

CHAPTER 25. ZONING

DIVISION B. AGRICULTURE DISTRICTS

ARTICLE VII. General Agriculture (GA) Districts.

- § 25-71. Purposes.
- § 25-71.1. Definitions.
- § 25-72. Permitted uses.
- § 25-72.1. Accessory buildings and uses.
- § 25-73. Uses permitted by administrative permit.
- § 25-74. Uses permitted by special use permit.
- § 25-74.1. Uses prohibited.
- § 25-75. Reserved.
- § 25-76. Reserved.
- § 25-77. Lots and subdivisions.
- § 25-77.1. Cluster subdivision option.
- § 25-77.2. Lot area.
- § 25-77.3. Lot width.
- § 25-77.4. Lot frontage in general. Exceptions.
- § 25-78. Yard and setback requirements.
- § 25-79. Height limitations.

CHAPTER 25. ZONING

DIVISION B. AGRICULTURE DISTRICTS

ARTICLE VII. General Agriculture (GA) Districts

§ 25-71. Purposes.

A. The General Agriculture District is intended to allow an area to be devoted to agricultural use; to conserve, protect, and encourage the development, improvement and preservation of agricultural land for the production of food and other agricultural products; to retain major areas of natural ground cover for conservation purposes; and to retain forests.

B. The principal purposes of this district may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses; while allowing development to occur at a reasonable density.

C. Non-farm residents should recognize that in this district they are located in an agricultural environment where "the right to farm" and "the right to practice forestry" have been established as public policies.

D. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

§ 25-71.1. Definitions

The following definitions shall be used in the interpretation and construction of this Article:

Agricultural operation. Any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity; but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

(Ord. 3/28/18)

State law reference—Virginia Code § 3.2-300.

Agritourism activity. Within an agricultural operation, any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities

and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Agritourism activity does not include the rental of a farm or ranch, or portion thereof, for events such as weddings, wedding receptions, parties, retreats, and other activities unless such events themselves consist primarily of participation in an agritourism activity.

Bona fide production. The agricultural operation is the primary use of the land. Factors in determining “primary use” shall be (a) the agricultural operation qualifies for land use taxation, (b) the agricultural operation is managed in good faith as a business activity, and (c) the operator can provide a Schedule F or other documentation showing gross receipts of farm income of at least \$10,000. However, an agricultural operation may never be deemed the primary use of the land if a reasonable person could conclude that the agricultural operation exists for the purpose of establishing eligibility for the exemption from local regulation under the State Code.

Substantial impact. The impact resulting from an activity or use that is of such nature and magnitude as to impact the health, safety, or general welfare of the public by changing the character of the area in the vicinity of the new activity from that of a rural and agricultural nature, to one that more resembles a business, commercial or industrial area.

(Ord. 10/28/15)

§ 25-72. Permitted uses.

The following uses shall be permitted within General Agriculture Districts without Administrative or Special Use Permits:

A. Agriculture and agriculture related uses, including but not necessarily limited to: wildlife areas, game refuges (where shooting wildlife is not allowed), forestry, forest preserves, stables and riding academies and fish hatcheries. Ord. 6/28/17

B. One single family dwelling and certain group homes required to be permitted by state law.

C. Additional principal dwellings:

1. On lots five (5) acres or more, two (2) principal dwelling units are permitted.
2. On lots or tracts sixty (60) acres or more, three (3) principal dwelling units are permitted. For every additional twenty (20) acres in the tract, one (1) additional dwelling unit is permitted.

D. Religious institutions.

E. Passive recreational facilities not requiring a building.

§ 25-72.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Agriculture Districts, subject to the applicable provisions of ARTICLE V of DIVISION A of this chapter.

B. Accessory buildings and structures are permitted with the following limitations:

1. Lots of less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the dwelling or taller than the dwelling. The setback requirements in § 25-78 shall be observed.

2. Lots one (1) acre or more in area:

Accessory buildings and structures without size or height limit may be erected. The yard and setback requirements in § 25-78 shall be observed. (Ord. 09/28/11)

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family

health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

C. Accessory buildings or other accessory structures which do not meet the criteria listed in § 25.72.1A. and B. above may be permitted by Special Use Permit provided:

1. The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, “disproportionately large” shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

2. Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-78.

(Ord. 09/28/11; Ord. 08/27/14; Ord. 11/25/14)

D. Agritourism activity may be permitted provided the agritourism use meets the requirements listed below. If the use does not meet these standards, the agritourism use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

1. The activity is accessory to an on-site bona fide agricultural operation,
and

2. The activity does not create a substantial impact to the health, safety, or general welfare of the public. Factors to be considered when determining a substantial impact are, but not limited to, sight distance, increased traffic on public or private roads that are shared by others, adequate sewerage disposal and drinking water, artificial light and sounds emanating from the property in a manner not typical in an agricultural or rural area, and parking facilities to be utilized by the new land use.

