

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14th DAY OF NOVEMBER 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marris	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis (Left at 7:40 p.m.)	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the following Addendum was added to the agenda under Closed Meeting:

- Section 22-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
8. Personnel

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

2. Mid-County General Services Building

The County Attorney also advised that Prices Fork Elementary School Site listed under Section (7) – Legal should be moved to Section (3) – Real Estate Matters.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Steve L. Spradlin	

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. AFD Advisory Board
 2. New River Community College Board
 3. Office on Youth Advisory Board
 4. Parks & Recreation Commission
 5. Social Services Board
 6. Tourism Development Council
 7. Western Virginia Regional Jail Authority
 8. Personnel

(5) Discussion Concerning A Prospective Business Or Industry Or The Expansion Of An Existing Business Or Industry Where No Previous Announcement Has Been Made Of The Business Or Industry's Interest In Locating Or Expanding Its Facilities In The Community.

1. Project # 2007025

(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Old Blacksburg Middle School Property
2. Prices Fork Elementary School Site
3. Mid-County General Services Building

(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Boundary Line Adjustment – City of Radford
2. Real Estate Agreement – Former Bethel School Property

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
Mary W. Biggs
Doug Marrs
Annette S. Perkins
James D. Politis
John A. Muffo
Steve L. Spradlin

NAY

None

Supervisor Politis left the meeting following Closed Session at 7:40 p.m.

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Mary W. Biggs	None	John A. Muffo	James D. Politis
Doug Marrs		James D. Politis	
Annette S. Perkins			
Gary D. Creed			
Steve L. Spradlin			

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs
Annette S. Perkins
Gary D. Creed
Mary W. Biggs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

John A. Muffo
James D. Politis

ABSENT DURING MEETING

James D. Politis

INVOCATION

The Invocation was lead by Chair Spradlin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS

Resolution of Appreciation – Julia Bratton – Office of Elections

The Board presented a Resolution of Appreciation to Julia Bratton for her 45 years of service as an Officer of Election for Montgomery County.

Resolution of Appreciation – Paul Dellinger – Roanoke Times

The Board presented a Resolution of Appreciation to Paul Dellinger for his 44 years of Service with the Roanoke Times.

DELEGATION

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, provided an update on road issues/projects in Montgomery County. The paving project on Rt. 11 from Radford to Christiansburg in almost complete. VDOT is starting two new projects for truck climbing lanes on I-81. One project is in Staunton and one is in Montgomery County. The public hearing for Montgomery County will be scheduled for the Spring 2008, with an estimated completion of 2012.

At this time Board members took the opportunity to address Mr. Clarke about road concerns/issues in their districts.

Supervisor Creed:

Alleghany Springs Road –Guardrail needs to be installed on Alleghany Springs Road just past the Wrestling Camp.

Alleghany Springs Road – The one lane bridge needs to be widened. David Clarke stated VDOT will assess the bridge to see if it could be widened or if it needs to be replaced. If it has to be replaced it will have to be put on the 6-Year Road Plan.

Georges Run Road – There are alot of washing out areas along the road that needs to be repaired.

Boners Run Road – There is a tree that has been cut down that is blocking the culvert. Needs to be removed before a heavy rain or winter weather.

Mt. Pleasant Road – David Clarke to provide an update on when VDOT will start this project.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated November 14, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the minutes dated September 24, 2007 and October 9, 2007 were approved.

A-FY-08-55
CLERK OF CIRCUIT COURT

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$6,845
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$3,455
02250-410107 Jury Fees	<u>\$3,390</u>
Total	\$6,845

Said resolution appropriates Technology Trust fund monies to cover the cost of computer equipment and criminal jury monies that are reimbursed to the County by the state.

A-FY-08-56
COMMONWEALTHS' ATTORNEY

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$1,462
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$1,462

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-08-57
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

310	Sheriff – County	\$40,449
321	Sheriff – Grants	<u>\$10,579</u>
	Total	\$51,028

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$40,449
419104	Confiscations	10,229
424401	Project Lifesaver	<u>350</u>
	Total	\$51,028

Said resolution appropriates recovered costs, confiscations and Project Lifesaver funds for use by the Sheriff's department.

A-FY-08-58
SHERIFF
STATE GRANT

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

321	Sheriff Grants	\$5,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	State Grants	\$5,000

Said resolution appropriates monies for the Multi-Regional Aggressive Driver Enforcement Grant.

**A-FY-08-59
TREASURER
DMV STOP FEES**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

162	Treasurer's Collections	\$10,676
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
411604	DMV Stop Administrative Fee	\$10,676

Said resolution appropriates monies received from taxpayers for DMV service charges for stops on license issuance.

**A-FY-08-60
LIBRARY
APPROPRIATION ADJUSTMENT**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation for the fiscal year ending June 30, 2008 was adjusted for the function and in the amount as follows:

710	Montgomery Library	(\$9,919)
720	Floyd Library	<u>(\$1,750)</u>
	Total	(\$11,669)

The sources of the funds for the foregoing appropriation adjustment are as follows:

<u>Revenue Account</u>		
02710-424409	State Aid – Montgomery	(\$9,919)
02720-424409	State Aid – Floyd	<u>(\$1,750)</u>
	Total	(\$11,669)

Said resolution reduces state aid funds available for use by the Library.

