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## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

##### **Sec. 24-304. Statement of intent.**

The Multifamily Residential District, R-5, is composed of moderate to high-density residential areas and other such areas where similar development is likely to occur. It is the purpose of this district to provide for a harmonious and orderly relationship between multifamily residential uses and lower-density residential uses or nonresidential uses. A further purpose is to require that development within this district be adequately served by public facilities, that adequate open space and recreational areas be provided for the use of residents and for buffering of adjoining property and to implement the policies and designations of the Comprehensive Plan. (Ord. No. 31A-88, § 20-80.5, 4-8-85; Ord. No. 31A-142, 5-4-92)

##### **Sec. 24-305. Permitted uses.**

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit or for sale in condominium:

Accessory apartments in accord with section 24-32.

Accessory buildings or structures as defined.

Adult day care centers.

Apartments.

Coin laundries which are accessory to other residential uses and for the primary use of its residents.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities.

Day care and child care centers.

Houses of worship.

Marina, boat dock or waterfront recreational facilities.

Off-street parking as required by section 24-53.

Rental of one room.

Residential cluster developments in accordance with article VI, division 1 of this chapter.

Restaurants which are accessory to permitted private clubs or marinas.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Signs, as permitted by article II, division 3 of this chapter.

Single-family dwellings contained within a cluster development in accordance with article VI, division 1 of this chapter.

Townhouses.

Three-family and four-family dwellings.

Timbering in accordance with section 24-43.

Two-family dwellings.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-80.6, 4-8-85; Ord. No. 31A-102, 6-1-87; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-208, 8-13-02)

**Sec. 24-306. Uses permitted by special use permit only.**

In the Multifamily Residential District, R-5, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

Cemeteries and memorial gardens.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Five to eight-family dwellings contained within a residential cluster development provided that the overall density does not exceed the permitted density in the previously approved master plan or the James City County Comprehensive Plan.

Golf courses, country clubs.

Governmental offices.

Home care facilities.

Hospitals and rest homes.

Lodges, civic clubs, fraternal organizations, service clubs.

Nursing homes and facilities for the residence and/or care of the aged.

Professional and business offices located in the same structure as and in conjunction with multifamily uses.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvement in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Rental of two or three rooms to a maximum of three rooms.

Single-family dwellings.

Telephone exchanges and telephone switching stations.

Temporary offices in accordance with section 24-111.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipments such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more. (Ord. No. 31A-88, § 20-80.6A, 4-8-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-211; 3-11-03)

**Sec. 24-307. Minimum site size.**

The minimum site size for a multifamily district shall be three acres. (Ord. No. 31A-88, § 20-80.7, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-308. Area requirements.**

The minimum lot size for a single-family dwelling shall be 10,000 square feet. The minimum lot size for a two-family dwelling on one lot shall be 12,000 square feet, for a three-family dwelling on one lot shall be 18,000 square feet and for a four-family dwelling on one lot shall be 22,000 square feet. Each lot shall meet the requirements of this district, except the side yard at the common wall may be reduced to zero for dwelling units sharing a common wall or walls and located on separate lots. The minimum lot size for two-, three-, and four-family dwellings where each dwelling unit is on an individual lot shall be as follows:

- (1) The minimum lot area for each unit of a two-family dwelling shall be 6,000 square feet.
- (2) The minimum lot area for each unit of a three-family or four-family dwelling where the units are constructed in a row shall be as follows: The minimum lot area for exterior units shall be 6,000 square feet. The minimum lot area for interior units shall be 3,000 square feet.
- (3) The minimum lot area for each unit of a three-family, or four-family dwelling where the units are not constructed in a row shall be 5,000 square feet.

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- (4) The lot area for a three-family dwelling shall total a minimum of 18,000 square feet and the lot area for a four family dwelling shall total a minimum of 22,000 square feet.

For all other principal and accessory uses there shall be no minimum lot size in the Multifamily Residential District, R-5, unless otherwise required by this chapter.

(Ord. No., 31A-88, § 20-80.8, 4-8-85)

**Sec. 24-309. Setback requirements.**

(a) All single-family dwellings and their accessory structures shall be located at least 35 feet from the right-of-way of any peripheral street which abuts or borders the site and which has a right-of-way 50 feet or greater in width. If the street right-of-way is less than 50 feet wide, such buildings and structures shall be located a minimum of 60 feet from the centerline of the street.

