

Sec. 21-103. – Definitions.

Family:

1. An individual
2. Two (2) or more persons related by blood, marriage, adoption, or guardianship plus any domestic servants, and foster children.
3. A group of up to four (4) persons not related by blood, marriage, or adoption living together and sharing a dwelling. Excluded from this definition is the treatment, counseling, detoxification, rehabilitation, recovery services, or structured programs for persons with substance use disorders, including alcoholism or drug addiction, unless exempted by State Code.

Group Home: A building where lodging is provided for five (5) or more persons, but not to exceed fourteen (14) persons. Excluded from this definition is the treatment, counseling, detoxification, rehabilitation, recovery services, or structured programs for persons with substance use disorders, including alcoholism or drug addiction, unless exempted by State Code.

Home Occupation – Class B: Home occupations that may be more intense in nature, creating additional traffic and congestion in the area. Examples are barber shops, beauty and tanning salons, professional services, and other similar uses conducted within the dwelling by the occupant.

Limited Retail Stands: A small, freestanding or temporary structure used for the sale of goods, including handmade, baked, or prepackaged items, which are required to be produced on the premises.

Sec. 21-301. Permitted uses.

In the Agricultural District, structures to be erected or land to be used shall be for one (1) or more of the following uses:

1. Accessory uses and structures shall not include manufactured or mobile homes, including the storage of unused manufactured or mobile homes. No accessory building may be closer than three (3) feet to any property line.
2. Churches, schools, colleges, libraries, parks, playgrounds and athletic fields.
3. Class A and Class B home occupations.
4. Facilities and structures necessary for the rendering of public utility service, including booster or relay stations, transformer substations, poles, transmission lines and towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters, and other facilities for the provision and maintenance of public electrical, gas, water and sewer service, railroads and their facilities (except railroad yards).
5. General farming—agricultural, dairying and forestry.
6. Individual mobile homes and/or manufactured homes, and shipping containers (a large reusable container primarily used for transporting good across different modes of transport, such as by sea, rail, or road) provided that they comply with the current Virginia Uniform Statewide Building Code.
7. Nonintensive farming activities, including the tilling of soil, the raising of crops, horticulture, gardening, greenhouses, and nurseries.
8. Preserves and conservation areas.
9. Private and family cemeteries.
10. Sawmills and forestry operations of on-site resources.
11. Seasonal wayside stands located on producer's property.
12. Single-family dwellings.
13. Small boat docks.
- 13.5. Small scale solar energy facilities.
14. Temporary uses.
15. Two-family attached dwellings and duplexes.
16. Waste collection and recycling centers.

(Ord. of 6-24-03, § 2; Amend. of 7-25-06; Ord. of 3-24-20)

Sec. 21-302. Special use permit uses.

The uses permitted in the Agricultural District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Antique shops.
2. Battery energy storage systems
3. Bed and breakfast inns, guest houses, and rooming and boarding houses.
4. Cabins, cabin groupings, camps for seasonal occupancy, including temporary campsites, campgrounds, parks and day camp facilities.

5. Clubs, fraternities, hunting clubs and lodges and meeting places for other organizations not including any use customarily conducted as a gainful business.
6. Commercial stables and kennels located more than five hundred (500) feet from dwelling units on adjacent property.
7. Commercial and pet cemeteries, including funeral homes and mortuaries.
8. Country clubs and other public and private noncommercial recreational areas and facilities such as golf courses and swimming pools.
9. Firearm sports and training facilities, including firing ranges, pistol ranges, sporting clays, trap and skeet shooting ranges, turkey shoots, archery ranges and other for profit or not for profit uses and activities involving discharge of firearms or shooting of missiles. However, nothing in this provision shall be construed to affect any individual's right to hunt on his property or prohibit nonprofit hunting activities.
10. Group homes and child welfare homes.
11. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
12. Landfills.
13. Large scale solar energy facilities.
14. Limited Retail Stands
15. Livestock markets.
16. Meat cutting, packaging, and processing.
17. Nursery schools, day care facilities, and family day care homes.
18. Outdoor music festivals.
19. Prisons or prison farms.
20. Racetracks.
21. Radio stations and towers higher than the height limit imposed by this article.
22. Rest homes.
23. Restaurants with no drive-in window facilities in which less than two thousand (2,000) square feet is used for business purposes including dining, preparation, storage, office and waiting areas but not including parking areas.
24. Retail sales establishments whose total area for display, storage, and other business purposes is contained within the walls of a building which is less than two thousand (2,000) square feet in area and not involving the sale of gasoline or similar petroleum products.
25. Promotional, amusement, and entertainment facilities, sponsored by any licensed business or businesses or nonprofit organizations and are located on the property owned or controlled by the sponsor. Such uses shall be properly safeguarded from traffic and shall observe all setbacks required for structures. Temporary, promotional, recreational, or fundraising amusement activities and facilities of not more than three (3) days' duration sponsored by civic, professional, fraternal, institutional or religious groups or organizations, and conducted for community, religious or benevolent purposes and located on property owned or controlled by the sponsor shall be exempted from this section. Examples of such amusement facilities and activities are musical entertainment, jamborees, educational displays, arts and crafts, auctions, legal games, dunking booths, concessions and vending. Rides are permitted. Tent revivals or other similar outdoor religious services of not more than seven (7) days' duration shall also be exempted from this section.

