

CHAPTER 5: OVERLAY DISTRICTS
5.04 Mountainside Overlay District
BOS Draft Text Review, 12/13/2023

- B. Any altering, repair, or rehabilitation of a historic structure, provided that the altering, repair, or rehabilitation will not preclude the structure's continued designation as a historic structure. Historic structures undergoing altering, repair, or rehabilitation that would constitute a substantial improvement as defined above, must comply with all requirements of Section 5.03 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of Section 5.03 will cause removal of the structure from the National Register of Historic Places or the Virginia Landmarks Register must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of Section 5.03 will be the minimum necessary to preserve the historic character and design of the structure.

Utility Lines in the Floodplain: Storm sewers, sanitary sewers, water lines, and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Violation: The failure of a structure or other development to be fully compliant with this Section 5.03. A structure or other development without a Federal Emergency Management Agency (FEMA) approved Elevation Certificate, other certifications, or other evidence of compliance required in this Section 5.03 must be presumed to be in violation until such time as that documentation is provided.

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial damage resulting from flooding may occur.

5.04 Mountainside Overlay District

Purpose. *The purpose of the Mountainside Overlay District (MOD) is to regulate land use and development on the mountainsides of the Loudoun County, to provide for low density residential development in mountainside areas and to achieve the following goals:*

- *Ensure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats, or native vegetation areas;*
- *Ensure that mountainside development is compatible with the slope of the land;*
- *Ensure proper design is used in grading and in the development of structures, roadways, and drainage improvements;*
- *Ensure mountainside conditions are properly identified and incorporated into the planning and development process;*
- *Prevent erosion and minimize clearing and grading;*
- *Protect tree cover and native vegetation;*
- *Ensure all development is compatible with the existing topography and soils conditions; and*
- *Protect mountainside areas to preserve opportunities for passive recreational uses within these areas, such as the Appalachian Trail and other public park sites.*

A. **Applicability.**

1. The Mountainside Overlay District (MOD) is defined by the presence of certain natural features such as elevation, forests, steep slopes, unstable soils, and groundwater recharge areas that are commonly associated with these areas as shown on the MOD map:
 - a. **Somewhat Sensitive Areas.** Areas with potentially slight or limited environmental and/or public safety impacts from development;
 - b. **Sensitive Areas.** Areas with moderate environmental and/or public safety impacts from development; and

- c. **Highly Sensitive Areas.** Areas with potentially severe environmental and/or public safety impacts from development.

B. Uses and Activities.

1. **Activities Not Subject to Mountainside Feature Protections and Development Standards.** The following Covered Activities are allowed within the MOD in accordance with the following:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any structure) pursuant to Section 4.08.01 is not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. Structures, and Agriculture that is not Bona Fide Agriculture, are subject to Mountainside Feature Protections and Development Standards in Section 5.04;
 - b. **Public Roads.** Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project are not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. All other roads are subject to Mountainside Feature Protections and Development Standards in Section 5.04.D. and 5.04.G. Public roads shown on the Comprehensive Plan or included in a Capital Improvement Program project must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development; and
 - c. **Public Water and Public Sewer.** Public Water and Public Sewer are not subject to the Mountainside Feature Protections of Section 5.04.C. or Development Standards of Sections 5.04.D. and 5.04.G. Public Water and Public Sewer must obtain a locational clearance approved by the Zoning Administrator and the Department of Building and Development.
2. **Covered Activities Subject to Mountainside Feature Protections and Development Standards.** All Covered Activities are subject to the Mountainside Feature Protections in Section 5.04.C. and Development standards in Sections 5.04.D. and 5.04.G. (including any applicable additional Special Exception approvals required pursuant to Section 5.04.D., except in accordance with the following limitations:
 - a. **Permitted Expansion of an Existing Single-Family Detached Dwelling in a Highly Sensitive Area.** The expansion of any existing single-family detached dwelling that existed within a Highly Sensitive Area prior to October 4, 1995, is not required to obtain a Special Exception approval pursuant to Reference 9 of Table 5.04-4. and must be in accordance with the following standards:
 1. The expansion is subject to the Development standards of Sections 5.04.D. and 5.04.G.;
 2. The expansion must not increase the total floor area or height of the single-family detached dwelling, as existed on October 4, 1995, by more than 50%; and
 3. The expansion is not permitted into a Mountainside Feature Protections; and
 - b. **Permitted Uses and Activities within the Mountainside Feature Protections.** The following Covered Activities are permitted within the Mountainside Feature Protections required under Section 5.04.C., pursuant to the Development Standards of Sections 5.04.D. and 5.04.G.:
 1. Fences and associated clearing to the minimum extent necessary for the installation and maintenance of the fence. Fences must not obstruct surface water flow;
 2. Publicly accessible trails and other passive recreation facilities, including facilities for pedestrian, bike or other non-motorized uses, provided that such facilities are designed with permeable materials;
 3. Remedial revegetation and site restoration using Native Plants in accordance with the FSM and restored to pre-land disturbing activity conditions except that the removal of invasive plant species is required in accordance with the reforestation standards in the Facilities Standards Manual (FSM); and