(b) All other structures shall be located a minimum of 50 feet from the right-of-way of any peripheral street which abuts or borders the site and has a right-of-way width of 50 feet or more. In the event such street has a right-of-way width which is less than 50 feet, such structures shall be located a minimum of 75 feet from the centerline of the street. An additional 25-foot setback from peripheral roads identified on a functional classification shall be required for any structure which exceeds one story.

(c) All structures shall be located a minimum of 25 feet from any street which is internal to the project. Exceptions may be given for service drives, driveways, parking areas, alleys and cul-de-sac roads.

(d) Off-street parking shall not be permitted within required setbacks, except that parking spaces for single-family and two family dwellings may be located within the required setback.

(Ord. No. 31A-88, § 20-80.9, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-142, 5-4-92)

**Sec. 24-310. Minimum lot width.**

The minimum lot width measured at the setback line shall be 80 feet for single-family dwellings; 100 feet for a two-family dwelling on one lot; and 50 feet for each unit of a two-family, three-family or four-family dwelling where each dwelling unit is located on a separate lot; provided, however, the minimum lot width may be reduced to 20 feet for interior unit lots where the units are constructed in a row. For all other principal uses there shall be no minimum lot width in the R-5 District.

(Ord. No. 31A-88, § 20-80.9.1, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-311. Yard regulations.**

(a) For developments containing 200 or less dwelling units, all structures shall be located a minimum of 35 feet from any property line which adjoins property in a multifamily residential district, a business district, an industrial district, an agricultural district which is designated for multifamily, commercial or industrial use on the Comprehensive Plan or public property. For developments containing more than 200 dwelling units, all structures shall be located a minimum of 50 feet from any property line which adjoins property in a multifamily residential district, a business district, an industrial district, an agricultural district which is designated for multifamily, commercial or industrial use on the Comprehensive Plan or public property.

(b) For developments containing 200 or less dwelling units, all structures shall be located a minimum of 50 feet from any property line which adjoins property which is in a residential district other than the R-5 or in an agricultural district designated for low-density residential or rural residential on the Comprehensive Plan. For developments containing more than 200 dwelling units, all structures shall be located a minimum of 75 feet from any property line which adjoins property which is in a residential district other than the R-5 or in an agricultural district designated for low-density residential or rural residential on the Comprehensive Plan. The minimum yard requirement shall be increased by 25 feet for any structures which exceed one story.

(c) Off-street parking shall be excluded from the first 40 feet of yard nearest the property line.

(d) Single-family and two-family dwellings. The minimum side yard for each single-family dwelling or two-family dwelling shall be five feet. The minimum rear yard shall be 20 feet. The minimum side and rear yards for structures accessory to single family or two-family dwellings shall be five feet for structures one story or less and ten feet for structures exceeding one story.

The side and rear yards for any structure in excess of 35 feet shall be increased by one foot for each one foot in height in excess of 35 feet.

(Ord. No. 31A-88, § 20-80.10, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-142, 5-4-92)

**Sec. 24-312. Density requirements for townhouses, apartments and condominiums.**

(a) *Gross density limitation.* No project shall have a gross density (including bonuses) of more than 12 units per acre.

(b) *Calculating gross density.* For the purpose of calculating gross density, gross acreage shall equal the sum of the total developable area and up to 35 percent of the total area as calculated below:

<i>Gross Acreage</i>	
<u>Percentage of Nondevelopable Area</u>	<u>Gross Acreage</u>
Less than 35%	Total area of parcel
More than 35%	Developable land plus up to 35% of the parcel's land

(c) *Determination of developable area.* Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient.

(d) *Determination of number of dwelling units.* The number of dwelling units which may be constructed shall be determined by the number of net developable gross acres at the site and the use proposed. The number of units which may be constructed are as follows:

DWELLING UNITS PER ACRE

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<i>Number of units</i>	<i>Townhouses and multifamily structures under three stories</i>	<i>Multifamily structures three stories or more</i>
1-100	8	10
101-200	7	9
Over 200	6	8

(e) *Subdivision in order to circumvent provisions prohibited.* Property shall not be subdivided to circumvent this section and project phases shall be considered one development.

(f) *Condominiums and application of density to two-, three-, and four-family dwellings.* Units for sale in condominium may be in townhouse or apartment-like structures and the number of dwelling units per acre shall be permitted accordingly. The densities specified above in this section shall not apply to two-, three and four-family dwellings.