E. Limited Special Events including but not limited to weddings, reunions, social events, and auctions may be permitted provided the use meets the requirements listed below. If the use does not meet these standards, the use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

1. Such events are held by the owner or operator of the farm, and

2. Such events shall be limited to two (2) events in any one calendar year,
and

3. The duration of each event shall not exceed two (2) consecutive days,
and

4. Events may be held between the hours of 7 a.m. and 12 midnight, and

5. All event parking is required to be on site and need not meet the requirements of Section 25-35, and

6. Site standards:

The minimum acreage required shall mean the land within the external boundary of contiguous tracts that are wholly or partly owned, or controlled, by the owner of the tracts:

Acreage	Number of Attendees	Max Vehicles on site at any one time
2 but Less than 6	50	25
6- less than 10	150	75
10- less than 20	200	100
20 or greater	500	250

F. Farm wineries, farm beer breweries, farm distilleries, and storage facilities as an accessory use to the on-site production of the agricultural products used in the processing, brewing, or distillation of alcoholic beverages provided:

1. The farm winery, farm beer brewery, or farm distillery complies with all applicable regulations of the Virginia Department of Alcoholic and Beverage Control. The farm winery, beer brewery, or distillery may, but need not, include:

i. Daily tours of the production facilities.

ii. No more than one (1) location on each farm for the on-premise sale and consumption of alcoholic beverages manufactured on site.

iii. An accessory gift shop.

2. Special events, not meeting the requirements of E above, and on-site restaurants shall be permitted only upon the issuance of a Special Use Permit by the board of zoning appeals.

(Ord. 09/28/11; Ord. 8/27/14; Ord. 11/25/14; Ord. 10/28/15)

G. The keeping of dogs used for agricultural purposes provided:

1. Up to six (6) dogs over the age of four (4) months if used primarily for the maintenance, protection, or herding of livestock on a bona fide agricultural operation; and (Ord. 3/13/19)

2. The parcel contains a minimum of six (6) acres in area.

(Ord. 6/28/17)

§ 25-73. Uses permitted by administrative permit.

The uses listed in this section shall be permitted within General Agriculture 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. Off-site sale of seasonal items.

Off-site sale for more than fifteen (15) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one year period; and
2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood beyond practical solution; and
3. Approval by the Virginia Department of Transportation; and
4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and
5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted; and
6. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization.

B. Greenhouses, nurseries, tree farms, produce stands or pick-your-own farms where products grown on the premises are sold to the public.

Greenhouses, nurseries, tree farms, produce stands or pick-your-own farms may be permitted by Administrative Permit provided:

(Ord. 09/28/11)

1. At least seventy-five percent (75%) of the products sold on the premises must be made or grown on the premises. Where twenty-five percent (25%) or more of the products sold on the property are not made or grown on the premises, the use shall be subject to district regulations applicable to agriculture support businesses; and
2. Approval by the Virginia Department of Transportation; and
3. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood; and
4. All parking, buildings, structures, and materials placed or stored on the site shall be set back a minimum of twenty-five feet (25') from all side and rear boundaries.

C. Single-family dwellings less than nine hundred square feet (900 sq. ft.) in size.

1. Procedure. Upon receipt of an application for an Administrative Permit for the construction or placement of a single-family dwelling less than nine hundred square feet (900 sq. ft.) in size, the Director of the Community Development Department shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

2. Action if objection received.

a. If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested dwelling may be constructed or placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Upon approval of a Special Use Permit by the board of zoning appeals, the construction or placement of such dwelling shall be permitted provided all terms and conditions of the Special Use Permit are satisfied.

3. Action if no objection received. If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the construction or placement of such dwelling may be permitted by Administrative Permit.

4. This subsection shall not apply in the case of a manufactured home to be used only temporarily as a residence during the construction of a dwelling.

5. No Administrative Permit shall be required when a nonconforming building or structure is being enlarged or a nonconforming manufactured home is being replaced by a manufactured home the same size or larger pursuant to subsections G or H of DIVISION J of § 25-663 of this chapter.

D. Mobile homes built prior to 1976.

1. Procedure. Upon receipt of an application for an Administrative Permit for the placement of a mobile home built prior to June 15, 1976, the effective date of the National Manufactured Home Construction and Safety Standards Act of 1974, the Director of the Community Development Department shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

2. Action if objection received.

a. If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested dwelling may be placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Upon approval of a Special Use Permit by the board of zoning appeals, the placement of such dwelling shall be permitted provided all terms and conditions of the Special Use Permit are satisfied.

3. Action if no objection received. If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the placement of such dwelling may be permitted by Administrative Permit.

4. Satisfactory inspection required. Neither an Administrative Permit nor a Special Use Permit shall be approved unless the County Building Official has determined that the mobile home complies with the Virginia Industrialized Building Safety Regulations as required by Section 13 VAC 5-9-120 of those regulations.