4. On any existing lot of record as of the adoption date of the Zoning Ordinance containing a Mountainside Feature Protections pursuant to Section 5.04.C., up to 1 single-family dwelling, an accessory unpaved or permeable surfaced and maintained Driveway, including a parking area or detached garage, a drainfield for such dwelling, and/or accessory structures pursuant to Section 7.01.04.C.4. are permitted to encroach into the required Mountainside Feature Protections; and

3. **Prohibited Covered Activities.** **Extractive Industries** are prohibited within the MOD.

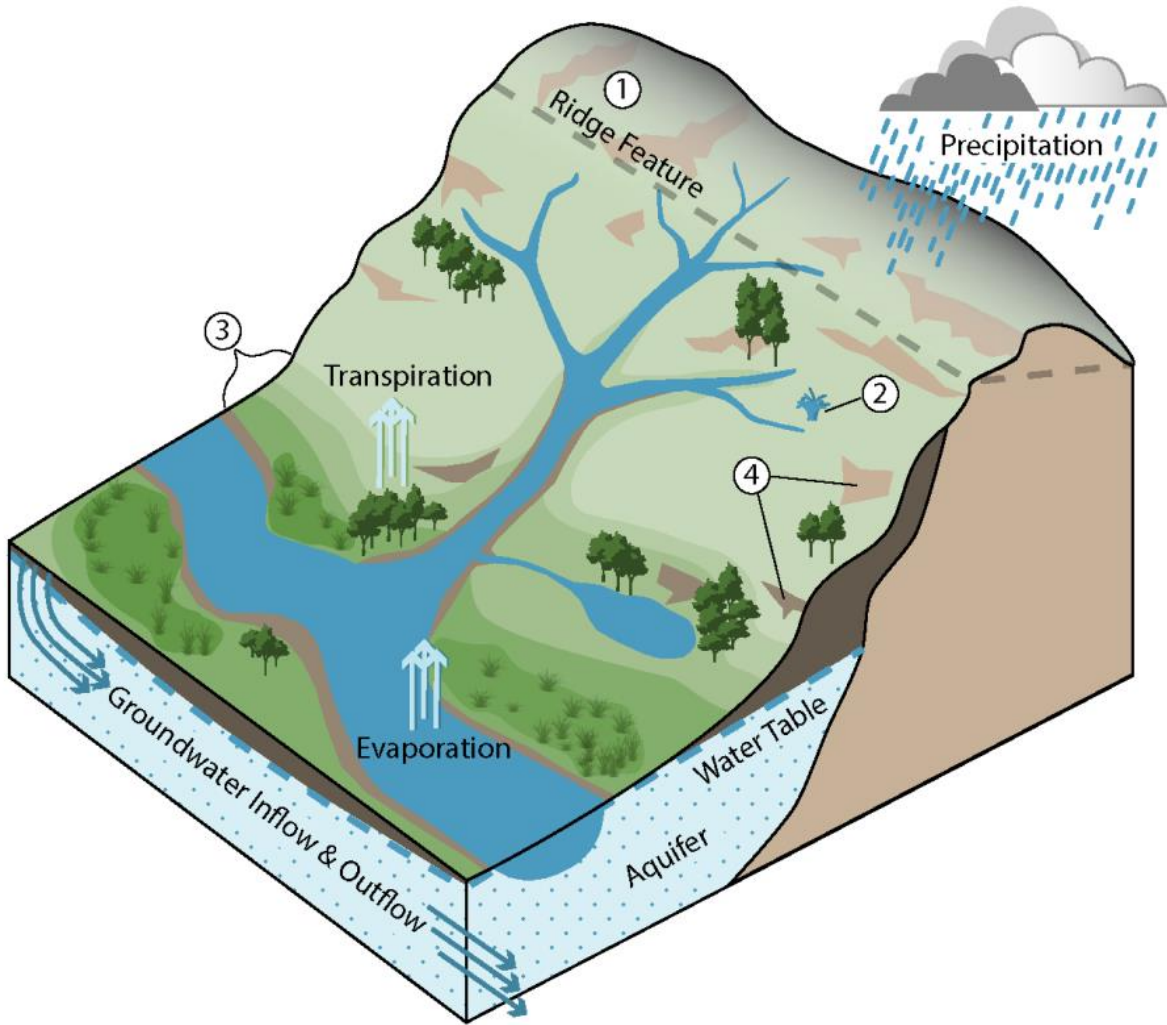
C. **Mountainside Feature Protections.**

