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ARTICLE 9A. SUPPLEMENTARY REGULATIONS APPLICABLE TO ALL DISTRICTS

**Sec. 9A-1. Other regulations. It shall be the applicant's responsibility to ensure compliance with all other local, state, and federal regulations.**

**Sec. 9A-2. Emergency access. It shall be the applicant's responsibility to ensure that any development shall be accessible to fire, police, emergency, and service vehicles.**

**Sec. 9A-3. Public roads. The width, grade, location, alignment, and arrangement of public dedicated streets and associated features and any work conducted within or adjacent to a state owned or maintained right of way shall conform to the requirements of the Virginia Department of Transportation and other codes of the county.**

## ARTICLE 9B. SUPPLEMENTARY USE REGULATIONS

**Sec. 9B-1. General.**

- (1) **The district regulations contained in Article 5 shall apply to all of the following use types, unless specifically modified and/or superseded by the use and design standards below.**
- (2) **The regulations shall apply in all districts in which the use type is permitted by right or permitted subject to approval of a Conditional Use Permit or Special Exception. See Article 5, Section 5-70 Table of Permitted Uses by District for how individual uses are permitted.**
- (3) **Where a specific zoning district is indicated, the regulations listed below shall apply to that zoning district in addition to any general regulations listed for that use.**

**Sec. 9B-2. Agricultural uses.****9B-2.10. Application of biosolids.**

**Gloucester County Code Chapter 9.5 Health and Sanitation, Article IV Land Application of Biosolids sets forth the procedures to be followed for land application of biosolids in the county.**

**9B-2.20. Aquaculture facility.**

**The following regulations shall apply to Aquaculture facilities.**

- (1) **This ordinance shall not apply to aquaculture facilities that are located below mean low water (MLW) and regulated by other agencies or entities. However, any activities above mean low water (MLW) are regulated by this ordinance.**
- (2) **Setbacks shall be as required by the zoning district or as otherwise permitted by the Chesapeake Bay Preservation and Erosion Commission.**

**9B-2.30. Concentrated Animal Feeding Operation.**

**The following regulations shall apply to Concentrated Animal Feeding Operations.**

- (1) **Minimum lot size: 20 acres**
- (2) **Setbacks shall be as follows:**
  - a. **From existing dwelling units and manufactured homes in a nonresidential district: 300 feet.**
  - b. **From existing similar facilities not owned by the operator: 300 feet.**
  - c. **From property lines and public roadways: 150 feet.**
  - d. **From platted residential subdivisions, residentially zoned districts, manufactured home parks, schools, churches, publicly owned buildings and recreation areas, public reservoirs: 1,000 feet.**

**9B-2.40. Farm brewery limited, Farm distillery limited, and Farm winery.****The following regulations shall apply to Farm breweries limited, Farm distilleries limited, and Farm wineries**

- (1) Farm brewery, limited: The sale of beer-related items that are incidental to the sale of beer shall also be permitted at a licensed limited farm brewery.
- (2) Farm distillery, limited: The sale of items related to alcoholic beverages, other than wine or beer, that are incidental to the sale of such alcoholic beverages shall also be permitted at a licensed limited farm distillery.
- (3) Farm winery: A farm winery licensee may also manufacture and sell cider per Virginia Code § 4.1-213.

**9B-2.50. Farmers' market and Farm produce stand.**

The following requirements and limitations shall apply to and farmers' markets **and farm produce stands**:

- (1) An application for a **farmers' market or farm produce stand** permit must be submitted to the Zoning administrator for review and approval prior to any **farmers' market or farm product stand** activities. If at any time any of the information upon which the permit materially changes, a revised application shall be submitted to the Zoning administrator for review and approval pursuant to this Section. The application for a permit shall contain and be accompanied by the following:
  - a. A written narrative describing the nature of the proposed activities, proposed duration of such activities, and the proposed daily hours of operation.
  - b. A legible **plot plan**, drawn to scale, depicting the proposed location of the activities - including, but not limited to, merchandise, parking, circulation, pedestrian and vehicular ingress/egress, surface materials, and sanitary facilities, if any.
  - c. Written and signed authorization from any property owner upon whose property the proposed activities are to take place, confirming that the applicant has the right to use such property for the entire duration listed on the application.
  - d. Proof of applicable Health Department approvals if the proposed activity requires the same, or a letter from the Health Department stating that none are required.
  - e. Payment of all appropriate application fees.

- (2) No permit shall be issued unless adequate provision is made for off-street parking and safe ingress and egress to the adjacent street; VDOT review and approval may be required.
- (3) Any signs shall be permitted in accordance with the provisions of Article 12.
- (4) **The occasional sales of pumpkins, Christmas trees, and other annual products shall also be permitted.**
- (5) **In addition to the requirements listed above, the following provisions shall apply to farmers' markets: No overnight storage of vehicles shall be permitted, and no permanent structures associated with the site's use as a farmers' market shall be placed or erected on the site. However, temporary structures can remain overnight during multi-day events during the time frame noted on the approved zoning permit.**

#### **9B-2.60. Farm wayside stand.**

**The following regulations apply to Farm wayside stands.**

- (1) **Front yard setback: Thirty-five (35) feet from any public right-of-way.**
- (2) **At least fifty (50) percent of the goods and/or merchandise shall be produced on the site of the stand, on adjoining contiguous property, or on other properties owned or leased by the owner of the site on which the wayside stand is located.**
- (3) **Entrances and exits to roads shall be clearly delineated, shall be so located as to provide safe ingress and egress from roads, and shall be approved by the Virginia Department of Transportation.**

#### **Sec. 9B-3. Animal related uses.**

**All animal uses shall also comply with Chapter 3 of the Gloucester County Code - Animal Welfare and Control. The Department of Planning and Zoning shall send applications requiring a Special Exception or Conditional Use Permit to the Department of Animal Control for their review and comment.**

#### **9B-3.10. Animal care and/or training facility (Kennel) & Animal shelter, private.**

**The following regulations apply to Animal care and/or training facilities and private animal shelters.**

- (1) **All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body, unless they are water dependent.**
- (2) **A minimum lot size of two (2) acres is required in the RC-1, RC-2, C-2, and SC-1 districts.**

**9B-3.20. Animal training services.**

**All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body unless they are water dependent.**

**9B-3.30. Chicken-keeping, backyard.**

The following requirements and limitations shall apply to Chicken-keeping, **backyard. Chicken keeping in districts other than Residential-Single Family (SF-1) is regulated under "Livestock, private use or enjoyment".**

- (1) The keeping of up to four (4) female, domestic chickens shall be permitted under this Section on any property containing an occupied single-family dwelling, or on an adjacent property with the same zoning and under the same ownership.
- (2) On eligible lots greater than 10,000 square feet but less than two (2) acres in area, a maximum of twelve (12) domestic chickens may be kept - provided there is a minimum total lot area of 2,500 square feet per chicken kept. Eligible lots over two (2) acres in area shall not be subject to the twelve (12) domestic chicken maximum.
- (3) Domestic chickens shall be kept contained within a fenced or enclosed area **and shall not occupy any front or side yard.**
- (4) Chicken coops shall observe the same setbacks **requirements** as the principal structure and shall not occupy any front **or side yard.**
- (5) All chicken feed and other products for consumption by domestic chickens shall be kept so as not to attract rodents, insects, or predators.
- (6) Outdoor slaughtering of domestic chickens is prohibited.
- (7) The keeping of roosters, capons, or crowing hens is prohibited.

**9B-3.40. Livestock, personal use or enjoyment.**

**The following requirements shall apply to livestock for personal use or enjoyment.**

- (1) **Acreage requirements. A minimum of two (2) acres is required, however no minimum acreage is required for poultry. A reduction of the minimum acreage may be allowed by Special Exception. See Section X.xx Special Exceptions. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than fifty (50) feet.**



- (2) **Number of livestock permitted. Poultry is excluded from the restrictions below. Acreage requirements below must meet (1) above and be sufficient to ensure adequate care in compliance with Chapter 3 of the Gloucester County Code. An increase in the number of livestock animals may be allowed by Special Exception. See Section X.xx Special Exceptions.**
- a. **Lots with 2 or more acres but less than 4 acres – up to five (5) livestock animals.**
  - b. **Lots with 4 or more acres but less than 6 acres – up to ten (10) livestock animals.**
  - c. **Lots with 6 or more acres but less than 8 acres – up to fifteen (15) livestock animals.**
  - d. **Lots with 8 or more acres but less than 10 acres – up to twenty (20) livestock animals.**
  - e. **Lots with 10 or more acres – no limit on the number of livestock animals.**
- (3) **All livestock animals and poultry shall be contained within a fenced or enclosed area.**
- (4) **Setbacks.**
- a. **Structures/stables – shall meet accessory structure setbacks for the district.**
  - b. **Pasture fencing – no setback**
  - c. **It shall be the owner’s/operator’s responsibility to ensure that composting piles are at least one hundred (100) feet from all property lines, watercourses, and water wells.**

#### **9B-3.50. Stable, commercial.**

The following requirements shall apply to commercial stables:

- (1) **Acreage requirements.** A minimum of **two (2) acres** is required. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than **fifty (50) feet**.
- (2) **Containment.** All **animals** shall be contained within a fenced **or enclosed** area.
- (3) **Access.**
  - a. Commercial stables accessed from roads that are not included in the state highway system **or do not have exclusive access to a road in**

- the state highway system** shall have no more than five (5) boarded horses, exclusive of horses owned by the property owner(s).
- b. Commercial stables **with exclusive access to or direct access** from roads included in the state highway system and **are** served by an entrance meeting the standards of the Virginia Department of Transportation, are permitted to have more than five (5) boarded horses, in addition to those owned by the property owner(s).
- (4) **Horse shows. Horse shows shall only be permitted for commercial stables with exclusive access to or direct access from roads included in the state highway system that are served by an entrance meeting the standards of the Virginia Department of Transportation and are located on ten (10) or more acres.**
- (5) **Setbacks.**
- a. Activity areas and/or structures established as part of the use, such as stables, arenas, and the like, shall be located a minimum of one hundred (100) feet from all property lines. Should an existing private stable be converted to a commercial stable, the minimum setback may be reduced to fifty (50) feet - provided that said **activity areas and structures were legally permitted and are** effectively screened from the adjacent property by a landscaped buffer at least twenty (20) feet in width and consisting of evergreen trees planted in staggered rows.
  - b. Areas for routine turnout and pasturing shall have no required setback
  - c. **It shall be the owner's/operator's responsibility to ensure that** all composting piles are located a minimum of one hundred (100) feet from all property lines, watercourses, and water wells.