**A-FY-08-61
TECHNOLOGY RESERVE FUND
TRANSFER TO CAPITAL PROJECTS**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

451209	Transfer to County Capital Projects	\$14,000
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Technology Reserve	\$14,000
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

121425 IS	Disaster Recovery	\$14,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$14,000
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Said resolution appropriates funds from the Technology Reserve to cover the additional cost for the generator and UPS required for the Disaster Recovery Project.

**R-FY-08-63
VACATION OF DRAINAGE EASEMENT
FOR 7 HILLS, INC.**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Plat Showing Boundary Survey of Lot 13 and Lot 17 Boundary Line Vacation on Lot 14, Lot 15, and Lot 16 and Vacation of Drainage Easement on Lot 14 and Lot 15 Map of Shawsville Subdivision requests the vacation of a 15' drainage easement on Tax Parcels 83C2-5-14 and 83C2-5-15 on behalf of the landowner, and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat Showing Boundary Survey of Lot 13 and Lot 17 Boundary Line Vacation on Lot 14, Lot 15 and Lot 16 and Vacation of Drainage Easement on Lot 14 and Lot 15 Map of Shawsville Subdivision prepared by Highland Surveys P.C. Plan No. S-8326 dated 31 October 2007 involving Tax Parcels 83C2-5-14 and 15 (Acct ID# 014177 and 014178 respectively) in the Shawsville Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

OLD BUSINESS

R-FY-08-64 SPECIAL USE PERMIT CHILDREN'S ACADEMIC CENTER, INC.

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Children's Academic Center, Inc. (Agent: Darlene Brammer McGuire) request for a Special Use Permit to allow expansion of the existing daycare center is hereby approved subject to the following conditions:

1. A site plan covering the existing day care facility (2,577 square feet) and an expansion of up to 2,400 square feet shall be prepared and submitted in accordance with Section 10-53(3) of the Zoning Ordinance. This site plan shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.
2. Parking may be allowed in the area between the existing day care pavement and the bottom of the Roanoke Road (US Route 11/460) embankment in accordance with the Virginia Department of Transportation (VDOT) letter of October 15, 2007
3. Outdoor recreation space for the day care expansion shall be provided and maintained

The property is located at 270 Alleghany Spring Road and is identified as Tax Parcel No. 083-A-74C (Acct # 035999) in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		
Gary D. Creed		
Steve L. Spradlin		

ORD-FY-08-13
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN –
POLICY MAP AND BELVIEW VILLAGE PLAN LAND USE MAP DESIGNATIONS
OF APPROXIMATELY 5 ACRES LOCATED AT 2626 PEPPERS FERRY ROAD
FROM RURAL TO VILLAGE EXPANSION, MEDIUM DENSITY RESIDENTIAL
IN THE RINER & MT TABOR MAGISTERIAL DISTRICTS
CHIE-MEY LO SHING (PEPPERS FERRY TOWNHOMES LLC)

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan – Policy Map and Belview Village Plan Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Comprehensive Plan - Policy Map and Belview Village Land Use Map designations of that certain tracts or parcels of land consisting of approximately 5 acres is hereby amended from the designations of Rural to Village Expansion, Medium Density Residential.

This action was commenced upon the application of Chie-Mey Lo Shing (Peppers Ferry Townhomes LLC).

The property is located at 2626 Peppers Ferry Road, on the north side of road and is identified as a portion of Tax Parcel No. 65-A-15 (ID #017076) in the Prices Fork and Riner Magisterial Districts.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

ORD-FY-08-14
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN –
PLUM CREEK VILLAGE PLAN LAND USE MAP DESIGNATION
OF APPROXIMATELY 10 ACRES LOCATED ON THE WEST SIDE
OF THE 1600 BLOCK OF GANTT DRIVE
FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL
IN THE RINER MAGISTERIAL DISTRICT
JOHN DARIN & TABITHA DAWN GREEAR

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan - Plum Creek Village Plan Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Plum Creek Land Use Map designation of that certain tracts or parcels of land consisting of a 10 acre tract of land is hereby amended from the designation of low density residential to medium density residential.

This action was commenced upon the application of John Darin and Tabitha Dawn Greear.

The property is located on the west side of the 1600 block of Gantt Drive in the Village of Plum Creek and is identified as Tax Parcel No(s) 090-A-9 (ID.#008404) and 090-A-10 (ID.#008407) in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
Doug Marrs		
John A. Muffo		
Mary W. Biggs		
Steve L. Spradlin		

ORD-FY-08-15
AN ORDINANCE AMENDING CHAPTER 8, ARTICLE IV,
ENTITLED PLANNING AND DEVELOPMENT, SUBDIVISIONS,
SECTIONS 8-111, 8-152 AND 8-171 RESPECTIVELY OF
THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
BY REQUIRING ALL SUBDIVISIONS THAT SUBSTANTIALLY AFFECT
TRANSPORTATION ON STATE CONTROLLED HIGHWAYS AS DEFINED BY THE
VIRGINIA DEPARTMENT OF TRANSPORTATION TRAFFIC IMPACT ANALYSIS
REGULATIONS CHAPTER 155 24 VAC 30-155 et seq., TO COMPLY WITH
THE VIRGINIA DEPARTMENT OF TRANSPORTATION IMPACT ANALYSIS
REGULATIONS INCLUDING THE REQUIREMENT FOR SUBDIVIDERS TO
PROVIDE A TRAFFIC IMPACT STATEMENT SHOWING HOW A PROPOSED
DEVELOPMENT WILL RELATE TO EXISTING AND FUTURE TRANSPORTATION
FACILITIES AND TO REQUIRE THAT ALL INGRESS/EGRESS IMPROVEMENTS
BE CONSTRUCTED PER VIRGINIA DEPARTMENT OF TRANSPORTATION
STANDARDS

