

## ARTICLE I. - TERMS DEFINED

### PART 100. – DEFINITIONS

Assisted living facility shall mean a non-medical residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance for the care of individuals who are aged, infirm~~ed~~, or ~~have a disability.~~ ~~disabled~~

Continuing care retirement community shall mean a facility providing a graduated range of services to elderly ~~individuals and individuals with disabilities~~ ~~handicapped persons~~, from independent living facilities to congregate housing facilities within which are available meal preparation, laundry and cleaning services; providing common recreation and service facilities for the exclusive use of all residents of the center; may include assisted living, nursing or convalescent care and other medical facilities.

#### **Sec. 32-280.35. - Criteria for design guidelines.**

The following elements shall be contained in design guidelines in narrative and graphic form submitted with a town center Special Use Permit application. Development within a town center shall proceed only in accordance with the design guidelines adopted within a Special Use Permit approved by the Board of County Supervisors.

1. *Architecture.* Architectural features are to be included in the design of buildings and structures in the town center and shall be integrated in the design guidelines to promote the characteristics of a pedestrian-oriented and compact community as set forth in [section 32-280.30](#). Consistency, compatibility and the maintenance of continuity throughout the town center of the use of materials, colors, and styles of features is required. The following must be addressed in the guidelines in accordance with applicable County Code unless waived or modified pursuant to [section 32-280.34](#):

- (a) Renderings or other graphic exhibits demonstrating materials and colors for buildings and structures.
- (b) Architecturally appropriate and coordinated cornice lines, rooflines and eave projections and treatments to modulate long building walls and roof planes.
- (c) Signage and symbolization for ~~handicap~~ ~~individuals with disabilities~~ access.
- (d) ...

#### **Sec. 32-300.06. - Setbacks for architectural features and accessory structures.**

7. An unroofed ~~handicap-accessible~~ ramp ~~to serve individuals with disabilities~~ shall be permitted to encroach into a required yard when there are no other reasonable alternatives for the location of such ramp on the property or other means of ingress/egress into or from the residence.

8. Notwithstanding the above, these standards for setbacks shall in no case:

- (a) Allow architectural features and/or accessory structures (except for ~~handicap access ramps to serve individuals with disabilities~~) to encroach into required buffer areas; or
- (b) Increase the lot coverage allowed in the zoning district in which they are located; or
- (c) Reduce required setbacks along side streets in the zoning district in which they are located.

(Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 06-28, 3-7-06; Ord. No. 06-77, 9-5-06)

**Sec. 32-300.13. - Limitation on occupancy of a dwelling unit.**

1. A dwelling unit may be occupied by not more than one (1) of the following:

- (a) One person or two or more persons related by blood or marriage with any number of offspring, foster children, stepchildren or adopted children subject to the maximum occupancy limitations in subsection (2) and not to exceed two roomers or boarders as permitted by section 32-300.02.18, "Accessory Uses - Boarders/Lodgers".
- (b) Two single parents or guardians with their dependent children, including offspring, foster children, stepchildren, or adopted children, living and cooking together as a single housekeeping unit.
- (c) A group of not more than three persons not necessarily related by blood or marriage living and cooking together as a single housekeeping unit; provided that the limitation on the number of unrelated persons shall not apply to residents in a housekeeping unit by ~~persons having~~ individuals with ~~disabilities handicaps~~ within the meaning of Section 3602 of the Fair Housing Act (~~42~~ ~~43~~ USC 3601, et seq., as amended).
- (d) Those groups identified in the Fair Housing Act, Code of Virginia, § 15.2-2291, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, § 15.2-2291.

**Sec. 32-304.21. - R-30 Urban Residential District[; purpose and intent].**

The R-30 District (formerly RM-2) is intended to implement the residential component of the regional employment center land use classification of the Comprehensive Plan and to afford opportunities for providing the full range of supporting services to ~~the elderly~~ individuals by allowing the mix of nonresidential uses and residential uses under certain circumstances. The R-30 District is designed to provide for and encourage quality multifamily development at urban densities not to exceed 30 dwelling units per net acre in locations well-served by public utilities and roadways.

(Ord. No. 94-1, 1-11-94; Ord. No. 04-78, 12-21-04; Ord. No. 09-30, 5-19-09)

### **Sec. 32-305.05. - Permitted population density.**

1. The overall population density permitted in a RPC District shall not exceed 11 persons per acre. This overall density shall be calculated using the entire acreage of the RPC District, including designated areas of nonresidential use, and the following factors:

- (a) Three and nine tenths persons per one-family dwelling;
- (b) Three persons per unit of a two-family, townhouse and multifamily dwelling (except high-rise multifamily buildings, and buildings exclusively for housing ~~the~~ elderly individuals or handicapped individuals with disabilities).
- (c) One and five-tenths persons per unit of a high-rise multifamily building (which is any multifamily building that exceeds 45 feet in height).
- (d) One and one-tenth persons per unit in buildings exclusively for housing ~~the~~ elderly individuals or handicapped individuals with disabilities.