#### **9B-3.60. Stable, private.**

**The following requirements shall apply to private stables.**

- (1) **Acreage requirements. A minimum of two (2) acres is required. A reduction to the minimum acreage may be permitted by Special Exception. See Section X.xx Special Exceptions. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than fifty (50) feet.**
- (2) **Number of animals permitted. Acreage requirements below must meet (1) above and be sufficient to ensure adequate care in compliance with Chapter 3 of the Gloucester County Code. An increase in the number of animals may be permitted by Special Exception. See Section X.xx Special Exceptions.**
  - a. **Lots with 2 or more acres but less than 4 acres – up to five (5) animals.**
  - b. **Lots with 4 or more acres but less than 6 acres – up to ten (10) animals.**

- c. **Lots with 6 or more acres but less than 8 acres – up to fifteen (15) animals.**
  - d. **Lots with 8 or more acres but less than 10 acres – up to twenty (20) animals.**
  - e. **Lots with 10 or more acres – no limit on the number of animals.**
- (3) **All animals shall be contained within a fenced or enclosed area.**
- (4) **Setbacks.**
- a. **Structures/stables – shall meet accessory structure setbacks for the district.**
  - b. **Pasture fencing – no setback.**
  - c. **It shall be the owner’s/operator’s responsibility to ensure that composting piles are at least one hundred (100) feet from all property lines, watercourses, and water wells.**

**Sec. 9B-4. Outdoor related uses.**

**9B-4.10. Campground.**

**The following requirements shall apply to campgrounds.**

- (1) **A minimum lot size of 5 acres is required.**
- (2) **No camping unit shall be used for permanent year-round habitation.**
- (3) **No more than one (1) manufactured home shall be permitted in a campground. Manufactured homes in campgrounds may only be used as a residence for a campground manager or other campground related facilities such as a store, laundry, or office. Manufactured homes in campgrounds shall not be used for storage or rental to nonemployees of the campground.**
- (4) **All accessory uses and structures within the campground, such as but not limited to water parks, miniature golf, and event stages shall be included in the application for a Conditional Use Permit (CUP).**
- (5) **All above ground structures and activity areas shall be located at least thirty-five (35) feet from all property lines, excluding piers and docks or other structures as approved through the Conditional Use Permit (CUP) process.**
- (6) **This use does not include temporary camping for personal use and enjoyment on private property which is regulated under Article 9D Temporary and Accessory Uses/Structures.**

**9B-4.20. Firing range, outdoor.**

**The following requirements shall apply to outdoor firing ranges.**

**(1) General standards:**

- a. **No combined shoulder arms (rifles) or pistol range shall be less than twenty-five (25) acres in size. A range for the use of pistols shall be no less than five (5) acres. Required acreage must be in common ownership prior to receiving a Certificate of Occupancy (CO).**
- b. **It shall be the property owner or lessee's responsibility to ensure that the range is supervised by an individual currently certified to perform such supervision by a federal, state, local, or other nationally recognized certification program during all hours of operation that the range is open to the general public.**

**(2) A conceptual site plan and building plan (if indoor range proposed as well) shall be submitted demonstrating how the site and proposed facilities will meet, at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.**

- a. **The site plan shall detail the location of all facilities on the site including but not limited to buildings, firing points, parking, fences, wetlands, and similar elements.**
- b. **The location for storage of ammunition, if any, shall be identified on the site plan.**
- c. **All firing points shall be located at least three hundred (300) feet from any residence. The site plan shall contain a sheet showing the proximity of any existing structures within 300 feet of the exterior property lines.**
- d. **Conceptual site plan shall be prepared by a professional engineer or other design professional licensed by the Commonwealth of Virginia. Professional shall certify that the conceptual site plan meets at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.**

**(3) The county will consult with the Sheriff of Gloucester County for review of the Conditional Use Permit application related to safety of the range.**

- (4) **The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:**
- a. **Noise abatement features;**
  - b. **Location of firing points relative to adjacent land uses;**
  - c. **Security fencing and or signage; and**
  - d. **Methods for collection and or recycling of spent ammunition.**

**Sec. 9B-5. Civic and institutional uses.**

**9B-5.10. Cemetery.**

**The following requirements shall apply to cemeteries.**

- (1) **Exemptions. The following use regulations shall not apply to interment of the dead in any churchyard or for interment of members of a family, including pets, on private property. However, these facilities must meet all state and federal regulations.**
- (2) **Setbacks.**
  - a. **Minimum of 250 yards from any residence unless consent of the owner of the residence; if a state highway separates the residence than it shall not be less than 250 feet from the residence at its nearest point;**
  - b. **Not located within 300 yards of any property owned by any locality or water company, upon which a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.**

**9B-5.20. Family day home.**

**The following requirements shall apply to family day homes.**

- (1) **There shall be no parking lots or other features not normally found in a single-family neighborhood.**
- (2) **Signs shall be permitted per Article 12.**
- (3) **Facility shall function in the manner of a normal single-family household and environment. Such a facility must comply with the minimum standards of the departments of building inspections, fire and health.**

**9B-5.30. Park, natural area, or community facility.**

- (1) **Outdoor active recreational facilities including, but not limited to, sports fields, basketball courts, tennis courts, and pools shall have a 50-foot setback with an evergreen hedge or dense planting of evergreen shrubs, with a minimum height of 5 feet, located along property lines adjacent to residentially zoned parcels not located within the same subdivision or development.**
- (2) **Parks used for the exclusive use of a community shall be owned and maintained pursuant to 9E-10 Common area regulations.**

**9B-5.40. Residential group homes, 1-8 individuals & 9+.**

**Applicant for a group home shall have a license from either the Virginia Department of Behavioral Health and Developmental Services or the Virginia Department of Social Services. A copy of the applicant's license shall be provided with the zoning permit application.**

**9B-5.50. Transitional homes (1-8 individuals) and transitional community facilities (9+ individuals).**

**The following requirements shall apply to transitional homes and transitional community facilities.**

- (1) **A copy of the applicant's license shall be provided with the zoning permit application.**
- (2) **Licensing/Reporting requirements. Transitional homes and Transitional community facilities shall obtain and maintain, for the duration of the use, a license to operate issued by the Commonwealth of Virginia, if such a license is obtainable and applicable to the permitted use. Additionally, the owner/applicant issued a Conditional Use Permit must submit a report to the zoning administrator, on an annual basis, demonstrating compliance with all of the requirements and conditions contained in the Conditional Use Permit, all applicable licenses and license requirements, and all other applicable local, state, and federal laws and regulations.**

**Section 9B-6. Consumer Products and Services Uses.****9B-6.10. Adult Business.**

**The following requirements shall apply to adult businesses.**

- (1) **Adult businesses shall not be located within 1,000 feet of the following preexisting places:**
  - a. **Primary or secondary educational facility, and their adjunct play areas;**
  - b. **Child day care center;**
  - c. **Public park, recreational facility, or library;**

- d. **Churches and other places of worship;**
  - e. **Sites listed in the Virginia Landmarks Register (VLR) or the National Register of Historic Places.**
  - f. **Boundary of the following zoning districts: SF-1, MF-1, MH-1 and B-2;**
  - g. **Boundary of a Planned Unit Development (PUD) zoning district with a net residential density of 4 units per acre or greater; or**
  - h. **Another adult business.**
- (2) **Method of measurement. For the purpose of Subsection (1) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted, to the nearest property line of the other specified use or district.**
- (3) **Adult businesses are not permitted as home occupations.**
- (4) **All activities related with the adult business must be conducted indoors.**

#### **9B-6.20. Automobile impound facility.**

**The following requirements shall apply to automobile impound facilities.**

- (1) **Automobile impound facilities located in the Business General (B-1) district are permitted by right provided that all structures and storage areas observe at least a 200-foot front yard setback and 50-foot side yard setback from the public right-of-way and meet the requirements listed in Subsections (2) thru (6) below. All other automobile impound facilities which cannot meet these setbacks shall meet the requirements listed in Subsections (2) thru (6) and require a Conditional Use Permit (CUP).**
- (2) **All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed under Section 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, best management practice area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (3) **All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (4) **The on-site demolition or junking of motor vehicles is prohibited.**
- (5) **Vehicles shall not be parked or stored as a source of parts.**
- (6) **Automobile / vehicle service facilities, towing services, and other uses located on the same parcel(s) must meet the regulations for those**

**facilities. See the Table of Permitted Uses Section 5-70 and Article 9B Supplemental Use Regulations.**

**9B-6.30. Automobile towing services.**

**The following requirements shall apply to automobile towing services.**

- (1) Automobile towing services located in the Rural Business (B-4) district are permitted by right if parcel fronts on Rte. 17. All other Rural Business district locations require a Special Exception (SE). See Section xx.xx.**
- (2) All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (3) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property. A minimum of 200 square feet per vehicle temporarily stored shall be required. Storage area shall be identified on a plot plan drawn to scale with a maximum number of vehicles stored permitted.**
- (4) The demolition or junking of motor vehicles is prohibited.**
- (5) Vehicles shall not be parked or stored for more than 30 days or stored and used as a source of parts.**

**9B-6.40. Automobile / vehicle service facility.**

**The following requirements shall apply to automobile / vehicle service facilities.**

- (1) Automobile / vehicle service facilities located in the Rural Business (B-4) district are permitted by right if parcel fronts on Rte. 17. All other Rural Business district locations require a Special Exception (SE). See Section xx.xx.**
- (2) Repair and installation work shall primarily take place within an enclosed structure.**
- (3) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (4) No outdoor storage of parts or supplies shall be permitted. Used or damaged equipment removed from vehicles during the repair process**



- shall be stored indoors or shall be deposited in an appropriate waste receptacle in accordance with DEQ for off-site disposal. The location and size of any tire storage shall be approved by the Building Official and DEQ to ensure compliance with Uniform Statewide Building Code (USBC) and all other local and state regulations.**
- (5) Wrecked or inoperative vehicles shall not be stored on site for longer than 90 calendar days.**
  - (6) The demolition or junking of motor vehicles is prohibited.**
  - (7) Vehicles shall not be parked or stored as a source of parts.**
  - (8) Automobile impound lots on the same parcel(s) must meet the regulations for impound facilities. See the Table of Permitted Uses Section 5-70 and Article 9 Supplemental Use Regulations, Section 9B-6.20.**

**9B-6.50. Automobile / vehicle storage facility.**

**The following requirements shall apply to automobile / vehicle storage facilities.**

- (1) All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (2) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (3) The demolition or junking of motor vehicles is prohibited.**
- (4) Vehicles shall not be parked or stored as a source of parts.**
- (5) When this use is accessory to another use, such as a mini-warehouse, these requirements apply to the area utilized for vehicle storage.**

**9B-6.60. Commercial outdoor entertainment, amusement, or sports (major & minor).**

**The Planning Commission, Board of Supervisors, and Board of Zoning Appeals may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, when required, conditions and limitations on approval necessary for the protection of the public health, safety, and welfare, which may include, but are not limited to:**

- (1) **The frequency and number of functions which may be held,**
- (2) **Event duration,**
- (3) **Maximum number of attendees per function,**
- (4) **Location and surface type for each access point and parking area,**
- (5) **Removal of temporary facilities, and**
- (6) **Temporary and permanent water and wastewater access and disposal protocols acceptable to the Health Department.**

**9B-6.70. Engine and equipment repair, small.**

**The following requirements shall apply to small engine and equipment repair facilities.**

- (1) **All outdoor storage shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards.**
- (2) **All storage shall be located on a gravel or paved surface on the parcel(s) of the business property.**
- (3) **Equipment shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (4) **Used or damaged items removed from small engines / equipment during the repair process shall be stored indoors or shall be deposited in an appropriate waste receptacle in accordance with DEQ for off-site disposal.**

**9B-6.80. Event facilities.**

The following shall apply to event facilities:

- (1) Event facilities can be a principal or accessory use. Event facilities in a residential or agricultural district that are accessory to the site's principal use shall not substantially change the character of the **principal** use of the property.
- (2) All signs shall conform to the requirements in Article 12 - Signs. Event facilities located in residential or agricultural districts as a principal use may have signage as allowed per Section 12-7 (2) Non-residential signs in residential districts.