E. Off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction.

The temporary placement, development, or use of off-site office trailers, buildings, parking lots, or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects.

2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction.

3. Items permitted are placed within reasonable proximity of the construction project.

4. All parking, buildings, structures, and materials placed or stored on the site shall comply with all applicable side and rear yard requirements.

F. Trailers used other than as recreational vehicles.

Trailers used other than as recreational vehicles may be permitted by Administrative Permit for the following uses:

1. Mobile banks or similar financial facilities provided that the permit shall not be granted for a period in excess of two (2) years and may be renewed for an additional term of two (2) years.

2. Mobile classrooms associated with a school as defined in this chapter.

3. Any such structure shall meet all yard requirements.

G. Home occupations, Class A.

Home occupations may be permitted by Administrative Permit provided:

1. The lot is less than one (1) acre in size; and

2. 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 sign no more than four (4) square feet in size; and

3. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

4. If the applicant is a tenant, written permission of the landowner is required; and

5. No display of products made shall be visible from the street; and

6. 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.; and

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.

7. No accessory building shall be used for such occupation; and

8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation. Any animals associated with a permitted home occupation (e.g. a pet grooming business) must be kept indoors; and

9. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one arrival and one departure; and

10. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

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

12. 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 considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, 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)

H. Home occupations, Class B.

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

1. The lot is at least one (1) acre in size; and

2. The use of the dwelling 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 (4) square feet in size; and

3. 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

4. If the applicant is a tenant, written permission of the landowner is required; and

5. The use is conducted within the home or the use may occupy up to five hundred (500) square feet of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16'); and

6. No display of products made shall be visible from the street; and

7. 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.; and

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.

8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in subsection 5 above. Any animals associated with a permitted home occupation (e.g. pet grooming business) must be kept indoors; and

9. 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

10. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

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

12. 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. (Ord. 10/28/15)

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair and motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials,

and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or a contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

(Ord. 10/28/15)

I. Day care home occupations.

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 (4) square feet 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.

J. Rural home business.

Rural home businesses may be permitted by Administrative Permit provided that the business meets the following requirements. If the business does not meet these standards, the business may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals. A sketch plan drawn to scale of the property, along with the application and appropriate approval letters shall be provided to demonstrate compliance with these provisions:

1. In addition to the dwelling, accessory buildings may be used for the rural home business, but the rural home business shall be clearly incidental and subordinate to the use of the property for residential and/or agricultural purposes. In cases where an accessory building is being utilized, the accessory building must be setback from all property lines a minimum of 100 feet (100'); and
2. The owner of the business must reside on the property; and
3. 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.; and
 - 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).
4. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use; and
5. Approval of the Building Inspection Department; and
6. Direct vehicular access must be off a state maintained road. Approval by the Virginia Department of Transportation must be provided; and
7. Parking shall be provided in accordance with the requirements of ARTICLE III "Off-Street Parking". All parking shall be off-street and not located in any required front, side or rear yards, except within an existing driveway; and
8. On lots seventy-five (75) acres and greater, outdoor storage areas are allowed, but shall not cover an area greater than three thousand square feet (3000 sq. ft.) and such storage areas shall be shielded or screened from view and shall be setback from all property lines at least one hundred feet (100'); and

9. Rural home businesses may not exceed the following standards. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where multiple businesses are being conducted on the property by the landowners, the aggregate area of all the accessory structures being utilized and the aggregate area of the storage yards being utilized may not exceed the following standards. If a business is unable to meet these standards, the business may be able to apply for a Special Use Permit under the provisions of § 25-74; and

Site standards:

Acreage	Maximum No. of Employees (on-site)	Heavy Equipment (on-site)	Maximum number of Commercial Vehicles (on-site)
2-less than 20 acres	1	0	1
20-less than 50	2	2	2
50-less than 75	3	2	3
75 or greater	4	4	4

Regulations for Structures and Storage Yards:

Acreage	Max. Size of Structure*	Storage Yard Regulations
2-less than 20	900 square feet	None allowed
20- less than 50	1200 square feet	None allowed
50- less than 75	1500 square feet	None allowed
75 or greater	3000 square feet	3000 square feet*

* 100' building or storage area setback shall apply.

(Ord. 09/28/11)

10. Signage shall be allowed in accordance with the requirements of ARTICLE IV. "Signs, billboards, and outdoor advertising structures"; and

11. The following uses shall not be deemed rural home businesses: sludge treatment sites, garbage and trash collection businesses, kennels, race tracks, shooting ranges, batching plants, junkyards and demolition facilities, landing strips, storage of bulk fuel, explosives, ammunition and fireworks, firearms and extraction of minerals, rocks, gravel, and sand and similar operations.