1. Covered activities are subject to the following requirements: (refer to Figure 5.04-1):

- a. **Ridge Feature Protection.** Except as permitted by Section 5.04.B., Covered Activities are not permitted within a Ridge Feature; and
- b. **Spring Feature Protection.** Except as permitted by Section 5.04.B., Covered Activities must be setback at least 300 feet from a Spring Feature.

Draft 11/21/23

Figure 5.04-1 Mountainside Features



1. Ridge Feature, Section 5.04 Mountainside Overlay District

2. Spring, Section 5.04 Mountainside Overlay District

3. River and Stream Corridor Resource Regulations, Chapter 6 Natural and Environmental

4. Steep Slopes Regulations, Chapter 6 Natural and Environmental Resources

2. **Subdivision of Land within Mountainside Feature Protections.** Any subdivision of land subject to any of the Mountainside Feature Protections set forth in Section 5.04.D. must provide a locational clearance demonstrating a Buildable Area exclusive of any Mountainside Feature Protections on any lot.
- D. **Development Standards.** Covered Activities must comply with the following standards. Calculations must be provided consistent with the Sample MOD Clearing and Land Disturbing Area Tabulation in Section 5.04.I.
1. **Tree Cover Clearing Limitations and Land Disturbing Activity Limitations.** Land disturbing activities are permitted subject to Tree Cover Clearing and Land Disturbing Activity Limitations in Somewhat Sensitive Areas pursuant to Table 5.04-1, in Sensitive Areas pursuant Table 5.04-2, and in Highly Sensitive Areas pursuant to Table 5.04-3.

Table 5.04-1. Tree Cover Clearing and Land Disturbing Activity Limitations Somewhat Sensitive Areas	
Area	Permitted ^{1,2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities are reduced by 50% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15% or outside of the MOD.
TABLE NOTES:	
1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.	
2. No additional clearing of Tree Cover is permitted.	

Table 5.04-2. Tree Cover Clearing and Land Disturbing Activity Limitations Sensitive Areas	
Area	Permitted ^{1,2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 25%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 25%.
Slopes of less than 15% (unforested)	In unforested areas, land disturbing activities are reduced by 25% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas outside of the MOD.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities are reduced by 75% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15% or outside of the MOD.
TABLE NOTES:	
1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.	
2. No additional clearing of Tree Cover is permitted.	