- (3) Property, buildings, and/or structures shall comply with the provisions of this chapter and other ordinances of the county and any applicable laws of the state. It is the responsibility of the applicant to ensure compliance with all applicable laws relating to the operation of their business.
- (4) The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, **when required**, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:
  - a. The frequency and number of functions which may be held,
  - b. Event duration,
  - c. Maximum number of attendees per function,
  - d. Location and surface type for each access point and parking area,
  - e. Removal of temporary facilities,
  - f. Temporary and permanent water and wastewater access and disposal protocols acceptable to the Health Department, **and**
  - g. **Access to a state-maintained road and entrance characteristics.**

#### **9B-6.90. Firing range, indoor.**

**The following requirements shall apply to indoor firing ranges.**

##### **(1) General Standards**

- a. **It shall be the property owner or lessee's responsibility to ensure the range is supervised by an individual currently certified to perform such supervision by a federal, state, local, or other nationally recognized certification program during all hours of operation that the range is open to the general public.**
  - b. **The range shall meet the range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.**
- (2) When a CUP is required, a conceptual site plan and building plan prepared by a design professional certified by the state shall be submitted. The professional shall certify that the conceptual site plan meets, at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed. The county will consult with the Sheriff of Gloucester County for review of the Conditional Use Permit application related to safety of the range.**

**9B-6.100. Sales, general store, country.**

**The following requirements shall apply to general stores, country.**

- (1) All sale items parked on site shall not encroach into required setbacks.**
- (2) Required parking cannot be utilized for outdoor sales and the display of outdoor merchandise cannot impede site circulation.**

**9B-6.110. Sales, retail / wholesale indoor.**

**In the B-4 (B-4) district indoor retail / wholesale sales shall be limited to 10,000 square feet in size.**

**9B-6.120. Sales, retail / wholesale outdoor.**

**The following requirements shall apply to outdoor retail / wholesale sales.**

- (1) All sale items displayed or stored on site shall not encroach into required setbacks.**
- (2) Required parking cannot be utilized for outdoor sales and the display or storage of outdoor merchandise cannot impede site circulation.**
- (3) Vehicle and engine repair services located on the same parcel(s) must meet the regulations for automobile, vehicle services/facilities. See the Table of Permitted Uses Section 5-70 and Article 9B Supplemental Use Regulations.**

**9B-6.130. Seasonal sales.**

The following requirements and limitations shall apply to seasonal sales:

- (1) An application for a seasonal sales permit must be submitted to the zoning administrator for review and approval prior to any seasonal sales activities. A seasonal sales permit will be valid during the season for which the permit was issued **and for no longer than 60 days**, subject to all of the information on the application remaining materially unchanged. If at any time any of the information upon which the seasonal sales permit materially changes, a revised application shall be submitted to the zoning administrator for review and approval pursuant to this Section. The application for a seasonal sales permit shall contain and be accompanied by the following:

- a. A written narrative describing the nature of the proposed activities, proposed duration of such activities, and the proposed daily hours of operation.
  - b. A legible **plot** plan, drawn to scale, depicting the proposed location of the activities - including, but not limited to, merchandise, parking, circulation, pedestrian and vehicular ingress/egress, surface materials, and sanitary facilities, if any.
  - c. Written and signed authorization from any property owner upon whose property the proposed activities are to take place, confirming that the applicant has the right to use such property for the entire duration listed on the application.
  - d. Proof of applicable Health Department approvals if the proposed activity requires the same, or a letter from the Health Department stating that none are required.
  - e. Payment of all appropriate application fees.
- (2) Other requirements:
- a. **The site must have adequate existing infrastructure to support vehicular and pedestrian ingress and egress, and parking for customers and vendors. Staff will coordinate with VDOT to determine if the entrance is adequate for the proposed use.**
  - b. No permanent structures associated with the site's use as **seasonal sales** shall be placed or erected on the site.
- (3) Any signs shall be permitted in accordance with the provisions of Article 12.

#### **9B-6.140 Veterinary Clinic**

**Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as an animal care facility (kennel).**

#### **Sec. 9B-7. Industrial Uses.**

##### **9B-7.10. Animal slaughter and/or rendering establishment.**

**The following requirements shall apply to animal slaughter and/or rendering establishments.**

- (1) **A minimum two hundred (200) foot setback shall be provided for structures and animal enclosures with a minimum four hundred (400) foot setback for any enclosure used for slaughtering of animals. Setbacks shall be from any public right of way and from any property line of any property not owned or leased by the establishment.**

- (2) Measures shall be developed to mitigate obnoxious odors, dust, smoke, or similar nuisances.**
- (3) Waste or any decomposable residue from the livestock processing or abattoir operation shall only be disposed of in strict compliance with any applicable state regulations.**
- (4) Design, construction, and operation of the facility must meet or exceed the requirement of all current state and federal regulations. Specifically, the operation must conform to any guidelines or specifications concerning design, construction, and operation as published or otherwise disseminated by the U.S. Department of Agriculture and/or Virginia Department of Agriculture and Consumer Services (VDACS).**

#### **9B-7.20. Junkyard or salvage yard.**

**The following requirements shall apply to junkyards and salvage yards.**

- (1) All junkyard and salvage yard uses are subject to the maintenance and operation regulations contained in Gloucester County Code Chapter 4 Automobile Graveyards and Junkyards.**
- (2) All storage areas of such uses shall be effectively screened from view from all public streets and adjacent properties by landscaping supplemented by appropriate fencing materials. The contents of a junkyard or salvage yard shall not be placed or deposited to a height greater than the height of the fence surrounding it. The landscape plan to accomplish this shall comply with the applicable sections of Article 9C Screening and Buffering unless a more stringent standard is required by the board pursuant to the issuance of a Conditional Use Permit (CUP).**
- (3) Upon arrival, vehicles and parts shall be drained of all liquids, fuel, and oil prior to storage within the junk yard or salvage yard. All liquids, fuel, and oil shall be stored and disposed of in accordance with all federal and state statutes and regulations.**
- (4) No storage or display of inoperable vehicles, vehicle parts, or other contents shall be located in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay resource protection area or required front setback within the underlying zoning district or as regulated under Article 6A Highway Corridor Development District.**

**9B-7.30. Manufacturing, extractive.**

Extractive manufacturing uses are subject to the following **requirements**:

- (1) All structure and activity areas shall be located at least one hundred (100) feet from all property lines.
- (2) All activities shall be conducted at least two hundred (200) feet from any watercourse.
- (3) Activities shall be conducted at least five hundred (500) feet from any residential district or habitable residential structure whether occupied or vacant.
- (4) Internal access roads shall be located at least one hundred (100) feet from all property lines. All entrances to state-maintained highways shall be paved for a distance of at least one hundred (100) feet from the point of intersection with the state highway and a wash rack for wheels shall be installed at the end of the paved portion of the entrance road most distant from the state highway. The paved portion of all entrance roads shall be kept free and clear at all times of any build-up of dirt, gravel, or other material which might be tracked onto the state highway.
- (5) All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, odor, and vibration.
- (6) Two (2) or more parcels may be used to establish an extractive manufacturing use provided they share a common boundary line sufficient in length for access.

**9B-7.40. Mine, surface mineral.**

The following **requirements** shall apply to surface mineral mines:

- (1) The surface mining of minerals in **RC-1**(Rural Countryside), and **SC-1** (Suburban Countryside) districts may be permitted by Conditional Use Permit when the minimum standards of Section **9B-7.40(2)** can be met.
- (2) Surface mineral mining uses in the I-1, **RC-1**, and **SC-1** districts are subject to the following limitations:
  - a. **Use shall require a minimum of 5 acres in area.**
  - b. Property shall have frontage on, or adequate deeded access to, a state-maintained road and be served by an entrance meeting the standards of the Virginia Department of Transportation.
  - c. All new entrances to state-maintained highways shall be paved for a distance of at least one hundred (100) feet from the point of intersection with the state highway, and a wash rack for wheels shall be installed at the end of the paved portion of the entrance road most distant from the state highway. The paved portion of all entrance roads shall be kept free

and clear at all times of any build-up of dirt, gravel, or other material which might be tracked onto the state highway.

- d. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, odor, and vibration.
- e. Two (2) or more parcels may be used to establish a surface mining use provided they share a common boundary line sufficient in length for access.

#### **9B-7.50. Warehouse, mini.**

**The following requirements shall apply to mini warehouses.**

- (1) **In the B-1 (Business General) district, mini warehouses shall be permitted by right if the facility is set back a minimum of two hundred (200) feet from the right of way. Otherwise, the use will require a Special Exception. See **Section XX Special Exceptions.****
- (2) **The outdoor storage of vehicles shall comply with the supplementary regulations for Automobile / vehicle storage facilities.**

#### **Sec. 9B-8. Utility Uses.**

##### **9B-8.10. Commercial wireless communication facilities.**

**The following requirements shall apply to commercial wireless communication facilities.**

- (1) **Compliance with Electronics Industry, FCC, Building Code and other regulations.**
  - a. **The facility shall not** interfere with public safety communications.
  - b. Before any building permit is issued for any commercial **wireless communication facility**, the appropriate data including engineering calculations for each installation shall be prepared by a registered structural engineer and submitted to the **building official**. This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the building code.
  - c. If any additions, changes, or modifications are to be made to the tower, the building official shall have the authority to require proof through the submission of engineering data that the addition, change, or modification conforms to structural wind load and all other requirements of the building code.
- (2) **Discontinuation of Use.**



Facilities which remain unused for a continuous period exceeding twenty-four (24) months shall be removed at the expense of the provider and/or property owner within 30 days.

(3) **Signage.**

**Warning signage shall be placed on commercial wireless communication equipment and facilities as required by the FCC or other regulatory agency. Commercial wireless communication equipment shall not be used for the display of advertising, except for reasonable identification of the equipment manufacturer or operator of the commercial wireless communication facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on commercial wireless communication equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.**

(4) **Coordination with other service providers.**

- a. Prior to the issuance of a permit **or Special Exception for a commercial wireless communication facility**, the **county will coordinate with emergency management and fire and rescue to determine if the location is needed for public safety and provide the opportunity for right of first offer** for the use of the space.
- b. **Planning and Zoning staff shall provide information about the location, height, and design of each new facility to the Geographic Information Systems (GIS) department for the purpose of maintaining** an inventory of the locations of these facilities.
- c. If the County has adopted a master plan delineating communication service areas, the applicant shall submit documentation describing the relationship of the proposed facility to the County's master plan map. Specifically, the applicant shall demonstrate that the proposal facilitates the service build out foreseen by the map, and promotes the goal of minimizing the number of facilities needed to serve the County.

(5) **Minor commercial wireless communication facilities shall comply with the following regulations:**

- a. **Permitting Process.**
  - i. **Minor commercial wireless communication facilities shall be permitted administratively through the submittal of a zoning permit application as per Article 15. The application shall include with it a list of all locations (tax map number and RPC) and a plot plan for each location. Up to thirty-five (35) locations can be included on a single application. A fee of thirty-five**

**dollars (\$35) shall be charged for each location, up to a maximum of five hundred dollars (\$500).**

- ii. **The County shall review applications and notify applicants of incomplete applications within ten (10) business days after receiving the application. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application.**

**b. Site and Facility Design.**

- i. **Minor commercial wireless communication facilities located on legally established existing structures shall meet the applicable setbacks for the structure on which they are located.**
- ii. **Minor commercial wireless communication facilities located on new structures shall meet the minimum setbacks for principal structures in the zoning district where located or one-hundred ten percent (110%) of facility/structure height, whichever is greater.**

**(6) Major commercial wireless communication facilities shall comply with the following regulations:**

**a. Permitting process. Major commercial wireless communication facilities shall require a Special Exception (SE) as per Article 14 with the additional regulations detailed below.**

- i. The applicant shall submit a scaled site plan and scaled elevation view, along with other supporting drawings, calculations, and documentation, signed and sealed by an appropriate licensed professional, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height **and fall radius**, setbacks, **access** drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this ordinance.
- ii. **The County shall review applications and notify applicants of incomplete applications within ten (10) business days after receiving the application. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application.**
- iii. **In the case of disapproval, the BZA shall identify the reasons for disapproval in a written statement.**

**b. Site and Facility Design**

- i. Lot size **shall** be of adequate width and dimensions to handle a collapse of the structure within the boundaries of the property.
- ii. **Commercial wireless communication facilities shall meet the minimum setbacks for principal structures in the zoning district where located or one-hundred ten percent (110%) of facility/structure height, whichever is greater, or as determined by the BZA.**
- iii. **A** tower shall not exceed 199 feet in height. The BZA may grant Special Exceptions for towers exceeding this requirement, under the following circumstances:
  - 1) The proposal involves a height increase of an existing tower. To the extent that painting and lighting in this circumstance can be made less visible (e.g. to a neutral paint color or non-strobe lighting) within air safety requirements, such measures shall be required.
  - 2) The proposal involves a new tower, and the applicant submits evidence demonstrating that a height above 199' is necessary for the proposed service or will prevent the need for additional towers within a defined service area.
- iv. The applicant shall submit engineering data to verify that the facility is of sufficient strength and height to allow co-location of at least three additional service providers, and shall submit an agreement to negotiate in good faith with future providers for location on the facility.
- v. The tower shall be a neutral color **with a non-reflective finish**. Tower lighting shall be prohibited, unless required by FAA or FCC regulation. If lighting is required, the BZA may review lighting alternatives, and approve the design that would cause the least disturbance to the surrounding area.
- vi. The applicant shall submit a photo-simulation or other visual simulation sufficient to allow an assessment of the visual impact of the facility on adjacent land uses and scenic viewsheds.
- vii. Existing vegetation within the tower fall zone shall be preserved, except as necessary to provide for tower and support building construction, permanent tower access, and necessary utilities. **Tower facilities shall meet the minimum standards of screening per Article 9C Screening and Buffering. The BZA may impose additional requirements during the SE process.**
- viii. Towers shall be enclosed by security fencing not less than 6 feet high, which shall be equipped with an appropriate anti-climbing device. The BZA may waive this requirement, as it deems appropriate.

ix. Facilities shall not be permitted in jurisdictional wetlands.