(Ord. No. 31A-88, § 20-80.11, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-313. Subdivision regulations.**

Any subdivision of land within Multifamily District R-5 shall comply with the subdivision ordinance of the County.

(Ord. No. 31A-88, § 20-80.12, 4-8-85)

**Sec. 24-314. Requirements for improvements and design.**

(a) *Sewer and water.* All dwelling units within the Multifamily Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.

(b) *Open space.* At least 35 percent of the gross area of the site shall be retained in open space as defined in section 24-2.

(c) *Recreation.* A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed ten percent of the gross area of the site. For multifamily projects with less than 50 dwelling units, the recreation areas shall total ten percent of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any Certificates of Occupancy. Recreation areas and facilities may be deeded to a residents' association.

(d) *Utility lines.* All utility lines, including electrical, telephone and cable television, shall be placed below ground.

(e) *Parking.* Off-street parking facilities shall be provided in accordance with section 24-53 of this chapter.

(f) *Streets.* All streets shall meet the design and construction requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the county Comprehensive Plan. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic

shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.

(g) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the director of code compliance and county fire chief. No structure within the project shall be further than 400 feet from a hydrant.

(h) *Trash collection.* If containers are provided, they shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences.

(i) *Streetlights.* Streetlights shall be provided, as required by section 24-53(c)(3) of this chapter and the county subdivision ordinance. All streetlights shall be specified on the site plan, generally at intersections and in parking lots and other public areas. The light shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture on pedestrian or bicycle paths or parking lots shall exceed a height of 15 feet.

(j) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank or other accessory functions which are part of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures, or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank, radio, television and microwave antennas and towers or other accessory functions, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 35 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

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

(k) *Maximum number of units and facade variety.* A maximum of ten townhouse units shall be included in one structure. The facade of townhouses within a group shall be changed by variation in the depth of front yards, building materials and/or design so that no more than two abutting units shall be of like appearance.

(l) *Private yards.* Each two-family dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of 200 square feet.

(m) *Minimum distances.* The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.

(n) *Drainage facilities.* Adequate facilities for the control of stormwater, erosion and sedimentation shall be provided in accordance with the *Virginia Erosion and Sediment Control Handbook* and the Virginia Department of Transportation's *Drainage Manual*.

(o) *Natural features and amenities.* Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.

(p) *Guarantee for improvements.* The zoning administrator shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the approved site plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the county attorney.

(q) *Maintenance of common open space, recreation facilities, etc.* The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.

(Ord. No. 31A-88, § 20-80.13, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-91, 12-2-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-118, 2-5-90; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

#### **Sec. 24-315. Density bonuses.**

In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites and to encourage developers to go beyond the minimum standards of the Zoning Ordinance, the planning commission may approve the following percentage increases of dwelling units where superior design offsets the problems which would otherwise be created. Density bonuses shall not exceed a maximum of an additional 20 percent:

- (1) *Setback bonus.* For every 25 feet of setback, in addition to the minimum required from the right-of-way of each peripheral road or adjoining property line which borders the site, one and one-half percent additional dwelling units may be added. Maximum additional setback on each side for which a bonus may be given shall be 100 feet or a maximum six percent bonus for each side of the site. The total setback shall be calculated from the right-of-way or property line to the nearest building on the site. For the purposes of calculation, the site is considered to have four sides. For irregularly shaped parcels, a flexible method of calculation may be used by the planning director so the total bonus shall not exceed 20 percent for this section.

- (2) *Recreation bonus.* If the applicant designates, improves and fully develops recreational facilities in excess of the playgrounds required in section 24-314(c) above, the planning director may recommend a bonus of nine percent additional dwelling units be granted. Such areas shall be conveniently located and consist of some combination of facilities such as tennis courts, large playgrounds, ball fields, swimming pools, tot lots, bike trails or other like items. Recreation facilities for which a density bonus is granted shall be fully completed before any certificate of occupancy may be issued.
- (3) *Landscape design.* If the applicant presents an unusually attractive and harmonious site plan and building design which retains, relates to and enhances the natural vegetation and terrain of the site or which proposes unusually extensive landscaping and planting of borders, entrances, recreation areas, street frontage, areas surrounding buildings or common open space, the planning director may recommend a bonus of 12 percent additional dwelling units be granted. In order to promote superior design, the award of this bonus shall be made only in cases where the design of the project is clearly superior to the design of typical projects of its type in the community and where the applicant goes beyond the minimum standards required by this chapter.
- (4) *Public facilities.* In the event a school, fire station, library, park or other public facility shown in the public facilities plan is proposed in or near the parcel, if the developer is willing to reserve a site suitable for the purpose intended and if the governing body is willing to acquire this site within 24 months of the approval of the final site plan, the planning director may recommend a bonus of nine percent additional dwelling units be granted to the number of units allowable on the remainder of the parcel.

