



# COUNTY OF PRINCE WILLIAM

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February 17, 2006

**TO:** Board of County Supervisors

**FROM:** Stephen K. Griffin, AICP  
Director of Planning

**THRU:** Craig S. Gerhart  
County Executive

**RE:** Zoning Text Amendment #PLN2005-00416, Miscellaneous Changes, Part II  
(Countywide)

**I. Background** in chronological order is:

- A. Zoning Ordinance Update - On December 21, 2004, the Board of County Supervisors adopted amendments to the Zoning Ordinance.
- B. New Zoning Issues - As part of the Zoning Ordinance update, Board members raised a number of issues that would require additional zoning text amendments.
- C. Zoning Text Amendments Initiated - On March 15, 2005, the Board of County Supervisors initiated twelve amendments to the Zoning Ordinance (see Attachment C).
- D. Miscellaneous Amendments, Part I Adopted - On June 6, 2005, the Board of County Supervisors took action on eight of the amendments, as listed below:
  - Modify Setbacks in the A-1 District in Established Neighborhoods
  - Adaptive Reuse of Historic Buildings
  - Modify the Definition of Inoperable Motor Vehicles
  - Reclassify Retail Use in the M-2 District
  - Modify the Appropriate Terminology for Residential Land Bay Designations in Planned Districts
  - Establish Exceptions to Residential Setbacks for the Disabled
  - Allow Wineries in the A-1 District
  - Amend the Definition for the Sale of Seasonal Items Relative to Roadside Stands

- E. Miscellaneous Amendments, Part II - Staff has prepared proposed language for the remaining initiated amendments which are listed below:
- Establish Setbacks for Carports and Carport Enclosures
  - Revise Rural Development Standards to Provide Incentives for Cluster Development
  - Add Provisions for Wind Energy Systems (Windmills) in Appropriate Districts
  - Consider Private Streets in the R-4 District
- F. Zoning Ordinance Review Committee Review - The proposed amendments were reviewed by the Zoning Ordinance Review Committee (ZORC) on August 8, 2005, and September 12, 2005. Minor edits were made to address their comments.
- G. Planning Commission Public Hearing - The Planning Commission reviewed Part II of the amendments in public hearings on November 16, 2005 and January 18, 2006. The Planning Commission requested some modifications to the amendments prior to action. The Planning Commission recommended language is shown as Attachment B.

**II.** Current Situation is as follows:

**Current Situation** is as follows:

Small Wind Energy Systems in the A-1, Agricultural District (Sections 32-100 and 32-300)—

This type of use is not specifically provisioned in the Zoning Ordinance. Small wind energy systems can reduce the on-site consumption of utility supplied electricity. This amendment will provide farmers in the County with access to cheap energy to assist their farming operations. The term “small wind energy system” is used to distinguish it from larger wind farms and will be permitted by special use permit as an accessory use in the A-1 district, subject to specific provisions. In addition, the use will be for on-site consumption only, preventing the sale of excess energy.

Setbacks for Carports and Carport Enclosures (Sections 32-300 and 32-303)— Numerous carports and carport enclosures have been constructed in some of the older subdivisions of the County without meeting the required setback of the zoning district. To alleviate these violations, staff proposes the existing carports be permitted three feet from the side property line only in these older subdivisions established in the early 1960's. These carports can be enclosed if they have a minimum of 20 feet between the carport and the adjacent dwelling. The amendment will make most of these structures legally conforming to the requirements of the Zoning Ordinance.

A. Private Streets in the R-4, Suburban Residential District (Section 32-303)—

Private streets are currently permitted in the A-1, Agricultural, SR-5, Semi-Rural Residential and planned development zoning districts. The development standards of the R-4 district require lots to have public street frontage. This amendment will allow development on lots with frontage on an existing private street subject to special use permit approval. Staff and the Zoning Ordinance Review Committee do not recommend this amendment. The proposed text however, reflects the Boards request to permit private streets in the R-4 district for particular sit Rural Cluster Development (Section 32-300)—The current provisions for rural cluster development have not encouraged rural cluster subdivisions to occur in the County. The proposed amendments would allow for greater usage of the required open space and would better foster the preservation of farms and/or historic buildings. The minimum tract size for a rural cluster development is proposed to be reduced from 100 acres to 50 acres to allow more parcels to qualify for the cluster option. The minimum lot size and density is not amended, consistent with the Comprehensive Plan.

A. Proposed Zoning Text Amendments - The proposed amendments are as follows:

1. Small Wind-Driven Energy Systems in the A-1, Agricultural District - (Sections 32-100 and 32-300) This type of use is not specifically provisioned in the Zoning Ordinance. Small wind energy systems can reduce the on-site consumption of utility supplied electricity. This recommended amendment will provide farmers with access to cheap

energy to reduce energy costs. The term “small wind energy system” is used to distinguish it from larger wind farms and will be permitted by special use permit as an accessory use in the A-1 district, subject to specific provisions. In addition, the use can only be used primarily for on-site consumption and must be accessory to a bona fide agricultural use.

The Planning Commission has recommended that the minimum lot size be fifty (50) acres. The one request received for a wind system will not be feasible with the minimum fifty-acre lot requirement. Staff recommends a minimum of ten (10) acres. Staff also recommends permitting the required standards to be modified as part of the special use permit.

