

## **CHAPTER 25. ZONING.**

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**CHAPTER 25. ZONING.**

**DIVISION A. IN GENERAL.**

**ARTICLE V. Accessory buildings and uses.**

**§ 25-51. Provisions applicable to all accessory uses.**

A. All uses customarily accessory and clearly incidental to a permitted use and not creating a nuisance or hazard are permitted in all districts. Uses which are not expressly permitted as a principal use and uses which are not customarily accessory and clearly incidental to a permitted use are prohibited. No accessory use, whether listed in this article or not, which creates a nuisance or hazard shall be permitted. Accessory uses are subject to such limitations as may be set forth in this article and in applicable district regulations.

B. No accessory use shall be established until the principal use to which it is accessory has been established or a building, placement or construction permit for the principal use has been obtained unless otherwise provided in this article.

C. Accessory buildings and structures are subject to the setback requirements in applicable zoning district regulations.

D. Accessory buildings, structures and uses must be on the same lot as the principal use to which they are accessory unless otherwise provided in this article.

**§ 25-52. Accessory uses on undeveloped lots and other lots not used for agricultural, residential, commercial or industrial purposes.**

The following uses are permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, commercial or industrial use:

A. Utility sheds and similar storage facilities for the storage of materials and equipment customarily associated with the maintenance of undeveloped lots, provided that the aggregate area of such buildings or structures on any lot does not exceed two hundred square feet (200 sq. ft.). (Ord. 9/28/11)

B. Stormwater management facilities as an off-site accessory to neighboring properties, subject to the requirements of chapter 18 of this code.

**§ 25-53. Uses accessory to agriculture.**

The following uses are permitted in any zoning district when accessory to agriculture:

A. An on-site construction storage trailer for construction purposes provided it is placed on site no more than thirty (30) days before the building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

B. On-site sales of farm products where one hundred percent (100%) of the goods sold, including Christmas trees, are produced on the premises.

C. Corn mazes as seasonal use.

D. Business office for the farm.

E. Silos, manure pits, and other storage facilities.

F. Farm ponds, irrigation systems and stormwater management facilities.

G. Storage of horse vans, cattle trucks and trailers, and farm equipment.

H. Bunkhouses or accessory quarters for temporary stays of customers at stables or riding academies if the number of guests is compatible with the number of horses kept on site.

I. Shipping containers, semi-trailers and similar containers used for storage provided they are shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes unless a Special Use Permit is issued by the board of zoning appeals.

J. Fences, walls and hedges.

K. Winery processing and storage facilities as an accessory to an on-site producing vineyard provided:

1. The winery complies with all applicable regulations of the Virginia Department of Alcoholic and Beverage Control.

2. Daily tours of a farm winery shall be permitted.

3. One (1) location may be established on each farm for the on-premise sale of wine and wine consumption.

4. An accessory gift shop shall be permitted.

5. Special events shall be permitted only upon the issuance of a Special Use Permit by the board of zoning appeals.

L. Dead animal incineration facilities, provided:

1. The facility only serves the owners' farms.

2. The incinerator complies with all applicable federal, state and local regulations.

M. "Short term" sawmills with all equipment on wheels as an accessory to on-site timbering operations. All other sawmill operations, whether temporary or permanent, are permitted only by Special Use Permit.

**§ 25-54. Uses accessory to platted residential subdivisions.**

The following uses are permitted when accessory to a platted residential subdivision:

A. Recreational facilities such as swimming pools, tennis courts, gymnasiums, community centers, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the subdivision and guests for whom no admission or membership fees are charged, and/or no donations accepted, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. The location of such facilities is situated so that they are accessible and usable by persons living in the project area and their guests. For all active recreational facilities either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is required.

There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.

B. Community parking facilities for large vehicles or trailers, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. The owners of such vehicles reside in the subdivision; and
3. Either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is provided.

C. Maintenance buildings, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. Either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is provided.

**§ 25-54.1. Uses accessory to single-family residences.**

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

A. An on-site construction storage trailer for a single dwelling under construction provided it is placed on site no more than thirty (30) days before the building permit and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

B. Off-site construction storage trailers and construction office trailers for more than one (1) dwelling in a single-family residential subdivision, provided:

1. At the time of placement, there is no occupied dwelling on a lot adjoining, behind or across the street from the lot on which the trailer is placed; and

2. The builder has at least one (1) dwelling under construction within the subdivision under an active building permit; and

3. The trailer must be removed within one hundred eighty (180) days after the building permit is issued for the last lot in the subdivision owned by the builder.

C. Storage of personally-owned inoperable motor vehicles, trailers, semi-trailers, race cars, demolition derby or mud bog vehicles, provided:

1. Only one (1) vehicle for every acre shall be permitted and fractions of an acre shall be rounded down. In no case shall more than five (5) be permitted; and

2. Such vehicles must be fully shielded or screened from view; and

3. Gates shall remain closed except when vehicles are being moved to and from the area; and

4. No such vehicles are allowed as accessory uses to a dwelling in residentially zoned areas unless kept within a fully enclosed building.