- (7) Commercial wireless communication facilities in compliance with this Section and those for which a Special Exception (SE) is approved by the Board of Zoning Appeals, shall be deemed substantially in accord with the comprehensive plan.**

**9B-8.20 Power utility-electric and Power utility-nuclear.**

**Power utility-electric and Power utility-nuclear uses in compliance with this Ordinance and those for which a Conditional Use Permit (CUP) is approved shall be deemed substantially in accord with the comprehensive plan.**

9B-8.30. Solar energy facilities.

- (1) The following general requirements shall apply to all solar energy facilities, unless otherwise provided:
- a. The maximum height of all ground mounted solar facilities, including any mounts, shall not exceed twenty (20) feet above the ground when oriented at maximum tilt (except for the poles and wires associated with the interconnection to the Dominion Power distribution system) unless otherwise approved by the Board of Supervisors as a condition of approval for a Conditional Use Permit. Roof-mounted solar energy facilities shall be exempt from the building height requirements for the zoning district in which they are located.
  - b. All solar projects shall comply with generally accepted current national environmental protection and product safety standards for the use of solar panels for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans for solar facilities shall make reference to the specific safety and environmental standards being met.
  - c. Battery storage facilities associated with a solar facility shall comply with generally accepted current national environmental protection and product safety standards for the use of battery technologies projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans

including battery storage facilities shall make reference to the specific safety and environmental standards being met.

- d. The following maximum percentages of total land area devoted to community- and utility-scale solar facilities have been established within the districts identified below. The total developed solar acreage shall be calculated and updated by the Department of Planning, Zoning, and Environmental Programs upon approval of the site plan for a solar facility. The land area devoted to solar shall be derived from approved site plans that are currently valid for solar facilities and shall only include those portions of the parcel(s) on which the solar panels and associated elements such as inverters and switching facilities that exist or are approved to be located (typically the area within a perimeter fence) and shall not include other acreage associated with a project on which the panels and associated elements are not placed including but not limited to buffers, wetlands, and stormwater management areas.
  - i. Suburban Countryside (SC-1) district – Two (2) percent.
  - ii. Rural Countryside (RC-1) district – Two (2) percent.
- e. All large-, community-, and utility-scale solar facilities shall develop a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including any salvage value; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned including the submittal of a site plan for review and approval prior to the start of decommissioning; and (5) a surety, in a form acceptable to the County Attorney, sufficient to cover the cost of preparing the site plan for and the completion of decommissioning the solar energy facility. The decommissioning plan shall be submitted for review concurrent with the site plan and shall be re-reviewed not less frequently than every five (5) years after initial approval; the decommissioning surety shall be updated as needed based on plan re-review and revised estimates provided by owner, lessee, or developer.
  - i. As used in this Section, the term “decommission” means the removal and proper disposal of all solar energy equipment, facilities, and devices. Decommissioning also includes the restoration of the real property, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation and removal of such equipment, facilities, and devices when applicable. Buffers, roadways, stormwater basins and other site conditions associated with the use of the site as a solar facility may remain based on these features being included on the approved site plan and any required maintenance agreements in place prior to decommissioning.
  - ii. The decommissioning plan shall be approved and a surety shall be posted prior to obtaining a land disturbance permit (LDP) or zoning

- permit for the project; or in the case of a multi-phase project, a separate decommissioning surety may be submitted prior to land disturbance permitting or zoning permit for each individual phase of the project provided that the plan is also broken into phases so that the surety can be calculated for each phase.
- f. Prior to the approval of a zoning permit for a by-right large-scale facility and as a condition of the approval of a site development plan for any other large-, community-, or utility-scale solar generation facility, the owner, lessee, or developer of the project (the “responsible party”) shall enter into a written project development agreement with the county, setting forth, at a minimum, that:
- i. If the facility ceases generating electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning;
  - ii. If the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning; and
  - iii. The decommissioning surety shall be based upon an estimate by a professional engineer licensed in the Commonwealth, who is engaged by the responsible party and who has experience in preparing decommissioning estimates. The estimate and surety **are subject to approval** by the county. The estimate shall equal the total projected cost of decommissioning, including the cost for preparation of a site plan for decommissioning, a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The decommissioning estimate shall not include salvage value of the materials being removed.
  - iv. Prior to decommissioning, a site plan detailing the decommissioning process and final site conditions shall be submitted for review and approval pursuant to Chapter 15.5 of the County Code.
- g. The following testing shall be required for all ground-mounted, large-, community-, and utility-scale solar facilities:
- i. Post-land disturbance soils testing, utilizing a standardized methodology for determining soil composition, shall be required for each phase or sub-phase of development in order to formulate the proper seed mixture for the establishment of permanent ground cover at the solar facility site.
  - ii. The county may require the owner to engage a qualified neutral third party to perform soil and ground water sample testing subsequent to an event causing damage to the panels due to wind, hail, or other similar hazards. Developers shall provide to the county the results of these tests and be responsible for

remediation of any contamination or other adverse environmental conditions as required by law.

- h. All solar equipment and facilities shall include warning signage per industry standards. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in article 12 of the Zoning Ordinance.
  - i. Gloucester County may engage the services of county-contracted inspectors, as deemed appropriate by the county, to ensure compliance with applicable codes and ordinances. Developers of large-, community-, and utility-scale solar energy facilities shall be financially responsible for all inspections necessitated by their projects.
- (2) All private small-scale solar energy facilities shall meet the following requirements in addition to the general requirements:
- a. Roof-mounted small solar energy facilities shall meet the building setback requirements for the structures to which they are affixed.
  - b. Ground-mounted small solar energy facilities shall meet the minimum setbacks for principal structures in the zoning districts which they are located.
- (3) All private large-scale solar energy facilities shall meet the following requirements in addition to the general requirements:
- a. Facilities shall not be constructed to generate more than one-hundred thirty (130) percent of the estimated need of the facility. Applicants shall provide utility load letters or similar documentation detailing the electrical needs of the facility solar is serving. However, these regulations do not prohibit the transfer of surplus power to the electrical grid to serve facilities that are not adjacent or under common use, ownership, or control.
  - b. Roof-mounted solar facilities shall meet the setback requirements for the structures on which they are affixed. Solar canopy facilities shall meet the setbacks for accessory structures in the zoning districts which they are located.
  - c. Ground-mounted facilities shall meet the following requirements:
    - i. No land disturbing activity as defined in the County's Erosion and Sediment Control Ordinance shall occur on slopes greater than eight (8) percent when the eight (8) percent slopes are greater than or equal

to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.

- ii. The following setbacks shall be met for all buildings, structures, and above-ground ancillary equipment related to the solar facility including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable:
  - 1) The front yard setback and setback adjacent to any public or private road shall be a minimum of seventy-five (75) feet. This shall not include sections of private roads exclusively serving the solar facility.
  - 2) Side yard setbacks shall be a minimum of fifty (50) feet.
  - 3) Rear yard setbacks shall be a minimum of one hundred (100) feet.
- iii. Landscape buffers are required that minimize impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, Article 6, Section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Required buffers shall be placed or preserved between the solar facility and adjoining properties and adjacent public or private rights-of-way.
  - 1) The use of existing vegetation shall be allowed in place of required new plant material provided the vegetation to be used adequately screens the solar panels from view from the right of way and adjacent parcels, is a minimum of twenty-five (25) feet in width, and is located entirely on the applicant's property. The applicant shall submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the existing plant material in the buffer area that is being used to meet the screening requirement. The plan shall include supplemental plantings wherever needed to ensure year-round screening. Should the buffer be damaged or destroyed at any time during the operation of the solar energy facility, additional vegetation shall be planted to restore the required vegetative buffer based on the approved or an amended plan.
  - 2) Where adequate vegetative screening does not exist, buffers shall consist of a continuous landscaping strip of not less than twenty-five (25) feet in width planted with a mix of large deciduous trees, large evergreen trees, and shrubs forming a continuous screen. At least seventy-five (75) percent of the plantings shall be evergreen. The required screening shall be placed within the twenty-five (25) feet closest to the perimeter of the site area. The applicant shall



submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the plant material in the buffer area that is being used to meet the screening requirement and demonstrate compliance with this Section.

- 3) The zoning administrator shall require a surety prior to site plan approval in an amount sufficient and with conditions satisfactory to secure to the county compliance with the landscaping requirements set forth above. The landscaping surety will be held for the life of the project and will be released upon completion of decommissioning.
  - 4) The buffer shall be maintained for the life of the facility. Dead, diseased, or dying plants shall be replaced within the next planting season unless the remaining healthy vegetation provides the required screening.
  - 5) Buffers shall not be required when the property on which the solar energy facility is located and the adjoining property are under the same ownership. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
  - 6) Buffers shall not be required when the operator of a solar energy facility and the adjoining property owner(s) agree that no buffer is necessary and provide a written affidavit to that effect to the zoning administrator. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
- (4) All solar facilities requiring a Conditional Use Permit shall be subject to the following submittal requirements. This information must be provided at the time of application for the Conditional Use Permit, in addition to other requirements of Section 14-23 Conditional Use Permits.
- a. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable, including the type and location of all facilities necessary for electric grid interconnection.
  - b. A site concept plan that includes the following information and details:
    - i. Location and proposed heights of all electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures including all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable.

- ii. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and similar elements.
  - iii. Fencing and other methods of ensuring public safety.
  - iv. Identification of the proposed setbacks for all buildings, structures, and above-ground ancillary equipment related to the solar facility, including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable. Below are the required minimum setbacks, which may be modified by the Board of Supervisors as a condition of approval for a Conditional Use Permit.
    - 1) The front yard setback and setback adjacent to any public road shall be a minimum of seventy-five (75) feet.
    - 2) Side yard setbacks shall be a minimum of fifty (50) feet.
    - 3) Rear yard setbacks shall be a minimum of or one hundred (100) feet.
  - v. Landscape plans depicting areas where buffers will be maintained and/or installed to ensure that the solar project minimizes impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, Article 6, Section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Landscaping shall at a minimum comply with that required for private large-scale facilities under Section 9-28(3)(c)(iii) unless modified by the Board of Supervisors as part of the CUP approval. Except that for purposes of review by the Board during the CUP process, landscape plans may be conceptual and, upon approval, comply with the requirement of being drawn by a professional landscape architect at the time of site plan review.
  - vi. Wetlands, Resource Protection Areas, and woodlands.
  - vii. Existing and proposed topographic information. The United States Geographic Service (USGS) topographical maps (most recent edition) can be utilized to display existing topographic information. No land disturbing activity as defined in the County's Erosion and Sediment Control Ordinance shall occur on slopes greater than eight (8) percent when the eight (8) percent slopes are greater than or equal to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.
- c. An environmental and cultural resources review, including the following:
- i. Virginia Cultural Resource Information System report. A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System shall be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

- ii. Cultural resources report. A copy of the cultural resources review conducted in conjunction with the State Department of Historic Resources for the Department of Environmental Quality permit by rule process. This report shall be in addition to the report required in Section 9-28(4)(c)(i) and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.
  - iii. A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the Department of Game and Inland Fisheries or a report prepared by a qualified third-party.
  - iv. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment.
  - v. A glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study shall assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment shall be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
- d. Additional information to enable the Board of Supervisors to evaluate the proposal shall include: a scaled elevation view and other supporting drawings, photographs of the proposed site, traffic analysis of the impacts during construction and operation, and a fiscal & economic analysis.
  - e. Documentation of right to use property for the proposed project, to include proof of control over the land or possession of the right to use the land in the manner requested.
- (5) Solar generation facilities in compliance with this Section and those for which a Conditional Use Permit (CUP) is approved in accordance with this Section, shall be deemed substantially in conformance with the comprehensive plan.