2. Setbacks for Carports and Carport Enclosures - (Sections 32-300 and 32-303) Recorded covenants for many older subdivisions permitted carports to be set back three feet from the side property line, against zoning requirements at the time. Numerous carports and carport enclosures were constructed in these older subdivisions of the County without meeting the required setback of the zoning district that was in effect at the time. To alleviate these violations, staff proposes the existing carports and carport enclosures be permitted three feet from the side property line only in these older subdivisions established in the early 1960's. The amendments will make these structures legally conforming to the requirements of the Zoning Ordinance. The staff recommended language would permit the open carports, at least three feet from the property line, to be enclosed, provided firewall protection is added. This will allow existing carports to be enclosed and will avoid inconsistent regulations within the same neighborhood for enclosed carports. The Planning Commission recommends this amendment be deferred indefinitely with a technical recommendation of denial.
3. Private Streets in the R-4, Suburban Residential Zoning District - (Section 32-303) Private streets are currently permitted in the A-1, Agricultural, SR-5, Semi-Rural Residential, and planned development districts. The development standards of the R-4 zoning district require lots to have public street frontage. This amendment will allow development on lots with frontage on an existing private street, subject to special use permit approval. Staff, the Zoning Ordinance Review Committee, and the Planning Commission do not recommend this amendment. However, the proposed text in Attachment A and Attachment B reflects the Board of County Supervisors' request to permit private streets in the R-4 district for particular situations.
4. Rural Cluster Development - (Section 32-300) The current provisions for rural cluster development have not encouraged rural cluster subdivisions to occur in the County. The proposed amendments as recommended by staff would allow for greater usage of the required open space and would better foster the preservation of farms and/or historic buildings. The minimum tract size for a rural cluster development is proposed to be reduced from 100 acres to fifty (50) acres to allow more parcels to qualify for the cluster option. The current minimum lot size of three (3) acres is not proposed to be amended. The Planning Commission recommends this amendment be deferred until the next update of the Comprehensive Plan with a technical recommendation of denial.

B. Staff Recommendation - The staff recommendation is as follows:

1. Approval of the amendment relative to small wind-energy systems with the language shown in Attachment A.
2. Approval of the amendment relative to setbacks for carports and carport enclosures amendment with the language shown in Attachment A.
3. Denial of the amendment relative to private streets in the R-4, Suburban Residential Zoning District.
4. Approval of the amendment relative to rural cluster development with the language shown in Attachment A.

C. Planning Commission Recommendation - The Planning Commission recommendation is as follows:

1. Approval of the small wind-driven energy system amendment with the language shown in Attachment B.
2. Denial and tabled indefinitely, for the amendment relative to setbacks for carports and carport enclosures.
3. Denial of the amendment relative to private streets in the R-4, Suburban Residential Zoning District.
4. Denial and deferred until the next Comprehensive Plan update, for the amendment relative to rural cluster development.

D. Public Hearing - A public hearing before the Board of County Supervisors has been advertised for March 7, 2006.

**III. I**

**ssues** in order of importance are:

- A. Policy Impact - Will adoption of the amendment implement the Comprehensive Plan or other Board of County Supervisors' policies?
- B. Legal Issues - Are the recommended amendments allowed under the Virginia Code? How are legal issues resulting from Board of County Supervisors' action addressed?
- C. Community Input - Have members of the community raised any issues?
- D. Timing - When must the Board of County Supervisors take action on the zoning text amendments?

**IV. Alternatives** in order of the staff recommendation are:

- A. Adopt Zoning Text Amendment #PLN2005-00416, Miscellaneous Changes, Part II, as shown in Attachment A, with the exception of the amendment relative to private streets in the R-4, Suburban Residential Zoning District.
  - 1. Policy Impact - The proposed zoning text amendments are consistent with the Comprehensive Plan and other Board of County Supervisors' policies. The Board of County Supervisors may approve or deny the amendments, or any part thereof, as public necessity, convenience, general welfare or good zoning practice may require.
  - 2. Legal Issues - Virginia law allows amendments, supplements, or changes to regulations whenever the public necessity, convenience, general welfare, or good zoning practice require. Other legal issues are appropriately addressed by the County Attorney's office.
  - 3. Community Input - The proposed amendments have been reviewed by the Zoning Ordinance Review Committee and have been properly advertised. The citizen who requested a small wind energy system requests ~~approvalapprovalapproval of the amendment,~~ ~~except for the requirement~~ ~~requirement to set~~ ~~set back a wind tower~~ from an applicant's own dwelling and the requirement for a minimum lot size of 50 acres. A concerned citizen has contacted the Planning Office and does not recommend adoption of the carport amendment. No other comments have been received at the time of this report.
  - 4. Timing - The zoning text amendments are necessary to address zoning issues. The Board of County Supervisors can consider amendments to the

Zoning Ordinance at any time. There is a current need, however, to add new provisions to the Zoning Ordinance.

- B. Adopt Zoning Text Amendment #PLN2005-00416, Miscellaneous Changes, Part II, as recommended by the Planning Commission, and shown in Attachment B, with the exception of the amendments relative to the setbacks for carports and carport enclosure, private streets in the R-4, Suburban Residential Zoning District, and rural cluster development also as recommended by the Planning Commission.
1. Policy Impact - The proposed zoning text amendments are consistent with the Comprehensive Plan and other Board of County Supervisors' policies. The Board of County Supervisors may approve or deny the amendments, or any part thereof, as public necessity, convenience, general welfare or good zoning practice may require.
  2. Legal Issues - Virginia law allows amendments, supplements, or changes to regulations whenever the public necessity, convenience, general welfare, or good zoning practice require. Other legal issues are appropriately addressed by the County Attorney's office.
  3. Community Input - The proposed amendments have been reviewed by the Zoning Ordinance Review Committee and have been properly advertised. The citizen who requested a small wind energy system requests ~~approval~~ ~~approval~~ ~~approval~~ approval of the amendment, except for the ~~requirement~~ requirement to set set set back a wind tower from an applicant's own dwelling and the requirement for a minimum lot size of 50 acres. A concerned citizen has contacted the Planning Office and does not recommend adoption of the carport amendment. No other comments have been received at the time of this report.
  4. Timing - The zoning text amendments are necessary to address zoning issues. There is a current need, however, to add new provisions to the Zoning Ordinance.
- C. Take No Action.
1. Policy Impact - The current provisions of the Zoning Ordinance do not conflict with the Comprehensive Plan. Small wind-energy systems would continue to be prohibited. Violations for illegal carports would be pursued, requiring their removal. Development in the R-4, Suburban Residential Zoning District will continue to require frontage on a public street. Rural Cluster development would continue pursuant to current Zoning Ordinance regulations.



2. Legal Issues - There would be no change to the current zoning ordinance text. Illegal carports will be required to be removed.
3. Community Input - The proposed amendments have been reviewed by the Zoning Ordinance Review Committee and have been properly advertised. The citizen who requested a small wind energy system ~~requests approval~~ approval of the amendment, except for the ~~requirement~~ requirement to set set set back a wind tower from an applicant's own dwelling and the requirement for a minimum lot size of 50 acres. A concerned citizen has contacted the Planning Office and does not recommend adoption of the carport amendment. No other comments have been received at the time of this report.
4. Timing – The Board of County Supervisors can consider amendments to the Zoning Ordinance at any time. There is a current need, however, to add new provisions.