K. Temporary use of a manufactured home as a dwelling during construction of a dwelling.

An owner may apply for an Administrative Permit to place or retain on a lot or tract a manufactured home for temporary residential purposes during the construction of a dwelling, provided:

1. The owner shall certify to the Zoning Administrator that the requirements of this section will be met; and
2. A building permit for the construction of a dwelling shall have been issued; and
3. Full bathroom facilities must be operational in the manufactured home and must be connected to public sewer or an operations permit has been issued by the Virginia Department of Health for an on-site sewage disposal system; and
4. When the dwelling is occupied, the manufactured home shall be vacated; and
5. The manufactured home shall be moved within thirty (30) days from the date the Certificate of Occupancy is issued for the permanent dwelling, and in no event later than eighteen (18) months from the date the building permit for said dwelling was issued.

L. Attached accessory dwelling units.

One apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and
2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and
3. Exterior entrances to the apartment are on the side or rear only; and
4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
5. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-74P; and
6. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and

7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

8. All parking shall be accommodated on-site.

M. Detached accessory dwelling units attached to an accessory building.

One apartment constituting a detached accessory dwelling unit attached to an accessory building may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. The lot or parcel contains at least two (2) acres; and
2. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
3. No more than a total of two (2) detached dwelling units, principal or accessory, shall be allowed on lots containing less than twenty (20) acres; and
4. The accessory dwelling unit contains less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and
5. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and
6. Approval by the Virginia Department of Transportation; and
7. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-74P; and
8. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and
9. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
10. All parking shall be accommodated on site.

N. Cemeteries.

Cemeteries may be permitted by Administrative Permit provided a site plan meeting the requirements of DIVISION J, ARTICLE LXVII “Site plan review” is filed and complied showing the following:

1. Travel lanes for vehicular traffic shall be a minimum of eighteen feet (18') wide.
2. Burial spaces and appurtenances thereto are set back from roads and property boundaries in conformity with regulations applicable to principal structures within the district.
3. Compliance with the applicable requirements of Virginia Code §57-26.
4. Approval by the Virginia Department of Transportation.

The Administrative Permit for a cemetery shall be issued subject to the condition that no outdoor music shall be permitted except during funeral services.

Cemeteries located in church yards or for family members only buried on private property are exempt from obtaining an Administrative Permit.

O. Storage of commercial vehicles and/or trailers.

Storage of commercial vehicles and/or trailers shall be permitted on lots at least six (6) acres in area in General Agriculture districts by Administrative Permit provided:

1. There shall be no more than two (2) commercial vehicles and/or trailers permitted per lot; and
2. The commercial vehicles and/or trailers are setback two hundred (200) feet from all property lines; and
3. The sale of goods and services related to the commercial vehicles and/or trailers shall not be permitted on site; and
4. No more than two (2) employees will pick up or drop off the commercial vehicles and/or trailers.

(Ord. 6/28/17)

P. Firearms permits TYPE I or TYPE 3.

Federal Firearms License (FFL) permits Type I or Type 3 for the purchase or sale of firearms may be permitted by Administrative Permit provided:

1. The use of the dwelling for the business or activity 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 this business or activity; and

2. No signs are permitted; and

3. Such business or activity shall be engaged in only by the owner of record who personally resides in the dwelling and has a valid FFL license; and

4. There shall be no employees; and

5. This dwelling will be only location for firearms to be transferred to the new owner, unless the firearm is shipped directly to a business which holds a valid FFL License, and

6. No display of products made shall be visible from the street; and

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation; and

8. No accessory building shall be used for such occupation; and

9. No other products or accessories shall be sold on the premises; and

10. The occupation shall not generate more than five (5) vehicular trips in a day. A trip consists of one arrival and one departure; and

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

12. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers.

(Ord. 3/13/19)

§ 25-74. Uses permitted by special use permit.

The uses listed in this section shall be permitted within General Agriculture Districts 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. Agriculture support businesses.

Agriculture support businesses, including but not necessarily limited to: slaughter houses, sawmills, livestock market and sales facilities, commercial grain storage and grain handling facilities, commercial feed and fertilizer mills, feed and fertilizer sales establishments, sludge treatment sites, and agricultural machinery and equipment repair, and greenhouse, nursery and tree farm sales facilities where 25% or more of the products sold are not grown on the site, may be permitted by Special Use Permit provided:

1. The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products; and

2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

4. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and

5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and

6. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create a business center or otherwise change the area's character and social structure.

C. Animal care facilities.

Animal care facilities, including but not necessarily limited to: kennels, animal shelters, and dog pounds may be permitted by Special Use Permit provided:

1. There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation; and
2. Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals; and
3. Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals; and
4. Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight; and
5. There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate; and
6. Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals; and
7. The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals; and
8. The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties; and
9. No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement,

storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the two hundred foot (200') set back between adjoining properties where similar industrial uses are ongoing and the adjoining property owners agree that such a reduction is mutually beneficial.
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.
10. For uses involving the extraction of oil or natural gas, a study shall be performed to determine that the use will not have an adverse effect on the public water supply or private water wells within a five mile radius of the mining operation, and outlining what measures, if any are necessary, the operator shall take to insure the public water supply or private water wells within a five mile radius of the mining operation will not be adversely affected.