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, Article IV, entitled Planning and Development, Subdivisions, Sections 8-111, 8-152 and 8-171, respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 8-111. Definitions.

For the purposes of this article certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this article includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane:

Agent means the representative of the board of supervisors who has been appointed to serve as the agent or coagent of the board in approving the subdivision plats.

Board or board of supervisors means the Montgomery County board of supervisors.

Bond means an undertaking by an insurance company (bonding company) licensed to do business in the state guaranteeing that a subdivider will perform certain acts as regards the construction and maintenance of required improvements.

Building setback means the minimum distance that a building must be set back from a lot line.

Commission or planning commission means the Montgomery County Planning Commission.

Construction plan means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this article as a condition of the approval of the plat.

Cul-de-sac means a street with only one (1) outlet and having an appropriate turnaround area for a safe and convenient reverse traffic movement.

Easement. The definition of "easement" shall be deemed that recognized by law.

Engineer shall mean a professional engineer licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Escrow account means a deposit of cash or a certified check with the local government in lieu of actual construction and maintenance of required improvements as specified in this article.

Improvement means any street, street sign, drainage ditch, water line, sewer line, park or other facility.

Jurisdiction means the area or territory subject to the legislative control of a local government.

Letter of credit means an irrevocable guarantee of payment sufficient to cover the cost of constructing and maintaining required improvements, if the subdivider fails to do so.

Local government attorney means an attorney designated by the board of supervisors.

Lot means any parcel of land created by subdivision, including any parcels to be retained by the current owner.

Plat means and includes the terms "map," "plan," "plot," "replat," or "replot." A map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Public service authority means the county public service authority.

Public sewer system or public water system means those public sewer systems or public water systems provided for public use.

Remainder means a lot of a subdivided property that is not to be offered for immediate sale and that is twenty (20) acres or larger.

Right-of-way. The definition of right-of-way shall be deemed that recognized by law.

Street means a highway, street, avenue, boulevard, road, lane, alley or any way which provides ingress and egress.

Street, private means any street that is unmaintained or is maintained by a private organization or individuals.

Street, public means a street that provides unrestricted ingress and egress by the public, and which is maintained by the Virginia Department of Transportation or by a municipality.

Subdivider means any person, corporation, partnership, or other entity owning any tract, lot or parcel of land to be subdivided.

Subdivision means the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or building development.

Subdivision, family, means a single division of a lot or parcel for the purpose of a sale or gift to a member of the immediate family, (as defined by the Code of Virginia) of the property owner.

Subdivision, major means any subdivision that:

- (1) Creates eleven (11) or more lots or tracts;
- (2) Requires construction of a new street; or
- (3) Requires a private access easement, serving a total of four (4) or more lots or tracts.

Subdivision, minor means any subdivision consisting of ten (10) or fewer lots or tracts and which does not require construction of a new street and which does not require a private access easement serving a total of four (4) or more lots or tracts.

Surveyor means a land surveyor licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Traffic Impact Statement means a statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The Traffic Impact Statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The Traffic Impact Statement shall comply with the requirements contained in the Virginia Department of Transportation Traffic Impact Analysis Regulations, Chapter 155, 24 VAC 30-155-60. If a Traffic Impact Statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the Traffic Impact Statement. The developer or owner shall be responsible for paying all the applicable fees charged by VDOT.

Zoning ordinance means the zoning ordinance of the county.

Sec. 8-152. New streets.

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be 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. All site related improvements required by VDOT or the County for vehicular ingress and egress, including but not limited to traffic signalization and control shall also be designed and constructed in accordance with the minimum standards of Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public 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. Private streets may be permitted in the following types of developments:

(1) *Commercial or industrial developments.* Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(2) *Townhouse developments.* Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement.

(3) *Single-family housing developments.* Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of eighteen (18) percent and a minimum width of all-weather surface or pavement of eighteen (18) feet. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(bb) *Private access easements.* Private access easements at least forty (40) [feet] in width providing ingress and egress to a dedicated recorded public street may be permitted in the Agricultural A-1 zoning district and private access easements at least twenty (20) feet in width providing ingress and egress to a dedicated recorded public street may be permitted to serve a family subdivision subject to the following:

(1) Any private access easements serving a total of three (3) or less lots or tracts shall be constructed with an all-weather surface.

- (2) Any private access easements serving a total of four (4) or more lots or tracts shall be reviewed and constructed in accordance with the provisions of this article for private streets in single-family housing developments.

