

Sec 10-21 A-1 Agricultural District

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

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

2. *Qualifying lands.* Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.
3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development and performance standards contained in this chapter, and all other applicable regulations:
 - (a) Agriculture.
 - (b) Agriculture, intensive.
 - (c) Agriculture, small scale.
 - (d) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
 - (e) Bed and breakfast homestay.
 - (f) Cemetery.
 - (g) Church.
 - (h) Clean earth fill area not exceeding an aggregate volume of fifteen thousand (15,000) cubic yards (subject to the requirements of subsection 10-41(22)).
 - (i) Data Pole.
 - (j) Dwelling, single-family.
 - (k) Farm enterprise.
 - (l) Fire, police and rescue stations.
 - (m) Home occupation.
 - (n) Manufactured (mobile) home, Class A or B.
 - (o) Natural area.
 - (p) Park, unlighted.
 - (q) Pet, farm.
 - (r) Pet, household.
 - (s) Playground, unlighted.
 - (t) Public use, public facility.

- (u) Public utility lines, other; and public utility lines, water and sewer.
- (v) Sawmill, temporary.
- (w) School.
- (x) Solar energy system, minor.
- (y) Telecommunications tower, attached.
- (z) Veterinary practice, animal hospital.

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

- (a) Accessory structures that exceed the square footage or height of the principal structure when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding house.
- (d) Campground.
- (e) Camp, boarding.
- (f) Civic club.
- (g) Contractor's storage yard.
- (h) Country club.
- (i) Country inn.
- (j) Custom meat cutting, processing and packaging.
- (k) Day care center.
- (l) Disposal facility, landfill.
- (m) Exploratory activities associated with extractive industries.
- (n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- (o) Flea market (also subject to requirements of article VI of the County Code).
- (p) Game preserve.
- (q) Garden center.
- (r) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- (s) Golf course.
- (t) Golf driving range.
- (u) Grain mill, feed mill.
- (v) Home business.
- (w) Junkyard, automobile graveyard.
- (x) Kennel, commercial (refer to use limitations in subsection (7)).

- (y) Landfill (see Disposal facility).
- (z) Livestock market.
- (aa) Park, lighted.
- (ab) Park and ride lot.
- (ac) Playground, lighted.
- (ad) Public utility plant, other.
- (ae) Public utility substations.
- (af) Public utility plant water or sewer (not including distribution or collection lines).
- (ag) Recreational vehicle park.
- (ah) Recycling collection points.
- (ai) Repair shop, automotive (refer to use limitations in subsection (g)).
- (aj) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- (ak) Rural resort.
- (al) Sawmill.
- (am) School of special instruction.
- (an) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection (7)).
- (ao) Slaughterhouse.
- (ap) Solar energy system, major.
- (aq) Solid waste collection point.
- (ar) Stable, commercial.
- (as) Stone engraving and sales.
- (at) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- (au) Structures over forty (40) feet in height.
- (av) Telecommunications facility, micro wireless.
- (aw) Telecommunications facility, small cell.
- (ax) Telecommunications tower, freestanding.
- (ay) Transition house.

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

- (a) Accessory structures that exceed the square footage or height of the principal structure.
- (b) Farm enterprise with less than forty (40) feet of public road frontage subject to the requirements of section 10-41(18)(g) of this Zoning Ordinance.

5. *Lot requirements.*

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

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

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

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

- (c) *Clustering of permitted lots between parent parcels*. A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection (5) are met.
- (d) *Lot access*. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements with one exception. Under the exception, one lot divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.
- (e) *Maximum coverage*. No more than twenty (20) percent of any lot shall be covered by buildings and no more than thirty (30) percent of any lot shall be covered by impervious surfaces.

- (f) *Minimum width.* One hundred twenty (120) feet at the minimum setback line of the front yard. Frontage requirements for family subdivisions and public utility or public water or sewer installation lots shall be in accord with the Montgomery County Subdivision Ordinance.
- (g) *Maximum length/width ratio.* Five to one (5:1) for any lot less than twenty (20) acres in area.

6. *Building requirements.*

(a) *Minimum yards:*

- (1) *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).
- (2) *Side.* Fifteen (15) feet for each principal structure.
- (3) *Rear.* Forty (40) feet.
- (4) *Accessory buildings.* No accessory building may be located closer than ten (10) feet to a side or rear lot line.

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

7. *Use limitations.*

- (a) *Repair shop, automotive.* All work must be conducted within a completely enclosed building ~~no larger than one thousand two hundred (1,200) square feet in size~~; and the shop shall be at least three hundred (300) feet from any residential zoning district or existing dwelling, other than the owner's dwelling.
- (b) *Kennels.* No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.
- (c) *Shooting ranges.* Shooting ranges shall not operate between 10:00 p.m. and 7:00 a.m.

(Ord. No. 1999-12, §§ 2-100—2-107, 12-13-99; Ord. No. 2001-03, 2-12-01; Ord. No. 2001-08, 6-11-01; Ord. No. 2001-11, 9-24-01; Ord. No. 2002-08, 6-10-02; Ord. No. 2003-08, 6-9-03; Ord. No. 2003-14, 7-28-03; ORD-FY-05-19, 12-13-04; ORD-FY-07-14, 12-18-06; ORD-FY-08-09, 9-10-07; ORD-FY-08-16, 11-14-07; ORD-FY-09-11, 2-9-09; ORD-FY-10-23, 4-12-10; ORD-FY-14-12, 10-16-13; ORD-FY-14-13, 10-16-13; ORD-FY-16-04, 8-24-15; ORD-FY-17-06, 9-12-16; ORD-FY-17-08, 10-11-16; Ord. No. ORD-FY-18-04, 9-11-17)

HISTORY

Amended by Ord. [2021-13 Data Pole](#) on 9/28/2020

ec 10-29 CB Community Business

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

Activities in CB districts shall have limited traffic and other impacts on uses in other districts through proper location at street intersections, preference for locations adjoining existing nonresidential uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for use in the comprehensive plan are best suited for rezoning to this district.