**9B-8.40 Uses required for provision and maintenance of public utilities.**

**In compliance with the Code of Virginia Section 15.2-2232 Legal Status of Plan, where this use is permitted by right, it shall be considered as being substantially in accord with the adopted comprehensive plan provided where appropriated the use has been properly licensed by the State Corporation Commission and approved by the Virginia Department of Health.**

**9B-8.50. Wind energy facilities, small.**

The following requirements shall apply to small wind energy facilities:

- (1) The maximum allowable system height for small wind energy facilities shall be one-hundred twenty (120) feet. System height shall be interpreted to mean the installed vertical height of a wind energy facility as measured from the average grade to the turbine rotor at its highest point or the tip of the turbine blade when it reaches its highest elevation, without regard to whether it is ground-mounted or affixed to a structure. In no case shall the manufacturer's recommended maximum installation height be exceeded.
- (2) No small wind energy facility shall be permitted in any required front yard.
- (3) The minimum side yard setback for small wind energy facilities shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (4) The minimum rear setback for small wind energy facilities shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (5) The minimum setback from any street or road shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (6) For guyed towers, their anchors shall meet the setback requirement for accessory structures in the zoning district which they are located.
- (7) The supporting structure of the small wind energy facility shall not be climbable for the first twelve (12) feet above ground level.
- (8) The small wind energy facility must have a separation of at least twenty (20) feet between ground level and the lowest point in the arc of the rotating blade assembly.
- (9) Small wind energy facilities must meet the requirements of the Virginia Uniform Statewide Building Code (USBC) in force at the time of permitting. System designs, including but not necessarily limited to the tower and base, must carry the signature and stamp of a licensed professional engineer (P.E.).
- (10) Small wind energy facilities shall comply with any applicable provisions of the Gloucester County noise ordinance; however exemptions to this requirement shall apply during brief events such as wind storms and power outages.
- (11) Small wind energy facilities connected or intended to be connected to the utility grid shall comply with the provisions of 20VAC5-315, which govern net energy metering.
- (12) Small wind energy facilities shall be constructed so as not to interfere with radio, television, and satellite signals, and shall comply with the provisions of 47CFR15, which govern radio frequency devices and emissions.
- (13) No part of the wind turbine or its supporting structure may be artificially illuminated, unless required by federal, state, or local regulations.
- (14) Small wind energy facilities shall have a galvanized steel, matte gray, matte white, or otherwise neutral and non-reflective finish.
- (15) No signs, except manufacturer's nameplates, placards, decals, and/or signs placed for the purpose of warning of potential hazards shall be permitted upon

any portion of a small wind energy facility. Any sign that could be construed as advertising shall be prohibited.

- (16) The owner of the property upon which a small wind energy facility is located shall maintain said facility in proper working order.
- a. Any small wind energy facility found to be in an inoperable condition shall either be repaired or removed within ninety (90) days.
  - b. Any small wind energy facility found to have been abandoned or unused for a period exceeding twenty-four (24) months shall be removed within thirty (30) days.

## **Sec. 9B-9. Residential Uses.**

### **9B-9.10. Ancillary residential structure or use.**

**Ancillary residential structures and uses shall meet the setback and height restrictions of accessory structures for the district in which they are located. Ancillary residential structures that meet the setbacks for principal structures can also utilize the principal height for the district in which they are located.**

### **9B-9.20. Dwelling, accessory.**

**The following requirements shall apply to accessory dwellings.**

- (1) **If the principal structure is served by well and that well is capable of serving the accessory dwelling, the requirement for public water shall be determined by the Gloucester County Utility Department and the Virginia Department of Health. If the principal structure is served by septic and that septic is capable of serving the accessory dwelling, the requirement for public sewer shall be determined by the Gloucester County Utility Department (Chapter 19 of the County Code) and the Virginia Department of Health.**
- (2) **Accessory dwellings located in the Business General (B-1) and Business Rural (B-4) districts:**
  - a. **Only one accessory dwelling is permitted per parcel improved with a commercial structure. When a structure straddles multiple parcels, for the purposes of this section, the underlying parcels shall be considered one parcel.**
  - b. **The gross living area square footage of the accessory dwelling shall be no greater than 1,200 square feet. However, in no case shall the gross living area of the accessory dwelling be equal to or greater than the building footprint of the commercial structure.**
  - c. **In the B-1 district, the accessory dwelling must be located in the structure housing the business use. In the B-4 district, the accessory dwelling may be located in the structure housing the business use or in an accessory structure. Manufactured homes cannot be utilized as accessory dwellings.**

- (3) **Accessory dwellings located in the RC-1, RC-2, C-2, SC-1, and SF-1 districts:**
- a. **Only one accessory dwelling shall be permitted per parcel with a principal dwelling. Accessory dwellings can be either located in the principal structure or an accessory structure.**
  - b. On lots less than two (2) acres, the gross living area of the **accessory** dwelling unit shall be no larger than 800 square feet or thirty-five (35) percent of the gross floor area of the principal structure, whichever is greater.
  - c. On lots two (2) acres or greater, the gross living area of the **accessory** dwelling unit shall be no larger than 800 square feet or forty-nine (49) percent of the gross floor area of the principal structure, whichever is greater.
  - d. **Lots with manufactured homes as the principal dwelling can only have an accessory dwelling if the principal dwelling has been converted to real property as regulated by the Code of Virginia Section 46.2-653.1.**
  - e. **The following additional regulations shall apply to accessory dwellings located in an accessory structure.**
    - i. **When the proposed accessory dwelling is located in a new accessory structure, the side and rear yard setbacks shall be fifteen (15) feet. When located in an existing legally established accessory structure, the setbacks of that structure when legally established can be maintained provided the structure was established prior to the adoption of this ordinance.**
    - ii. **Manufactured homes cannot be utilized as accessory dwellings.**

#### **9B-9.30. Dwelling, Multifamily.**

**The following requirements shall apply to multi-family dwellings.**

- (1) **Multifamily dwellings in the Residential Multi-Family (MF-1) district. A maximum of twelve (12) dwelling units per acre may be permitted with an approved Conditional Use Permit (See xxx Conditional Use Permits). The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and may consider in the Conditional Use Permit decision, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:**
- a. **Traffic impacts, on and off site**
  - b. **Existing or proposed setbacks and/or buffers to mitigate adverse impacts to adjacent properties**

- (2) **All multifamily developments that abut a Single Family (SF-1), Suburban Countryside (SC-1), Bayside Conservation (C-2), Rural Countryside (RC-1), or Rural Conservation (RC-2) district shall provide a minimum thirty (30) foot peripheral setback buffer area along the abutting property lines. The developer shall plant trees and shrubs in sufficient numbers and size to achieve a landscaping ratio of at least one (1) large tree and four (4) evergreen shrubs, either existing or newly planted, for each two hundred (200) square feet of setback buffer area. Where feasible, existing mature and healthy trees or shrubs located throughout the setback buffer area shall be preserved and protected during and after the development process and can be utilized to meet the required ratio.**
- (3) **Multifamily dwellings consisting of more than thirty-five (35) units, or smaller phases of a larger development that will consist of more than thirty-five (35) units, shall provide common open space. Such common open space shall meet the following requirements:**
- a. **Amount required. The development shall include a minimum of ten (10) percent of the net acreage currently under consideration for development as common open space.**
  - b. **Purpose. Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all developments, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.**
  - c. **Exclusions. For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:**
    - i. **Tidal wetlands;**
    - ii. **Land within public or private road rights-of-way and parking areas;**
    - iii. **Land within any utility or drainage easements;**
    - iv. **Land on which new storm water management facilities are provided to address stormwater from the development;**
  - d. **Restrictions. For the purposes of meeting the net acreage open space requirements, the following restrictions apply.**
    - i. **Areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas) up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**

- ii. **Areas of required setback buffers that are adjacent to common open space areas at least ten thousand square feet (10,000 SF) may be included; however, the area counted toward open space within the required setback buffers shall not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Land provided for recreational purposes shall be accessible from all the lots of the subdivision. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the development being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above can be provided but will not count toward the minimum amount of required open space.**
- h. **When required open space is to be held in common ownership by persons residing in or owning lots in the development, the requirements of Section 9E-10 Common area regulations shall apply.**

**9B-9.40. Dwelling, single-family attached (town house) & two-family.**

**The following requirements shall apply to single-family attached and two-family dwellings.**

- (1) **All single-family attached and two-family dwelling developments that abut a Single Family (SF-1), Suburban Countryside (SC-1), Bayside Conservation (C-2), Rural Countryside (RC-1), or Rural Conservation (RC-2) district shall provide a minimum thirty (30) foot peripheral setback buffer area along the abutting property lines. The developer shall plant trees and shrubs in sufficient numbers and size to achieve a landscaping ratio of at least one (1) large tree and four (4) evergreen shrubs, either existing or newly planted, for each two hundred (200) square feet of setback buffer area. Where feasible, existing mature and healthy trees or shrubs located throughout the setback buffer area shall be preserved and protected during and after the development process and can be utilized to meet the required ratio.**
- (2) **Open space requirements. Single family attached and two-family dwelling developments consisting of more than thirty-five (35) lots or units, or smaller phases of a larger development that will consist of more than thirty-five (35) single family attached lots or units, shall provide common open space. Such common open space shall meet the following requirements.**



- a. **Amount required.** The subdivision or development shall include a minimum of ten (10) percent of the net acreage currently under consideration for development as common open space.
- b. **Purpose.** Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all developments, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.
- c. **Exclusions.** For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:
  - i. **Tidal wetlands;**
  - ii. **Land within public or private road rights-of-way and parking areas;**
  - iii. **Land within any utility or drainage easements;**
  - iv. **Land on which storm water management facilities are provided;**
- d. **Restrictions.** For the purposes of meeting the net acreage open space requirements, the following restrictions apply.
  - i. **Areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas), up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**
  - ii. **Areas of required setback buffers that are adjacent to common open space areas at least ten thousand square feet (10,000 SF) may be included; however, the area counted toward open space within the required setback buffers shall not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Land provided for recreational purposes shall be accessible from all the lots/units of the development. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the development being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above**

**can be provided but will not count toward the minimum amount of required open space.**

- h. When required open space is to be held in common ownership by persons residing in or owning lots in the development or subdivision the requirements of Section 9E-10 Common area regulations shall apply.**

(3) *Lot and yard requirements:*

- a. The minimum lot area for each dwelling unit in a **single family attached/**town house development shall be two thousand two hundred fifty (2,250) square feet.
  - b. The minimum lot width for each dwelling unit in a **single family attached/**town house development shall be twenty (20) feet for interior and thirty (30) feet for end lots measured at the building location.
  - c. The **front and rear yard setbacks shall conform to the district in which the development is located.** Each lot shall abut a private drive, public road, group parking area or common open space area. All applicable setback and yard requirements shall be maintained between all units and any public street right-of-way, private drive, group parking area or common open space area.
  - d. **The minimum side yard setback for each dwelling unit in a single family attached/ town house development shall be zero (0) feet for interior and ten (10) feet for end lots measured at the building location.**
- (4) *Water and Sewer:* All dwelling units shall be served by public water and public sewer.
- (5) *Variety in facades:* No more than two (2) abutting attached units shall have uniform roof lines or the same setbacks. Variations in the setback of building faces shall be at least two (2) feet.
- (6) *Rear yard/patio area:* Each town house unit shall have direct access to a private rear yard/patio area. **Attached** accessory storage sheds, or other **attached** structures, designed and constructed at the time of development as an architecturally compatible addition to the town house unit, may occupy up to sixty (60) square feet of the required rear yard area **defined by the principal setback.** Such **attached structures** shall not exceed six (6) feet in width nor ten (10) feet in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining rear yard/patio area.
- (7) *Streets:* **The width, grade, location, alignment, and arrangement of all streets and sidewalks shall conform to the requirements of the Virginia Department of Transportation and other codes of the county. Such streets shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specification or alternate and comparable design/specifications approved by the zoning administrator. The owner/developer shall submit a certified statement from a licensed engineer that the improvements meet VDOT's pavement design and construction standards.**

- (8) *Off-street parking*: All off-street parking spaces and areas within a town house project, whether in a group arrangement or on individual lots, shall be constructed of concrete, asphalt, or other **hardened** surface such as brick, pavers, or similar material.