D. The keeping of dogs and cats, in the following numbers:

1. With respect to dogs, up to four (4) dogs over the age of six (6) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of six (6) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

2. With respect to cats:

a. Up to seven (7) cats over the age of six (6) months, if the single family dwelling is located in a Single Residential Dwelling District (except a Rural Residential District), Multiple Residential Dwelling District, Business District, Industrial District, or Mixed Use District. Cat housing structures are permitted; and

b. Without limitation as to number, if the single family dwelling is located in a Rural Residential District or General Agriculture District. Cat housing structures are permitted.

E. The parking or storage of small cargo or utility trailers, recreation vehicles and similar equipment for personal use, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided that the following requirements are met:

1. Such vehicles or equipment may not be parked or stored on a public street or right-of-way or in front yards except on the driveway; and

2. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on a lot subject to the requirements of the Virginia Uniform Statewide Building Code (USBC); and

3. Wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

F. Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged, and/or no donations accepted. Such facilities shall not be larger than the dwelling unless otherwise provided in this chapter.

G. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal or state law or the provisions of § 25-15 of this chapter.

H. Carports, garages, utility sheds and similar storage facilities customarily associated with residential living, but only after a building permit for the residence has been issued. Such facilities shall not be larger than the maximum permitted by the district regulations provided in this chapter. All of these structures count towards the total square footage for accessory buildings. No shipping containers, trailers, manufactured or mobile homes, vehicle bodies or similar containers shall be used for any of these purposes, except in General Agriculture zoned areas where they must meet district regulations.

I. Child's playhouse, without plumbing, and outdoor gymnastic play equipment associated with an occupied residence.

J. Yard or garage sales subject to the following provisions:

1. Items offered for sale shall be limited to those which are owned by occupants of the premises and their guests and are items normally and customarily used or kept on residential premises; and

2. Such sales shall be limited to two (2) in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

K. Gardens and greenhouses for personal use, provided no sales shall be allowed.

L. Off-street parking spaces, subject to the requirements of ARTICLE III of this chapter.

M. Stormwater management facilities, as accessory to residential development, subject to the requirements of chapter 18 of this code.

N. In residentially zoned districts and general agriculture zoned lots of less than one (1) acre in area, commercial vehicles shall be allowed with the following limitations:

1. Only one (1) commercial vehicle per lot may exceed a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.).

2. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, dump truck or wrecker with an empty weight of twenty thousand (20,000) pounds or more, or similar such vehicles or equipment shall be permitted.

3. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.

4. No commercial vehicle that exceeds a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.) shall be parked or stored on a public street or right-of-way or in front yards except on the driveway.

(Ord. 10/28/15)

O. Fences, walls, and hedges.

#### **§ 25-55. Uses accessory to multi-family residences.**

The following uses are permitted in any zoning district when accessory in multi-family dwelling developments:

A. Uses accessory to the development, which may or may not be on a separate lot, so long as they are shown on an approved site plan, or master plan or plan of development approved prior to 2/28/10.

1. Administrative offices, laundry facilities, community buildings and similar facilities for the use of the residents.

2. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

3. The parking of commercial vehicles off street provided each vehicle is either:

a. Used for the maintenance of the development, or

b. Is parked in a “common area” parking lot away from the dwelling units and shown on an approved site plan or plan of development.

4. The parking or storage of small cargo or utility trailers, recreation vehicles, and similar equipment for personal use, including, but not limited to, boats, boat trailers, motor homes, tent trailers, horse vans, inoperable vehicles, and race cars, provided that the following requirements are met:

a. Such vehicles or equipment are parked or stored in a “common area” parking lot away from the dwelling units and shown on an approved site plan, master plan or plan of development;

b. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot; and

c. Wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

5. Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the development and guests for whom no admission fees are charged and/or no donations accepted, provided:

a. There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.

b. A one hundred foot (100') setback is required if adjacent to a single family residential dwelling district; in all other cases, the perimeter setback must be met.

6. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

7. Children's playhouses, without plumbing, and outdoor gymnastic play equipment for use of residents of the development and their guests.

8. Community yard or garage sales when conducted at a "community building" or common area shown on an approved master plan or plan of development, provided items offered for sale shall be limited to those which are owned by residents of the development and their guests and are items normally and customarily used or kept on residential premises.

9. Common area gardens and greenhouses for the personal use of residents of the development provided no sales shall be allowed.

10. Fences, walls and hedges.

11. Common area parking lots as shown on an approved site plan, preliminary plat, master plan, or plan of development and subject to the requirements of ARTICLE III of this chapter.

