

Attachment B

Summaries of Proposed Zoning Text Amendments and Subdivision Text Amendment

ZTA 2016-06 Chapter 18 Zoning Ordinance Amendments

1. **Advertising Vehicles:** Amend §§ 4.15.3, 4.15.5, 4.15.8, 4.15.9, 4.15.10 and 4.15.11 to eliminate currently conflicting language about permitted versus prohibited advertising vehicles. Operable vehicles that are used in the business and parked in an approved parking space are permitted advertising vehicles.
2. **Recreation Requirements:** Amend § 32.6.2 (I) Contents of Final Site Plan, to clarify that recreation facilities must comply with Section 4.16 Recreation Regulations.
3. **Neighborhood Model Setbacks:** Amend §§ 4.19, 4.20, 17.8, 18.8, 19.7, 20.8.4, 21.4 and 26.4 to further clarify how setbacks and setbacks are measured and applied. Revisions include the following:
 - a. using more relevant defined terms such as “main building” versus “structure” and “story” versus “floor”;
 - b. clarifying which buildings are considered for the purpose of infill;
 - c. eliminating the front maximum setback for lots abutting the interstate;
 - d. clarifying that the minimum garage setback applies to attached and detached garages;
 - e. clarifying which buildings must meet the maximum front setback on any parcel with multiple main buildings; and
 - f. clarifying that setbacks apply to each story beginning above the 3rd story or above 40 feet, whichever is less;
4. **Temporary industrialized building:** Amend (§§ 3.1 and 5.8) – change the term “temporary nonresidential mobile home” to “temporary industrialized building.” These units include office or classroom trailers and are not residential. The current term has mistakenly included “mobile home” which is a different use subject to different regulations. The term for this unit in the Uniform Statewide Building Code is “industrialized building.”
5. **Commercial kennels supplementary regulations:** (Amend §5.1.11): Correct the current conflict requiring a higher standard (lower maximum sound level) when using soundproofed confinements as opposed to non-soundproofed confinements. Add reference to animal shelters since this regulation currently applies also to them.
6. **Sale or storage of petroleum products:** (Amend § 5.1.20 b) – Correct an inadvertent error caused by the 2013 amendment relating to the industrial district amendments. This 2013 amendment focused on bulk petroleum storage inadvertently imposed significant setbacks for gas stations served by public water. This amendment is consistent with the

Fire Code and clarifies that underground petroleum storage served by public water is not subject to the 100 foot setback.

7. **Temporary Family Health Structures / Medical Cottages:** (Amend §3.1 and establish new §5.1.62) Codify VA Code provisions per §15.2-2292.1.
8. **Church / Religious assembly:** (Amend §§ 3.1, 4.12.6, 5.1.27, 10.2.2(35), 12.2.2(15), 13.2.2(10), 14.2.2(12), 15.2.2(12), 16.2.2(12), 17.2.2(14), 18.2.2(14), 19.3.2(6), 20.3.2(6), 20B2.C(1), 22.2.1(b)(3) and 23.2.1(4)) Standardize and revise use category terms throughout the districts currently allowing churches. Revise the term “church” to reflect RLUIPA terminology “religious assembly use.”
9. **Group home and home for developmentally disabled:** (Amend §3.1, §10.2 and residential districts) Group home and home for developmentally disabled. Update regulations to reflect VA Code §15.2-2291. This includes the VA Code provisions allowing as a use by-right, group homes as a residential facility anywhere residential occupancy by a single family is permitted. This amendment also eliminates the outdated term “home for developmentally disabled” to replace it with “group home.”
10. **Residential 1 (R1) Structure Height:** (Amend §13.3) Correct the structure height for cluster bonus to 35 feet, consistent with the other area and bulk regulations in this district and similar low-density residential zoning districts (RA, VR, R1, R2, R4 and R6). *Section 13.3 Area and Bulk Regulations* lists the maximum structure height of 35 feet for all but bonus level cluster, listed as 30 feet. We consider this to be an inadvertent error and are unaware of any legislative intent nor any purpose served by a decreased structure height with structures built under the bonus cluster in only this residential district.
11. **“Condominiums” as a Use in Downtown Crozet District (DCD):** (Amend §20B.2 D (4)) This district lists as a use by-right “condominiums.” Condominiums are a form of ownership and not a land use. For example, they can exist with anything from single-family detached to multi-family dwellings. The use categories should address the use, such as single-family detached or multi-family, and not the form of ownership.
12. **Buffer zone across a street:** (Amend §21.7(c)) Clarify no buffer is required when commercial zoning is across the street from property zoned residential or Rural Areas.
13. **Omit and update use terms:** (Amend §§ 3.1, 4.12.6, 14.2.2(9), 15.2.2(9), 16.2.2(9), 17.2.2(9), 18.2.2(9), 19.3.2(3), 20B.4 (2), 20.3.2(3), 22.2.2(4) and 24.2.2(7).) Remove outdated terms “rest home,” “sanitariums” and “convalescent home.” Remove the term “fast food restaurant” which by definition is allowed where a “restaurant” is allowed. Update the term “orphanage” with the current term “children’s residential facility.”

14. Research and Development and Labs by Special Use Permit in Commercial Office:

(Amend §23.2.2 (13)). The current ordinance allows “Laboratories, medical or pharmaceutical” by special use permit. The ordinance amendments effective 4-3-13 allow Laboratories up to 4,000 square feet by-right in a use category with “Laboratories/Research and Development/Experimental Testing.” The prior provision by special use permit remains and conflicts with this newer by-right provision.

15. Flood Hazard Overlay District (FHOD) (Amend §§ 30.3.5, 30.3.11, 30.3.15G, 30.3.17 d (13)). Several revisions for clarification and to be compliant with FEMA regulations. Revisions include the following:

- a. In the Table of Permitted and Prohibited Uses and Structures: a) within “Flood and Water Related Uses and Structures” include as a use by right stormwater conveyance in accord with the Water Protection ordinance with no changes to the floodplain elevation. This codifies the longstanding interpretation and practice and b) clarify the meaning of the by-right “fine grading use.”
- b. Revisions to Section 30.3.15G involve construction standards for accessory structures in the floodplain and implement FEMA regulations necessary for our compliance with the Flood Insurance Program.
- c. Revisions to Section 30.3.17 implements a mandatory variance provision because we limit accessory structures in the floodplain to a maximum size of 200 square feet. This implements FEMA regulations necessary for our compliance with the Flood Insurance Program.

16. Pre-existing use fee waiver required by VA Code: (Amend §35.5) Codify VA Code 15.2-2307c which requires no fee for Special Permit or Zoning Map Amendment with valid business license and taxes paid for 15 years. This VA Code provision states:

If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing

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- **Lot frontage:** (Amend § 14-403) To clarify that each lot in a subdivision shall have frontage on an existing or proposed public or private street. The Ordinance currently simply states “street” without reference to public or private streets, terms that are defined and relevant. This is necessary to have consistency with the Zoning Ordinance requirements and is the current practice.