(Ord. No. 31A-88, § 20-80.14, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-316. Relation to public utilities.**

(a) Multifamily Residential District, R-5, shall be so located in relation to sanitary sewers, water lines, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement shall be required which results in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under existing zoning for the area.

(b) Extensions and expansions of public utilities to serve the project shall be governed by the regulations and policies governing service of the appropriate public agency.

(Ord. No. 31A-88, § 20-80.15, 4-8-85)

**Secs. 24-317 - 24-326. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 7. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

##### **Sec. 24-327. Statement of intent.**

The Low-Density Residential District, R-6, is composed of those portions of the county where a quiet, low-density residential character has already been established and where limited agricultural operations function concurrently with low-density residential uses. This district is established for the purposes of stabilizing and protecting the existing low-density residential character from encroachment by nonresidential or higher density uses, ensuring that limited farming and livestock operations will function harmoniously with residential uses, ensuring that future development will be of similar character and protecting watersheds, waterways and natural resources.

(Ord. No. 31A-88, § 20-80.16, 4-8-85; Ord. No. 31A-122, 6-18-90)

##### **Sec. 24-328. Permitted uses.**

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

Accessory buildings or structures as defined.

Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.

Boat docks.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Home occupations as defined.

Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.

Houses of worship.

Off-street parking, as required by section 24-53.

Preserves, conservation areas or hunting clubs.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Single-family dwellings.

Timbering in accordance with section 24-43.

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Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.  
(Ord. No. 31A-88, § 20-80.17, 4-8-85; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98)

**Sec. 24-329. Uses permitted by special use permit only.**

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Accessory apartments in accord with section 24-32.

Adult day care centers.

Cemeteries and memorial parks.

Day care and child care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Golf courses, county clubs.

Home care facilities.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, of 50 acres or more or with dam heights of 25 feet or more. (Ord. No. 31A-88, § 20-80.17.1, 4-8-85; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-208, 8-13-02)

**Sec. 24-330. Area requirements.**

- (a) The minimum lot area shall be 43,560 square feet.
- (b) This requirement shall not apply to lots of less than 43,560 square feet recorded or legally in existence prior to April 8, 1985, the date of adoption of the section. Such lots of less than 43,560 square feet used for residential purposes shall be limited to one single-family residential use. (Ord. No. 31A-88, § 20-80.18, 4-8-85)

**Sec. 24-331. Setback requirements.**

- (a) Structures shall be a minimum of 35 feet from any street the right-of-way of which is 50 feet or greater in width or 60 feet from the centerline on any street right-of-way less than 50 feet in width, except that accessory structures, such as sheds, feed pens, stables, kennels, or barns, used in livestock operations shall be located at least 80 feet from any adjoining street, road or property line. Grazing and pasture areas may extend to the property line, but shall be fenced from adjoining property.
- (b) If a lot has frontage on more than ones shall be located behind all setback lines. (Ord. No. 31A-88, § 20-80.19, 4-8-85)

**Sec. 24-332. Minimum lot width.**

The minimum lot width for the permitted uses shall be 150 feet at the setback line. (Ord. No. 31A-88, § 20-80.20, 4-8-85)

**Sec. 24-333. Yard regulations.**

- (a) *Side.* The minimum side yard shall be 15 feet for each main structure. Except for that indicated in section 24-331, the minimum side yard for accessory structures shall be five feet; however, the minimum side yard for accessory buildings exceeding one story shall be 15 feet.
- (b) *Rear.* Each main structure shall have a minimum rear yard setback of 35 feet. Except for that indicated in section 24-331, the minimum rear yard for accessory structures shall be five feet; however, the minimum rear yard for accessory, buildings exceeding one story shall be 15 feet. (Ord. No. 31A-88, § 20-80.21, 4-8-85)

**Sec. 24-334. Special provisions for corner lots.**

- (a) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

- (b) No structure shall be located closer than 35 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 150 feet.  
(Ord. No. 31A-88, § 20-80.22, 4-8-85)

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

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

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that the two side yards for the dwelling are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:
  - a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height, except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 35 feet in height.  
(Ord. No. 31A-88, § 20-80.23, 4-8-85; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

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**Sec. 24-336. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the Low-Density Residential District, R-6, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II of this chapter.