(bbb) *[Ingress and egress.]* Any and all streets and private access easements providing ingress and egress that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current department of transportation standards with funds other than those appropriated by the general assembly and allocated by the commonwealth transportation board. A note shall be placed on all plats and deeds of subdivisions when a subdivision is served by a private street and/or a private access easement advising that the streets and access easements are not eligible for maintenance or improvements with funds allocated by either the General Assembly of Virginia or the commonwealth transportation board as required by section 8-173 and 8-174.

(c) *Cul-de-sac.* Dead-end streets shall have cul-de-sac-type turnarounds at their ends, with radius equal to the right-of-way width. Dead-end streets shall serve no more than thirty-five (35) dwelling units, unless the board of supervisors determines that terrain or other factors dictate otherwise.

(d) *Access.* New subdivisions shall have access to a street dedicated to the public or to a street shown upon a plat approved by the agent and recorded in the office of the clerk of the appropriate court.

(e) *Street identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider.

(f) *Reserve strips.* There shall be no reserve strips controlling access to streets.

(g) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat and seek to provide for convenient access to their own land. Where, in the opinion of the board of supervisors, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Streets shall be related appropriately to the topography. Whenever possible, streets should intersect at right angles.

(h) *Traffic Impact Statement.* The subdivider shall submit with its request for a subdivision a Traffic Impact Statement when the proposed development substantially affects transportation on state-controlled highways as defined by the Virginia Department of Transportation Traffic Impact Analysis Regulations Chapter 155, 24 VAC 30-155, et seq. The data and analysis contained in the Traffic Impact Statement shall be acceptable to VDOT and comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-

60 and this Ordinance. The subdivider shall submit to the agent three (3) copies of the Traffic Impact Statement and a check made payable to VDOT to cover the review fees charged by VDOT to review the Traffic Impact Statement. The agent shall forward the Traffic Impact Statement along with the review fees provided by the subdivider to VDOT within 10 business days of receipt of a complete subdivision proposal.

Sec. 8-171. Generally.

(a) All preliminary and final plats shall be approved or disapproved by the agent, the planning commission, or the board of supervisors in accordance with the provisions of section 15.2-2258 of the Code of Virginia. In the event that approval of a feature or features of a plat by a State agency is necessary, the agent shall forward the subdivision submission within 10 business days of receipt of a completed submission and applicable VDOT fees to the appropriate State agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of Section 15.2-2222.1 and Section 15.2-2260 of the Code of Virginia, as applicable. Upon approval of a final plat, the agent or the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat before it is recorded.

(b) All plats and surveys shall conform to the standards and procedures for land boundary surveying, as adopted by the board for architects, professional engineers, land surveyors and landscape architects, pursuant to the Code of Virginia.

(c) A survey of the land to be subdivided, showing the number, area, and dimensions of all lots, is required for all subdivisions except that in subdivisions where one (1) lot of twenty (20) acres or larger is not to be immediately conveyed, that one (1) tract shall be considered a "remainder" and need not be included in the survey. However, a sketch map showing the approximate boundaries of the entire property, including the remainder, shall be recorded with the required plat. The sketch map shall have sufficient detail to show that the remainder meets minimum road frontage requirements and shall also give the approximate acreage of the remainder.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
Doug Marrs		
John A. Muffo		
Mary W. Biggs		
Steve L. Spradlin		

ORD-FY-08-16
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING
SECTIONS 10-21, 10-22, 10-23, 10-24, 10-25 AND 10-26 RESPECTIVELY OF
THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY
ADDING CERTAIN ACCESSORY STRUCTURES TO
USES PERMISSIBLE BY A SPECIAL USE PERMIT ISSUED BY
THE BOARD OF SUPERVISORS IN
THE A-1, C-1, R-R, R-1, R-2 AND R-3 ZONING DISTRICTS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-21, 10-22, 10-23, 10-24, 10-25 and 10-26, respectively of the Code of the County of Montgomery, Virginia, 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) Manufactured (mobile) home, Class A or B.
- (l) Natural area.
- (m) Park, unlighted.
- (n) Pet, farm.
- (o) Pet, household.
- (p) Playground, unlighted.
- (q) Public utility lines, other; and public utility lines, water and sewer.
- (r) Sawmill, temporary.
- (s) School.
- (t) Telecommunications tower, attached.
- (u) 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)(a)~~ Bed and breakfast inn.
- ~~(c)(b)~~ Campground.
- ~~(d)(c)~~ Camp, boarding.
- ~~(e)(d)~~ Civic club.
- ~~(f)(e)~~ Contractor's storage yard.
- ~~(g)(f)~~ Country club.
- ~~(h)(g)~~ Country inn.
- ~~(i)(h)~~ Custom meat cutting, processing and packaging.
- ~~(j)(i)~~ Day care center.
- ~~(k)(j)~~ Disposal facility, landfill.
- ~~(l)(k)~~ Exploratory activities associated with extractive industries.
- ~~(m)(l)~~ Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- ~~(n)(m)~~ Game preserve.
- ~~(o)(n)~~ Garden center.
- ~~(p)(o)~~ General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- ~~(q)(p)~~ Golf course.
- ~~(r)(q)~~ Golf driving range.
- ~~(s)(r)~~ Grain mill, feed mill.
- ~~(t)(s)~~ Home business.
- ~~(u)(t)~~ Junkyard, automobile graveyard.