2. The following densities shall be permitted in the RPC District, and shall be designated on the master RPC zoning plan:

- (a) Low density area, which shall permit up to 3.9 persons per gross residential acre.
- (b) Medium density area, which shall permit up to 13 persons per gross residential acre.
- (c) Medium high density area, which shall permit 30 persons per gross residential acre.
- (d) High density area, which shall permit 60 persons per gross residential acre.

### **Sec. 32-400.25. - Secondary residential uses in certain districts.**

Residential uses may be established only on the second or subsequent floor of any building constructed in the B-1, B-2, O(L), O(M), O(H) District, or in districts designated B-1, B-2, O(L), O(M), and O(H) in planned districts, and in areas designated neighborhood commercial or commercial in the RPC in accordance with the provisions of subsection 32-305.10.3 and subsection 32-305.20.1; however, the first floor may be used for residential uses in the above districts, only for units for the elderly or handicapped and only in multifamily or mid- to high-rise residential buildings in accordance with subsections 32-306.12.6.G. and H. Any residential use allowed herein is subject to the following:

1. It must have been the subject of a proffer accepted upon rezoning of the property or shall be approved by Special Use Permit. For residential uses when the first floor is used for units for ~~the~~ elderly individuals or handicapped individuals with disabilities, a Special Use Permit is required in all cases.

2. All site development standards shall be met in accordance with the provisions of the Design and Construction Standards Manual.

3. Parking for a residential use shall be on the same lot as the residential use.
4. The Fire Marshal shall review and approve the proposed mix of uses upon initial occupancy and each time any occupancy changes use group.
5. When elderly individuals or ~~handicapped~~ individuals with disabilities, residential uses are proposed on the first floor of a building, any applications for a rezoning or Special Use Permit shall demonstrate that nearby supporting commercial or office uses are readily and easily accessible to residents of elderly individuals or ~~handicapped~~ individuals with disabilities.

**Sec. 32-506.07. - Same—Internal Relationships.**

1. Open, off-street parking areas:

(a) Open, off-street parking areas for buildings greater than 200,000 square feet in overlay zone subdistricts designated for town center use or employment center use, shall reserve and designate five percent of the parking spaces for vehicles used for ridesharing by employees of the buildings for which the parking area is constructed. The minimum number of rideshare parking spaces provided for any building shall be 50 spaces. Rideshare parking spaces shall be located in the closest available location to a main building entrance or walkway, after ~~handicapped parking spaces designated for the use of individuals with disabilities~~ spaces have been provided, pursuant to the Design and Construction Standards Manual.

**Sec. 32-700.60. – Notice requirements for map amendments, public facility determinations, and Special Use Permits.**

Prior to a public hearing on a map amendment, public facility determination, or Special Use Permit before the Planning Commission or Board of County Supervisors, notice as required by this section shall be given. The Planning Commission shall not recommend, nor the Board of County Supervisors approve any map amendment, or Special Use Permit until such notice is given. Notice of map amendments, public facility determinations, or Special Use Permits need not be advertised in full, but may be advertised by reference. Every such notice shall identify the place or places within the county where copies of such map amendments, public facility determinations, or special use permits may be examined, provided that the place where copies of such amendments or Special Use Permits may be viewed shall be included in the notice. In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range of such proposed amendment and the general usage and density range of the applicable part of the Comprehensive Plan.

1. Notice of a zoning map amendment, public facility determinations, or Special Use Permit shall be published once a week for two successive weeks ~~(with not less than six days elapsing between the first and second publication)~~ with the first notice appearing no more than 14 days before the intended adoption, in a newspaper having general circulation in the County. Notice for both the Planning Commission and Board of County Supervisors may be published concurrently. Notice shall specify the time and place of the public hearing, ~~, which shall be held not less than five days nor more than 21 days after the second advertisement shall have appeared.~~