(Ord. No. 31A-88, § 24-80.24, 4-8-85; Ord. No. 31A-122, 6-18-90)

**Secs. 24-337 - 24-346. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

##### **Sec. 24-347. Statement of intent.**

Generally, the Rural Residential District, R-8, is intended for application to rural areas of the county which remain inside the primary service area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

(Ord. No. 31A-88, § 20-35, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90)

##### **Sec. 24-348. Permitted uses.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Nurseries.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Site-built single-family detached dwellings and modular homes.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-36, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-202, 12-21-99)

#### **Sec. 24-349. Uses permitted by special use permit only.**

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Barber and beauty shops.

Business, governmental, and professional offices.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Child day care centers.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Drug stores.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

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Horse show areas, polo fields.

Hospitals.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

Lodges, civic clubs, fraternal organizations, and service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics or offices.

Neighborhood Resource Centers.

Nursing homes and facilities for the residence and/or care of the aged.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Raising of hogs.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

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Retail shops associated with community recreation facilities.

Retreat facilities.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Seminaries.

Telephone exchanges and telephone switching stations.

Tourist homes.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Utility substations.

Veterinary hospitals.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

(Ord. No. 31A-88, § 20-36.1, 4-8-85; Ord. No. 31A-104, 10-5-87; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-202, 12-21-99; Ord. No. 31A-208, 8-13-02; Ord. No. 31A-220, 10-11-05)

**Sec. 24-350. Area requirements.**

*Minimum lot size.* The minimum lot size shall be three acres.  
(Ord. No. 31A-88, § 20-37, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-202, 12-21-99)

**Sec. 24-351. Setback requirements.**

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," except that the following shall apply:

- (1) Where 40 percent or more of frontage on one side of street within the same block is improved with buildings, no building shall project beyond the average front yard so established.
  - (2) No building shall be required to have a front yard greater than that of one of two existing buildings on the immediately adjoining lots on each side, whichever is the farthest removed from the street.
  - (3) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.
- (Ord. No. 31A-88, § 20-38, 4-8-85; Ord. No. 31A-202, 12-21-99)

**Sec. 24-352. Minimum lot width.**

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
  - (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.
- (Ord. No. 31A-88, § 20-39, 4-8-85)

**Sec. 24-353. Yard regulations.**

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet. (Ord. No. 31A-88, § 20-40, 4-8-85)

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

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

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.

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

(Ord. No. 31A-88, § 20-40.1, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-215, 2-22-05; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-355. Special provisions for corner lots.**

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
  - (b) No structures shall be located closer than 35 feet to the side street.
  - (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.
- (Ord. No. 31A-88, § 20-41, 4-8-85)

**Sec. 24-356. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the Rural Residential District, R-8, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-41.1, 4-8-85; Ord. No. 31A-122, 6-18-90)

**Sec. 24-357. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the Rural Residential District, R-8, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

(Ord. No. 31A-202, 12-21-99)

**Sec. 24-358. Buffer requirements.**

(a) Right-of-way buffer. Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

- (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.

(b) Perimeter buffers. Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

(c) Waiver provisions. In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning commission may reduce the buffer depth requirements of this section for residential developments when:

- (1) The development is less than five acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or

- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) Modifications to the landscape requirements. The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning commission under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) Limitations on stormwater management facilities within buffers. Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) Improvements allowed within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

(h) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

(Ord. No. 31A-202, 12-21-99)

**Secs. 24-359 - 24-366. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 9. LIMITED BUSINESS DISTRICT, LB

##### **Sec. 24-367. Statement of intent.**

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with small, well-landscaped parking areas. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and bulk are imposed, and special requirements are imposed on areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

(Ord. No. 31A-88, § 20-LB.1, 4-8-85; Ord. No. 31A-187, 3-23-99)

##### **Sec. 24-368. Permitted uses.**

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Bakeries and fish markets.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Child day care centers.

