

## **CHAPTER 25. ZONING.**

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## **DIVISION A. IN GENERAL.**

### **ARTICLE II. Provisions Applying to All Districts.**

#### **§ 25-11. Application.**

The regulations of this article shall apply in all districts enacted as part of this chapter, unless a different regulation is prescribed within a specific district.

#### **§ 25-12. Single-family dwellings.**

A. All lots in areas zoned R-18, R-15, R-12, R-10 and R-9 on September 30, 1995, shall remain subject to the floor space requirements in effect on that date. In all other districts, the minimum single-family dwelling size shall be nine hundred square feet (900 sq. ft.) unless: (8/27/14)

1. In Agriculture Districts, an Administrative Permit issued by the Zoning Administrator or a Special Use Permit from the board of zoning appeals is obtained; or

2. A larger minimum size is required by proffered conditions approved by the board of supervisors pursuant to the provisions of applicable law with respect to conditional zoning; or

3. Specific district regulations permit smaller dwelling sizes.

B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the total floor area from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.

C. Manufactured and mobile homes, where permitted, shall be subject to development standards that are equivalent to those applicable to conventional, site-built single family dwellings within the same or equivalent zoning district.

D. Manufactured homes, as defined by this chapter, shall be allowed in agriculture zoned districts and shall not be allowed in other districts unless permitted by specific district regulations.

E. Mobile homes, as defined by this chapter, shall not be allowed unless permitted pursuant to specific district regulations.

F. Recreational vehicles, campers, buses or similar vehicles shall not be used as a dwelling unless they meet all provisions and requirements of the United States Building Code (USBC).

State law reference--Virginia Code § 15.2-2290.

**§ 25-13. Exceptions to district setback requirements.**

In the event new development occurs in a previously developed area, minimum setbacks from the street right-of-way line otherwise required by district regulations are waived in the following circumstances:

A. The lots fronting on the same side of the street and adjoining the lot on which the new development is to occur each have a principal building within three hundred feet (300') of the lot on which the new development is to occur; and

B. At least one of the principal buildings on said adjoining lots is closer to the right-of-way line than permitted by this section as a lawful nonconforming use; and

C. The new building or structure is to be erected or located no nearer to the street right-of-way line than the mean setback of the principal buildings on said adjoining lots. Where an adjoining lot has more than one principal building within three hundred feet (300') of the lot on which the new development is to occur, the mean setback shall be calculated from the principal building closest to the street right-of-way line.

State law reference --Virginia Code § 33.1-184.

**§ 25-14. Use of certain containers or vehicles prohibited.**

The following may not be used as stationary structures for any principal use:

A. Shipping containers, semi-trailers and similar containers.

B. School and other buses.

C. Vans, trucks, recreational vehicles, or similar vehicles.

D. Airplanes and railroad cars.

E. Any structure originally designed and constructed to move or be moved from place to place for the purpose of transporting or conveying persons or goods.

**§ 25-15. Exceptions to district height limitations.**

The height limitations required by district regulations shall not apply to the following:

A. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, antennae, masts and aerials.

B. Parapet walls extending not more than four feet (4') above the limiting height of the building.

C. Towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, electric generating facilities, sand and gravel processing plants or other structures where the manufacturing process requires a greater height.

D. Structures used exclusively to support signs, which are governed by article IV of this chapter.

#### **§ 25-16. Lots and yards.**

A. Unless otherwise exempted in this chapter, all uses shall be located on a lot as defined in this chapter and shall be in compliance with applicable requirements for setback, lot width, lot frontage, side and rear yards and lot area.

B. No more than one single-family dwelling shall be permitted on a lot unless specifically provided otherwise in the district regulations.

C. Every lot shall have at least fifty feet (50') of frontage on a public street unless specifically provided otherwise in specific district regulations.

D. No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

E. Whenever specific district regulations require minimum amounts of "open space" the unobstructed space necessary to comply with the yard requirements set forth in this section shall not be included within the open space required by such specific district regulations.

F. All yards required by this chapter shall be open and unobstructed to the sky, except as hereinafter provided.

G. For all split zoned lots, the zoning regulations shall be based on the location of the building or structure. For buildings or structures to be built over the zoning line, the more restrictive zoning regulations shall apply, however, the use must be allowed in both zoning districts.

H. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt closer to the right-of-way line of an interstate highway than fifty feet (50').

I. Any lot already platted and of record in a residential subdivision cannot subsequently be used for public or private street purposes without the board of supervisors' approval after a duly noticed public hearing.

J. No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to any property line than twenty-five feet (25') unless specifically provided otherwise in the district regulations. (Ord. 09/28/11)

#### **§ 25-17. Projections into required yards.**

Certain architectural features may project into required yards as follows:

A. Cornices, eaves, bay windows, balconies or other architectural features which do not touch the ground and do not have supporting members which touch the ground within a required yard, may project into required yards.