11. The proposed location of the mining operation is not located within an Area 1, designated by the Sourcewater Protection Overlay District. If the proposed location of the mining operation is located within an Area 2, designated by the Sourcewater Protection Overlay District, then a Special Administrative Permit shall be obtained per Section 25-518 of the Sourcewater Protection Overlay ordinance.

(Ord. 2/22/17)

E. Landing strips and heliports.

Landing strips and heliports shall be permitted by Special Use Permit provided:

1. The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited; and
2. Take-offs and landings are limited to daylight hours; and
3. The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
4. The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

F. Junkyards and demolition facilities.

Junkyards and demolition facilities may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned properties unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

7. All storage and operational areas of the junkyard shall be located such that they are shielded or screened from view.

G. Carnivals, circuses and fairs.

Carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar events not permitted under § 25-21 of DIVISION A of this chapter may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards; and

7. The operator has granted the Zoning Administrator, or his designees, written permission to enter the property without charging an entrance fee to determine compliance with applicable regulations and permit conditions; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The site and its facilities are to be utilized for a reasonably limited period of time, either on a single occasion or from year to year on an annual basis. Permanent facilities shall be deemed "fairgrounds" governed by other sections of this chapter dealing with recreational attractions and public amusement businesses.

H. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to, hotels and motels, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, 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 business, when taking into account the presence of similar 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 business shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

(Ord. 3/28/18)

I. Limited business and industries in agriculture zones.

Limited businesses, professions, and other establishment for the sale of goods and services or for limited industrial activities, including, but no necessarily limited to: barber and beauty shops, pet grooming businesses, day care center and nursery schools, medical and dental clinics, veterinarian clinics, hardware stores, lawn and garden centers, motor vehicle service stations and convenience stores, restaurants and cafes, auction houses and flea markets, mini-warehouses, sale and storage of building materials, carpentry, electrical and plumbing sales and services, contractor's offices and storage yards, and welding and machine shops, may be approved by Special Use Permit provided:

1. Where outside storage is not prohibited, all outside storage areas will be adequately shielding or screened from view; and
2. The operator will be a resident on the premises unless the board of zoning appeals determined that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and
3. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
4. The business shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and

9. There are adequate provisions set forth for the protection of fire, environmental and other hazards; and

10. All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road. (Ord. 09/28/11)

(Ord. 3/28/18)

J. Vehicle repair shop.

Motor vehicle and boat repair may be permitted by Special Use Permit, provided:

1. The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and

2. The business and anticipated enlargements thereof will be appropriate for agricultural areas; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads. The business shall have direct access on to a state maintained road; and

4. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

5. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction:

a. Will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

b. Will not be of such size, character or required financial investment that it would best be located in an available business or industrial zoned area.

6. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board of zoning appeals finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

7. Employees will be limited to residents on premises unless the board finds that a limited number of additional employees will be compatible with neighboring properties and will not be inconsistent with available infrastructure, including, but not necessarily limited to, sanitation facilities, water supply, and roads serving the site; and

8. Outside display or outside storage of new or used automobile parts is prohibited; and

9. When allowed, no more than five (5) vehicles shall be located outside of the vehicle impoundment yard at any time. Such vehicles remaining for more than thirty (30) days must be located in the vehicle impoundment yard; and

10. Where outside storage is permitted, all outside storage areas and all inoperable motor vehicles shall be located within a vehicle impoundment yard. The vehicle impoundment yard shall meet the following requirements:

a. No inoperable motor vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property.

b. Storage of inoperable motor vehicles shall be limited to areas shown on an approved site plan.

c. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the motor vehicle or boat repair shall be confined to such areas designated for such purposes on the approved site plan.

d. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles or boats are being moved to and from the yard.

K. Apartments in a pre-1980 structure.

A Special Use Permit for apartments in a pre-1980 structure may be granted provided:

1. Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed; and

2. Off-street parking will be in compliance with ARTICLE III of this chapter; and

3. For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of

§ 25-663.D of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.