- ~~(v)(u)~~ Kennel, commercial (refer to use limitations in subsection 7).
- ~~(w)(v)~~ Landfill (see Disposal facility).
- ~~(x)(w)~~ Livestock market.
- ~~(y)(x)~~ Park, lighted.
- ~~(z)(y)~~ Playground, lighted.
- ~~(aa)(z)~~ Public utility plant, other.
- ~~(bb)(aa)~~ Public utility substations.
- ~~(cc)(bb)~~ Public utility plant water or sewer (not including distribution or collection lines).
- ~~(dd)(ee)~~ Recreational vehicle park.
- ~~(ee)(dd)~~ Recycling collection points.
- ~~(ff)(ee)~~ Repair shop, automotive (refer to use limitations in subsection 7).
- ~~(gg)(ff)~~ Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- ~~(hh)(gg)~~ Rural resort.
- ~~(ii)(hh)~~ Sawmill.
- ~~(jj)(ii)~~ Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
- ~~(kk)(jj)~~ Slaughterhouse.
- ~~(ll)(kk)~~ Solid waste collection point.
- ~~(mm)(ll)~~ Stable, commercial.
- ~~(nn)(mm)~~ Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- ~~(oo)(nn)~~ Structures over forty (40) feet in height.
- ~~(pp)(oo)~~ Telecommunications tower, freestanding.
- ~~(qq)(pp)~~ Flea market (also subject to requirements of article VI of the County Code).
- ~~(rr)(qq)~~ Impervious lot coverage greater than twenty (20) percent but less than twenty-five (25) percent.
- ~~(ss)(rr)~~ Stone engraving and sales.

(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 or other impervious surfaces unless approved by special use permit but shall not exceed twenty-five (25) percent.

(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.

(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) Manufactured home, Class A and Class B.
- (i) Natural area.
- (j) Pet, farm.
- (k) Pet, household.
- (l) Public utility lines, other; public utility lines, water and sewer.
- (m) Telecommunications tower, attached.
- (n) Veterinary practice, animal hospital.
- (o) Farm enterprise.

(p) 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)(a)~~ Campground.

~~(c)(b)~~ Bed and breakfast inn.

~~(d)(c)~~ Park, unlighted.

~~(e)(d)~~ Playground, unlighted.

~~(f)(e)~~ Sawmill, temporary.

~~(g)(f)~~ Structures over sixty-five (65) feet in height.

~~(h)(g)~~ 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.]

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)(a)~~ Bed and breakfast inn.
- ~~(c)(b)~~ Cemetery.
- ~~(d)(c)~~ Civic club.
- ~~(e)(d)~~ Country club.
- ~~(f)(e)~~ Day care center.
- ~~(g)(f)~~ Fire, police and rescue stations.
- ~~(h)(g)~~ Golf course.
- ~~(i)(h)~~ Golf driving range.
- ~~(j)(i)~~ Home business.
- ~~(k)(j)~~ Park, lighted.
- ~~(l)(k)~~ Playground, lighted.

- ~~(m)(t)~~ Public utility substations.
- ~~(n)(m)~~ Public utility plant, water or sewer.
- ~~(o)(n)~~ Stable, commercial.
- ~~(p)(o)~~ Telecommunications tower, freestanding.
- ~~(q)(p)~~ Veterinary practice, animal hospital.
- ~~(r)(q)~~ 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.]

(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. 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, and nature trails 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)(a)~~ Bed and breakfast inn.
- ~~(c)(b)~~ Cemetery.
- ~~(d)(e)~~ Civic club.
- ~~(e)(d)~~ Country club.
- ~~(f)(e)~~ Day care center.
- ~~(g)(f)~~ Fire, police and rescue stations.
- ~~(h)(g)~~ Funeral home.
- ~~(i)(h)~~ Golf course.
- ~~(j)(i)~~ Home business.
- ~~(k)(j)~~ Nursing home.
- ~~(l)(k)~~ Park, lighted or unlighted.
- ~~(m)(l)~~ Playground, lighted or unlighted.
- ~~(n)(m)~~ Private club.
- ~~(o)(n)~~ Public utility plant, other.
- ~~(p)(o)~~ Public utility plant, water or sewer.

(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.* 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.

(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. 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, and nature trails 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, 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)(a)~~ Bed and breakfast inn.
- ~~(c)(b)~~ Cemetery.
- ~~(d)(c)~~ Civic club.
- ~~(e)(d)~~ Country club.
- ~~(f)(e)~~ Day care center.

- ~~(g)(f)~~ Fire, police and rescue stations.
- ~~(h)(g)~~ Funeral home.
- ~~(i)(h)~~ Golf course.
- ~~(j)(i)~~ Home business.
- ~~(k)(j)~~ Nursing home.
- ~~(l)(k)~~ Park, lighted or unlighted.
- ~~(m)(l)~~ Playground, lighted or unlighted.
- ~~(n)(m)~~ Private club.
- ~~(o)(n)~~ Public utility plant, other.
- ~~(p)(o)~~ Public utility plant, water or sewer.

(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.

(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-2 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* Eleven thousand (11,000) 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. 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, and nature trails 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. Seventy (70) feet at the setback line of 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.

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

Sec. 10-26. R-3 Residential District.