B. Canopies over gasoline pumps may project into required yards a distance not exceeding twelve feet (12') from the center of the pumps.

C. Ramps and landings necessary for use by the handicapped may project into required yards a distance not exceeding twelve feet (12'). All other stoops, platforms, staircases or similar structures leading to the entrance of a dwelling or other building may project into required yards a distance not exceeding four feet (4') provided they have no roof and are otherwise uncovered.

D. Chimneys may project into required yards.

E. Unenclosed porches, carports and uncovered stairways and necessary landings existing on September 30, 1995, may not be enlarged so as to project further into required yards.

F. In residential districts, no projection shall be nearer to any lot line than five feet (5').

G. For the purpose of any railroad operations, buildings, loading docks, canopies, and other loading facilities adjacent to railroad property may be constructed or extended onto and over the railroad rails.

H. In no case other than G above shall any projection extend beyond any lot line.

#### **§ 25-18. Reserved**

**§ 25-19. Open space lots.**

A. Open space lots shall be permitted in major subdivisions in all districts, and shall be exempt from the requirements of this chapter for lot area, lot width and lot frontage, subject, however, to the following provisions:

1. No more than fifty percent (50%) of open space in a major subdivision shall consist of non-developable areas such as stream beds, wetlands and areas with slopes of twenty-five percent (25%) or more.

2. Open space lots shall be suitable in size, shape, and location for the purposes intended, with adequate access for the entire subdivision and adequate facilities for such purposes.

B. Within any major subdivision in which an open space lot is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the subdivision until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent homeowners association has been approved by the County Attorney and has been executed and recorded. Such documents shall set forth the following:

1. The nature of the permanent association under which common ownership of such open space lot is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of such open space lot including necessary bonds when required by the county; and the method of assessing the individual lots for their share of the cost of adequately administering and maintaining and replacing such open space lot; and

2. The extent of common interest held by the owner of each individual lot in such open space lot.

C. Nothing contained herein shall be deemed to require the county to maintain any open space lot permitted by this chapter.

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

**§ 25-20. Utility lots.**

A. Utility lots without buildings to provide essential services and utilities to the public shall be permitted in all districts and shall be exempt from the requirements of this chapter for lot area, lot width, lot frontage, front setback, side yards, rear yards, structure height and off-street parking and loading.

B. Utility lots with buildings to provide essential services and utilities to the public shall be permitted in all districts and shall be exempt from the requirements of this chapter for lot area, lot width, lot frontage, and off-street parking and loading, however,

at least one parking space must be provided. Such utility lots shall comply with the requirements for front setback, side yards, rear yards, and structure height.

C. Public utility distribution, transmission, and collection lines for the furnishing of utility services to the public shall be permitted in all districts. (3/28/18)

D. Power plants, water treatment plants, sewage treatment plants, water tanks, and wind farms and wind energy systems where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets require Public Use Overlay (PUO) zoning pursuant to ARTICLE XLIX, "Public Use Overlay (PUO) Districts," of Division H, "Overlay Districts," of this chapter.

**§ 25-21. Carnivals, circuses, fairs, festivals, animal shows, exhibitions, and similar events.**

In the following instances, notwithstanding anything in this chapter to the contrary, carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar special events are permitted uses in any district and no Special Use Permit shall be required:

A. Where such events are accessory to the operation of a volunteer fire company or rescue squad and the events are on the property of the company or squad.

B. Where such events are accessory to the operation of a volunteer fire company or rescue squad and the events are on property regularly used for such purposes at least once a year for two or more years prior to October 1, 1995.

C. Where such events are lawful nonconforming uses under § 25-662 of this chapter.

**§ 25-22. Sketch plan to accompany applications for building permits and manufactured home placement permits.**

A. Each application for a building permit or a permit to place a manufactured home shall be accompanied by such information as is required to evaluate compliance with the applicable setback and yard requirements.

B. No building permit or placement permit shall be issued until the applicant submits to the Zoning Administrator a satisfactory sketch plan prepared by the applicant, his agent or a licensed land surveyor.

C. At a minimum, such sketch plan shall show:

1. The boundaries of the lot which is the subject of the application,

2. The location and dimensions of each proposed building, manufactured home or other structure or addition thereto,

3. The right of way and pavement or other street improvement lines of streets which abut the lot, and

4. The distances between all property lines and street right-of-way lines to each proposed building, manufactured home or other structure or addition thereto. In manufactured home parks, the distances between manufactured homes on adjoining spaces and the distance between the manufactured homes and accessory buildings shall also be shown.