**Staff Contact:** Seth M. Jessee, x5571

~~Robert C. Bainbridge, x7359~~

**Attachments:**

- V. **Recommendation** is that the Board of County Supervisors concur with Alternative A, and approve the attached Ordinance.

**Staff:** Seth M. Jessee, x5571

~~Robert C. Bainbridge, x7359~~

**Attachments:**

- A. Staff Recommended Text Amendments
- B. Planning Commission Text Amendments
- C. BOCS Res. No. 05-253 Initiating Amendments to the PWC Zoning Ordinance
- D. Planning Commission Resolutions

## ARTICLE I. TERMS DEFINED

### PART 100. DEFINITIONS

Small Wind-Driven Energy System: A wind-driven energy conversion system consisting of a blade assembly, wind-driven turbine, a tower, and associated control or conversion electronics that has a maximum power of 50kW, which will be used primarily to reduce on-site consumption of utility power.

## ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

### PART 300. GENERAL REGULATIONS

#### Sec. 32-300.02. Accessory Uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

19. A small wind-driven energy system accessory to a bona fide agricultural use is permitted, with a special use permit, in the A-1 district subject to the following standards unless modified as part of the special use permit:

(a) Unless otherwise required by the Federal Aviation Administration, ~~small wind energy systems~~the system shall maintain a galvanized silver, gray or other visually unobtrusive finish.

(b) ~~Small wind-driven energy systems~~The system shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate authority.

(c) No tower shall have any sign that may be construed as advertising.

(d) ~~Small wind-driven energy systems shall~~The noise level of the system shall not exceed 60 decibels, as measured at the closest property line. The level may be exceeded during short-term events such as utility outages and/or severe windstorms.

~~(e) A small wind driven energy system shall be located on a parcel that is a minimum of ten acres.~~

~~(f) The tower height for the small wind driven energy system shall not exceed 120 feet.~~

(e) The system shall be located on a parcel that is a minimum of 10 acres.

(gf) The ~~minimum distance between~~tower height, excluding blade assembly, shall not exceed 120~~not exceed~~ 120 feet.

~~\_\_\_\_\_ (h) The supporting tower shall also be enclosed with a six-foot tall fence at the base of the tower and the base of the tower shall not be climbable for a distance of 12 feet.~~

~~\_\_\_\_\_ (g) The minimum distance between the ground and any protruding blades utilized on a system shall be 15 feet.~~

~~\_\_\_\_\_ (i) The wind-driven energy system shall be setback a distance of one foot for every foot of the tower height plus the blade length from all property lines and a distance of one and one-half foot for every foot of the tower height plus blade length from any dwelling.~~

~~\_\_\_\_\_ (h) The supporting tower shall also be enclosed with a six-foot tall fence at the base of the tower and the base of the tower shall not be climbable for a distance of 12 feet.~~

~~\_\_\_\_\_ (j) Any wind-driven energy system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind-driven energy system that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~\_\_\_\_\_ (i) The system shall be setback a minimum distance of one and one-half foot for every foot of the tower height plus the blade length from all property lines and from any dwelling.~~

~~\_\_\_\_\_ (j) Any system found to be unsafe shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind energy system that is not operated for a period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~\_\_\_\_\_ (k) The owner shall be responsible to mitigate any electromagnetic interference created by the small wind-driven energy system.~~

~~\_\_\_\_\_ (j) Any system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind-driven energy system that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~\_\_\_\_\_ (k) The owner shall be responsible for any electromagnetic interference created by the system.~~

~~\_\_\_\_\_ (l) The applicant must provide an affidavit stating that the small wind-driven energy system will be used primarily to reduce on-site consumption of utility power.~~

~~\_\_\_\_\_ (m) No more than one system shall be permitted as an accessory use for every ten (10) acres of parcel area.~~

~~\_\_\_\_\_ (j) Any system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind-driven energy system that is not operated for a continuous period of 12 months shall be~~

~~considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~(k) The owner shall be responsible for any electromagnetic interference created by the system.~~  
**Sec. 32-300.06. Setbacks for Architectural Features and Accessory Structures.**

The required yard or setback area for all properties shall be unoccupied and open to the sky except for architectural features and accessory structures as permitted by this Chapter. Architectural features and accessory structures shall be set back from property lines subject to the following standards:

2. Open car ports, only in the R-4 and R-2 zoning districts, excluding cluster developments:

		Minimum Required Setbacks		
	Lot Size	Front	Side	Rear
(a)	10,000 square feet to one acre	5 feet	5 feet	20 feet
(b)	Greater than one acre	5 feet	10 feet	20 feet

(1) Car ports shall be attached to the principal dwelling.

(2) Car ports that do not meet the minimum setbacks for the principal structure shall remain open on the three (3) sides that do not abut the principal dwelling and shall not be enclosed in the future.

(3) Car port setbacks shall be permitted in one (1) side yard only.

(4) The standards of this section do not apply to carports permitted under the provisions of section 32-303.16.5

**Sec. 32-300.40. Rural Cluster Development.**

1. Rural cluster developments shall be permitted in the Rural Area, as designated ~~on~~ in the comprehensive plan, on land in the A-1, agricultural zoning district. Rural cluster development shall be subject to subdivision plan review in accordance with the subdivision ordinance and the Design and Construction Standards Manual. The subdivision plan shall include provisions for establishment of a homeowner's association or recorded covenants and restrictions that shall be responsible for the maintenance and/or use of the required open space area in accordance with this section.

2. Within rural cluster developments, the permitted uses shall be as follows:

(a) ~~One~~ (1) family dwellings.

(b) ~~h~~Home occupations.

(c) ~~h~~Home employment ~~uses~~.

(d) ~~and a~~ Agricultural uses and their accessory uses; and buildings and structures, as permitted in the A-1 agricultural zoning district and as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42, ~~provided that the processing of agricultural or silvicultural products shall be prohibited in rural cluster developments.~~

(e) Special uses as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42.