2. *Qualifying lands.* Lands qualifying for inclusion in the district shall be those within the current CB district on the date of adoption, or other lands within areas mapped as rural communities, residential transition, village, village expansion, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. Locations not meeting county criteria may be permitted if all water and sewage disposal facilities are approved by health official prior to approval of rezoning or special use permit. The minimum area required to create a district shall be one (1) acre of total contiguous land.
3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:
 - (a) Apartment as accessory use, maximum of two (2) per business structure.
 - (b) Assembly of electrical, electronic devices, less than one thousand two hundred (1,200) square feet floor area.
 - (c) Automotive, light truck, sales, service, rental and repair, without motor fuel sales, ~~less than two thousand (2,000) square feet.~~
 - (d) Business or trade school.
 - (e) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.
 - (f) Cemetery.
 - (g) Church.
 - (h) Civic club.
 - (i) Community center.
 - (j) Conference or training center.
 - (k) Crematorium.
 - (l) Custom meat cutting, processing and sales (excluding slaughtering).
 - (m) Data Pole.
 - (n) Day care facility.

- (o) Farm machinery sales and service.
- (p) Financial services.
- (q) Fire, police, rescue facility.
- (r) Funeral home.
- (s) Garden center.
- (t) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
- (u) Homeless shelter.
- (v) Library.
- (w) Medical care facility.
- (x) Office, administrative, business or professional less than three thousand (3,000) square feet.
- (y) Park, unlighted.
- (z) Park and ride lot, of fifty (50) or fewer spaces.
- (aa) Pet, household.
- (ab) Post office.
- (ac) Printing service.
- (ad) Public use, public facility.
- (ae) Public utility lines, other.
- (af) Public utility lines, water or sewer.
- (ag) Restaurant.
- (ah) Retail sales and services less than three thousand (3,000) square feet.
- (ai) Roadside stand.
- (aj) School.
- (ak) School of special instruction.
- (al) Telecommunication tower, attached.

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

- (a) Assembly of electrical, electronic devices, greater than one thousand two hundred (1,200) square feet floor area.
- (b) Boarding house.
- (c) Building greater than thirty-five (35) feet in height.
- (d) Contractors service establishment.
- (e) Convenience store less than three thousand (3,000) square feet, with motor fuel sales.
- (f) Dwelling, single-family or two-family.

- (g) Feed and seed store and mill.
- (h) Golf course.
- (i) Golf driving range.
- (j) Kennel, commercial.
- (k) Mini-warehouse.
- (l) Park and ride lot of more than fifty (50) spaces.
- (m) Public utility plant, other.
- (n) Public utility substation.
- (o) Public utility plant, water or sewer.
- (p) Recreation establishment.
- (q) Recycling facility.
- (r) Stone engraving and sales.
- (s) Telecommunications facility, micro wireless.
- (t) Telecommunications facility, small cell.
- (u) Telecommunication tower, freestanding.
- (v) Transition house.
- (w) Truck, trailer sales, service, rental and repair with outside operations.
- (x) Veterinary practice, animal hospital.

5. *Lot requirements.*

- (a) *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot and connected to public water or sewer, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for CB uses shall avoid impacting residential subdivisions with primary access and through traffic.
- (c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (d) *Maximum floor area ratio.* 0.40.
- (e) *Maximum coverage by buildings.* Forty (40) percent.
- (f) *Total impervious surface.* The total impervious surface located on a lot shall not exceed seventy-five (75) percent of the gross site area.

6. *Building requirements.*

- (a) *Minimum yards.*

- (1) *Front*. Fifty (50) feet when any off-street parking is in front of building and opposing street frontage is residential district; thirty-five (35) feet otherwise. Fifteen (15) feet when no off-street parking is in front of building.
- (2) *Side*. Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.
- (3) *Rear*. Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

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

7. Use limitations.

- (a) *Screening and landscaping*. Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.
- (b) *Off-street parking and loading*.
 - (1) Off-street parking permitted in required setback.
 - (2) Must be provided in accordance with section 10-44.
- (c) *Indoor/outdoor operations*. All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

(Ord. No. 1999-12, §§ 2-900-2-907, 12-13-99; Ord. No. 2001-03, 2-12-01; Ord. No. 2001-08, 6-11-01; Ord. No. 2003-07, 6-9-03; ORD-FY-05-19, 12-13-04; ORD-FY-07-15, 12-18-06; ORD-FY-08-17, 11-14-07; ORD-FY-09-11, 2-9-09; ORD-FY-10-23, 4-12-10; ORD-FY-14-12, 10-16-13; ORD-FY-14-13, 10-16-13; ORD-FY-16-04, 8-24-15; Ord. No. ORD-FY-17-14, 1-23-17)

HISTORY

Amended by Ord. [2021-13 Data Pole - Telecommunications facility](#) on 9/28/2020