(Ord. of 8-24-98; Amend. of 6-28-11; Ord. of 3-24-20)

Sec. 21-401. Permitted uses.

In Rural Residential Districts, structures to be erected or land to be used shall be for one or more of the following uses:

1. Accessory uses and structures. The front setback of all accessory structures shall equal or exceed that of the main structure. The total floor area of all accessory structures shall be less than seventy-five (75) percent of that of the principal structure. No accessory building may be closer than three (3) feet to any property line. Accessory uses and structures shall not include manufactured or mobile homes, including the storage of unused manufactured or mobile homes. Unless such use is defined as a temporary use, accessory uses and structures shall not include buses, trailer sections of tractor-trailer combinations or any other vehicle or portion thereof designed to transport people or goods on highways.
2. Churches, schools, libraries, parks, playgrounds and athletic fields.
3. Class A home occupations.
4. Commercial and noncommercial agricultural raising of crops.
5. Facilities and structures necessary for the rendering of public utility service, including poles, distribution transformers, transmission lines and towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters, and other facilities for the provision and maintenance of public electrical, gas, water and sewer service.
6. Individual mobile homes and/or manufactured homes.
7. Single-family dwellings.
- 7.5. Small scale solar energy facilities.
8. Temporary uses.
9. Waste collection and recycling centers.

(Ord. of 6-24-03, § 2; Amend. of 7-25-06; Ord. of 3-24-20)

Sec. 21-402. Special use permit uses.

The uses permitted in the Rural Residential District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Class B home occupations.
2. Clubs, fraternities, lodges and meeting places of other organizations not including any use customarily conducted as gainful business.
3. Group Home
4. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
5. Limited Retail Stands
6. Mobile home and/or manufactured home park on parcels of land containing minimum of five (5) acres.
7. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.

8. Nursery schools, day care centers, and family day care homes.
9. Rest homes.
10. Riding horse barns.

(Ord. of 8-24-98; Amend. of 6-28-11)

Sec. 21-501. Permitted uses.

In the Mixed Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

1. Accessory uses and structures. The front setback of all accessory structures shall be equal to or exceed that of the main structure. The total floor area of all accessory structures shall be less than seventy-five (75) percent of that of the principal structure. No accessory building may be closer than three (3) feet to any property line. Accessory uses and structures shall not include manufactured or mobile homes, including the storage of unused manufactured or mobile homes. Unless such use is defined as a temporary use, accessory uses and structures shall not include buses, trailer sections of tractor-trailer combinations or any other vehicle or portion thereof designed to transport people or goods on highways.
2. Churches, schools, libraries, parks, playgrounds and athletic fields.
3. Class A home occupations.
4. Facilities and structures necessary for the rendering of public utility service, including booster or relay stations, transformer substations, poles, transmission lines and towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters, and other facilities for the provision and maintenance of public electrical, gas, water and sewer service, railroads and their facilities (except railroad yards).
5. Individual manufactured or modular homes nineteen (19) feet or greater in width placed on continuous masonry foundations.
6. Single-family dwellings.
7. Small scale solar energy facilities.

(Ord. of 6-24-03, § 2; Amend. of 7-25-06; Ord. of 3-24-20)

Sec. 21-502. Special use permit uses.