**9B-9.50. Dwelling, single family detached, cluster.**

**The following requirements shall apply to single family detached cluster developments.**

- (1) **The purpose of cluster development ~~intent of the cluster ordinance~~ is to:**
- a. **Provide for residential development that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land including land for agricultural and horticultural uses.**
  - b. **Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.**
  - c. **Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.**
  - d. **Promote interconnected greenways and corridors throughout the community to serve as wildlife and passive recreational corridors.**
  - e. **Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities.**
  - f. **Preserve important historic and archaeological sites.**
  - g. **Protect the rural character and viability of agricultural districts by allowing clustered residential development while protecting and maintaining valuable farmland and forestry tracts.**
- (2) Cluster subdivision requirements.
- a. This type of subdivision consists of cluster lots, which are **the** portion or portions of the parcel being subdivided, and a preserved area (**consisting of a preservation parcel or parcels**), which is the entire residual area of the parcel being subdivided.
  - b. **Manufactured homes are not permitted in a cluster subdivision other than on the preservation parcel.**
  - c. The design of a cluster subdivision shall reflect the intended principal use or uses of the preserved area (i.e. farming, silviculture, conservation area, **recreation**, or other allowed uses as listed in Subsection g below). As applicable, cluster subdivisions shall be designed to accomplish the following objectives:
    - i. Result in a preserved area which is **supportive of** its intended uses;
    - ii. Cluster new lots in an arrangement which minimizes adverse impacts on the functioning of the preserved area;
    - iii. Minimize disturbance of existing farm or silviculture operations **to remain**;

- iv. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-way and between housing and farmland;
  - v. Maximize the frontage of lots onto internal local roads and minimize the frontage and access of lots to state roads of a minor collector or higher classification;
  - vi. Buffering where lots back onto public roads of a minor collector or higher classification; existing wooded buffers shall be preserved **as part of the preservation parcel** for a minimum depth of fifty (50) feet or a similar landscape buffer shall be planted;
  - vii. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads;
  - viii. Open space and conservation areas shall be contiguous both on site and off site. Stream corridors and contiguous wetlands can provide linkage;
  - ix. **Required Open Space. At least forty (40) percent of the gross tract area shall be preserved as preservation parcels for open space and other uses described above.**
- d. The maximum cluster lot sizes **and density** shall be as **follows**:
- i. RC-1, RC-2, & C-2: 1 acre minimum lots at a **gross** density of 1 dwelling unit per 4 acres
  - ii. SC-1: 30,000 sq. ft. minimum at a **gross** density of 1 dwelling unit per 1 .5 acres
- e. The maximum number of cluster lots which may be created shall be calculated by dividing the **gross** acreage of the parcel being subdivided by the density given **above**. One (1) additional principal dwelling unit (or manufactured home in the **RC-1 and RC-2** districts) shall be allowed on a **preservation parcel**, provided the **preservation parcel** is at least **ten (10)** acres. If a dwelling unit (or manufactured home in the **RC-1 and RC-2** districts) is to be allowed on the preserved area, and the preserved area is less than **ten (10)** acres, the number of permitted cluster lots shall be decreased by one (1). Only one (1) preservation parcel within a cluster subdivision may be improved by a dwelling.
- f. The maximum density established **above** refers to principal dwelling units and not to accessory uses such as farm tenant houses or **accessory dwellings**.
- g. The final plat(s) for the entire preserved area of a cluster subdivision shall be recorded at the same time that final plats are recorded for all cluster lots or the first section of cluster lots in the subdivision **and may be adjusted as necessary during the platting of each subsequent phase**. Bulk parcels may be recorded for future sections of cluster lots, provided such parcels **remain undeveloped** until subdivided into cluster lots. **Alternatively, cluster subdivisions can be done in phases provided each phase meets the density and open space requirements per this Section.**
- h. The following requirements and restrictions shall apply to the preserved area of a cluster subdivision.
- i. The preserved area may be divided into more than one (1) **parcel** only at the time that the preserved area is originally recorded and only if the lots are designed for different principal uses in accordance with

the **9B-9.50 (1)**. The lot or lots which constitute the preserved area for a cluster subdivision shall be referred to as preservation parcels.

- ii. **The precise boundaries of the preservation parcels in multiphase developments may not be fixed at the time the first phase is recorded. The final approved and recorded subdivision plats for each phase of the development shall show the final location of all boundaries of the preservation parcels included in each phase and such final plat shall be deemed to amend the descriptions of the preservation parcels contained within the easement and as shown on previously recorded plats. Any alteration to the preservation parcel boundaries shall be minor and shall not reduce the total acreage dedicated as preservation parcels below that permitted in Section 9B-9.50(2)(b)(ix).**
- iii. **Only the following uses may be permitted on the preservation parcels as shown in the table below. Uses are either Permitted uses (P) through administrative review, permitted by Special Exception (SE), or permitted by Conditional Use Permit (CUP). Uses requiring a SE or CUP shall not be permitted on preservation parcels unless they support the primary purpose of the preservation parcel. Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). The uses are subject to all other applicable requirements contained in the ordinance. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations.**

Permitted Uses on Preservation Parcels	Supplemental Regulations	RC-1	RC-2	C-2	SC-1
<b>Agricultural, Animal, and Outdoor</b>					
<b>Agriculture</b>					
Agricultural <b>operation</b>		P	P	SE	SE
Agritourism		P	P	SE	SE
Aquaculture facility	<b>9B-2.20</b>	P	P	SE	SE
Farm brewery, <b>limited</b>	<b>9B-2.40</b>	P	P	SE	SE
Farm distillery, <b>limited</b>	<b>9B-2.40</b>	P	P	SE	SE
Farm produce stand	9B-2.50	SE	SE		
<b>Farm</b> wayside stand	9B-2.60	P	P	SE	SE
Farm winery	<b>9B-2.40</b>	P	P	SE	SE
Farmers’ market	9B-2.50	SE	SE		SE
Forestry <b>operation</b>		P	P	P	P
<b>Animal</b>					
Livestock, private use or enjoyment	9B-3.40	P	P	P	P
Livestock, private use or enjoyment,	9B-3.40	SE	SE	SE	SE

Permitted Uses on Preservation Parcels	Supplemental Regulations	RC-1	RC-2	C-2	SC-1
<b><u>requesting acreage reduction</u></b>					
Stable, commercial	9B-3.50	P	P	P	SE
Stable, private	9B-3.60	P	P	P	P
Stable, private <b><u>requesting acreage reduction</u></b>	9B-3.60	SE	SE	SE	SE
<b>Outdoor</b>					
Golf course		SE	SE	CUP	CUP
Hunting and fishing clubs		P	P	P	P
<b><u>Nature based tourism</u></b>		SE	SE	CUP	CUP
<b>Civic and Institutional Uses</b>					
Lodge halls and clubs		SE	SE	CUP	CUP
Museum		P	P	P	P
Park, <b><u>natural area, or community facility</u></b>	<b><u>9B-5.30</u></b>	P	P	P	P
<b>Commercial Products and Services</b>					
Event facility	9B-6.80	CUP	CUP	CUP	CUP
<b>Residential Uses</b>					
<b><u>Dwelling, accessory</u></b>	<b><u>9B-9.20</u></b>	P	P	P	P
<b><u>Dwelling, single-family detached, conventional</u></b>	<b><u>9B-9.60</u></b>	P	P	P	P
Home occupation, Type I	9B-9.70	P	P	P	P
Home occupation, Type II	9B-9.70	SE	SE	SE	SE
Manufactured Home		P	P	-	-

- iv. **Preservation Parcel Easement Agreement.** For each preservation parcel, a preservation parcel easement agreement shall be recorded in the Land Records of Gloucester County at the time of recordation of the final plat. The easement agreement shall be approved by the zoning administrator prior to recordation. **Regardless of who the owner of a preservation parcel is or will be, the property owner and the county shall be parties to the above easement.** The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
- 1) The location and size of the preservation parcel.
  - 2) Existing improvements on the preservation parcel.
  - 3) A prohibition on future residential, commercial, or industrial development of the preservation parcel, other than the uses listed in this Section. The easement **shall** specify the **principal** use of

- the preservation parcel and prohibit the use of the preservation parcel for incompatible uses.
- 4) A prohibition on future subdivision of the preservation parcel.
- 5) Provisions for maintenance of the preservation parcel.
- 6) Responsibility for enforcement of the easement.
- 7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.

**9B-9.60. Dwelling, single family detached, conventional.**

**The following requirements shall apply to single family detached conventional developments.**

- (1) **Conventional single family detached dwellings in the Residential Multi-family (MF-1) zoning district – Two or more single family detached dwelling may be allowed on a single lot with an approved Conditional Use Permit (See xxx Conditional Use Permits).**
- (2) **Open space requirements. Single family detached developments consisting of more than fifty (50) lots, or smaller phases of a larger development that will consist of more than fifty (50) single family detached lots, shall provide common open space. Common open space shall meet the following requirements.**
  - a. **Purpose. Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all subdivisions, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.**
  - b. **Amount required. The development shall provide for the following percentages of the net acreage of such subdivision to be designated for open space.**

<b>Median Lot Size</b>	<b>Percent of Open Space Required</b>
Up to 10,000 SF	10
10,001 to 30,000 SF	7.5
30,001 SF to 2 acres	5
Over 2 acres	None required

- c. **Exclusions. For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:**
  - i. **Tidal wetlands;**

- ii. **Land within public or private road rights-of-way and parking areas;**
  - iii. **Land within any utility or drainage easements;**
  - iv. **Land on which storm water management facilities are provided;**
- d. **Restrictions. For the purposes of meeting the net acreage open space requirements, areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas), up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Any land provided for recreational purposes shall be accessible from all the lots of the subdivision. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the subdivision being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above can be provided but will not count toward the minimum amount of required open space.**
- h. **When required open space is to be held in common ownership by persons residing in or owning lots in the development or subdivision the requirement of Section 9E-10 Common area regulations shall apply.**

### **9B-9.70. Home Occupations.**

The following requirements shall apply to home occupations.

- (1) No alteration to the exterior of the principal and/or accessory buildings or the property shall be made which substantially changes the residential character thereof as a dwelling and property.
- (2) No sign may be placed on the property advertising the home occupation.
- (3) All structures on the property shall be lawfully permitted at the time of application.
- (4) Type I home occupations typically include home offices and/or other unobtrusive activities that do not have an impact on the **principal** use of the property, adjacent parcels, or the surrounding area. They are permitted by-right provided they meet the following criteria:



- a. No equipment is used or process performed which creates smoke, cinders, dust, noise, vibration, glare, offensive odors, or noxious gases, or is dangerous or detrimental to persons in the home or on adjacent property.
- b. There shall be no employee, volunteer, or customer traffic. Traffic generated by the home occupation shall not cause the total traffic to the residence to more than double that which is normally expected for a single-family home (typically ten (10) vehicle trips per day).
- c. No more than two (2) commercial vehicles are permitted. The following restrictions apply.
  - i. All vehicles must be stored on the parcel(s) where the home occupation is located or another legally permitted location.
  - ii. On lots greater than or equal to one-half acre, one (1) of the permitted commercial vehicles may be a vehicle with a Gross Vehicle Weight Rating (GVWR) of over 14,000. Only one vehicle of this size is permitted per parcel regardless of the number of home occupations permitted. On lots less than one-half acre in size, vehicles over 14,000 GVWR are not permitted.
  - iii. Applicant shall provide documentation showing the vehicle(s) GVWR as part of their permit application, if requested based on the type of vehicle and its proximity to the size limitation in the ordinance. This information can be found on the vehicle's Safety Compliance Certification Label, located on the driver's side door framing.
- d. For lots less than 5 acres in area in a RC-1, RC-2, C-2, or SC-1 district and all lots of any size in other districts:
  - i. All onsite operations and storage at the residence shall be conducted within the bona fide residence of the business owner or in an accessory building thereto. There shall be no outside storage or operations for Type I home occupations with the exception of the vehicles permitted under (4)(c) and other items, such as, but not limited to, utility trailers, which are commonly used residentially.
  - ii. The maximum indoor floor area permitted for a Type I home occupation shall be twenty-five (25) percent of the gross floor area of the residence. An accessory structure may be used with the home occupation, provided that the combined total floor area devoted to the home occupation in the accessory structure and residence does not exceed twenty-five (25) percent of the gross floor area of the residence.
- e. For lots equal to or greater than five (5) acres in area in a RC-1, RC-2, C-2, or SC-1 district:
  - i. The maximum indoor floor area permitted for a home occupation shall be the equivalent of twenty-five (25) percent of the

cumulative gross floor area of the residence and any accessory buildings thereto.