Table 5.04-3. Tree Cover Clearing and Land Disturbing Activity Limitations Highly Sensitive Areas	
Area	Permitted ^{1,2}
Slopes of less than 15% (forested)	In forested areas, selective clearing of Tree Cover to the extent necessary to locate the use, of up to 15%.
Slopes of 15% to 25% (forested)	In forested areas, selective clearing of Tree Cover, to the extent necessary to locate the use, of up to 15%.
Slopes of less than 15% (unforested)	In unforested areas, land disturbing activities are reduced by 25% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas outside of the MOD.
Slopes of 15% to 25% (unforested)	In unforested areas, land disturbing activities are reduced by 75% and are permitted only if the applicant demonstrates that no suitable alternative locations exist on areas with existing slopes less than 15% or outside of the MOD.
TABLE NOTES:	
1. Tree Cover is based on the Tree Cover Inventory as defined in the FSM.	
2. No additional clearing of Tree Cover is permitted.	

2. **General.**

Draft 11/21/23

Table 5.04-4. General Development Standards

Table 5.04-4. General Development Standards		
	Standard	
In All MOD Areas (Somewhat Sensitive, Sensitive, and Highly Sensitive)		
1	Grading Permit Tree Cover Clearing Minimization in Very Steep Slopes	No Tree Cover clearing of existing slopes greater than 25%, including any clearing for roads and drives, except when no alternatives exist. <u>A grading permit is required that demonstrates methods to minimize erosion.</u>
2	Land Disturbing Activity Reduction in Major Groundwater Recharge Areas	The limits of land disturbing activities are reduced by 50% in the following soil conditions associated with major groundwater recharge areas: soil mapping units 27, 50, 52, 55, and 89.
3	Land Disturbing Activity Minimization in Soil Mapping Units 59 or 88	No land disturbing activity is permitted on soil mapping units 59 or 88 except for Local Access Roads and Driveways when no alternatives exist.
4	Remedial Revegetation, and Site Restoration	Any land disturbing activity located outside of the limits of disturbance approved for a permitted use must be revegetated with Native Plant vegetation in accordance with the FSM and restored to pre-land disturbing activity conditions to the maximum extent possible.
5	Scaled Exhibit Tree Cover Inventory	<u>Prior to any land disturbing activity, the applicant must provide a scaled exhibit that shows the existing and proposed slope contour and ground cover and how the disturbed area will be restored. If the exhibit is associated with an application, the exhibit must be the same size and scale as the associated application.</u> A Tree Cover Inventory is required pursuant to the FSM.
6	Special Exception for Subdivision Grading Permit	A grading permit is required that demonstrates methods to minimize erosion. The subdivision of land into 3 or more lots requires Special Exception approval.
7	Tree Cover Clearing Minimization in Very Steep Slopes Type 1 Preliminary Soils Review	<u>Prior to any land disturbing activity on existing slopes of 25% or more, or in soil mapping units 27, 59, 88 or 89, the applicant must provide a Type I Preliminary Soils Review in accordance with the FSM concurrent with Zoning Permit or Grading Permit application, whichever comes first.</u> No Tree Cover clearing of existing slopes greater than 25%, including any clearing for roads and drives, except when no alternatives exist.
8	Tree Cover Inventory Scaled Exhibit	<u>A Tree Cover Inventory is required pursuant to the FSM.</u> Prior to any land disturbing activity, the applicant must provide a scaled exhibit that shows the existing and proposed slope contour and ground cover and how the disturbed area will be restored. If the exhibit is associated with an application, the exhibit must be the same size and scale as the associated application.
9	Type 1 Preliminary Soils Review Special Exception for Subdivision	The subdivision of land into 3 or more lots requires Special Exception approval. <u>Prior to any land disturbing activity on existing slopes of 25% or more, or in soil mapping units 27, 59, 88 or 89, the applicant must provide a Type I Preliminary Soils Review in accordance with the FSM concurrent with Zoning Permit or Grading Permit application, whichever comes first.</u>
In Highly Sensitive Areas		
9	Special Exception for all Covered Activities	Special Exception approval is required for all Covered Activities in Highly Sensitive Areas.
10	Geotechnical Study	When no alternatives exist to land disturbing activity on soil mapping units 59 or 88, a Geotechnical study must be approved by the Department of Building & Development.
11	Grade, Drainage, and Culvert Design of Private Roads and Driveways	The centerline grade of private roads and Driveways must not exceed 14%. Under drainage and culvert design must conform to the requirements of the FSM.
12	Special Exception for all Covered Activities	Special Exception approval is required for all Covered Activities in Highly Sensitive Areas.