The uses permitted in the Mixed Residential District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Class B home occupations.
2. Group Home
3. Limited Retail Stands
4. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
5. Nursery schools, day care facilities, and family day care homes.
6. Rest homes.
7. Riding horse barns.

(Ord. of 8-24-98)

Sec. 21-601. Permitted uses.

In the Suburban Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

1. Accessory uses and structures. The front setback of all accessory structures shall equal or exceed that of the main structure. The total floor area of all accessory structures shall be less than seventy-five (75) percent of that of the principal structure. No accessory building may be closer than three (3) feet to any property line. Accessory uses and structures shall not include manufactured or mobile homes, including the storage of unused manufactured or mobile homes. Unless such use is defined as a temporary use, accessory uses and structures shall not include buses, trailer sections of tractor-trailer combinations or any other vehicle or portion thereof designed to transport people or goods on highways.
2. Churches, schools, libraries, parks, playgrounds and athletic fields.
3. Class A home occupations.
4. Facilities and structures necessary for the rendering of public utility service, including poles, distribution transformers, transmission lines and towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters, and other facilities for the provision and maintenance of public electrical, gas, water and sewer service.
5. Noncommercial, agricultural raising of crops for home use.
6. Single-family dwellings.
7. Small scale solar energy facilities.

(Ord. of 6-24-03, § 2; Amend. of 7-25-06; Ord. of 3-24-20)

Sec. 21-602. Special use permit uses.

The uses permitted in the Suburban Residential District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Class B home occupations.
2. Group Home
3. Limited Retail Stands
4. Multi-family (apartments) and single-family attached (duplexes and townhouse) dwellings.
5. Nursery schools, day care centers, and family day care homes.
6. Rest homes.
7. Riding horse barns.

(Ord. of 8-24-98)

Sec. 21-702. Special use permit uses.

The uses permitted in the Office and Professional District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Bed and breakfast inns, guest houses, and rooming and boarding houses.
2. Clubhouses.
3. Group Home
4. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
5. Nursery schools, day care facilities, and family day care homes.
6. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
7. Radio stations.
8. Rest homes.

(Ord. of 8-24-98; Amend. of 6-28-11)

Sec. 21-802. Special use permit uses.

The uses permitted in the Neighborhood Commercial District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Group Home
2. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
3. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
4. Restaurants in which two thousand (2,000) square feet or more of floor area is used for business purposes including dining, preparation, storage, office and waiting areas but not including parking areas.
5. Retail sales establishments whose total area for display, storage, and other business purposes is contained within the walls of a building which equals or exceeds two thousand (2,000) square feet in area and not involving the sale of gasoline or similar petroleum products.

(Amend. of 6-28-11)

Sec. 21-901. Permitted uses.

In the Commercial District, structures to be erected or land to be used shall be for one or more of the following uses:

1. Accessory uses. Accessory used and structures shall not include manufactured or mobile homes, including the storage of unused manufactured or mobile homes.
2. Antique shops.

3. Appliance stores, including electrical appliance repair facilities.
4. Arcades
5. Art galleries.
6. Athletic/health clubs
7. Assembly halls, gymnasiums, and other similar structures.
8. Automobile parking establishments.
9. Automobile, motor home, and travel trailer sales and storage.
10. Automobile service or filling stations.
11. Automobile washing establishments.
12. Bake shops provided all products produced on the premises shall also be sold at retail on the premises.
13. Barber and beauty shops.
14. Bicycle sales, rental, and repair stores, provided all storage, display, and other activities are carried on indoors.
15. Book or stationary stores.
16. Building and lumber supply and equipment sales.
17. Bus passenger stations.
18. Branch banks.
19. Camera supply stores.
20. Candy stores for retail sales only.
21. Carpentry, cabinet, and upholstery shops.
22. Catering establishments.
23. Churches, schools, libraries, parks, playgrounds and athletic fields.
24. Reserved.
25. Clothing stores, including dressmaking, tailoring, and millinery shops.
26. Coin-operated laundromats or self-service dry cleaning establishments.
27. Convenience (quick pick-up) retail food stores.
28. Dairy product stores for retail sales.
29. Drug stores.
30. Facilities and structures necessary for the rendering of public utility service, including poles, towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters and other facilities for the provision and maintenance of public electrical gas, water, and sewer service.
31. Feed, seed, and fertilizer retail sales.
32. Finance, savings and loan companies and banks.
33. Florist shops, including greenhouses.
34. Food stores, retail only.
35. Funeral homes or mortuaries.