(1) *Purpose.* The R-3 Residential District is intended to accommodate moderate density suburban residential uses to be served by public water and sewer facilities. 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 compatible commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising.

To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. 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-3 zoning district shall be R-3 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 two (2) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right in the R-3 district, 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) Church.
- (b) Dwelling, single-family.
- (c) Dwelling, two-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 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) ~~(a)~~ Bed and breakfast homestay.
- (c) ~~(b)~~ Cemetery.
- (d) ~~(c)~~ Civic club.
- (e) ~~(d)~~ Country club.
- (f) ~~(e)~~ Day care center.
- (g) ~~(f)~~ Fire, police and rescue stations.
- (h) ~~(g)~~ Funeral home.
- (i) ~~(h)~~ Golf course.
- (j) ~~(i)~~ Home business.
- (k) ~~(j)~~ Manufactured home, Class A and Class B.
- (l) ~~(k)~~ Medical care facility.
- (m) ~~(l)~~ Nursing home.
- (n) ~~(m)~~ Park, lighted or unlighted.
- (o) ~~(n)~~ Playground, lighted or unlighted.
- (p) ~~(o)~~ Public utility plant, other.
- (q) ~~(p)~~ Public utility substations.

(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* (also refer to "lot coverage"). Ten thousand (10,000) square feet.
- (b) *Lot access*. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.
- (c) *Maximum lot coverage*. Lot 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*. Eighty (80) feet at the setback line of front yard.
- (e) *Maximum length/width ratio*. Five to one (5:1) for any lot less than two (2) acres.

(6) *Building requirements.*

- (a) *Minimum yards.*
 - 1. *Front*. Twenty-five (25) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).
 - 2. *Side*. Ten (10) feet for each principal structure.
 - 3. *Rear*. Twenty-five (25) feet.
 - 4. *Accessory buildings*. Ten (10) feet to any side or rear lot line.
- (b) *Maximum building height*. 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 development in any R-3 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.

(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-3 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* Seven thousand (7,000) 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 seven thousand (7,000) square feet. Green space may include active or passive recreational uses, and may be held in either public or private ownership. 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, and nature trails shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* No one (1) lot of such required green space in any compact development shall have a length to width ratio greater than five to one (5:1).

c. *Minimum width.* Sixty (60) feet at the setback line of front yard.

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

1. *Front.* Twenty (20) feet.

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

3. *Rear.* Twenty-five (25) feet or more.

4. *Accessory buildings.* No less than five (5) feet to side or rear lot line.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

ORD-FY-08-17
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING
SECTIONS 10-28, 10-29 AND 10-61 RESPECTIVELY OF
THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY
DEFINING COMMUNITY CENTER AND ADDING COMMUNITY CENTER AS A USE
PERMITTED BY RIGHT IN THE GENERAL BUSINESS AND COMMUNITY
BUSINESS ZONING DISTRICTS

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-28, 10-29 and 10-61, respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

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)(j)~~ Conference or training center.
- ~~(l)(k)~~ Crematorium.
- ~~(m)(l)~~ Custom meat cutting, processing and sales (excluding slaughtering).
- ~~(n)(m)~~ Day care center.
- ~~(o)(n)~~ Equipment sales and service.
- ~~(p)(o)~~ Financial services.
- ~~(q)(p)~~ Fire, police, rescue facility.
- ~~(r)(q)~~ Funeral home.
- ~~(s)(r)~~ General store, convenience store without motor fuel sales.
- ~~(t)(s)~~ Homeless shelter.
- ~~(u)(t)~~ Hotel, motel.
- ~~(v)(u)~~ La undromat.
- ~~(w)(v)~~ Library.
- ~~(x)(w)~~ Medical care facility.
- ~~(y)(x)~~ Motor vehicle rentals.
- ~~(z)(y)~~ Office, administrative, business or professional.
- ~~(aa)(z)~~ Park.
- ~~(bb)(aa)~~ Park and ride lot.
- ~~(cc)(bb)~~ Pet, household.
- ~~(dd)(cc)~~ Post office.
- ~~(ee)(dd)~~ Printing service.
- ~~(ff)(ee)~~ Public utility lines, other distribution or collection facility.
- ~~(gg)(ff)~~ Public utility lines, water or sewer.
- ~~(hh)(gg)~~ Radio station; excluding tower.
- ~~(ii)(hh)~~ Restaurant.
- ~~(jj)(ii)~~ Retail sales and services.
- ~~(kk)(jj)~~ School.
- ~~(ll)(kk)~~ Shopping center.

- ~~(mm)(H)~~ Telecommunication tower, attached.
- ~~(nn)(mm)~~ Veterinary practice, animal hospital.
- ~~(oo)(mm)~~ Garden center.

(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) Truck, trailer, heavy equipment sales, service, rental and repair.
- (c) Building greater than fifty (50) feet in height.
- (d) Farm machinery sales and service.
- (e) Feed and seed store and mill.
- (f) General store, convenience store with motor fuel sales.
- (g) Golf driving range, miniature golf and similar outdoor recreation.
- (h) Kennel, commercial.
- (i) Livestock market.
- (j) Mini-warehouse.
- (k) Outpatient mental health and substance abuse center.
- (l) Public utility plant, other.
- (m) Public utility substation.
- (n) Public utility plant, water or sewer.
- (o) Recreation establishment.
- (p) Recycling facility.
- (q) Service station.
- (r) Shooting range, indoor.
- (s) Telecommunication tower, freestanding.
- (t) Night club.
- (u) 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.