L. Passive recreational facilities requiring a building and active recreational facilities.

Passive recreational facilities requiring a building and active recreational facilities may be permitted by Special Use Permit provided:

1. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate anticipated usage; and
2. There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users 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
3. Approval by the Virginia Department of Transportation; and
4. The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

M. Recreational attractions and public amusement businesses.

Recreational attractions and public amusement businesses, including, but not necessarily limited to: drive-in theaters and outdoor amphitheaters, indoor shooting range, and raceways and drag strips, may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and
2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and
3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and
4. There is an adequate plan for providing emergency medical services for persons in attendance; and
5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards;
and

7. The business meets the requirements of ARTICLE VI “Outdoor Lighting”; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

N. Short-term campgrounds and short-term recreational vehicle parks.

Short-term campgrounds and short-term recreational vehicle parks may be permitted by Special Use Permit provided: (Ord. 6/22/11)

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards;
and

7. The business meets the requirements of ARTICLE VI “Outdoor Lighting”; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site; and

10. The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park; and

11. There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park; and

12. All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time; and

13. Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system; and

14. The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and (Ord. 6/22/11)

15. The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round; and (Ord. 6/22/11)

16. The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated. (Ord. 6/22/11)

O. Manufactured and mobile homes and school and other buses used for storage and shipping containers, semi-trailers, and similar containers used for storage that are not shielded or screened from view.

Manufactured and mobile homes, buses, and similar containers used for storage that are not shielded or screened from view may be permitted by Special Use Permit provided:

1. The lot on which the storage facility is located is at least five (5) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid; and

2. The neighboring area is not characterized by residential, commercial or industrial development which would be adversely impacted by the proposed use; and

3. The use is fully shielded or screened from view or the board of zoning appeals determines that there is adequate natural or man-made screening on the site so as not to require additional screening of the storage facility.

P. Attached or detached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property.

A Special Use Permit for an attached or detached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The accessory dwelling unit was legally established with an Administrative or Special Use Permit; and

2. The accessory dwelling unit will not be out of character with the neighboring properties; and

3. All other provisions of §§ 25-73 L and M are met.

Q. Extended-stay campgrounds and extended-stay recreational vehicle parks.

Extended-stay campgrounds and extended-stay recreational vehicle parks may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the park beyond practical solution; and

2. There is an adequate plan for sanitation facilities, garbage, and trash to accommodate persons in attendance; and

3. There is full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the park; and

6. There is an adequate plan for protection from fire and other hazards;
and

7. The business meets the requirements of ARTICLE VI “Outdoor Lighting”; and

8. There is an adequate plan to ensure that structures, grandstands, tents, and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger acreage; and

10. The density shall be no more than ten (10) campsites/recreational vehicle sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park; and

11. No recreational vehicle or recreational vehicle site may be sold or otherwise conveyed as a separate lot or condominium unit; and (Ord. 11/28/12)

12. There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park; and

13. The campground or park may contain campsites that are not extended-stay recreational vehicle sites or extended-stay cabins as defined in § 25-4 if the operator obtains a permit under subsection (N) of this section for a short-term campground or short-term recreational vehicle park. In no case, shall more than 30% of the recreational vehicle sites be occupied by vehicles which are in the park for more than 240 days per calendar year; and (Ord. 11/28/12)

14. The operator shall submit to the Zoning Administrator a map of the campground or park (1) showing all campsites, (2) indicating the classification of each campsite as a tent site, short-term cabin, short-term recreational vehicle site, extended-stay cabin, or extended-stay recreational vehicle site, and (3) showing and identifying all other facilities; and

15. All campsites classified as extended-stay recreational vehicle sites or extended-stay cabins shall be served by: (1) electricity and (2) a water and sewer system approved by the Virginia Department of Health; and

16. All recreational vehicles occupying extended-stay recreational vehicle sites shall meet the definition of a self-contained unit as set out in § 25-4; and

17. All recreational vehicles occupying extended-stay recreational vehicle sites shall connect to the site's electricity supply and approved water and sewer system; and

18. The operator shall inspect all occupied extended-stay recreational vehicle sites to ensure that the recreational vehicles occupying the sites are properly connected to the site's electricity supply and approved water and sewer system; and

19. The operator shall enforce time limits set out in § 25-4 for guest occupancy for each type of campsite; and

20. The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and

21. The operator of a recreational vehicle park may permit storage of unoccupied recreational vehicles year-round; and

22. Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system. Camp hosts may also reside in single family dwellings, without regard to the limit on additional dwellings as provided for in §25-72.C; and (Ord. 11/28/12)

23. Other than those occupied by camp hosts, there shall be no additions or structures, including decks, steps, or porches, attached to a recreational vehicle. All recreational vehicles must have a valid license and all wheels must remain on the vehicles; and (Ord. 11/28/12)

24. The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state-maintained road or be connected to a state-maintained road by a private street. For facilities with one hundred (100) or more campsites, a second access for emergency vehicles shall be provided. The second access may be gated; and

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

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

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

c. The surface course may be asphalt or gravel. If asphalt, the surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.

d. 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.

e. Streets shall be designed to safely accommodate fire and rescue emergency vehicles.