36. Furniture stores.
37. Garage, public.
- 37.5. General contractors, which shall include building contractors, electrical contractors, HVAC contractors, plumbing contractors, and specialty contractors as defined under title 54.1, chapter 11, Code of Virginia.
38. Gift shops.
39. Government office buildings.
40. Hardware stores.
41. Heating and air conditioning sales and service establishments.
42. Hobby supply and sporting goods stores.
43. Hotels.
44. Ice pick-up stations.
45. Jewelry and watch sales and repair stores.
46. Laundry and dry cleaning pick-up stations.
47. Landscape, nursery, and garden supply sales.
48. Living quarters for one family included as a part of a single building housing a single permitted business use and occupied by the owner, manager, or caretaker of the permitted business.
49. Lock and gunsmiths.
50. Machinery sales and service.
51. Motels.
52. Motorcycle sales and repairs.
53. Multi-family (apartments) and single-family attached (duplexes and townhouse) dwellings.
54. Museums.
55. Musical instrument sales and repair.
56. Nursery schools and day care centers.
57. Newspaper or magazine sales stores (news stands).
58. Off-street parking as required by this chapter.
59. Offices—business, professional, and public including architectural, engineering, medical, and dental clinics and facilities, and other such agencies and offices rendering specialized service.
60. Office equipment and supply sales and service.
61. Opticians and optical supply sales.
62. Paint and wallpaper sales stores.
63. Pet shops.
64. Photography studios.
65. Printing, publishing, and reproduction establishments.
66. Radio and television stations.
67. Radio and television sales and service stores.

- 68. Restaurants, including drive-in establishments and preparation of food for consumption off-premises.
- 69. Rooming and boarding houses.
- 70. Sewing machine sales, instruction, and service stores.
- 71. Shoe sales and repair stores.
- 72. Sign printing and painting shops.
- 72.5. Small scale solar energy facilities.
- 73. Temporary uses.
- 74. Tourist homes.
- 75. Toy stores.
- 76. Variety stores.
- 77. Waste collection and recycling centers.
- 78. Other retail commercial shops and stores may also be permitted if considered by the Zoning Administrator to be similar in nature and intensity to the permitted uses listed in the Commercial District.

(Ord. of 12-18-95, § 1(A); Ord. of 1-27-97; Ord. of 8-24-98; Ord. of 6-24-03, § 4; Amend. of 7-25-06; Ord. of 3-24-20)

Sec. 21-902. Special use permit uses.

The uses permitted in the Commercial District with a special use permit as approved by the Board of Zoning Appeals are as follows:

- 1. Animal hospitals, kennels or clinics.
- 2. Bed and breakfast inns, guest houses, and rooming and boarding houses.
- 3. Cabins, cabin groupings, camps for seasonal occupancy, including temporary campsites, campgrounds, parks and day camp facilities.
- 4. Coliseums.
- 5. Fortune tellers, clairvoyants.
- 6. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
- 7. Hospitals, nursing homes, clinics, group homes, and rest homes.
- 8. Indoor theatres, drive-in theatres.
- 9. Jails.
- 10. Large scale solar energy facilities.
- 11. Massage parlors.
- 12. Public billiard parlors and pool rooms, bowling alleys, dance halls, golf driving ranges and miniature golf courses, skating rinks, and similar forms of public amusement and recreation.
- 13. Shopping centers and malls designed to accommodate permitted uses of this district as regulated.
- 14. Promotional, amusement, and entertainment facilities, sponsored by any licensed business or businesses or nonprofit organizations and are located on the property owned or controlled by the sponsor. Such uses

shall be properly safeguarded from traffic and shall observe all setbacks required for structures. Temporary, promotional, recreational, or fundraising amusement activities and facilities of not more than three (3) days' duration sponsored by civic, professional, fraternal, institutional or religious groups or organizations, and conducted for community, religious or benevolent purposes and located on property owned or controlled by the sponsor shall be exempted from this section. Examples of such amusement facilities and activities are musical entertainment, jamborees, educational displays, arts and crafts, auctions, legal games, dunking booths, concession and vending. Rides are permitted. Tent revivals or other similar outdoor religious services of not more than seven (7) days' duration shall also be exempted from this section.

