Senior living facilities.
(rr) Telecommunication tower, attached.
(ss) Veterinary practice, animal hospital.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

(a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
(b) Building greater than fifty (50) feet in height.
(c) Convenience store with gasoline sales.
(d) Dwelling unit.
(e) General store, convenience store with motor fuel sales.
(f) Golf driving range, miniature golf and similar outdoor recreation.
(g) Kennel. Commercial, (refer to use limitations in subsection 7)..
(h) Mini-warehouse.
(i) Mobile home, Class A or B.
(j) Motor vehicles rentals.
(k) Public utility plant, other.

(l) Public utility plant, water or sewer.
(m) Public utility substation.
(n) Public water or sewer treatment plant.
(o) Recycling facility.
(p) Service station.
(q) Telecommunication tower, freestanding.
(r) Other use types that are not listed above and that are determined to be appropriate and compatible with the proposed development and surrounding uses may be specifically approved in concurrent rezoning and special use permit applications or in a subsequent special use permit application.

(5) *Lot requirements.*

(a) *Minimum lot area, density.*

1. Lot area shall be determined by designation of one (1) or more base district (article II) designations from the GB or an R district on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and landscaping/open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.

2. Density on nonresidential portions of the project shall be a maximum of 0.40 floor area ratio in urban expansion areas and 0.25 floor area ratio in village or village expansion areas. Density on residential portions of the project shall not exceed six (6) dwelling units per net acre in urban expansion areas and three (3) dwelling units per acre in village or village expansion areas.

(b) *Lot access.* Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. For additional standards see subsection (7).

(c) *Maximum coverage by buildings.* Seventy (70) percent.

(d) *Minimum width.* Width shall be determined by designation of a base district designation from the GB or an R district on each land bay in the approved concept development plan.

(e) *Maximum coverage of impervious surface.* The maximum coverage of impervious surface on a lot shall be determined as part of the approved concept development plan.

(6) *Building requirements.*

(a) *Minimum yards.* Yards shall be determined by designation of a base district designation from the GB or an R district on each: land bay in the approved concept development plan

(b) *Maximum building height.* Fifty (50) feet.

(c) *Variations permissible.* Variations from base district width, setbacks and/or yards may be permitted by the board of supervisors with reference to subsection (7) in cases where amenities and landscape/open space quantities in excess of minimum zoning ordinance requirements are provided as part of approval of the concept development plan.

(7) *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all development in the PUD-COM district.

(b) *Area for residential use.* The maximum area for residential uses shall be twenty-five (25) percent of the net area of the project.

(c) *Off-street parking and loading.* Off-street parking and loading must be provided in accordance with section 10-44.

(d) *Commercial and/or office criteria.*

1. Commercial and office uses shall be screened and landscaped as for base districts in accord with the buffer/landscape matrix.

2. Safe and convenient pedestrian access is required between the residential, commercial, and office uses within the project.

3. Commercial and office uses shall be oriented away from adjoining residential uses and access shall not be provided through residential areas.

4. Lighting shall be designed and arrange to be oriented away from adjacent residential uses.

(e) *Width, setbacks and yards.* Minimum requirements for width, setbacks and/or yards other than as for base districts, and as established in subsection (6), shall be specifically established during the review and approval of the concept development plan. The following guidelines shall be used in establishing any width, setback and/or yard building spacing variations from requirements of subsection (6). Variations shall not:

1. Impair safety from the standpoint of fire and rescue access to properties;

2. Increase danger or probability of accidents involving vehicles and/or pedestrians;

3. Be done with the major purpose to decrease development costs;

4. Be done when the effect is to decrease privacy, adequacy of light and air, or buffering beyond base district regulations' effects; and

5. Abrogate the principal that sides of structures located on and backing up to the outer perimeter of the project shall conform to the setback and yard requirements of the adjoining district or the setbacks established in the project, whichever is greater.

(f) *Streets.*

1. Streets serving dwellings shall be subject to the standards of the PUD-RES district.

2. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation.

3. Privately owned and maintained streets may be approved, provided:

a. All required parking is off-street and designated areas of off-street parking are provided that are in excess of and complementary to private driveways;

b. A plan is submitted and approved for emergency access, snow clearance;

c. The private streets are not through streets;

d. The private streets are developed to a pavement section equal to VDOT standard for the projected traffic volume and to a geometric standard meeting county requirements;

e. The minimum width of the streets is eighteen (18) feet or wider exclusive of any on-street parking based on the projected vehicle trips per day for the streets;

f. The right-of-way for all private streets shall be dedicated to the PUD property owners association; and

g. Deeds for property abutting the private street must state that the street is private and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county it must be at no cost to the state or county and the associations shall pay the full cost to bring the street up to state standards.

(g) *Commercial open space.* A minimum of fifteen (15) percent of the net area of the nonresidential portions of the development, including all required landscape and buffer areas, shall be permanently reserved as common open space.

(h) *Residential open space.* If the PUD-COM district contains a residential component, open space and recreation facilities shall be provided as for PUD-RES with the exception that required contiguous open space can be reduced relative to the scale of the residential component.

(i) *Kennels, commercial*. Each commercial kennel shall be subject to the following:

1. No principal or accessory use or structure or confinement area occupied or utilized by animals shall be located closer than two hundred (200) feet to any agricultural or residential lot line unless specifically granted with approval of a Special Use Permit (SUP) by the Board of Supervisors.
2. Shall be operated in such a way that does not produce any objectionable noise or odors or vermin outside its walls.

3. Noise measured at the nearest agricultural or residential property line shall not exceed limits defined in Chapter 7, Article IV of Montgomery County Code.
4. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
5. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, there may be additional requirements such as:
    - Separate building entrance and exit to avoid animal conflicts.
    - Area for outside exercise to be exclusive from access by the public by fencing or other means.
    - For non-soundproofed animal confinements, an external solid fence composed of block, brick or other material to be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator.
6. Animal waste shall be disposed of in a manner acceptable to the Department of Health.
7. The site shall front on or have direct access to a publicly owned and maintained street.

Section 10-61 Definitions.

Kennel, commercial: An establishment in which two (2) or more canines, or canine hybrids, cats or other household pets are housed or kept for training, breeding, renting, handling, buying, selling, treating, boarding, grooming, or showing ~~dogs, cats, or other household pets~~ as a business, and/or for commercial gain. ~~Does not include establishments in which the sole function is grooming~~.

Kennel, private: The keeping, fostering, breeding, raising, showing or training of more than five (5) dogs over twelve (12) weeks of age for personal enjoyment of the owner or occupants of the property and for which commercial gain is not the primary objective.

Pet, household: Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties. *(*also see "kennel, private" and "Kennel, commercial*")*