

## **CHAPTER 25. ZONING**

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## **CHAPTER 25. ZONING.**

### **DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.**

#### **Article XXII. Manufactured Home Park (MHP) Districts.**

##### **§ 25-221. Purposes.**

Manufactured Home Park Districts are intended to allow residential development in the form of manufactured home parks where lots are not owned by the individual home owners. (Augusta County Code 1969, § 25-77)

##### **§ 25-222. Permitted uses.**

The following uses are permitted within Manufactured Home Park Districts without Administrative or Special Use Permit.

A. Manufactured and mobile homes utilized as single-family dwellings within manufactured home parks.

B. Religious institutions.

##### **§ 25-222.1. Accessory buildings and uses.**

A. Accessory buildings and uses customary and clearly incidental to a permitted use, including accessories to manufactured home parks as well as individual dwelling units, and which will not create a nuisance or hazard, shall be permitted in Manufactured Home Park Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of §25-226.

##### **§ 25-223. Use permitted by Administrative Permit.**

The uses listed in this section shall be permitted within Manufactured Home Park Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. No display of products made shall be visible from the street; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
  - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
  - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No accessory building shall be used for such occupation; and
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and
11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the

requirements of §25-54.1.N. For purposes of this section a commercial vehicle does not include a utility trailer. (Ord. 09/28/11, Ord. 10/28/15)

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair or motor vehicle repair. Landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 09/28/11, Ord. 10/28/15)

B. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be

denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

**§ 25-224. Uses permitted by Special Use Permit.**

The uses listed in this section shall be permitted within Manufactured Home Park Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for manufactured home park areas; and

2. The facility, taking into account such things as its proposed size, parking facilities, setbacks and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

**§ 25-225. Uses prohibited.**

All uses except those listed in §§ 25-222, 25-222.1, 25-223 and 25-224 above are specifically prohibited in Manufactured Home Park Districts.

**§ 25-226. Regulations applicable to manufactured home parks.**

Manufactured home parks shall be designed and constructed in accordance with the following:

A. The minimum manufactured home park area shall be five acres (5 ac.).

B. The setback and yard requirements for all buildings and structures, including manufactured homes, shall be as follows:

1. Front lot lines of the park.

a. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

b. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any other public or private street than twenty-five feet (25'). On lots in manufactured home parks with a site plan or plan of development approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').

c. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

d. If the park fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets upon which the park fronts.

NOTE: For setbacks applicable along internal roads serving the park, see subsection 4 below.

2. Rear lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the rear lot lines of a manufactured home park than twenty-five feet (25').

3. Side lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the side lot lines of a manufactured home park than twenty-five feet (25').

4. Front yards of manufactured home spaces.

No manufactured home shall be placed and no building or structure shall be erected, altered, located, reconstructed or enlarged nearer than twenty feet (20') to the edge of a sidewalk where four feet (4') wide paved sidewalks are provided, or twenty-five feet (25') from the edge of pavement, where no such sidewalks are provided. Said front yards shall be clear and unobstructed by tongues, accessories or other items.

5. Side and rear yards of manufactured home spaces.

Side yards adjacent to a street shall be clear and unobstructed by tongues, accessories or other items.

a. The minimum distance between manufactured homes, including any additions thereto, shall be:

i. Fifteen feet (15') where the manufactured homes are placed substantially end-to-end, or

ii. Thirty feet (30') in all other cases.

b. The minimum distance between accessory buildings and structures and decks, awnings, steps, porches and other attachments to the manufactured homes and similar features on neighboring manufactured home spaces shall be eight feet (8').

C. The maximum density of manufactured homes shall be six (6) per acre.

D. All manufactured home sites shall be numbered with the number of each lot clearly displayed in a manner visible from the street.

E. Public and private streets shall be named.

F. Street name signs meeting Augusta County Design Standard 80-4 shall be erected at all street intersections.

G. Private streets shall meet the following standards and specifications:

1. The minimum pavement width shall be eighteen feet (18'). Pavement width shall not include curb and gutter and shall meet the requirements of subparagraph 3 of this section.

2. The subbase and the base course shall meet the minimum specifications promulgated by the Virginia Department of Transportation.

3. The surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.

4. All banks and ditches shall be appropriately stabilized immediately upon completion of the work in accordance with the minimum standards promulgated pursuant to the Virginia Erosion and Sediment Control Law and Regulations.

H. Every manufactured home site shall be at least five thousand square feet (5000 sq. ft.) in size and shall have direct vehicular access to the abutting required street or road system.

I. Two (2) off-street parking spaces, as required by article III of division A of this chapter shall be provided for each manufactured home site. No on-street parking shall be permitted.

J. Guest parking and parking at the school bus pick-up point(s) shall be provided in the park. In addition to the required parking for individual dwelling units, an



amount equal to 10% of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the Board of Supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

K. No manufactured home site shall be sold or otherwise conveyed as a separate lot or condominium unit.

**§ 25-227. Reserved**

**§ 25-228. Replacement of nonconforming manufactured homes.**

No authorization from the board of zoning appeals shall be required for the substitution of a manufactured home for another manufactured or mobile home in Manufactured Home Park Districts provided that no minimum setback, yard or distance between manufactured homes requirements are violated to any greater extent than they were prior to the substitution. (See also § 25-663.G)

**§ 25-229. Minimum single-family dwelling sizes.**

In Manufactured Home Park Districts, manufactured homes may be smaller than the minimum size of single-family dwellings required by § 25-12 of division A of this chapter.

**§ 25-230. Site Plan required.**

A site plan meeting the requirements of division J article LXVII “Site Plan Review” shall be submitted and approved prior to the approval of any building, placement or other development permit.

**§ 25-230.1. Bonding. – (Repealed Ord. 09/28/11)**

**§ 25-230.2. Height limitations.**

In Manufactured Home Park Districts, all buildings and structures shall be subject to the following height limitations:

- A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

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