- No Grading Permit for Limited Residential or Agricultural Accessory Structures:** In unforested areas of slopes of 0% to 15% that are also located within somewhat sensitive areas, no grading permit is required for structures of 600 square feet or less for the following types of structures associated with a residential or agricultural use: sheds, greenhouses, chicken coops, and similar small structures requiring no land disturbing activity

4. **Modification of Specific Development Standards for Residential Uses.** Standards for Sensitive, Somewhat Sensitive, and Highly Sensitive Areas set out in Tables 5.04-1, 5.04-2, 5.04-3, and References 10 and 11 of Table 5.04-4 may be modified by Special Exception Review procedures set forth in Section 10.11.01 if the applicant demonstrates that no alternatives exist on areas with slopes less than 15% or areas outside of the MOD and if the application satisfies the public purpose of those standards to an equivalent degree.
5. **Development Standards for Nonresidential Covered Activities.** In addition to the Development Standards in Section 5.04.D., all ~~non-residential~~ nonresidential Covered Activities must comply with the following standards. Calculations must be provided consistent with the Sample MOD Clearing and Land Disturbing Area Tabulation in Section 5.04.I.

Table 5.04-5. Development Standards for Non-Residential <u>Nonresidential</u> Covered Activities		
Standard		
1	Geotechnical Study	All grading and land disturbing activity must be addressed in a geotechnical study prepared in accordance with the FSM.
2	Permeable Surfaces	50% of required parking must be of a permeable material and any overflow or special event parking <u>parking</u> must use and maintain surfaces or paving materials that are permeable to stormwater.
3	Preservation of Existing Forested Area	Covered Activities must demonstrate that a minimum of 30% of existing forested areas are retained and Tree Canopy Coverage is provided on site.
4	Protective Measures and Other Mitigation	Where the resources and/or habitat cannot be feasibly avoided as described in the standards in Table 5.04-5, References 5 and 6, the Owner must consult with the County and Other Review Agencies to develop protective measures and alternative mitigation efforts for implementation.
35	Tree Cover Inventory, Tree Conservation Plan, Invasive Species Management Plan	Existing vegetation must be preserved to the maximum extent possible, and the following must be submitted in accordance with the FSM:
	4 Preservation of Existing Forested Area	Covered Activities must demonstrate that a minimum of 30% of existing forested areas are retained and Tree Canopy Coverage is provided on site.
56	Virginia Natural Heritage Resources	Virginia Natural Heritage Resources must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any Natural Heritage Resources as verified by the Virginia Department of Conservation and Recreation.
67	Virginia Wildlife and Habitat	Wildlife and habitat listed in the Northern Virginia Planning Region of the Virginia Wildlife Action Plan must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitat as verified by the Virginia Department of Wildlife Resources.
7	Protective Measures and Other Mitigation	Where the resources and/or habitat cannot be feasibly avoided as described in the standards in Table 5.04-5, References 5 and 6, the Owner must consult with the County and Other Review Agencies to develop protective measures and alternative mitigation efforts for implementation.
TABLE NOTES: ¹ Overflow or special event parking is temporary vehicle parking that is accessory to an approved use, located in an area other than the designated parking area depicted on an approved Site Plan or other County-approved plan, and used when the designated parking area has no available parking.		

- E. **Additional MOD Procedures.** Refer to Section 10.01.F.3.d. for additional MOD procedures and submission requirements.
- F. **Sample MOD Clearing and Land Disturbing Area Tabulation.** Calculations pursuant to the Development Standards in Sections 5.04.D. and 5.04.G. must be provided consistent with the following sample tabulation format.