(Ord. 6/22/11, 11/28/12)

R. Short-term rentals, bed and breakfasts, and vacation rentals.

Short-term rentals, bed and breakfasts, and vacation rentals, may be approved by Special Use Permit provided:

1. There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and breakfast or Short-term rental per parcel; and
2. There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and breakfast or Short-term rental per parcel; and
3. The lot is at least five (5) acres in area, unless the board of zoning appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties; and
4. The owner of record's primary residence is the principal dwelling or accessory dwelling unit; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the use once the Special Use Permit has been approved; and
6. If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

(Ord. 3/28/18)

S. Residential care facilities.

Residential care facilities, including, but not necessarily limited to, hospitals, nursing homes, group homes (unless separately permitted), assisted living facilities, and independent living facilities, may be approved by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for agriculture 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 similar 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 business shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards; and

10. If applicable, the applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

(Ord. 3/28/18)

T. Special event facilities and meeting places.

Special event facilities and meeting places, including but not necessarily limited to: wedding venues, reunion venues, meeting places and other facilities of civic, community service and fraternal organizations, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, 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 business, when taking into account the presence of similar 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 business shall have frontage on a state maintained road or the expected traffic on a legal right of way easement can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and

8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and

9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

(Ord. 3/28/18)

§ 25-74.1. Uses prohibited.

A. All uses except those listed in §§25-72, 25-72.1, 25-73 and 25-74 above are specifically prohibited in General Agriculture Districts unless permitted by overlay district regulations.

B. Enhanced recovery and Hydraulic fracturing are prohibited in the General Agriculture District. (Ord. 2/22/17)

§ 25-75. Reserved.

§ 25-76. Reserved.

§ 25-77. Lots and subdivisions.

A. The creation of one (1) new lot every one (1) year shall be permitted provided that the lot from which the new lot is divided has been in existence at least five (5) full years. The resulting “parent lot” shall not be deemed to have lost its status as having been in existence at least five (5) years for purposes of future subdivisions. The resulting “new lot” shall be deemed to have been created as of the date of recordation of the duly approved plat.

B. The provisions of this section shall not be cumulative in their effect. In no event may more than one (1) lot be created every one (1) year.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-77.1. Cluster subdivision option.

A. The minimum area required for the creation of a cluster housing development shall be fifty (50) contiguous acres.

B. Property must be located within an area designated as a Rural Conservation Area on the County’s Comprehensive Plan Planning Policy Area map.

C. The maximum gross density of the residential cluster shall be calculated based on the total linear footage of lot frontage of the parent parcel on a public street divided by

one hundred fifty (150). Fractional units are rounded down. The result is the maximum residential lot yield for the development.

D. Lots created in cluster residential subdivisions shall be served by individual water and sewer system or community systems designed, built, and maintained to the standards of the Virginia Department of Health. Utilization of public water and sewer shall not be permitted.

E. Lots created in cluster subdivisions must access an internal road system. No lots may directly access existing public streets. All lots must access new private streets which shall be designed to safely accommodate fire and rescue emergency vehicles. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed to state standards for streets in effect at the time the request for acceptance is made at no cost to the county or the Virginia Department of Transportation. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets. (Ord. 09/28/11)

F. No more than twenty-five percent (25%) of the total land area in the residential lots can contain soils designated by the United States Department of Agriculture as prime farmland.

G. Additional Setbacks Required:

1. There shall be a fifty foot (50') perimeter setback for all residential lots in a cluster residential subdivision.

2. All buildings and structures shall be setback from existing public streets a minimum of one hundred feet (100').

3. All buildings and structures shall be setback from new internal private streets a minimum of twenty feet (20').

4. All buildings and structures on a residential lot in a cluster subdivision shall be set back a minimum of five hundred (500') from any conservation easement or Agriculture and Forestal District.

H. Open Space Required. No less than seventy percent (70%) of the gross site area, exclusive of road rights-of-way and other areas dedicated for public use and lands within the Floodplain Overlay District shall be set aside as common open space. The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. All open space shall be contiguous. The open space lot shall not be bound by the requirements of §25-19. When a cluster residential subdivision is located adjacent to land in an Agriculture and Forestal District or a conservation easement, the required open space shall be located to

buffer the residential lots from that district or easement. When open space is already designated on neighboring properties, all new open space shall be designed to be linked together with neighboring properties where feasible. The open space shall be subject to a conservation easement or other perpetual easement preserving it in agricultural and /or forestal uses. Such perpetual easement shall prevent future development of the property for anything other than nonstructural agricultural and forestal uses.

(Ord. 09/28/11)

I. Final plats recorded for a cluster residential subdivision and all deeds for lots within such development shall bear a statement indicating that the land is within an approved cluster subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners association which shall also be recorded at the time final plats are put to record.

§ 25-77.2. Lot area.

- A. For conventional lots: The minimum lot area shall be one (1) acre.
- B. For cluster lots: There is no minimum lot area requirement.

Cross reference - for utility lots, see § 25-20 of this chapter.