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)(i)~~ Conference or training center.
- ~~(k)(j)~~ Crematorium.
- ~~(l)(k)~~ Custom meat cutting, processing and sales (excluding slaughtering).
- ~~(m)(l)~~ Day care facility.
- ~~(n)(m)~~ Financial services.
- ~~(o)(n)~~ Fire, police, rescue facility.
- ~~(p)(o)~~ Funeral home.
- ~~(q)(p)~~ General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.

- ~~(r)(q)~~ Homeless shelter.
- ~~(s)(t)~~ Library.
- ~~(t)(s)~~ Medical care facility.
- ~~(u)(t)~~ Garden center.
- ~~(v)(u)~~ Office, administrative, business or professional less than three thousand (3,000) square feet.
- ~~(w)(v)~~ Park, unlighted.
- ~~(x)(w)~~ Park and ride lot, unlighted.
- ~~(y)(x)~~ Pet, household.
- ~~(z)(y)~~ Post office.
- ~~(aa)(z)~~ Printing service.
- ~~(bb)(aa)~~ Public utility lines, other.
- ~~(cc)(bb)~~ Public utility lines, water or sewer.
- ~~(dd)(cc)~~ Restaurant.
- ~~(ee)(dd)~~ Retail sales and services less than three thousand (3,000) square feet.
- ~~(ff)(ee)~~ Roadside stand.
- ~~(gg)(ff)~~ School.
- ~~(hh)(gg)~~ 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) Truck, trailer sales, service, rental and repair with outside operations.
- (c) Building greater than thirty-five (35) feet in height.
- (d) Convenience store less than three thousand (3,000) square feet, with motor fuel sales.
- (e) Dwelling, single-family or two-family.
- (f) Farm machinery sales and service.
- (g) Feed and seed store and mill.
- (h) Golf course.
- (i) Golf driving range.
- (j) Kennel, commercial.
- (k) Public utility plant, other.
- (l) Public utility substation.
- (m) Public utility plant, water or sewer.
- (n) Recreation establishment.
- (o) Recycling facility.
- (p) Telecommunication tower, freestanding.
- (q) Veterinary practice, animal hospital.
- (r) Mini-warehouse.
- (s) 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 marshal. 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.

ARTICLE VI. DEFINITIONS

Sec. 10-61. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the zoning administrator, established customs or practices of the County of Montgomery, Virginia, justify a different or additional meaning. Further, for the purpose of this chapter, certain words and terms are to be interpreted as follows:

(1) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.

(2) The word "shall" is mandatory.

(3) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.

(4) Unless otherwise specified, the term "day" shall mean working day (Monday through Friday).

(5) The word "lot" includes the word plot; the word "used" includes the terms designed, intended, arranged or to be used.

- (6) The terms "land use" and "use of land" shall include the use of buildings and structures.

The following is hereby added as an additional definition under the above referenced Article and shall be placed alphabetically therein.

Community Center: a place, structure, area or facility used for civic, cultural, educational, recreational and/or social activities which is open to the public and intended to serve the local community.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
Steve L. Spradlin		

NEW BUSINESS

**R-FY-08-65
RESOLUTION AUTHORIZING THE CONVEYANCE
OF 4.149 ACRES IN THE
FALLING BRANCH CORPORATE PARK
TO APPALACHIAN POWER COMPANY
FOR THE PURPOSE OF CONSTRUCTING A POWER SUBSTATION**

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, Appalachian Power Company (APCO) desires to construct a new electric power substation in the Falling Branch area of the Town of Christiansburg, County of Montgomery to improve electric power in that area of Montgomery County including the Falling Branch Corporate Park; and

WHEREAS, APCO desires to purchase 4.149 acres at the back of Lot 2 in the Falling Branch Corporate Park for the purpose of locating its proposed substation; and

WHEREAS, The Industrial Development Authority desires to convey 4.149 acres to APCO for the substation because the Falling Branch Corporate Park will benefit from the increase in power made available by the substation; and

WHEREAS, The Industrial Park Transfer Agreement requires the Board of Supervisors to approve any conveyance of property by the Industrial Development Authority in the Falling Branch Corporate Park; and

WHEREAS, The Board of Supervisors approve of the transfer of 4.149 acres at the back of Lot 2 in the Falling Branch Corporate Park to APCO for the purpose of APCO constructing an electric substation to serve that area of Montgomery County including the Falling Branch Corporate Park.

NOW THEREFORE BE IT RESOLVED By the Board of Supervisors of the County of Montgomery that the Board hereby approves of the conveyance by the IDA of 4.149 acres at the back of Lot 2 in the Falling Branch Corporate Park to APCO for the purpose of constructing a power substation subject to the terms and conditions of the Option Agreement entered into by and between Appalachian Power Company and the Industrial Development Authority of Montgomery County dated August 24, 2007.