Table 5.04-6. Sample MOD Clearing and Land Disturbing Area Tabulation

<u>Area (Acres)</u>	<u>Limits of Land Disturbing Activities^{1,2}</u>			<u>Area (Acres)</u>	<u>Total Area (Acres)</u>
	<u>Slopes Less than 15%</u>	<u>Slopes 15% to 25%</u>	<u>Slopes Greater than 25%</u>		
Somewhat Sensitive MOD					
<u>Unforested Area</u>	<u>4.67</u>	<u>5.89</u>	<u>0.16</u>	<u>10.72</u>	<u>13.70</u>
<u>Forested Area</u>	<u>1.22</u>	<u>1.62</u>	<u>0.14</u>	<u>2.98</u>	
<u>Total Unforested Area to Be Disturbed</u>	<u>0.75</u>	<u>0.33</u>	<u>0.00</u>	<u>1.08</u>	<u>1.48</u>
<u>Total Forested Area to be Disturbed</u>	<u>0.25</u>	<u>0.15</u>	<u>0.00</u>	<u>0.40</u>	
<u>Total Disturbance Allowed - Unforested</u>	<u>4.67</u>	<u>2.95</u>	<u>0.00</u>	<u>7.62</u>	<u>8.33</u>
<u>Total Disturbance Allowed - Forested</u>	<u>0.31</u>	<u>0.41</u>	<u>0.00</u>	<u>0.72</u>	
Sensitive MOD					
<u>Unforested Area</u>	<u>3.56</u>	<u>6.23</u>	<u>5.27</u>	<u>15.06</u>	<u>22.94</u>
<u>Forested Area</u>	<u>1.73</u>	<u>2.54</u>	<u>3.61</u>	<u>7.88</u>	
<u>Total Unforested Area to Be Disturbed</u>	<u>0.76</u>	<u>0.23</u>	<u>0.00</u>	<u>0.99</u>	<u>1.19</u>
<u>Total Forested Area to be Disturbed</u>	<u>0.12</u>	<u>0.08</u>	<u>0.00</u>	<u>0.20</u>	
<u>Total Disturbance Allowed - Unforested</u>	<u>2.67</u>	<u>1.56</u>	<u>0.00</u>	<u>4.23</u>	<u>5.30</u>
<u>Total Disturbance Allowed - Forested</u>	<u>0.43</u>	<u>0.64</u>	<u>0.00</u>	<u>1.07</u>	
Highly Sensitive MOD					
<u>Unforested Area</u>	<u>1.68</u>	<u>2.15</u>	<u>0.27</u>	<u>0.74</u>	<u>3.14</u>
<u>Forested Area</u>	<u>0.47</u>	<u>1.02</u>	<u>0.69</u>	<u>2.40</u>	
<u>Total Unforested Area to Be Disturbed</u>	<u>0.74</u>	<u>0.00</u>	<u>0.00</u>	<u>0.74</u>	<u>0.80</u>
<u>Total Forested Area to be Disturbed</u>	<u>0.06</u>	<u>0.00</u>	<u>0.00</u>	<u>0.06</u>	
<u>Total Disturbance Allowed - Unforested</u>	<u>1.26</u>	<u>0.54</u>	<u>0.00</u>	<u>1.80</u>	<u>2.02</u>
<u>Total Disturbance Allowed - Forested</u>	<u>0.07</u>	<u>0.15</u>	<u>0.00</u>	<u>0.2</u>	

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Sample MOD Clearing and Land Disturbing Area Tabulation

Somewhat Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	4.67	5.89	0.16	10.72	13.70
Forested Area	1.22	1.62	0.14	2.98	
Total Unforested Area to Be Disturbed	0.75	0.33	0.00	1.08	1.48
Total Forested Area to be Disturbed	0.25	0.15	0.00	0.40	
Total Disturbance Allowed – Unforested	4.67	2.95	0.00	7.62	8.33
Total Disturbance Allowed – Forested	0.31	0.41	0.00	0.72	

Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	3.56	6.23	5.27	15.06	22.94
Forested Area	1.73	2.54	3.61	7.88	
Total Unforested Area to Be Disturbed	-0.76	0.23	0.00	-0.99	1.19
Total Forested Area to be Disturbed	-0.12	0.08	0.00	0.20	
Total Disturbance Allowed – Unforested	-2.67	1.56	0.00	4.23	5.30
Total Disturbance Allowed – Forested	-0.43	0.64	0.00	-1.07	