D. The sketch plan must be drawn to scale by a licensed land surveyor where any building, manufactured home or other structure or addition thereto is proposed to be located:

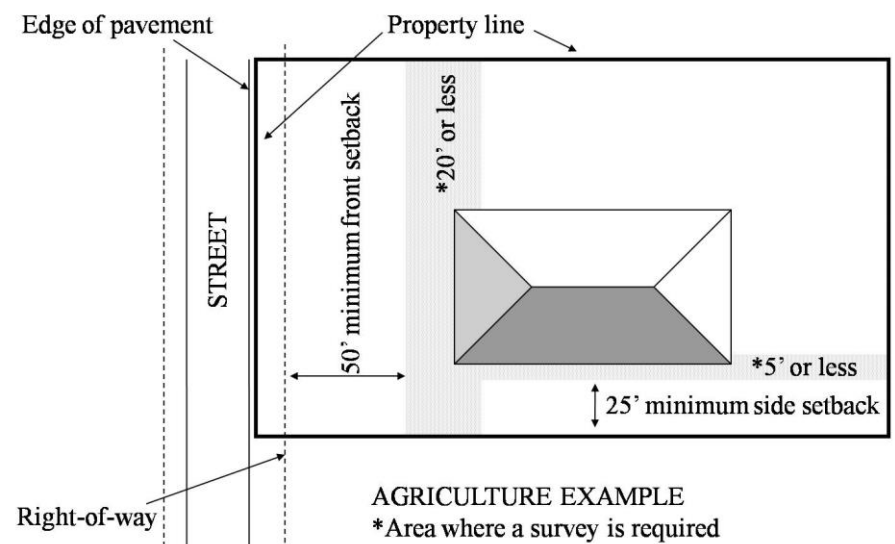
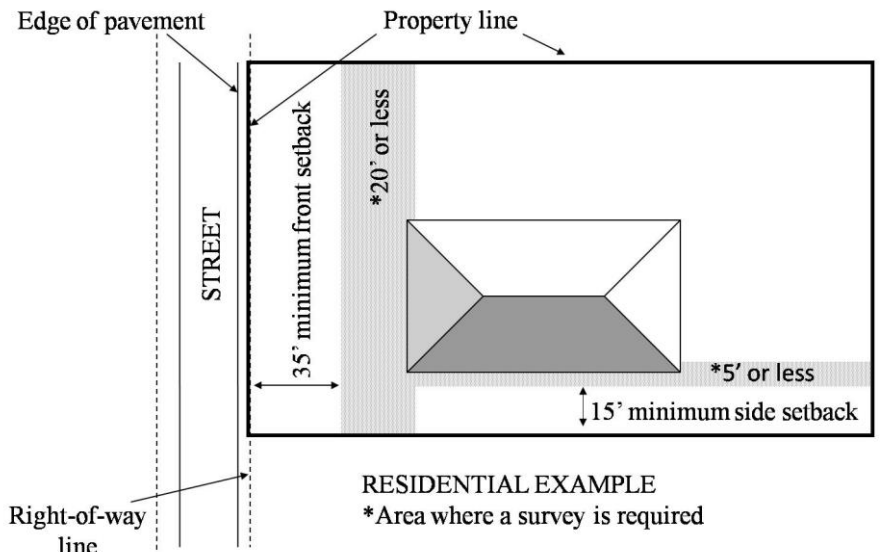
1. Five feet (5') or less from any applicable minimum side or rear setback or yard requirement; or

2. Twenty feet (20') or less from any applicable minimum front setback or yard requirement.

**§ 25-23. When foundation survey is required.**

A. Whenever any of the conditions of § 25-22.D are present, the applicant shall provide a foundation survey prepared by a land surveyor licensed to practice in the Commonwealth. Such survey shall show that the constructed locations of the foundation, slab or piers satisfied the applicable setback or yard requirements. The survey shall be stamped, signed and dated by the land surveyor.

B. The county will not provide further inspections, nor a certificate of occupancy until the required foundation survey has been submitted.





**§25-24. Exceptions and exemptions to foundation survey requirements.**

A. Foundation surveys in accordance with §25-23 will not be required in the following circumstance:

The placement of manufactured homes on a manufactured home park lot that existed prior to 1995, unless otherwise provided in an approved plan of development, does not require foundation, slab, or pier survey. County staff shall determine if there is sufficient space for the requested unit to meet all setback requirements.

B. Storage buildings that are less than two hundred fifty-six (256) square feet and not on a permanent foundation are exempted from these requirements.

C. The requirements of §§25-22D and 23 will not apply in the case of additions, alterations, or reconstructions where the addition, alteration or reconstruction either:

1. Does not change the footprint of the building, manufactured home, or structure; or

2. Is proposed to be located no closer than:

a. Five feet (5') from any applicable minimum side or rear setback or yard requirement; or

b. Twenty feet (20') from any applicable minimum front setback or yard requirement.

(Ord. 09/28/11)

**Sections 25-25 through 25-30. Reserved**