3. ~~If the property contains an existing farm house and associated buildings and structures, a single-family dwelling that is a designated cultural resource in the comprehensive plan, or other single-family dwelling that is determined eligible for listing in the National Register of Historic Places, that farm or historic resource may be developed, as part of the required open space area of the rural cluster development, as established under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42 in accordance with the use(s) outlined for it in the Cultural Resources Plan chapter of the comprehensive plan. Any such use of a designated cultural resource, other than a one (1) family dwelling, shall require a special use permit. The use of the farm or the historic resource other than for farming and dwelling purposes shall require a special use permit pursuant to section 32-300.42. If a separate lot is created for the farm buildings or the historic building, it shall be a minimum of 3 acres. The farm dwelling or historic dwelling shall not count as one of the dwellings that would otherwise be allowed pursuant to section 32-400.41.5 and a separate lot created for such features shall be allowed to count toward the required open space.~~

4. ~~Upon approval of final plans for a rural cluster development, the property shall thereafter be depicted upon the zoning map as A-1C.~~

#### **Sec. 32-300.41. ~~Same;~~ Design Standards.**

1. Any proposed rural cluster development shall be designed so as to foster the preservation of open space or existing farmland; to protect the distinct visual quality and the natural landscape, topographic, and natural resource features of the rural area; to provide landowners in the rural area an alternative use of their property; and to uphold the general intent of the A-1, agricultural zoning district.

2. A minimum rural cluster development area of ~~one hundred (100)~~ fifty (50) acres shall be required. Additions to existing rural cluster developments may be less than ~~one hundred (100)~~ fifty (50) acres but must meet all other provisions of sections 32-300.40 through 32-300.43.

3. No rural cluster development shall be further divided or otherwise redeveloped, except in accordance with sections 32-300.40 through 32-300.43.

4. The minimum size of lots for residential use shall be three (3) acres and the maximum size of lots for residential use shall be five (5) acres, except that some lots may exceed

five (5) acres in size to accommodate topographic features, fit within a particular road layout, or address other design considerations.

5. ; provided, however, that ~~The total number of units dwellings~~ within a rural cluster development shall not exceed one dwelling ~~unit~~ for each ten (10) acres of land, except that a farm dwelling or historic dwelling is allowed in addition to the cluster subdivision lots, pursuant to section 32-400.40.3.

~~5.6.~~ The rural cluster development shall have no more than one (1) access to a public street external to that development, ~~unless~~ except for the following:

(a) more than one (1) access is required pursuant to section 600 of the Design and Construction Standards Manual;

(b) a second or separate entrance is needed for a use located in the open space area;

(c) a topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

The access shall be consistent with the minimum state entrance requirements contained in section 600 of the Design and Construction Standards Manual.

~~6.7.~~ All buildings, including accessory structures, shall be set back a minimum of thirty-five (35) feet from the front lot line.

~~7.8.~~ A one hundred (100) foot wide ~~perimeter~~ buffer shall be created and maintained between any external street and the edge of the rural cluster development. This buffer shall be used for the purpose of partially screening the view of ~~the a cluster-lot house in the rural cluster development subdivision~~ from the public right-of-way external to the rural cluster development and from an existing farm or a historic house on the property. If an existing farm or historic house is to remain on the property along the frontage of the external street, the buffer shall be placed between the farm or historic house and the cluster lots. This ~~partial~~ screening shall be achieved in one of the following ways:

(a) Where the 100-foot wide buffer already contains ~~mature shade existing~~ healthy trees, ~~evergreen trees,~~ shrubs, or other vegetation adequate to provide the equivalent ~~planting standard~~ of a one hundred (100) foot wide rural buffer, such the existing vegetation shall be ~~preserved~~ retained during the development process and ~~preserved and~~ maintained in perpetuity.

(b) Where the buffer does not already contain ~~mature shade trees, evergreen trees, shrubs, and other~~ vegetation, native landscaping in accordance with Table I-2 of the Design and Construction Standards Manual shall be provided adequate to screen the development from the external street, existing farm, or historic house, ~~either such screening vegetation shall be provided in or vegetation appropriate to a rural location, such as flowering~~

~~meadows, meadow grasses, or similar indigenous vegetation, shall be provided and maintained in perpetuity, to provide the equivalent planting standard of a one hundred (100) foot wide buffer in accordance with section 800 of the Design and Construction Standards Manual. Landscaping shall be appropriate to a rural location and may include vegetation types such as old field successional trees and shrubs, flowering meadows, and meadow grasses. The provisions of the DCSM 802.12C and D shall not apply to rural cluster buffers.~~

(c) Only stone walls, brick walls, split-rail fences, and board rail fences are allowed. ~~No berm, fence, or wall may be substituted for any portion of~~ in the required buffer in conjunction with plantings or tree preservation areas.

~~8.9.~~ 8.9. The maximum lot coverage for lots containing dwellings shall be twenty-five (25) percent.

~~9.10.~~ 9.10. No fence or wall over four (4) feet high shall be permitted along the frontage of the rural cluster development or each lot within that development, provided that such fences that are needed to contain permitted animals may exceed four (4) feet.

~~10.11.~~ 10.11. Ponds, meeting the requirements of section 700 of the Design and Construction Standards Manual ~~and functioning as extensions of the site's natural drainage properties,~~ may be used as stormwater management facilities.

~~11.12.~~ 11.12. A subdivision sign, when provided, shall be integrated into the landscape and be in accordance with section 32-250.20 et. seq. Internally illuminated subdivision signs are prohibited.

## **Sec. 32-300.42. Open Space.**

~~1. Open space required in a rural cluster development shall not be less than fifty (50) percent and no more than seventy (70) percent of the gross acreage of the rural cluster development.~~

~~2.1.~~ 2.1. That portion of the gross acreage of a rural cluster development that is not developed as residential lots and as internal street(s) shall be provided as open space, ~~as follows:~~. The open space shall not be less than fifty (50) percent of the gross acreage of the rural cluster development. The buffer required under section 32-300.41(7) shall be included in the open space calculation.