Highly Sensitive MOD					
Limits of Land Disturbing Activities ^{1,2}					
	Area With Slopes Less than 15%	Slopes of 15% to 25%	Slopes Greater than 25%	Area (Acres)	Total Area (Acres)
Unforested Area	1.68	2.15	0.27	0.74	3.14
Forested Area	0.47	1.02	0.69	2.40	
Total Unforested Area to Be Disturbed	0.74	0.00	0.00	0.74	0.80
Total Forested Area to be Disturbed	0.06	0.00	0.00	0.06	
Total Disturbance Allowed – Unforested	1.26	0.54	0.00	1.80	2.02
Total Disturbance Allowed – Forested	0.07	0.15	0.00	0.2	

TABLE NOTES:

¹The above limits of land disturbing activity are reduced by fifty percent (50%) in the following soil conditions: 27, 50, 52, 55 and 89.

²No land disturbing activity is permitted on soil mapping units 59 or 88 except for local access roads and driveways when no alternatives exist.

Table 5.04-6. Sample MOD Clearing and Land Disturbing Area Tabulation

Area (Acres)	Limits of Land Disturbing Activities ^{1,2}			Area (Acres)	Total Area (Acres)
	Slopes Less than 15%	Slopes 15% to 25%	Slopes Greater than 25%		

³Specific figures provided in this sample tabulation are provided for illustrative purposes only.

5.05 Limestone Overlay District

Purpose. The purpose of the Limestone Overlay District (~~LOD~~) is to preserve and protect the unique geologic characteristics and the groundwater quality in its limestone area. The provisions of Section 5.05 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain to:

- Protect the health, safety, and welfare of the public, resulting from subsidence or other earth movement;
- Protect groundwater and surface water resources from contamination; and
- Reduce the potential for property damage resulting from subsidence or other earth movement.

A. **Authority.** Authority for these provisions includes:

1. Code of Virginia, Planning, Subdivision of Land and Zoning, Chapter 22 of Title 15.2;
2. Code of Virginia, Soil and Water Conservation, Chapter 5 of Title 10.1;
3. Code of Virginia, Environmental Quality, Chapter 11.1 of Title 10.1;
4. Code of Virginia, State Water Control, Chapter 3.1 of Title 62.1; and
5. Uniform Statewide Building Code.

B. **Applicability.**

1. **Covered Activities.** Section 5.05 applies to Covered Activities within the Limestone Overlay District (LOD).
2. **Covered Activities Not Subject to LOD Limestone Overlay District Setbacks and Development Standards.** The following Covered Activities are permitted within the LOD subject to the following regulations, and are not subject to LOD Setbacks and Development Standards:
 - a. **Bona Fide Agriculture.** Bona Fide Agriculture (not including any structure), pursuant to Section 4.08.01. **Exception.** As specified in Section 5.05.B.2.d., Structures, and Agriculture that is not Bona Fide Agriculture is subject to LOD Setbacks and Development Standards;
 - b. **Gardens.** Gardens, except that no cutting, filling, or berming is permitted to create such garden;
 - c. **Paving of Existing Driveways.** The paving of any driveway that existed on February 17, 2010, except that any proposed paving requires a locational clearance approved by the Department of Building and Development; and
 - d. **Structures or Land Disturbance of 600 Square Feet or Less.** Any land disturbing activities or structures involving the disturbance of 600 square feet or less of land, subject to the following:
 1. Land disturbing activities are not permitted within 20 feet of a Karst/Sensitive Environmental Feature;
 2. No structures, even if 600 square feet or less, are permitted within the Karst/Sensitive Environmental Feature Setback;
 3. Section 5.05.B.2.d. does not apply to swimming pools, principal dwellings, and accessory dwellings, or to structures or land disturbing activities whose purpose is to change water flow; and
 4. Section 5.05.B.2.d. does not apply to wells, except in cases involving the replacement of a dry well serving an existing inhabited structure.

C. **Identification of Karst/Sensitive Environmental Features and Required Setbacks.**