§ 25-77.3. Lot width.

- A. For conventional lots: The minimum lot width at all points between the minimum setback line and the rear lot line shall be one hundred fifty feet (150').
- B. For cluster lots: The minimum lot width at the minimum setback line for cluster residential lots shall be one hundred feet (100'). There shall be no minimum lot width requirement for open space lots.

§ 25-77.4. Lot frontage in general. Exceptions.

- A. In General Agriculture Districts, the following frontage requirements apply:
 - 1. For cluster residential lots: Forty feet (40') of frontage on a private street.
 - 2. For all other agriculture lots, with the exception of any "family member exception lot" (as described in subsection B below), and a one time "existing dwelling division lot" (as described in subsection C below) shall have at least fifty feet (50') of frontage on a public street.

For purposes of subsection C below, the "existing dwelling division lot," shall be defined as the lot containing the existing dwelling after the division.

B. In General Agriculture Districts, a lot, to be known as a “family member exception lot,” may be created that does not have frontage on a public street, provided the following conditions are met:

1. Such family member exception lot shall be created for the purpose of a sale or gift to a member of the immediate family of the grantor. For purposes of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the grantor. Such lot may be conveyed by the grantor: (Ord. 3/28/18)

a. To a member of the immediate family of the grantor and the member’s spouse, or

b. To a member of the immediate family of the grantor and another natural person, if the member of the immediate family owns at least a fifty percent (50%) interest in such lot.

2. No such family member exception lot shall be created for the purpose of the circumvention of chapter 21 of this Code.

3. The residual lot or tract of the grantor shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not have the fifty feet (50') of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the family member exception lot or the residual lot of the grantor must meet the requirements of § 21-11.B of this Code.

4. No grantee shall be the recipient of any portion of more than one (1) family member exception lot in Augusta County.

5. A family member exception lot created under this subsection shall be titled in the name of the member of the immediate family for whom the subdivision is made for a period of no less than three (3) years; provided, however, the foregoing restriction shall not apply in the following circumstances:

a. Where such lot is subject to an involuntary transfer such as a foreclosure, judicial or bankruptcy sale, or as a result of the condemnation of such lot or the death of the grantee; or:

b. Where such lot is conveyed by the grantee:

i. To the grantee and the grantee’s spouse, or

ii. To the grantee and another natural person, if the grantee continues to own at least a fifty percent (50%) interest in such lot, in which event such lot shall remain subject to the foregoing restriction for the balance of the three-year period.

6. No grantor shall create and convey a family member exception lot to a person from whom the grantor has received any portion of a family member exception lot in Augusta County. For example, in the case of a lot owned by a husband and wife, the husband can convey a lot to the wife but she cannot then convey a lot to the husband.

7. The grantor and grantee shall submit to the subdivision agent an affidavit which describes the purpose of the creation of the family member exception lot, identifies the persons to receive such lot, including the member of the immediate family, and certifies compliance with this subsection.

C. In General Agriculture Districts, a lot known as an “existing dwelling division lot” may be created that does not have frontage on a public street, provided the following conditions are met:

1. Such “existing dwelling division lot” shall be permitted for the sole purpose of creating a lot to separate an existing dwelling constructed in or before the year 2000, and owned no less than five (5) years from the original lot. Neither the original lot nor the “existing dwelling division lot” shall be further subdivided using the exception detailed in this subsection.

2. No such “existing dwelling division lot” shall be created for the purpose of the circumvention of Chapter 21 of this Code.

3. The original lot shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not have the fifty feet (50’) of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the “existing dwelling division lot” or the original lot of the grantor must meet the requirements of § 21-11.B of this Code.

(Ord. 11/21/06, eff. 1/1/07; Ord. 8/22/18)

State law reference—Virginia Code § 15.2-2244.

§ 25-78. Yard and setback requirements.

In General Agriculture Districts, the following yard and setback requirements are imposed:

A. Front lot lines for conventional lots in Urban Service or community Development Areas as designated in the County’s Comprehensive Plan. (Ord. 6/22/11)

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any public street than fifty feet (50’).

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than thirty-five feet (35').

3. 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.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of ARTICLE II, DIVISION A, of this chapter.

B. Front lot lines for conventional lots in Rural Conservation or Agriculture Conservation Areas as designated in the County's Comprehensive Plan.

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

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a collector or local street than thirty-five feet (35').

3. 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.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of ARTICLE II, DIVISION A, of this chapter.

(Ord. 6/22/11)

C. Front lot lines for cluster lots.

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street than one hundred feet (100').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than twenty feet (20').

D. Rear and side lot lines for conventional and cluster lots.

1. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than five feet (5').

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

E. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

§ 25-79. Height limitations.

In General Agriculture Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') 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.

§ 25-80. Reserved.

ARTICLE VII, DIVISION B revised and readopted on 2/10/10, eff. 3/1/10