~~(a) A minimum of seventy (70) percent of the required open space shall be provided as perpetual open space, to be defined as follows:~~

~~2.~~ 2. (i) The ~~Open space~~ shall be maintained in its natural, scenic, open and/or wooded condition and/or planted and maintained in perpetuity with indigenous species and/or species appropriate to rural locations. Agricultural use of all or a portion of this open space is permitted, as well as uses allowed in subsection 3 below. ~~This open space shall be permanently undeveloped and undisturbed; provided, however, that appropriate maintenance of this open~~

~~space and/or agricultural pursuits may be needed. In no instance shall this maintenance reduce the scenic, forestal and/or agricultural value of this open space.~~

~~a. Unless approved as part of a plan to establish significant vegetation, land disturbance in the designated open space areas shall be minimal.~~

~~b. Such perpetual open space may be limited to the use and enjoyment of the residents of the rural cluster development only.~~

~~c. The purpose of perpetual open space is to ensure, for current and future county residents, that the rural, scenic, open, and natural resource values of the rural area, as defined in the comprehensive plan, shall be preserved.~~

~~(ii) The buffer required under section 32-300.41(7) shall be included in this perpetual open space.~~

~~3. (iii) The perpetual open space shall be conveyed to one or a combination of the following:~~

~~(a) An authorized public or private grantee, as described in the Conservation Easement Act, Chapter 10.1, § 10.1-1009, *et seq.*, Va. Code Ann.~~

~~(b) A homeowners' association.~~

~~(c) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in an existing farm dwelling and operate a farm.~~

~~(d) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in and maintain an existing historic building.~~

~~(e) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to obtain a special use permit for one of the following uses:~~

~~(1) Adaptive reuse of a historic building, subject to the standards of section 32-300.07.~~

~~(2) Bed and breakfast.~~

~~(3) Cemetery.~~

~~(4) Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.~~

~~(5) Community operated park.~~

~~(6) Farm winery.~~

~~4. (iv) The perpetual open space shall be governed by recorded restrictive covenants that shall reaffirm and provide notice of, at a minimum, the development restrictions set forth in this section ~~32-300.42(2)(a)(i)~~. The restrictive covenants shall be achieved through a deed conveying the land to one of the entities identified in this section ~~32-300.42(a)(iii)~~ for use solely as~~



~~perpetual open space, as defined in section 32-300.42(a)(i). This deed must be binding upon the party to which this perpetual open space is conveyed and that party's successors and assigns in perpetuity, unless modified with approval from the Director of Planning.~~

~~(b) The remaining thirty (30) percent of the required open space shall be provided as usable open space, as defined in section 100 of the zoning ordinance; provided, however, that the usable open space shall be conveyed to a homeowners' association. Use of this open space shall also be governed by covenants.~~

3.5. Except with a formal public facility review under § 15.2-2232, Va. Code Ann., no portion of any land provided as ~~perpetual~~ open space may be used or disturbed for any public use. Such open space may, however, be permitted to contain any required stormwater management facilities.

4.6. Maintenance of the ~~perpetual and usable~~ open space shall be the responsibility of the party or parties identified ~~in section 32-300.42(2)(a)(iii) and (b) above.~~

5.7. ~~All lots and~~ Open space in rural cluster developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.

### **Sec. 32-300.43. Internal Streets**

1. Streets internal to the rural cluster development ~~may~~ shall be public or private; ~~provided, however, that such streets~~ and shall be platted in accordance with section 600 of the Design and Construction Standards Manual. Pipestem lots leading from such private streets are prohibited. Common driveways serving a maximum of two (2) lots are, however, permitted if constructed in accordance with the standards contained in the Design and Construction Standards Manual. All internal streets shall be built to the RL-1 standards contained in the Design and Construction Standards Manual, unless a higher standard is required to accommodate traffic generated by a permitted special use.

2. All cluster lots within a rural cluster development shall have direct access on internal streets. No cluster lots shall have direct access to a street that is external to the rural cluster development.

## **PART 303. SUBURBAN RESIDENTIAL DISTRICTS**

### **Sec. 32-303.15. Development Standards.**

1. The minimum lot size shall be ten thousand (10,000) square feet; one dwelling unit per lot shall be allowed.

2. The minimum lot width shall be seventy (70) feet, except one hundred (100) feet along both streets for corner lots. Lots shall have frontage on a public street. The Board of

County Supervisors may approve lots with frontage on an existing private street upon approval of a Special Use Permit.

3. The maximum lot coverage shall be forty (40) percent.

4. Cluster development shall be allowed subject to the standards set forth in section 32-300.60 of this Chapter. (No. 04-78, 12-21-04)

**Sec. 32-303.16. Setbacks.**

1. All buildings shall be set back a minimum of thirty (30) feet from the front property line.

2. The minimum rear setback shall be twenty-five (25) feet.

3. The minimum side-setback shall be ten (10) feet.

4. For a corner lot the minimum side setback abutting the side street shall be twenty (20) feet. For corner lots, front and side yards shall be fixed in conjunction with issuance of building permits and shall be noted in the zoning approval.

5. Open and enclosed car-ports attached to a principal dwelling, on lots recorded prior to 1965-, in the R-4, Suburban Residential district, and constructed prior to the adoption of this amendment, in the R-4, Suburban Residential district, shall be set back a minimum of three (3) feet from the side property line. Open carports meeting the above requirements may be enclosed after the adoption of this amendment provided exterior side wall construction is noncombustible or has a minimum fire resistive rating equivalent to two-hours between dwelling units.

6. Where an adjoining property is zoned commercial or office, the minimum setback for the principal building from the common property line shall be twenty-five (25) feet; and where an adjoining property is zoned industrial, such minimum setback shall be thirty-five (35) feet. If buffering requirements provided in section 32-250.30, *et seq.* are greater, they shall apply in lieu of the setback.



## Wind Energy Systems Amendment

### ARTICLE I. TERMS DEFINED

#### PART 100. DEFINITIONS

Small Wind-Driven Energy System: A wind-driven energy conversion system consisting of a blade assembly, wind-driven turbine, a tower, and associated control or conversion electronics that has a maximum power of 50kW, which will be used primarily to reduce on-site consumption of utility power.

### ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

#### PART 300. GENERAL REGULATIONS

##### Sec. 32-300.02. Accessory Uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

The provisions for Section 32-300.02(1) – (18) will not be changed.

19. A small wind-driven energy system accessory to a bona fide agricultural use is permitted, with a special use permit, in the A-1 district subject to the following standards:

(a) Unless otherwise required by the Federal Aviation Administration, ~~small wind energy systems~~the system shall maintain a galvanized silver, gray or other visually unobtrusive finish.