- ii. The maximum outdoor area permitted for storage and operations shall not exceed one half (0.5) acre (21,780 SF) of the parcel.
    - 1) All outdoor storage of items solely utilized by the business associated with the home occupation, with the exception of the vehicles permitted under (4)(c) above shall be screened from all property lines. Outdoor storage includes, but is not limited to tools, equipment, products, and additional vehicles. One of the options listed in Article 9C - Section 9C-3, Screening and Buffering Standards, shall be utilized to obtain the required screening.
    - 2) Outdoor operations shall be screened from all property lines and shall meet the minimum setback requirements of the district for principal buildings. One of the options listed in Article 9C - Section 9C-3, Screening and Buffering Standards, shall be utilized to obtain the required screening.
    - 3) A plot plan drawn to scale shall be submitted with the zoning permit application for a Home Occupation Type I with outside storage or operations.
      - a) The plot plan shall show the location and dimensions of all outdoor areas utilized by the home occupation.
      - b) The plot plan shall indicate the existing or proposed screening that satisfies the requirement that the outdoor areas associated with the Home Occupation will not be visible from any property line.
      - c) The business owner shall be responsible for providing and maintaining screening in compliance with this Section. Noncompliance shall be enforced pursuant to Section 15 and may result in the revocation of the zoning permit.
- f. **Accessory** Dwellings. Home occupations permitted in **accessory** dwellings shall comply with the following criteria:
- i. Shall be conducted within a structure which is the bona fide residence of the business owner.
  - ii. The maximum indoor floor area permitted for the home occupation shall be twenty-five (25) percent of the gross floor area of the **accessory** dwelling residence.

(5) Type II home occupations are those which exceed the indoor or outdoor area regulations and/or number of vehicles permitted for Type I home occupations, include customer, employee, or volunteer traffic, or entail

other impacts such as those detailed in (4)(a) above. Examples of Type II home occupations include but are not limited to a one chair hair salon, an accountant with employee or customer traffic, or a business use with outdoor storage or operations not located on a lot which permits such uses as described in (4)(e). They require a Special Exception (SE) and shall meet the following criteria:

- a. Type II Home Occupations are not permitted in **accessory** dwellings.
- b. Home occupations with employee, volunteer and/or customer traffic may be considered a place of public accommodation under the Uniform Statewide Building Code (USBC) and accessibility requirements for such uses shall be determined by the Building Official prior to review by the BZA for a Special Exception.
- c. All operations, storage, and vehicles associated with the home occupation shall be located on the same parcel as the business owner's bona fide residence.
- d. Any additional conditions imposed by the board of zoning appeals (BZA).

## ARTICLE 9C. SCREENING AND BUFFERING

**Sec. 9C-1. Intent. It is the intent of these provisions to:**

- (1) **Set minimum standards that will ease the transition and provide visual buffers between nonresidential and residential land uses.**
- (2) **Encourage the preservation and incorporation of existing vegetation into new developments.**

**Sec. 9C-2. Applicability. These provisions and requirements shall apply to buildings and developments in which a site plan or zoning permit is required as referenced below. The Board of Supervisors shall also have the authority to apply any of these requirements as a condition of a Conditional Use Permit and the Board of Zoning Appeals may apply any of these requirements as a condition of a Special Exception.**

- (1) **A site plan is required pursuant to Chapter 15 Subdivisions or Chapter 15.5 Site Plans of the County's ordinance, or**
- (2) **A zoning permit is required pursuant to Section 15-1 of this ordinance and which includes additions to an existing building, new buildings, additional parking areas, or changes to the site which involve additional features on the property. The provisions of this Section shall only apply to the new development/redevelopment on the site and not to the existing features.**

**Sec. 9C-3. Screening and Buffering Standards.** Where nonresidential buildings or uses abut any lot line of a residential district (as defined in Article 4 Section 4-1(1) of this ordinance) **or residential use**, and where no other landscaping is required, one of the following methods shall be used to buffer the nonresidential use from the residential lot line:

- (1) A minimum thirty-foot setback **from the residential lot line to** all buildings and uses, in conjunction with a continuous landscaping strip of not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs located between the nonresidential use and the residential lot line.
- (2) A six-foot high **solid stockade style fence (wood, plastic, or other similar manmade material) or wall (brick, stone, or similar material)** located between the nonresidential use and the residential lot line. A continuous landscaping strip of not less than **ten (10)** feet in width shall be **provided**, and shall be planted with one (1) evergreen tree (**at least five (5) feet at the time of planting**) and two (2) medium shrubs (each at least 24 inches in height at the time of planting) for every ten (10) linear feet.
- (3) **A minimum ten-foot setback of all buildings and uses from the residential lot line, in conjunction with a continuous evergreen hedge with a minimum height at planting of two (2) feet and be a species that will reach a minimum height of six (6) feet within five (5) growing seasons and one large evergreen or deciduous tree (at least five (5) feet at the time of planting) for every twenty-five (25) linear feet.**
- (4) **A modified plan in cases where special consideration is warranted by virtue of site design, topography, unique relationships to other**

**properties, or existing natural vegetation, provided the modified plan provides year-round vegetative screening.**

**Sec. 9C-4. Administration.**

- (1) The use of existing vegetation, not including invasive species or noxious weeds, shall be allowed in place of required new plant material if the vegetation to be used provides a continuous screen of the new development from view from the adjacent property, is a minimum of 10' in width, and is located entirely on the applicant's property. The applicant shall submit a landscape plan showing the location, size, and type of the existing plant material in the buffer area that is being used to meet the screening requirement. The plan shall include supplemental screening wherever needed to ensure year-round screening.**
- (2) Required plantings shall not obscure traffic visibility within fifty (50) feet of an intersection as per Section 9E-30 Visibility at intersections.**
- (3) Screening is not required if conditions such as those listed below make screening unnecessary. In these circumstances, the zoning administrator shall include a written statement as such for the project file or to be included as part of the approved zoning permit or site plan.**
  - a. A distance greater than one thousand (1,000) feet between the new development and the property line.**
  - b. Topographical features such as slopes and ravines that provide visual barriers.**
  - c. The adjacent parcel is under the same ownership and the property owner submits a written request.**
  - d. Other required or existing screening on the parcel(s) provide the required buffer.**
- (4) Landscaping required by this ordinance shall be in place and in good condition prior to a final certificate of occupancy being issued for the site or a surety shall be posted. In cases where a final certificate of occupancy is not required, such as with home occupations, a surety shall be posted.**
- (5) A surety shall be required when plants are not installed during a planting season, when not installed prior to a final certificate of occupancy, or when it is unclear whether required plantings are alive at the site inspection. The surety will be based on a reasonable estimate, provided by the applicant, of the cost of the landscaping and installation plus a ten percent contingency. All required landscaping shall be installed during the first planting season following issuance of a certificate of occupancy.**
- (6) The owners shall be responsible for protecting and maintaining all required landscaping in healthy and growing condition. Any dead, diseased, or dying plant materials shall be replaced by the next**

**planting season or within one (1) year unless the remaining healthy vegetation forms a continuous screen.**

## ARTICLE 9D. TEMPORARY AND ACCESSORY USES/STRUCTURES

**Sec. 9D-10. Freight containers.**

The following requirements shall apply to freight containers:

(1) **Freight containers cannot be ancillary structures.**

(2) Storage of freight containers.

- a. Freight containers may only be stored in a legally established truck and freight terminal as defined and permitted by this ordinance.
- b. Freight containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a legally established principal use in industrial and business districts subject to the following conditions:
  - i. The location of the temporary storage area shall be noted on the site plan or plot plan establishing the principal use of the site.
  - ii. The temporary storage area shall not be visible from a public right of way or from any residential use or district.
  - iii. The use of the freight containers for temporary storage shall not exceed three (3) months.
  - iv. Freight containers shall not be stacked, **unless in conformance with 9D-10(5) below.**
  - v. Freight containers shall not be converted into permanent structures or used for permanent storage without a zoning permit (see **(3) & (5) below**).

(3) Freight containers **as accessory structures** used only for storage of goods and equipment.

- a. Freight containers used only for storage of goods and equipment, with no improvements or modifications of any kind, shall be permitted as an accessory use to a lawfully established principal use in compliance with the requirements of this chapter for accessory uses and structures subject to following conditions:
  - i. Freight containers shall not be stacked, **unless in conformance with 9D-10(5) below.**
  - ii. The exterior of the freight container shall be maintained structurally intact.
  - iii. **Freight containers are not allowed in the Single-Family Residential District (SF-1), the Multi-family Residential District (MF-1), or in the Village Mixed Use (B-2). Freight containers are not allowed in any other residential district on a lot less than two (2) acres.** No more than one (1) freight container shall be allowed **in a residential district** on a lot **equal to or greater** than two (2) acres in area **and less than 5 acres in area**; and a maximum of **three (3) freight** containers shall be allowed **in residential districts** on lots over five (5) acres in area. Regardless of the number of containers, their placement must comply with the provisions of this ordinance and all other requirements of the county code for accessory structures.

- iv. There is no maximum number of freight containers permitted to be used as storage accessory to permitted agricultural, commercial or industrial uses, provided the placement of the containers complies with the provisions of this ordinance and all other requirements of the county code for accessory structures.
  - b. Modifications to, or the use of, freight containers for a use other than the storage of goods and equipment of a nature customarily incidental and subordinate to use of the principal structure and for the benefit or convenience of the owners, occupants, or employees of the principal use are not permitted **unless in conformance with 9D-10(5) below.**
- (4) Freight containers used for storage during construction.
- a. Freight containers may be used in all zoning districts for the temporary storage of construction-related materials on a building site for which an **unexpired** building permit and/or land disturbance permit has been issued. The application for such permit shall contain express reference to the proposed use of the freight container for storage purposes.
  - b. Freight containers used for storage during construction are subject to the following conditions:
    - i. Freight containers shall not be stacked, **unless in conformance with 9D-10(5).**
    - ii. Freight containers shall be placed in locations that minimize their visibility from the public street or right-of-way and adjacent residential properties.
    - iii. Freight containers shall not be placed in the public street or right-of-way or block public access or fire hydrants.
    - iv. The storage of hazardous materials is prohibited. A hazardous material is defined as substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are in solid, liquid, or gaseous form.
    - v. Freight containers shall be sealed against leakage and maintained in structurally sound condition.
    - vi. Freight containers shall only be allowed for temporary storage during construction **and shall be removed upon completion of construction and prior to the issuance of a certificate of use and occupancy.**
- (5) Modification and/or use of freight containers other than as permitted above is prohibited unless the proposed modification and use conforms to any and all requirements of Uniform Statewide Building Code (USBC), the Gloucester County Code of Ordinances and any other applicable local, state, or federal requirements for the use to be established.



**Sec. 9D-20. Temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers.**

**The following requirements shall apply to temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers.**

**(1) Temporary uses associated with construction.**

- a. Temporary buildings, construction trailers, temporary portable storage containers, **and** temporary portable waste collection containers used in conjunction with construction work only, may be permitted in any district **upon issuance of a zoning permit by the zoning administrator** during the period when construction work is in progress, as shown by possession of a valid building permit, but such temporary facilities shall be removed upon completion of the construction work. Temporary structures and containers placed on the property during construction shall not interfere with the access or mobility of any actively used site or structure.
- b. Manufactured homes **and travel trailers (recreational vehicles)** used as temporary residence during construction or reconstruction of a permanent residential structure may be permitted for up to twelve (12) months upon approval by the zoning administrator. Extension(s) of six (6) months may be granted at the discretion of the zoning administrator. **In cases of reconstruction or repair of a permanent residential dwelling damaged or destroyed, as to be made uninhabitable, by fire, storm, or other natural disaster** the first six (6) months of the initial twelve (12) month period, no **active** building permit **shall be required**. The issuance of a zoning permit by the zoning administrator for **manufactured homes and travel trailers (recreational vehicles)** to be used as temporary residences shall in all cases be subject to the following requirements:
  - i. The **temporary residence** shall be placed no closer than five (5) feet to any **external** lot line.
  - ii. Sanitary (water and sewer) and electrical connections shall be provided by the applicant(s), **shall** be quick disconnect **for travel trailers**, and conform to county and state regulations.
  - iii. The inhabitants shall **be responsible for** evacuating themselves and/or the travel trailer (recreational vehicle) when climatic conditions warrant, and within four (4) hours of notification by federal, state or local authorities. The owner(s) shall acknowledge **on the zoning permit** and agree to hold harmless the County from liability for any fire, theft, or casualty loss associated with the temporary use.
  - iv. The **temporary residence** shall be disconnected from sanitary and electrical connections and shall cease to be used as a temporary

residence, upon the earlier of either completion of the reconstruction of the permanent residence or the expiration of the permit.