15. Individual manufactured housing, and modular home sales and storage.

16. Racetracks.

(Ord. of 12-18-95, § 1(B); Ord. of 1-27-97; Ord. of 8-24-98; Amend. of 6-28-11; Ord. of 3-24-20)

Sec. 21-1101. Permitted uses.

In Industrial Districts, structures to be erected or land to be used shall be for one or more of the following uses:

1. Abattoirs (commercial slaughter house).
2. Accessory uses and structures as defined herein.
3. Advertising displays and signs—manufacture.
4. Agricultural or farm implements, including tractors sale, storage, assembly or repair.
5. Animal hospitals, clinics, and kennels.
6. Appliances, electronic instruments and devices, radios, phonographs and other such electrical component products—manufacture or assembly. Included is the manufacture of coils, condensers, transformers, and crystal holders.
7. Asphalt mixing plants.
8. Automobiles, trucks, buses, truck trailers, motorcycles, and bicycles, including transmission repair service assembly or repair. Also radiator repair and cleaning, and tire retreading, recapping and vulcanizing.
9. Bakery goods, candy, cosmetics, dairy products—manufacture.
10. Battery Energy Storage Systems
11. Boats—manufacture.
12. Bottling and canning of soft drinks, carbonated water.
13. Brick—manufacture.
14. Bulk petroleum storage.
15. Carpets, rugs, mats, bedding, mattresses, pillows, quilts, millinery, hosiery, clothing, and general fabrics—manufacture. Also, the printing and finishing of textiles and fibers into fabric goods.
16. Chemicals and allied products—manufacture.
17. Coal and coke storage.
18. Cold storage facilities.

19. Concrete cement, lime, gypsum, and plaster products—manufacture.
20. Containers, packaging, boxes, containers, wood, paper, corrugated, plastic, etc.—manufacture. Also products or goods made of wood, fiber, straw or plastic.
21. Cut stone and stone products—manufacture.
22. Drugs, toiletries, perfumes, and pharmaceuticals—manufacture.
23. Facilities and structures necessary for the rendering of public utility service, including booster or relay stations, transformer substations, poles, transmission lines and towers, and the like for normal electrical distribution or communication service. Pipelines, conduits, meters, and other facilities for the provision and maintenance of public electrical, gas, water and sewer service. Railroads and their facilities (except railroad yards).
24. Feed and grain—storage.
25. Fertilizer—storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not the manufacture or processing.
26. Fleece wear, knitting—manufacture.
27. Food products, including fruit and vegetable processing, canning, cider, vinegar, and pickle production, packing or processing of seafoods, meat and poultry products, the distilling of beverages, or the slaughtering of animals.
28. Furniture—manufacture and assembly.
29. General contracting and storage yards or plants, for construction equipment, or rental of equipment commonly used by contractors.
30. Glass and glass products—manufacture.
31. Ice—manufacture.
- 32.** Industrial and building supplies and materials (concrete, cement, sand, gravel, stone, lumber, structural or reinforcing steel, pipe, and the like) storage and sales, including their manufacture and steel fabricating.
33. Industrial cleaning and dyeing operations.
34. Iron and steel foundries.
35. Jewelry, silverware, and plated ware—manufacture.
36. Laboratories and other research and development facilities, but not including any type of combustion engine testing.
37. Leather goods, including tanning operations—manufacture.
38. Machinery—manufacture.
39. Medical, optical, or drafting equipment, toys, novelties, games, stamps (rubber and metal), musical instruments, and sporting and athletic goods—manufacture.
40. Modular, prefabricated, and mobile homes—manufacture.
41. Non-ferrous foundries and other primary metal industries.
42. Nursery schools and day care centers that are sponsored or associated with industry in the vicinity.
43. Paper, pulp, and allied products—manufacture.
44. Pottery, figurines, or other such ceramic products—manufacturing, using only previously pulverized clay and kilns fired only by electricity or gas.

45. Plumbing, electrical, heating and air conditioning supply houses, including accessory storage yards.
46. Plumbing supplies—manufacture.
47. Resident watchman and caretakers employed on the premises.
48. Rubber products and rubber and synthetic treated fabrics—manufacture.
49. Sawmills and planing mills.
50. Small scale solar energy facilities.
51. Structural iron and steel fabrication.
52. Textiles—manufacture.
53. Towels, terry cloth, weaving—manufacture.
54. Truck terminals, freight.
55. Warehouses—storage.
56. Waste collection and recycling centers.
57. Wholesale houses and distributors.