(b) ~~Small wind driven energy systems~~The system shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate authority.

(c) No tower shall have any sign that may be construed as advertising.

(d) ~~Small wind driven energy systems shall~~The noise level of the system shall not exceed 60 decibels, as measured at the closest property line. The level may be exceeded during short-term events such as utility outages and/or severe windstorms.

(e) ~~A small wind driven energy system shall be located on a parcel that is a minimum of ten acres.~~

(f) ~~The tower height for the small wind driven energy system shall not exceed 120 feet.~~

(e) A system shall be located on a parcel that is a minimum of 50 acres.

## ATTACHMENT B

~~(gf) The minimum distance between tower height for the ground and any protruding blades utilized on a small wind energy system shall not exceed 120 not exceed 120 feet.~~

~~(h) The supporting tower shall also be enclosed with a six foot tall fence at the base of the tower and the base of the tower shall not be climbable for a distance of 12 feet.~~

~~(g) The minimum distance between the ground and any protruding blades utilized on a system shall be 15 feet.~~

~~(i) The wind driven energy system shall be setback a distance of one foot for every foot of the tower height plus the blade length from all property lines and a distance of one and one half foot for every foot of the tower height plus blade length from any dwelling.~~

~~(h) The supporting tower shall also be enclosed with a six-foot tall fence at the base of the tower and the base of the tower shall not be climbable for a distance of 12 feet.~~

~~(j) Any wind driven energy system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind driven energy system that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~(i) The system shall be setback a minimum distance of one and one-half foot for every foot of the tower height plus the blade length from all property lines and from any dwelling.~~

~~(j) Any system found to be unsafe shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind energy system that is not operated for a period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~(k) The owner shall be responsible for any electromagnetic interference created by the small wind-driven energy system.~~

~~(j) Any system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind-driven energy system that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~(k) The owner shall be responsible for any electromagnetic interference created by the system.~~

~~(l) The applicant must provide an affidavit stating that the small wind driven energy system will be used primarily to reduce on-site consumption of utility power.~~

~~(m) No more than one system shall be permitted as an accessory use for every fifty (50) acres of lot area.~~

## ATTACHMENT B

~~\_\_\_\_\_ (j) Any system found to be unsafe by the county shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. Any wind-driven energy system that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove the turbine within ninety days of receipt of notice from the county.~~

~~\_\_\_\_\_ (k) The owner shall be responsible for any electromagnetic interference created by the system.~~



**Carport Amendment**

**ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS**

**PART 300. GENERAL REGULATIONS**

**Sec. 32-300.06. Setbacks for Architectural Features and Accessory Structures.**

**The provisions for Section 32-300.06(1) will not be changed.**

The required yard or setback area for all properties shall be unoccupied and open to the sky except for architectural features and accessory structures as permitted by this Chapter. Architectural features and accessory structures shall be set back from property lines subject to the following standards:

2. Open car ports, only in the R-4 and R-2 zoning districts, excluding cluster developments:

		Minimum Required Setbacks		
Lot Size		Front	Side	Rear
(a)	10,000 square feet to one acre	5 feet	5 feet	20 feet
(b)	Greater than one acre	5 feet	10 feet	20 feet

(1) Car ports shall be attached to the principal dwelling.

(2) Car ports that do not meet the minimum setbacks for the principal structure shall remain open on the three (3) sides that do not abut the principal dwelling and shall not be enclosed in the future.

(3) Car port setbacks shall be permitted in one (1) side yard only.

(4) The standards of this section do not apply to carports permitted under the provisions of section 32-303.16.5

**Sec. 32-303.16. Setbacks.**

1. All buildings shall be set back a minimum of thirty (30) feet from the front property line.

2. The minimum rear setback shall be twenty-five (25) feet.

3. The minimum side-setback shall be ten (10) feet.



## ATTACHMENT B

4. For a corner lot the minimum side setback abutting the side street shall be twenty (20) feet. For corner lots, front and side yards shall be fixed in conjunction with issuance of building permits and shall be noted in the zoning approval.

5. Open and enclosed car-ports attached to a principal dwelling, on lots recorded prior to 1965-, in the R-4, Suburban Residential district, and constructed prior to the adoption of this amendment, ~~in the R-4, Suburban Residential district,~~ shall be set back a minimum of 3 feet from the side property line.

6. Where an adjoining property is zoned commercial or office, the minimum setback for the principal building from the common property line shall be twenty-five (25) feet; and where an adjoining property is zoned industrial, such minimum setback shall be thirty-five (35) feet. If buffering requirements provided in section 32-250.30, *et seq.* are greater, they shall apply in lieu of the setback.

**Private Streets in the R-4 District Amendment**

**ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS**

**PART 300. GENERAL REGULATIONS**

**Sec. 32-303.15. Development Standards.**

1. The minimum lot size shall be ten thousand (10,000) square feet; one dwelling unit per lot shall be allowed.

2. The minimum lot width shall be seventy (70) feet, except one hundred (100) feet along both streets for corner lots. Lots shall have frontage on a public street. The Board of County Supervisors may approve lots with frontage on a private street upon approval of a Special Use Permit.

3. The maximum lot coverage shall be forty (40) percent.

4. Cluster development shall be allowed subject to the standards set forth in section 32-300.60 of this Chapter. (No. 04-78, 12-21-04)

|

**Rural Cluster Development Amendment**

**ARTICLE 111. AGRICULTURAL AND RESIDENTIAL DISTRICTS**

**PART 300. GENERAL REGULATIONS**

**Sec. 32-300.40. Rural Cluster Development.**

1. Rural cluster developments shall be permitted in the Rural Area, as designated ~~on~~ in the comprehensive plan, on land in the A-1, agricultural zoning district. Rural cluster development shall be subject to subdivision plan review in accordance with the subdivision ordinance and the Design and Construction Standards Manual. The subdivision plan shall include provisions for establishment of a homeowner's association or recorded covenants and restrictions that shall be responsible for the maintenance and/or use of the required open space area in accordance with this section.

