

AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 10-48 ADDING ADDITIONAL REGULATIONS THAT ARE APPLICABLE FOR WAREHOUSE, MINI USE GRANTED BY SPECIAL USE ADDRESSING LIGHTING, SECURITY, SCREENING AND PROHIBITED USES AND BY AMENDING SECTION 10-61 MODIFYING THE DEFINITION OF WAREHOUSE, MINI TO INCLUDE THE OUTDOOR STORAGE OF MOTOR VEHICLES, TRAILERS AND RECREATION VEHICLES AS AN ACCESSORY USE

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-48 and 10-60 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec 10-48 Additional Regulations For Special Uses**

1. *Purpose and intent.* Certain land uses by their nature, may have an undue impact upon or be incompatible with other permitted uses of land within a given zoning district. Therefore, they may be permitted in a given district only upon approval of a special use permit. Such approvals are subject to any reasonable conditions the board of supervisors may deem necessary. Further, the uses listed in this section are subject to the additional standards contained herein, in addition to others the board of supervisors may impose in granting a given special use permit.
2. *Sawmills and chipmills.*
  - (a) *Permanent sawmills and chipmills.*
    - (1) No structure, nor storage of lumber, logs, timber, equipment or any other materials shall be located closer than one hundred (100) feet to any lot line. No structure housing or enclosing a sawmill shall be located closer than five hundred (500) feet to any lot line.
    - (2) The permit shall be granted for a period not to exceed two (2) years, upon which time it shall be reviewed by the board of supervisors and may or may not be renewed depending upon whether the operator has adhered to the conditions of the permit, and whether conditions in the area have changed so as to warrant a cessation of the use.
    - (3) Hours of operation shall be established by the board of supervisors.
    - (4) Such uses shall have direct access to a state-maintained road, adequate in capacity to serve the traffic generated by size and type of the mill.
    - (5) Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.

(6) Noise levels produced by the operation shall conform to the performance standards contained in the county's noise ordinance, chapter 7, article IV, of the Montgomery County Code.

(b) *Temporary sawmills and chipmills.*

(1) A temporary sawmill shall only process timber cut from the parcel on which the temporary sawmill is located or on immediately adjacent parcels.

(2) For periods of operation exceeding six (6) months, the operator shall be required to obtain a special use permit.

(3) A temporary sawmill shall be located at least two hundred (200) feet from any existing residence located on an adjoining or adjacent lot, and one hundred (100) feet from any lot line.

(4) No processing, milling, finishing or artificial drying of green lumber shall be permitted on the site.

(5) The operator shall meet the requirements of subsection (2)(a)iv.

(c) The board of supervisors may establish any additional conditions on the operation of any sawmill or chipmill, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors and materials storage.

3. *Slaughter houses.*

(a) No structure, nor enclosure for the keeping of animals shall be located closer than two hundred (200) feet to any lot line. No enclosed structure used for the slaughtering of animals shall be located closer than four hundred (400) feet to any lot line.

(b) The permit shall be granted for a period not to exceed five (5) years, upon which time it shall be reviewed by the board of supervisors and may or may not be renewed depending upon whether the operator has adhered to the conditions of the permit.

(c) Hours of operation shall be established by the board.

(d) Such uses shall have direct access to a state-maintained road, adequate in capacity to serve the traffic generated by the size and type of the facility.

(e) Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board of supervisors shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.

(f) The minimum lot size for slaughter operations shall be five (5) acres.

(g) Adequate provision, to the satisfaction of the board, shall be made for the off-site

disposal of animal waste, including manure, litter, and carcasses or portions thereof.

- (h) Noise levels produced by the operation shall conform to the performance standards contained in the county's noise ordinance, chapter 7, article IV, of the Montgomery County Code.
- (i) The board of supervisors may establish any additional conditions on the operation of any slaughterhouse, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, waste disposal and materials storage.

#### 4. Landfills.

##### (a) *Construction debris and/or rubble landfills.*

- (1) The minimum lot size for any such landfill shall be ten (10) acres.
- (2) The site development and operations shall be in accord with all of the regulations of applicable agencies of the Commonwealth of Virginia, including any special conditions for landfill permits. No site development or activity of any kind related to the landfill use shall occur on the site prior to receiving all applicable state and local permits, other than sampling activities that may be running in order to prepare an application for such permit.
- (3) Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.
- (4) A master plan for the proposed use of the site shall be submitted to the county for consideration as part of the special use permit application. Such plan shall specify all physical changes and improvements to the property, including a phasing plan with time frames for the landfilling activities, methods for controlling drainage, run-off, leachate, erosion and sediment control during and after site development, groundwater protection and monitoring, site security from trespass, access from public roads, and a plan for closure and future re-use of the site.
- (5) The operator shall cause a qualified independent contractor to perform an annual environmental audit to determine the extent of compliance with all conditions of the special use permit and all other regulatory requirements. Such audit shall be formally submitted to the zoning administrator upon completion and not more than twelve (12) months after the preceding audit, and shall be made part of the public record.
- (6) In considering a special use permit for such uses, the board may set additional standards, including but not limited to the following elements:
  - a. Surface materials and design for access roads, on-site roads, parking and other vehicle facilities.