(Ord. of 3-24-20)

Sec. 21-1102. Special use permit uses.

The uses permitted in the Industrial District with a Special Use Permit as approved by the Board of Zoning Appeals are as follows:

1. Airports.
2. Landfills and incinerators
3. Large scale solar energy facilities.
4. Transient storage of hazardous wastes, where such facilities, structures and uses must be located more than five hundred (500) feet from any non-industrial zoned property, provided the hazardous wastes are contained in a manner approved by all appropriate regulatory agencies and that no waste may return to a transient storage site.
5. Sand and gravel operations (Quarries).
6. Steam plants.
7. Firearm sports and training facilities, including firing ranges, pistol ranges, sporting clay, trap and skeet shooting ranges, turkey shoots, archery ranges and other for profit or not for profit uses and activities involving discharge of firearms or shooting of missiles. However, nothing in this provision shall be constructed to affect any individual's right to hunt on his property or prohibit nonprofit hunting activities.
8. Promotional, amusement, and entertainment facilities, sponsored by any licensed business or businesses or non-profit organizations and are located on the property owned or controlled by the sponsor. Such uses shall be properly safe-guarded from traffic and shall observe all setbacks required for structures. Temporary, promotional, recreational, or fundraising amusement activities and facilities of not more than three (3) days duration sponsored by civic, professional, fraternal, institutional or religious groups or organizations, and conducted for community, religious or benevolent purposes and located on property owned or controlled by the sponsor shall be exempted from this section. Examples of such amusement facilities and activities are musical entertainment, jamborees, educational displays, arts and crafts, auctions, legal games, dunking booths, concession and vending. Rides are permitted.

Tent revivals or other similar outdoor religious services of not more than seven (7) days duration shall also be exempted from this section.

(Ord. of 7-27-92; § I; Ord. of 11-23-92; Ord. of 12-18-95, §§ 1(B), 2; Ord. of 3-24-20)

Sec. 21-1202. Special use permit uses.

The uses permitted in the Government and Special Use District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Airports.
2. Coliseums.
3. Homeless shelters or transitional living facilities, community correctional facilities, and halfway houses.
4. Hospitals.
5. Impoundments of water for public consumption, recreation, power generation, and/or flood control.
6. Industrial and building supplies and materials (concrete, cement, sand, gravel, stone, lumber, structural or reinforcing steel, pipe, and the like) storage, including their manufacture and steel fabricating.
7. Jails, prisons, and prison farms.
8. Landfills and incinerators.
9. Large scale solar energy facilities.
10. Quarries.
11. Racetracks.
12. Water and sewage treatment facilities.

(Amend. of 6-28-11; Ord. of 3-24-20)

Sec. 21-1806. Location, appearance, and operational requirements.

The following requirements apply to large-scale solar energy facilities:

- (a) *Visual impacts.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes visual impacts to adjoining and nearby residents or public roads.
- (b) *Signage.* Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.
- (c) *Noise.* Noise levels from the facility shall comply at all times with the county noise ordinance.
- (d) *Setbacks.* The project area shall be set back a distance of at least one hundred (100) feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least fifty (50) feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks and additional buffering may be included in the conditions for a particular permit.

Solar energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally parallel to the property line.

- (e) *Fencing.* The project area shall be enclosed by security fencing not less than six (6) feet in height and equipped with an appropriate antilimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.
- (f) *Vegetative buffer.* A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least twenty (20) feet wide, shall be located within the setbacks required under subsection (d), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least six (6) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of ten (10) feet within three (3) years. The Board of Zoning Appeals may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and wildlife-friendly native plants, shrubs, trees and grasses must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Board of Zoning Appeals when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
- (g) *Pollinator habitats.* The project area will be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers. The project area will be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operator also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the setbacks and vegetative buffering.
- (h) *Height.* Ground-mounted solar energy generation facilities shall not exceed a height of twenty (20) feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.
- (i) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects.
- (j) *Density; location.* Large scale solar energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. In addition, no more than two and one-half (2½) percent of the land in a five-mile radius of the project area of any existing large scale solar energy facility shall be approved for use as the project area for a new large scale solar energy facility.
- (k) *Project area limit.* No more than one thousand seven hundred fifty-four (1,754) acres of solar project area shall be approved for large scale solar energy facilities. This project area limit shall not apply to local industries producing electricity for their own consumption. The PV (solar) panels must be on-site, adjacent to, or adjoining the user's property. Acreage approved by the Board of Zoning Appeals for a

large-scale solar energy facility shall be counted in full toward the County's project area limit and shall not be reduced, adjusted, or credited back to the cap due to subsequent modifications, partial development, site plan adjustments, or reductions in constructed area.