2. Within rural cluster developments, the permitted uses shall be as follows:

(a) ~~One~~ One (1) family dwellings.  
(b) ~~Home~~ Home occupations.  
(c) ~~Home~~ Home employment ~~uses~~.  
(d) ~~and a~~ Agricultural uses and their accessory uses; and buildings and structures, as permitted in the A-1 agricultural zoning district and as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42, ~~provided that the processing of agricultural or silvicultural products shall be prohibited in rural cluster developments.~~

(e) Special uses as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42.

3. If the property contains an existing farm house and associated buildings and structures, a single-family dwelling that is a designated cultural resource in the comprehensive plan, or other single-family dwelling that is determined eligible for listing in the National Register of Historic Places, that farm or historic resource may be developed, as part of the required open space area of the rural cluster development, as established under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42 in accordance with the use(s) outlined for it in the Cultural Resources Plan chapter of the comprehensive plan. Any such use of a designated cultural resource, other than a one (1) family dwelling, shall require a special use permit. The use of the farm or the historic resource other than for farming and dwelling purposes shall require a special use permit pursuant to section 32-300.42. If a separate lot is created for the farm buildings or the historic building, it shall be a minimum of 3 acres. The farm dwelling or historic dwelling shall not count as one of the dwellings that would otherwise be allowed pursuant to section 32-400.41.5 and a separate lot created for such features shall be allowed to count toward the required open space.

4. ~~Upon approval of final plans for a rural cluster development, the property shall thereafter be depicted upon the zoning map as A-1C.~~

**Sec. 32-300.41. Same; Design Standards.**

1. Any proposed rural cluster development shall be designed so as to foster the preservation of open space or existing farmland; to protect the distinct visual quality and the natural landscape, topographic, and natural resource features of the rural area; to provide landowners in the rural area an alternative use of their property; and to uphold the general intent of the A-1, agricultural zoning district.

2. A minimum rural cluster development area of ~~one hundred (100)~~ fifty (50) acres shall be required. Additions to existing rural cluster developments may be less than ~~one hundred (100)~~ fifty (50) acres but must meet all other provisions of sections 32-300.40 through 32-300.43.

3. No rural cluster development shall be further divided or otherwise redeveloped, except in accordance with sections 32-300.40 through 32-300.43.

4. The minimum size of lots for residential use shall be three (3) acres and the maximum size of lots for residential use shall be five (5) acres, except that some lots may exceed five (5) acres in size to accommodate topographic features, fit within a particular road layout, or address other design considerations.

5. ~~;~~ ~~provided, however, that~~ ~~t~~ The total number of ~~units~~ dwelling within a rural cluster development shall not exceed one dwelling ~~unit~~ for each ten (10) acres of land, except that a farm dwelling or historic dwelling is allowed in addition to the cluster subdivision lots, pursuant to section 32-400.40.3.

~~5.6.~~ The rural cluster development shall have no more than one (1) access to a public street external to that development, ~~unless~~ except for the following:

(a) more than one (1) access is required pursuant to section 600 of the Design and Construction Standards Manual;

(b) a second or separate entrance is needed for a use located in the open space area;

(c) a topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

The access shall be consistent with the minimum state entrance requirements contained in section 600 of the Design and Construction Standards Manual.

## ATTACHMENT B

~~6.7.~~ All buildings, including accessory structures, shall be set back a minimum of thirty-five (35) feet from the front lot line.

~~7.8.~~ A one hundred (100) foot wide ~~perimeter~~ buffer shall be created and maintained between any external street and the edge of the rural cluster development. This buffer shall be used for the purpose of partially screening the view of ~~the a cluster-lot house in the rural cluster development subdivision~~ from the public right-of-way external to the rural cluster development and from an existing farm or a historic house on the property. If an existing farm or historic house is to remain on the property along the frontage of the external street, the buffer shall be placed between the farm or historic house and the cluster lots. This ~~partial~~ screening shall be achieved in one of the following ways:

(a) Where the 100-foot wide buffer already contains ~~mature shade existing healthy~~ trees, ~~evergreen trees,~~ shrubs, or other vegetation adequate to provide the equivalent ~~planting standard~~ of a one hundred (100) foot wide rural buffer in accordance with section 800 of the Design and Construction Standards Manual, such the existing vegetation shall be ~~preserved~~ retained during the development process and ~~preserved and~~ maintained in perpetuity.

(b) Where the buffer does not already contain ~~mature shade trees, evergreen trees, shrubs, and other~~ vegetation, native landscaping in accordance with Table I-2 of the Design and Construction Standards Manual shall be provided adequate to screen the development from the external street, existing farm, or historic house, ~~either such screening vegetation shall be provided in or vegetation appropriate to a rural location, such as flowering meadows, meadow grasses, or similar indigenous vegetation, shall be provided and maintained in perpetuity. to provide the equivalent planting standard of a one hundred (100) foot wide buffer in accordance with section 800 of the Design and Construction Standards Manual.~~ Landscaping shall be provided at a rate of 200 plant units per 100 linear feet. Landscaping shall be appropriate to a rural location and may include vegetation types such as old field successional trees and shrubs, flowering meadows and meadow grasses, however, only trees and shrubs shall be counted toward the required plant units. The provisions of the DCSM 802.12C and D shall not apply to rural cluster buffers.

(c) Only stone walls, brick walls, split-rail fences, and board rail fences are allowed. ~~No berm, fence, or wall may be substituted for any portion of~~ in the required buffer in conjunction with the required plantings or tree preservation areas.

~~8.9.~~ The maximum lot coverage for lots containing dwellings shall be twenty-five (25) percent.

~~9.10.~~ No fence or wall over four (4) feet high shall be permitted along the frontage of the rural cluster development or each lot within that development, provided that such fences that are needed to contain permitted animals may exceed four (4) feet.

~~10.11.~~ Ponds, meeting the requirements of section 700 of the Design and Construction Standards Manual ~~and functioning as extensions of the site's natural drainage properties,~~ may be used as stormwater management facilities.