**Manufactured homes used as temporary residences shall be removed either prior to issuance of final Certificate of Occupancy (CO) or within 30 days of a passed (successful) final building inspection.**

- c. **Temporary structures, manufactured homes, and portable buildings** may be used **for non-residential uses such** as temporary offices, **classrooms, or the like** in any zoning district upon issuance of a zoning permit by the zoning administrator, subject to the following considerations:
- i. The temporary building or structure shall be necessary for use during the planning and construction of any **non-residential** structure or structures or for the sale or rental of on-site property by a developer.
  - ii. The temporary building or structure shall not be used for residential purposes.
  - iii. **One temporary structure shall be permitted for each five thousand (5,000) square feet of lot area.**
  - iv. The structure shall not be placed closer than **five (5) feet** to any **external** lot line.
  - v. The sanitary facilities shall conform to county and state health regulations.
  - vi. **The structure must meet Uniform Statewide Building Code for occupancy and all other related building codes.**
  - vii. The temporary **facility** shall be used for a period not to exceed one (1) year; provided that **the** one-year time period may be extended by written request to the zoning administrator showing reasonable cause.
  - viii. The temporary **facility** shall be removed from the site within sixty (60) days after the completion of **the related construction project**. The applicant shall post a letter of credit or cash escrow in the amount of one thousand five hundred dollars (\$1,500.00) per temporary **facility**, not to exceed seven thousand five hundred dollars (\$7,500.00) per construction project, to guarantee the removal of such temporary **facility(ies)**.
- (2) **Temporary use not associated with construction.**
- a. Temporary portable storage containers shall be allowed for short term use accessory to a legally permitted use under the following conditions:
    - i. Only one (1) such container per parcel.
    - ii. A minimum five (5) foot setback from any property line.
    - iii. A maximum of **sixty (60)** days of temporary accessory use without a permit. The **sixty (60)** day time period may be extended in response to a written request to the zoning administrator showing reasonable cause.

**Sec. 9D-30. Temporary camping for personal use and enjoyment**

**The following requirements shall apply to temporary camping for personal use and enjoyment.**

- (1) No more two (2) temporary camping units are permitted on lots less than or equal to five (5) acres. One (1) additional temporary camping unit is allowed for every additional 5 acres of lot area to a maximum of ten (10) temporary camping units total.**
- (2) Temporary camping shall not occur for periods in excess of one (1) week, nor may camping occur in excess of thirty (30) days within any calendar year. Occupancy beyond these time limits requires approval as a campground per this ordinance.**
- (3) No camping shall be permitted in the B-1, B-2, B-4, or I-1 districts.**
- (4) Temporary camping units shall meet principal structure setbacks.**
- (5) No utility hookups are permitted for temporary use of camping units. This does not include the temporary hook-up of water and/or electricity to clean and/or maintain campers.**
- (6) In order to confirm compliance with this ordinance, individuals wishing to temporarily camp on their property in conformance with this ordinance can register that activity by calling the Gloucester County zoning staff to state their intent to do so and the days they will be camping on their property.**

**Sec. 9D-40. Temporary family health care structures.**

**The following requirements shall apply to temporary family health care structures.**

- (1) Temporary family health care structures shall be permitted as an accessory use in any zoning district which permits single family detached dwellings as a principal use.
- (2) Such structures shall comply with all setback requirements that apply to the **principal** structure.
- (3) Placing the temporary family health care structure on a permanent foundation shall not be permitted.**
- (4) Only one (1) family health care structure shall be allowed on a lot or parcel of land.
- (5) Any temporary family health care structure installed pursuant to this Section may be required to connect to any water, sewer, and electric utilities that are serving the **principal dwelling** on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- (6) A Zoning Permit shall be required prior to the installation of a temporary family health care structure and, in addition to the requirements of Section

- 15-2 the application shall contain evidence of compliance with this Section including:
- a. The relationship of the caregiver to the occupant(s) of the temporary family health care structure; and
  - b. Written certification provided by a physician licensed by the Commonwealth establishing that the occupant(s) of the temporary family health care structure meet the criteria established in Virginia Code Section 15.2-2292.1.
- (7) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (8) Any temporary family health care structure installed pursuant to this Section shall be removed within sixty (60) days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section. The applicant shall notify the County upon removal of the temporary family health care structure and provide for proper disconnection of all any water, sewer, electric and other utilities that served the structure.
- (9) The zoning administrator may revoke the zoning permit if the permit holder violates any provision of this Section.

## ARTICLE 9E. OTHER REGULATIONS

**Sec. 9E-10. Common area regulations.**

- (1) **Applicability.** This Section shall apply to the following features in developments, referred to in this Section as "common areas", where such features are required or proposed to be held in common ownership by persons residing in or owning lots in the development or subdivision:
- a. All lands in common open space not part of individual lots designed for the mutual benefit of persons residing in or owning lots in a development or major subdivision, whether or not such lands are required by the Gloucester County Zoning or Subdivision Ordinances;
  - b. All private streets, driveways, parking bays, sidewalks, **multi-use paths**, bikeways, streetlights, street trees, landscaping, drainage facilities, lakes, easements, facilities, structures, and buildings or portions thereof as may be provided for the common use, benefit and enjoyment of the occupants of a development or major subdivision, whether or not such improvements are required by the Gloucester County Zoning or Subdivision Ordinances.
- (2) Declaration of covenants and restrictions. Whenever a major subdivision **development** includes common areas, the developer shall prior to, or at the time of, recordation of the final subdivision plat, provide for and establish a nonprofit incorporated property owners association, or other legal entity under the laws of Virginia, for the ownership, care and maintenance of all such common areas.
- a. Such association shall be governed by a declaration of covenants and restrictions (referred to in this Section as the "declaration") running with the land and shall be composed of all persons having ownership within the development. Such association shall be responsible for the perpetuation, care, and maintenance of all common areas.
  - b. The covenants shall provide that membership in the association by property owners is mandatory; and **that** the association shall have the authority to assess its members for, such maintenance and improvements as set forth in the instrument creating the association, or as its members deem appropriate.
  - c. Voting membership in the association shall, in the case of a residential subdivision, be comprised of a single class, with the owners of lots casting one (1) vote per lot owned. In the case of a non-residential development, voting rights shall be clearly stipulated in the declaration. In no case shall the developer of a residential development control the association beyond ten (10) years of the first lot being conveyed to a person or entity other than the developer.
  - d. The declaration shall:
    - i. Describe and identify all common areas as to location, size, use and control.

- ii. Set forth the method of assessment for the maintenance of the common areas.
  - iii. Control the availability of the common areas, ensure that land set aside for open space may not be developed for an unapproved purpose in the future, and ensure that the common areas are maintained in their intended function in perpetuity unless and until the board of supervisors by ordinance, authorizes and approves revisions.
  - iv. Set forth the schedule under which the developer must convey common property and facilities to the association. Such conveyance shall generally occur within thirty (30) days of completion of the facility unless otherwise stipulated in the declaration.
  - v. Provide that the association shall not be dissolved nor shall such association dispose of any common areas by sale or otherwise, except to an organization conceived and organized to own and to maintain the common areas, without first offering to convey the same to the county or other appropriate governmental agency in exchange for compensation in an amount not exceeding the appraisal of a mutually acceptable appraiser.
  - vi. Remain in full force and effect unless terminated in the manner set forth above.
- e. The declaration shall provide a clearly defined procedure for the county to ensure a remedy in the event the association or any successor organizations, shall at any time after the establishment of the development fail to maintain the common areas in reasonable order and condition in accordance with the plans approved by the county.

(3) Submission requirements.

- a. Before a developer establishes a nonprofit organization as provided by subsection (2) above, the following documents shall be submitted to the county:
  - i. The articles of incorporation or other documents which will establish or create the nonprofit property owners association.
  - ii. The proposed declaration of covenants and restrictions.
  - iii. The proposed bylaws of the association.
- b. The developer shall submit to the county, along with the required articles of incorporation (or similar documents) and declaration of covenants and restrictions, a certification by an attorney licensed to practice law in the Commonwealth of Virginia that the attorney has reviewed such documents and that they comply with:
  - i. The requirements of this Article, and identifying where each requirement is addressed;
  - ii. If applicable, the provisions of the Virginia Property Owners Association Act (Section 55-508 et. seq. of the Code of Virginia); and

- iii. If applicable, the provisions of the Virginia Subdivided Land Sales Act (Section 55-336 et. seq. of the Code of Virginia).
  - iv. **If applicable, the provisions of the Virginia Condominium Act (Title 55.1, Chapter 19 et. seq. of the Code of Virginia).**
  - c. The attorney shall also certify that the common areas, when conveyed to the association, will be conveyed without encumbrances or liens, other than easements for public utilities, and such other similar encumbrances as may be specifically identified in the declaration.
  - d. The county attorney shall review and approve for consistency with the requirements of this Article the certification submitted in conformance with Subsection (ii) above, and the articles of incorporation (or similar documents) and the declaration of covenants and restrictions.
- (4) Miscellaneous common area requirements and regulations.
- a. Nothing contained herein shall be deemed to require the County of Gloucester to be responsible for the maintenance of any of the common areas referred to in this Section.
  - b. Relationship of residential lots to common area.
    - i. Residential lots adjacent to common areas shall not be platted until the common area and any facilities thereon have been completed and the area has been conveyed (or will be conveyed contemporaneously with platting) to the association or other entity controlling such common ground.
    - ii. Alternatively, the zoning administrator may authorize such lots as described in paragraph (i) above to be platted provided that each person or entity to which any of these lots are subsequently conveyed prior to completion and conveyance of the common area execute a statement which clearly discloses to them what common area improvements are to be constructed, the anticipated duration of construction, and the estimated date of completion. The disclosure statement shall be prepared by an attorney licensed to practice law in Virginia and a copy shall be submitted to the county for approval prior to approval of a record plat. Executed disclosure statements shall be recorded contemporaneously with deeds conveying such lots.
  - c. The developer may propose that the ownership, maintenance and perpetuation of all or a portion of the common areas in a development be guaranteed by some method or measure other than the formation of a nonprofit incorporated property owners association. In such case, the county attorney and zoning administrator shall ensure that all relevant requirements of paragraph (a) of this Section are substantially satisfied with respect to protecting the future property owners and ensuring the county's interest. Certification by an attorney licensed to practice law in Virginia that all relevant requirements have been satisfied and fully describing how they are met, and which requirements were deemed to not be relevant and why, shall be submitted with site plans or subdivision plats.

**Sec. 9E-20. Family transfers.**

A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner is permitted in **RC-1** and **RC-2** rural districts and all residential districts provided the divisions of such lands meet the minimum requirements of the Gloucester County Subdivision Ordinance **for Family transfers** in effect at the time the request for subdivision is made.

**Sec. 9E-30. Visibility at intersections.**

- (1) On a corner lot in any district, **no building, fence, wall, other structure, vehicle or planting**, shall be erected, placed, planted or allowed to grow in such a manner as to impede vision **between** a height of two and one-half (2½) feet **and eight (8) feet** above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines fifty (50) feet from the point of intersection.
- (2) **Exclusions. This provision shall not be applicable to public utility poles, official street signs, fire hydrants and other appurtenances, installed by a governmental agency for public safety purposes, or to tree trunks, columns, or posts separated by not less than six feet from each other which do not impair visibility.**