- b. Control of dust, odor and pests.
- c. Noise generated by the operation.
- d. Hours of operation.
- e. Limits on types of materials to be landfilled.

(b) *Sanitary landfills.*

- (1) The minimum lot size for any such landfill shall be fifty (50) acres.
- (2) The provisions of subsections (d)(1)b. through f. of this section shall also be met.

5. *Junkyards, automobile graveyards.*

- (a) In considering a special use permit for such uses, the board may set additional standards, including but not limited to the following elements:
  - (1) Surface materials and design for access roads, on-site roads, parking and other vehicle facilities.
  - (2) Control of dust, odor and pests.
  - (3) Noise generated by the operation.
  - (4) Hours of operation.
- (b) Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.
- (c) No structure, storage area or other part of the operation shall be located closer than three hundred (300) feet to any existing dwelling or residential lot line.
- (d) Such uses shall have direct access to a state-maintained road, adequate in capacity to serve the traffic generated by the operation.
- (e) No disposal of fuel, chemicals or hazardous materials is permitted.

6. *Telecommunications towers, freestanding.*

- (a) Such towers shall be maintained with a galvanized steel finish or be painted a neutral color.
- (b) Dish antennas shall be a neutral, nonreflective color.
- (c) No logos or advertising of any kind shall be permitted on towers, antennas or any accompanying structures or facilities.
- (d) A written agreement for permitting future co-locations of telecommunications

facilities shall be provided tower owner and maintained to the satisfaction of the zoning administrator.

- (e) A written agreement assuring prompt removal of the tower upon abandonment, at the responsibility and cost of the tower owner or landowner shall be provided and maintained to the satisfaction of the zoning administrator.
- (f) All towers shall comply with all Federal Aviation Administration (FAA) requirements including those relating to the Virginia Tech Airport.

*7. Stone quarrying, extraction and mining.*

- (a) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
- (b) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special use permit.
- (c) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.
- (d) Landscaping and screening requirements. All areas within one hundred (100) feet of an adjacent public road or a zoning district or land bay allowing or planned to allow residential uses shall meet the standards of section 10-43, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.
  - (1) In addition to the requirements of section 10-43, existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
  - (2) The type, time of planting, design and spacing of planting screen shall be in accordance with section 10-43. Approval of maintenance of landscape areas by the zoning administrator shall be required for zoning permit extension and zoning permit renewal.

*8. Telecommunications facility, micro wireless and Telecommunications facility, small cell.*

- (a) Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be designed to match or blend with the structure on which it is mounted or provide other means of visual mitigation.

- (b) Commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
- (c) If any additions, changes or modifications are to be made to these facilities, the Zoning Administrator has the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
- (d) Signals, lights or illumination are not permitted unless required by federal, state, or local law.
- (e) All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
- (f) Any antennas, equipment, and associated support structures that are clearly depicted on the Special Use Permit application may be approved as part of the wireless facility and would not be subject to separate permit approval that would otherwise be required for such installations.

9. Warehouse, mini:

- (a) The owner shall provide security by means of security fencing with gated access, "Dark Sky Friendly" security lighting no higher than 15', and security cameras maintained in good working order.
- (b) The owner shall post readily visible contact information, including but not limited to name and phone number, on site for appropriate personnel to be reach in case of emergency.
- (c) Buildings shall be spaced a minimum of thirty (30) feet apart
- (d) No door opening for any storage unit shall be constructed facing any residentially zoned property
- (e) All outdoor storage areas shall be screened from adjoining properties by a Type 4 Buffer as outlined in Section 10-43.
- (f) The following uses shall be prohibited:
  - (1) Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
  - (2) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - (3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - (4) The storage of flammable, highly combustible, explosive, or other hazardous materials.

**Sec 10-61 Definitions.**

*Modify the following definitions:*

*Warehouse, mini:* A structure consisting of individual, enclosed, small, self-contained units that are leased or owned for the storage of business or household goods or contractor's supplies. Outdoor storage areas are allowed as an accessory use and shall be used for the storage of motor vehicles, trailers, and recreational vehicles only.