Contractor's offices without the storage of construction equipment or building materials.

Drug stores.

Dry cleaners and laundries.

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Feed, seed and farm supply stores.

Fire stations.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Houses of worship.

Libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Medical clinics or offices.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by this section 24-53.

Office supply stores, secretarial and duplicating services.

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Post offices.

Public meeting halls.

Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.

Schools.

Timbering in accordance with section 24-43.

Veterinary hospitals (with all activities limited to a fully enclosed building).

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-LB.2, 4-8-85; Ord. No. 31A-95, 4-7-86; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-174, 1-28-97; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-187, 3-23-99)

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**Sec. 24-369. Uses permitted by special use permit only.**

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Automobile service stations, in areas not designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; if fuel is sold, then in accordance with section 24-38.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Convenience stores without the sale of fuel.

Electrical substations (public or private), with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Flea markets, in areas not designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

Lumber and building supply (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Restaurants (excluding fast food restaurants), tea rooms and taverns.

Retail food stores.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;

(b) Distribution lines and local facilities within a development, including pump stations. (Ord. No. 31A-88, § 20-LB.3, 4-8-85; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-173, 12-10-96; Ord. No. 31A-187, 3-23-99)

**Sec. 24-370. Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.**

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the director of planning.

(a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.

(b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-369 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the director of planning substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the director of planning substantial consistency with the following provisions:

(1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.

- (2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
- (3) If used, fences in front of buildings on the site shall be landscaped.
- (4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet not erected to a height greater than eight feet.
- (5) Site landscaping shall be reviewed and approved by the director of planning and shall be consistent with the natural landscape and character of the surroundings. A unified landscape design shall be provided, including street trees.
- (6) Compliance with the provisions of this subsection shall be evidenced by the submission to the director of planning of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

(d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a 2,750 square foot building footprint. A special use permit application shall demonstrate to the director of planning substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(e) *Appeals.* In the event the director of planning disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the director of planning to the planning commission.  
(Ord. No. 31A-187, 3-23-99)

#### **Sec. 24-371. Area requirements.**

No area requirements.  
(Ord. No. 31A-88, § 20-LB.4, 4-8-85; Ord. No. 31A-187, 3-23-99)

#### **Sec. 24-372. Setback requirements.**

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The development review committee will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
  - (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
  - (c) The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.
- (Ord. No. 31A-88, § 20-LB.5, 4-8-85; Ord. No. 31A-187, 3-23-99)

**Sec. 24-373. Yard regulations.**

- (a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.
  - (b) All accessory structures shall be located at least ten feet from any side lot line.
  - (c) The minimum side yard shall be increased to 35 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use, on the Comprehensive Plan. The minimum rear yard shall be increased to 35 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.
- (Ord. No. 31A-88, § 20-LB.6, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-187, 3-23-99)

**Sec. 24-374. Special provisions for the adjustment of yard requirements.**

The following may be eligible for a waiver from any part of section 24-373:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are:

- (a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-373 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-373; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter, and where determined necessary by the commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(Ord. No. 31A-88, § 20-LB.7, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-187, 3-23-99)

**Sec. 24-375. Height limits and height limitation waivers.**

(a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, flagpoles and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- 1. Such structure will not obstruct light to adjacent property;

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

(c) All accessory structures shall be less than the main structure in height.  
(Ord. No. 31A-88, § 20-LB.9, 4-8-85; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-187, 3-23-99; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-376. Building coverage limits.**

Building coverage shall not exceed 20 percent of the total lot area. The floor area ratio shall not exceed 40 percent of the total lot area.  
(Ord. No. 31A-187, 3-23-99)

**Sec. 24-377. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the Limited Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.  
(Ord. No. 31A-88, § 20-LB.10, 4-8-85; Ord. No. 31A-187, 3-23-99)

**Sec. 24-378. Outdoor storage prohibited.**

The outdoor storage of materials, supplies and goods for sale shall be prohibited in the limited business district.  
(Ord. No. 31A-88, § 20-LB.11, 4-8-85; Ord. No. 31A-187, 3-23-99)

**Sec. 24-379. Site plan review.**

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with article III of this chapter.  
(Ord. No. 31A-88, § 20-LB.12, 4-8-85; Ord. No. 31A-187, 3-23-99)

**Sec. 24-380. Sidewalks.**

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.  
(Ord. No. 31A-187, 3-23-99)

**Sec. 24-381. Landscaping.**

Landscaping shall be provided as required in article II, division 4.  
(Ord. No. 31A-187, 3-23-99)

**Secs. 24-382 - 24-388. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

##### **Sec. 24-389. Statement of intent.**

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.  
(Ord. No. 31A-88, § 20-81, 4-8-85)

##### **Sec. 24-390. Permitted uses.**

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Child day care centers.