- (l) *Entry and inspection.* The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols while within the facility.

(Ord. of 3-24-20; Ord. of 7-25-23)

Article XIX. - Battery Energy Storage Systems

Sec. 21-1900. – Purpose and intent

The purpose of this article is to provide for the siting, development, and decommissioning of Battery Energy Storage System projects in Henry County, subject to reasonable conditions that promote and protect the public health, safety, and welfare of the community while promoting development of renewable energy sources.

Sec. 21-1901. - Definitions.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Sec. 21-1902. – Location, appearance, and operational requirements.

The following requirements apply to Battery Energy Storage Systems:

- A. **Setbacks.** Battery Energy Storage Systems shall be setback at least 50 ft. from all property lines.
- B. **Configuration.** All Battery Energy Storage Systems shall be configured so that battery cells shall be placed in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
- C. **Operation.** Battery Energy Storage Systems shall be constructed, maintained, and operated in accordance with applicable codes and standards, including but not limited to, Section 1207 of the current Virginia Statewide Fire Prevention Code, the current National Electrical Code, the current Virginia Construction Code, and other applicable fire, electrical, and building codes adopted by the County.

- D. Noise. Noise generated by a Battery Energy Storage System shall not exceed 50 dBA at the exterior property line.
- E. Accessory Use. Local industries may install Battery Energy Storage Systems to supply electrical energy for their own consumption, by-right, provided all other requirements of this section apply, except Section 21-1903 (Decommissioning Plan). The Battery Energy Storage System must be located on-site, adjacent to, or adjoining the user's property. Battery Energy Storage Systems that are an accessory use to large-scale solar facilities, that received a special use permit, shall also be allowed by-right, provided all other requirements of this section apply.
- F. Utilities.
 - a. Battery Energy Storage Systems shall be provided with an adequate and reliable water supply for fire suppression and emergency cooling operations, as approved by the Fire Marshal.
 - b. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- G. Screening and/or landscaping shall be necessary to ensure that facilities are not visible.
 - a. Facilities shall be fully screened on all sides from view.
 - b. Areas within 30 ft. on each side of the Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
- H. Location. Due to their potentially combustible nature, the siting of Battery Energy Storage Systems shall be to:
 - a. Buffer the facility from surrounding areas by siting toward the interior of the lot
 - b. Take advantage of existing topography, structures, and vegetation to provide extra screening.
- I. Emergency Access. Access to the property for Henry County fire, rescue, and emergency services shall be provided in a manner acceptable to the Henry County Director of Public Safety.
- J. Safety Operation Systems
 - a. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in.
 - b. The Battery Management System shall monitor individual module voltages and temperatures, container temperature, and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access.

- c. The Battery Management System shall be capable of shutting down the system before thermal runaway takes place.
- K. Warning Signage. NFPA 704 placards shall be placed on building entrances along with emergency contact information.
- L. Security Fencing. The facilities shall be enclosed by security fencing.
 - a. All security fencing shall be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
 - b. All security fencing shall be placed behind the buffer and screened from view.
 - c. Failure to maintain the security fencing shall result in revocation of the Special Use Permit and the facility's decommissioning.

Sec. 21-1903. - Decommissioning Plan.

All applicants and site development plans for Battery Energy Storage Systems shall include a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with the removal of the facility. All decommissioning plans shall include the following:

- a) The anticipated life of the project;
- b) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the battery energy storage system;
- c) An estimated deconstruction schedule;
- d) The estimated decommissioning cost in current dollars, not including salvage value;
- e) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
- f) Decommissioning shall include removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural purposes.

Sec. 21-1904 - Emergency Plan.

Applications for battery energy storage systems shall include an Emergency Plan that, at minimum, contains the following:

- a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, release of hazardous materials, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b) Procedures for inspection and testing of associated alarms, interlocks, and controls.

- c) Procedures to be followed in response to notifications from the Battery Energy Storage Management System when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions.
- e) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.