~~41.12. A Subdivision sign, when provided, shall be integrated into the landscape and be in accordance with section 32-250.20 et. seq. Internally illuminated subdivision signs are prohibited.~~

**Sec. 32-300.42. Open Space.**

~~1. Open space required in a rural cluster development shall not be less than fifty (50) percent and no more than seventy (70) percent of the gross acreage of the rural cluster development.~~

~~2.1. That portion of the gross acreage of a rural cluster development that is not developed as residential lots and as internal street(s) shall be provided as open space, as follows: The open space shall not be less than fifty (50) percent of the gross acreage of the rural cluster development. The buffer required under section 32-300.41(7) shall be included in the open space calculation.~~

~~(a) A minimum of seventy (70) percent of the required open space shall be provided as perpetual open space, to be defined as follows:~~

~~2. (i) The Open space shall be maintained in its natural, scenic, open and/or wooded condition and/or planted and maintained in perpetuity with indigenous species and/or species appropriate to rural locations. Agricultural use of all or a portion of this open space is permitted, as well as uses allowed in subsection 3 below. This open space shall be permanently undeveloped and undisturbed; provided, however, that appropriate maintenance of this open space and/or agricultural pursuits may be needed. In no instance shall this maintenance reduce the scenic, forestal and/or agricultural value of this open space.~~

~~a. Unless approved as part of a plan to establish significant vegetation, land disturbance in the designated open space areas shall be minimal.~~

~~b. Such perpetual open space may be limited to the use and enjoyment of the residents of the rural cluster development only.~~

~~c. The purpose of perpetual open space is to ensure, for current and future county residents, that the rural, scenic, open, and natural resource values of the rural area, as defined in the comprehensive plan, shall be preserved.~~

~~(ii) The buffer required under section 32-300.41(7) shall be included in this perpetual open space.~~

~~3. (iii) The perpetual open space shall be conveyed to one or a combination of the following:~~

## ATTACHMENT B

(a) An authorized public or private grantee, as described in the Conservation Easement Act, Chapter 10.1, § 10.1-1009, *et seq.*, Va. Code Ann.

(b) A homeowners' association.

(c) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in an existing farm dwelling and operate a farm.

(d) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in and maintain an existing historic building.

(e) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to obtain a special use permit for one of the following uses:

(1) Adaptive reuse of a historic building, subject to the standards of section 32-300.07.

(2) Bed and breakfast.

(3) Cemetery.

(4) Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.

(5) Community operated park.

(6) Farm winery.

(7) Garden center.

4. ~~(iv)~~ The ~~perpetual~~ open space shall be governed by recorded restrictive covenants that shall reaffirm and provide notice of, at a minimum, the development restrictions set forth in this section 32-300.42(2)(a)(i). The restrictive covenants shall be achieved through a deed conveying the land to one of the entities identified in this section 32-300.42(a)(iii) ~~for use solely as perpetual open space, as defined in section 32-300.42(a)(i)~~. This deed must be binding upon the party to which this ~~perpetual~~ open space is conveyed and that party's successors and assigns ~~in perpetuity~~, unless modified with approval from the Director of Planning.

~~(b) The remaining thirty (30) percent of the required open space shall be provided as usable open space, as defined in section 100 of the zoning ordinance; provided, however, that the usable open space shall be conveyed to a homeowners' association. Use of this open space shall also be governed by covenants.~~

3.5. Except with a formal public facility review under § 15.2-2232, Va. Code Ann., no portion of any land provided as ~~perpetual~~ open space may be used or disturbed for any public use. Such open space may, however, be permitted to contain any required stormwater management facilities.

4.6. Maintenance of the ~~perpetual and usable~~ open space shall be the responsibility of the party or parties identified ~~in section 32-300.42(2)(a)(iii) and (b)~~ above.



5.7. ~~All lots and~~ Open space in rural cluster developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.

**Sec. 32-300.43. Internal Streets**

1. Streets internal to the rural cluster development ~~may~~ shall be public or private; ~~provided, however, that such streets~~ and shall be platted in accordance with section 600 of the Design and Construction Standards Manual. Pipestem lots leading from such private streets are prohibited. Common driveways serving a maximum of two (2) lots are, however, permitted if constructed in accordance with the standards contained in the Design and Construction Standards Manual. All internal streets shall be built to the RL-1 standards contained in the Design and Construction Standards Manual, unless a higher standard is required to accommodate traffic generated by a permitted special use.

2. All cluster lots within a rural cluster development shall have direct access on internal streets. No cluster lots shall have direct access to a street that is external to the rural cluster development.





**COUNTY OF PRINCE WILLIAM**

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~~PLANNING~~  
~~OFFICE~~

Stephen K. Griffin  
Director of Planning

\_\_\_\_\_  
November 3, 2005

**MOTION: JENKINS**

**March 15, 2005  
Regular Meeting  
Res. No. 05-253**

**SECOND: BARG**

**RE: INITIATE AMENDMENTS TO THE PRINCE WILLIAM COUNTY  
ZONING ORDINANCE - COUNTYWIDE**

**ACTION: APPROVED**

**WHEREAS**, on December 21, 2004, the Board of County Supervisors adopted updates to the text of the Zoning Ordinance; and

**WHEREAS**, during the review and discussion of the Zoning Ordinance update, several additional issues were identified; and

**WHEREAS**, County staff has also noted some errors and discrepancies associated with the Zoning Ordinance update; and

**WHEREAS**, general welfare, good customer service, and good zoning practice are served by the initiation of zoning text amendments:

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William Board of County Supervisors does hereby initiate amendments to the Prince William County Zoning Ordinances for the following:

- Modify Setbacks in the A-1 District in Established Neighborhoods
- Adaptive Reuse of Historic Buildings
- Modify the Definition of Inoperative Motor Vehicles
- Reclassify Retail Use in the M-2 District
- Modify the Appropriate Terminology for Residential Land Bay Designations in Planned Districts
- Establish Setbacks for Carports and Carport Enclosures
- Establish Exceptions to Residential Setbacks for the Disabled
- Allow Wineries in the A-1 District
- Revise Rural Development Standards to Provide Incentives for Cluster Development
- Add Provisions for Wind Energy Systems (Windmills) in Appropriate Districts
- Consider Private Streets in the R-4 District
- Amend the definition for the sale of seasonal items relative to roadside stands

**March 15, 2005  
Regular Meeting  
Res. No. 05-253  
Page Two**

**Votes:**

**Ayes:** Barg, Caddigan, Connaughton, Covington, Jenkins, Nohe, Stewart, Stirrup

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Planning Director

Finance Director

Budget Director

**CERTIFIED COPY**

  
Clerk to the Board