Drug stores.

Dry cleaners and laundries.

Feed, seed and farm supply stores.

Fire stations.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Hotels, motels, tourist homes and convention centers.

Houses of worship.

Indoor sport facilities (excluding shooting ranges).

Indoor theaters.

Libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.

Medical clinics or offices.

Museums.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by section 24-53.

Parking lots and garages.

Photography, artist and sculptor studios.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Post offices.

Printing and publishing.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Public meeting halls.

Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.

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Restaurants, fast food restaurants, tea rooms and taverns.

Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.

Retail food stores, bakeries and fish markets.

Schools.

Telephone exchanges and telephone switching stations gap.

Timbering in accordance with section 24-43.

Veterinary hospitals.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-82, 4-8-85; Ord. No. 31A-96, 4-7-86; Ord. No. 31A-102, 6-1-87; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-143, 5-4-92; Ord. No. 31A -145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-174, 1-28-97; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-236, 8-12-08)

**Sec. 24-391. Uses permitted by special use permit only.**

In the B-1, General Business District, buildings to be erected or the land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Antennas and towers in excess of 60 feet in height.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Campgrounds.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Flea markets.

Heliports and helistops, as an accessory use.

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Hospitals.

Kennels.

Limousine service.

Micro-breweries.

Nonemergency medical transport.

Nursing homes.

Outdoor centers of amusement.

Outdoor sport facilities.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Research, development and design facilities or laboratories.

Taxi service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Vehicle rentals.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Waste disposal facilities.

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Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and
- (b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more. (Ord. No. 31A-88, § 20-82.1, 4-8-85; Ord. No. 31A-96, 4-7-86; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-133, 11-4-91; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-234, 4-8-08; Ord. No. 31A-236, 8-12-08)

**Sec. 24-392. Area requirements.**

No area requirements.  
(Ord. No. 31A-88, § 20-83, 4-8-85)

**Sec. 24-393. Setback requirements.**

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The development review committee will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the development review committee can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(Ord. No. 31A-88, § 20-84, 4-8-85; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-241, 6-9-09)

**Sec. 24-394. Yard regulations.**

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line.  
(Ord. No. 31A-88, § 20-84.1, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-180, 9-8-98)

**Sec. 24-395. Special provisions for the waiver of yard requirements.**

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-394 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;
- (2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(Ord. No. 31A-88, § 20-84.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-180, 9-8-98)

**Sec. 24-396. Reserved.**

**Sec. 24-397. Height limits and height limitation waivers.**

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

- (1) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
  - a. The regulations of section 24-398 regarding building coverage, floor area ratio and open space are met;
  - b. Such structure will not obstruct light from adjacent property;
  - c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - d. Such structure will not impair property values in the surrounding area;
  - e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
  - f. Such structure would not be contrary to the public health, safety or general welfare.
- (2) Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Ord. No. 31A-88, § 20-86, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-398. Building coverage limits.**

Building coverage shall not exceed 25 percent of the total lot area and the floor area ratio shall not exceed 60 percent. However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.

(Ord. No. 31A-180, 9-8-98)

Supp. No. 23, 12-07

**Sec. 24-399. Sign regulations and parking requirements.**

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54. (Ord. No. 31A-88, § 20-86.1, 4-8-85; Ord. No. 31A-180, 9-8-98)

**Sec. 24-400. Site plan review.**

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.

(Ord. No. 31A-88, § 204-86.3, 4-8-85; Ord. No. 31A-180, 9-8-98)

**Sec. 24-401. Sidewalks.**

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

(Ord. No. 31A-180, 9-8-98)

**Sec. 24-402. Landscaping.**

Landscaping shall be provided as required in article II, division 4.

(Ord. No. 31A-180, 9-8-98)

**Secs. 24-403 - 24-409. Reserved.**