2. When a proposed map amendment involves a change in the zoning map classification of 25 or fewer parcels of land, the advertisement shall include the street address or tax map parcel grid parcel identification number (GPIN) of the parcels subject to the action. Written notice shall be sent by first class mail by the Planning Director, or his designee, to the owner, agent, or occupant of each parcel within 500 feet in all directions of the property to be rezoned, as well as to the owner, agent, or occupant of the property to be rezoned in the case of a rezoning initiated by the Board of County Supervisors. If any portion of a planned development district is within 500 feet of the property to be rezoned, then notice shall be given to the homeowner association within the planned development district that has members owning property located within 2,000 feet of the property to be rezoned. Notice shall be sent at least five days before the public hearing to the last known address as shown on the current real estate tax assessment books or current real estate tax assessment records, and the person sending such notice shall make affidavit, and file it with the papers in the case, that such notice was mailed. Written notice for Special Use Permits shall be sent by first class mail by the Planning Director or his designee for such permit to the owner, agent or occupant of each property, in all directions, within 500 feet of the site of the proposed special use, as well as to the owner, agent, or occupant of the property that is the subject of the Special Use Permit in the case of a Special Use Permit initiated by the Board of County Supervisors. Such notice shall be in a form approved by the Planning Director, and shall be mailed at least five days before the date of the public hearing to the last known address as shown on the current real estate tax assessment books. If the hearing is continued notice shall be remailed. The applicant shall make affidavit that such notice was mailed in accordance with these provisions, and shall file the affidavit with the Planning Director at least five days before the date of the public hearing.

3. When a proposed map amendment involves a change in the zoning map classification of more than 25 parcels of land, then the advertisement shall include the street address or tax map parcel grid parcel identification number (GPIN) of the parcels as well as the approximate acreage subject to the action. ~~w~~Written notice shall be sent by first class mail by the Planning Director, or his designee, to the owner, owners or their agents of each parcel of land involved. Notice shall be sent at least five days before the public hearing. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that the Planning Director, or his designee, shall make affidavit that such mailings have been made, and shall file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequent adopted amendment or ordinance because of the inadvertent failure by the Planning Director, or his designee, to give written notice to the owner, owners or their agents of any parcel involved.

4. Notice of a map amendment or Special Use Permit shall be given by the posting of at least one sign on the property involved at least 15 days prior to the date of the public hearing. Additional signs shall be required for properties with more than one road frontage, or properties with more than 200 feet of frontage along one road. Such signs shall be supplied by the Planning Director, and shall be posted by the applicant, who shall make affidavit that posting in accordance with these provisions was done, and shall file such affidavit with the Planning Director within three days after posting of the property. Such signs shall be posted between three and six feet in height in the following manner:

(a) All signs shall be posted so as to assure the greatest public visibility practical.

(1) Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten feet from the edge of said right-of-way. If more than one street abuts the site, at least one sign shall be posted along each abutting street. If no street abuts the site, at least one sign shall be posted along the closest public street, with a note added to locate the property in direction and distance from the sign. If more than one sign is posted along the same road frontage, such signs shall be posted at least 200 feet apart.

(2) Posting of land proposed to be included in a Highway Corridor Overlay District shall occur at street intersections within the proposed corridor.

(3) No posting shall be required for other overlay district applications except where 25 or fewer parcels are proposed to be affected; in such event, posting shall be made as for other map amendment.

(b) The applicant shall be responsible for maintaining the signs in good condition until the public hearing, and shall replace damaged or removed signs as soon as practical. It shall be a violation of this chapter to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.

(c) All signs shall be removed by the applicant within ten days of the final action of the planning commission and/or Board of County Supervisors.

5. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessee's association, respectively, in lieu of each owner.

6. A party's actual notice of, or active participation in, the proceedings for which written notice is required, shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

7. When (i) a Comprehensive Plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public use airport, then written notice shall be given consistent with Code of Virginia, § 15.2-2204(D).

8. When a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice shall be given consistent with Code of Virginia, § 15.2-2204(B).

9. When a proposed map amendment to the zoning ordinance or application for public facility determination or Special Use Permit includes a proposal to exceed the maximum height permitted within the subject zoning district, written notice as required in Subsections (2) and (3) above shall be provided to the owner, agent, or occupant of each parcel within 1,320 feet in all directions of the land involved.

#### **Sec. 32-700.61. – Notice of zoning text amendments.**

1. Prior to a public hearing on a zoning text amendment before the Planning Commission or Board of County Supervisors, notice as required by ~~this~~ section 32-700.60 (1) shall be given. The planning commission shall not recommend nor the Board of County Supervisors approve any zoning text amendment until such notice is given. Notice of such amendment need not be advertised in full, but may be advertised by reference. Every such notice shall identify the place or places within the County where copies of such zoning text amendments may be examined, provided that the place where copies of such amendments or Special Use Permits may be viewed shall be included in the notice

2.

2. When a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of ~~more than 25~~ any parcels of land, then, in addition to the advertising requirements of section 32-700.60(1), the advertisement shall include the street address or tax map parcel number grid parcel identification number (GPIN) of the parcels as well as the approximate acreage subject to the action. ~~written~~ Written notice shall be given by the Planning Director, or his designee, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Code of Virginia, §§ 15.2-2240 et seq., where such lots are less than 11,500 square feet. Nothing in this subsection shall be construed as to invalidate any subsequent adopted amendment or ordinance because of the inadvertent failure by the Planning Director, or his designee, to give written notice to the owner, owners or their agents of any parcel involved.