BE IT FURTHER RESOLVED By the Board of Supervisor that the Board hereby acknowledges that the conveyance of the 4.149 acres to APCO for the purpose of constructing an APCO power substation to serve the Falling Branch Corporate Park and areas surrounding the Corporate Park is in compliance with the Industrial Park Transfer Agreement and does not trigger an automatic reversion of the property to the Board.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

R-FY-08-66
WESTERN VIRGINIA REGIONAL
JAIL AUTHORITY-APPOINTMENTS

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following to the Western Virginia Regional Jail Authority effective January 1, 2008 and expiring December 31, 2008:

Sheriff Tommy Whitt

Captain Robert L. Hall (alternate)

Doug MARRS
Board of Supervisors

Gary D. Creed
(alternate)

B. Clayton Goodman, III
Staff Member

L. Carol Edmonds
(alternate)

BE IT FURTHER RESOLVED, That employees appointed to boards /commissions/ authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That all future annual appointments to the Western Virginia Regional Jail Authority shall be made by the Board prior to January 1 of the effective year.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
Gary D. Creed		
Doug MARRS		
John A. Muffo		
Steve L. Spradlin		

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. County Vehicle License Fee Exemption Request

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
Gary D. Creed		
Doug Marrs		
John A. Muffo		
Steve L. Spradlin		

County Vehicle License Fee Exemption Request

The Board of Supervisors received a request from the Sheriff to consider amending the County Code, Chapter 6, Article IV, Division 2, Entitled Vehicle License, to include the exemption of deputy sheriffs, police officers, and state police officers from the County's vehicle license fee.

The General Assembly amended the Virginia Code, which permits a locality to provide one exemption for deputy sheriffs, police officers, and state police officers.

The Sheriff reported in his request that he is also working with the two Town's police chiefs in an effort to get these exemptions approved within the Towns also. The County Administrator contacted the two Town Managers and asked that they forward their comments regarding their response to this request. At this time no comments have been received.

Sheriff Whitt at this time addressed the Board on his request. He is still working with the police chiefs of both towns. Sheriff Whitt stated that his intention is to provide exemption county-wide. Unless the two towns approve the exemption of vehicle license fees, he believes it would not be beneficial for the County to amend its code.

Supervisor Biggs asked if any other localities have adopted an ordinance allowing the exemption. Sheriff Whitt responded he did not know at this time.

Supervisor Spradlin asked how many officers would be exempted. Sheriff Whitt responded that he could only account for the Sheriffs office and the total would be 42 sheriff deputies. He does not know the total of town police officers or state police officers.

Supervisor Spradlin asked if the Virginia Tech police officers would be included. The County Administrator responded that they are considered conservation police and the exemption would apply to them also.

The Board instructed the County Administrator to continue to work with the two town managers and Sheriff.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return back to regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
John A. Muffo		
Annette S. Perkins		
Mary W. Biggs		
Steve L. Spradlin		

COUNTY ADMINISTRATOR'S REPORT

Legislative Dinner: The County Administrator reminded Board members of the upcoming special meeting with the state legislators on Monday, November 19, 2007 at 6:00 p.m. Senator Edwards, Senator-Elect Ralph Smith, Delegate Nutter, and Delegate Shuler plan to attend.

Joint School Board Meeting with the Board of Supervisors will be held on Tuesday, November 27, 2007 at the Christiansburg High School at 6:00 p.m. The County Administrator will be contacting the School Superintendent to discuss items for the agenda.

BOARD MEMBERS' REPORTS

Supervisor Biggs - School Board Meeting: At their last meeting, the School Board voted 6-0 to consolidate the Elliston/Lafayette Elementary School and Shawsville Elementary School.

Supervisor Biggs attended the Virginia Association of Counties (VACo) annual meeting. The VACo/VML Legislative Day will be held February 7, 2008. This is a chance for local leaders to lobby their state legislators.

Tax Exemption Request – “Green” House – Supervisor Biggs received a request from a citizen about the possibility of receiving tax exemption or partial exemption if they improved their property to help conserve energy, such as installing solar panels.

The County Attorney responded that the Virginia State Code allows localities to adopt an ordinance allowing for exemption or partial exemption of such property from local taxation if certified solar energy equipment has been installed on the property. There are 22 cities and counties that have an ordinance in place. The County Attorney recommended that staff prepare a fiscal impact statement to determine the assessment and increased cost of administering the program, if adopted. If an ordinance is adopted in 2008, any exemption would not be effective until 2009.

The Board agreed that a fiscal impact report and more information on the program is needed. They directed staff to review this program and report back to the Board at a future meeting.

Supervisor MARRS - VACo Transportation Steering Committee: Supervisor MARRS attended the VACo Transportation Steering Committee meeting held during the annual VACo Conference. The Transportation Steering Committee agreed to support Montgomery County's request for support for the passage of House Bill 2233. HB 2233, sponsored by Delegate Dave Nutter, that requires local governing body approval for projects in their locality funded through the Rail Enhancement Fund. Montgomery County has voiced their opposition to the proposed Norfolk Southern Intermodal Facility being located in Montgomery County.

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, November 19, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		
Doug MARRS		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

The meeting adjourned at 8:20 p.m.

APPROVED: _____ ATTESTED: _____
Steve L. Spradlin B. Clayton Goodman, III
Chair County Administrator