12. Stormwater management facilities, subject to the requirements of chapter 18 of this code.

13. In manufactured home parks, manufactured home sales and leasing when primarily for residents of the park.

14. Solid waste and recycling storage containers may be located in common areas. No container shall be located in any required parking space, driveway, or perimeter setback area.

15. Security buildings and structures, including shelters for security guards and watchdogs.

16. Maintenance buildings.

a. There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.

b. A one hundred foot (100') setback is required if adjacent to a single family residential dwelling district; in all other cases, the perimeter setback must be met.

B. Uses accessory to individual dwelling units.

1. The keeping of dogs and cats, in the following numbers:

a. With respect to dogs, up to four (4) dogs over the age of six (6) months. Dog houses, pens and similar structures are permitted. The keeping of more than four

(4) dogs over the age of six (6) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

b. With respect to cats, up to seven (7) cats over the age of six (6) months. Cat housing structures are permitted.

2. Carports, garages, utility sheds and similar storage facilities customarily associated with residential living, but only after a building or placement permit for the residence has been issued. Such facilities shall not be larger than the dwelling unit. No shipping containers, trailers, manufactured or mobile homes, vehicle bodies or similar containers shall be used for any of these purposes.

3. Child's playhouse, without plumbing, and outdoor gymnastic play equipment associated with an occupied residence.

4. Yard or garage sales provided no "community building" is available for such sales and subject to the following provisions:

a. Items offered for sale shall be limited to those which are owned by an occupant of the premises or, if owned by other participants, are normally and customarily used or kept on residential premises; and

b. Such sales shall be limited to two (2) in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

5. Fences, walls and hedges.

6. Gardens and greenhouses for personal use, provided no sales shall be allowed.

7. Off-street parking spaces, subject to the requirements of ARTICLE III of this chapter.

8. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

#### **§ 25-56. Uses accessory to business or commercial establishments.**

The following uses are permitted in any zoning district when accessory to a business or commercial establishment:

A. Parking lots subject to the requirements of ARTICLE III of this chapter.

B. Stormwater management facilities subject to the requirements of chapter 18 of this code.

C. Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned or operated by the establishments to which they are accessory.

D. Uses for employees and intended specifically for the use and benefit of the employees and families or patrons of the principal use, such as snack bars, cafeterias, off-street parking spaces, health and fitness centers, child care facilities, recreation facilities and similar uses.

E. Inoperable motor vehicle impoundment yards when accessory to a principal use such as a public garage or towing service, provided an Administrative Permit is obtained pursuant to § 25-58 of this chapter.

F. Incidental retail sales of products salvaged from a transportation facility as an accessory to the transportation facility.

G. Solid waste and recycling storage containers may be located in any side or rear yard. No containers shall be located in any required parking space, driveway, parking aisle, stacking space, or required buffer yard.

H. Warehouses and other indoor storage facilities. Shipping containers, semi-trailers and similar containers may be used for storage provided they are fully shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes.

I. Fences, walls, and hedges.

J. Security buildings and structures, including shelters for security guards and watchdogs. Residences for night watchmen, however, are not permitted.

K. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

L. Television and radio antennae and support structures, satellite dishes and radio broadcasting and receiving antennae and support structures, including guy anchors, subject to applicable height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

M. Helipads.

**§ 25-57. Uses accessory to industrial establishments.**

The following uses are permitted in any zoning district when accessory to an industrial establishment:

- A. Parking lots subject to the requirements of ARTICLE III of this chapter.
- B. Stormwater management facilities subject to the requirements of chapter 18 of this code.
- C. Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned or operated by the establishments to which they are accessory.
- D. Uses for employees and intended specifically for the use and benefit of the employees and families or patrons of the principal use, such as snack bars, cafeterias, off-street parking spaces, health and fitness centers, child care facilities, recreation facilities and similar uses.
- E. Retail sales accessory to industrial uses and subordinate to the main use provided:
  - 1. The retail sales area is limited to a showroom that does not exceed twenty-five percent (25%) of the floor area of the main use and the outdoor display area shall not exceed fifteen percent (15%) of the floor area of the main use without a Special Use Permit; and
  - 2. Retail sales shall not precede establishment of the main use. Retail sales shall be permitted only after or simultaneously with the establishment of the main use and shall not continue more than six (6) months after discontinuance of the main use.
- F. In areas zoned for industrial use only, outdoor storage of equipment and materials, new and used, associated with fabrication, assembly, processing, construction, transportation or similar operations.
- G. Notwithstanding the provisions of subparagraph E above, incidental retail sales of products salvaged from a transportation facility as an accessory to the transportation facility.
- H. Solid waste and recycling storage containers may be located in any side or rear yard. No containers shall be located in any required parking space, driveway, parking aisle, stacking space, or required buffer yard.
- I. Warehouses and other indoor storage facilities. Shipping containers, semi-trailers and similar containers may be used for storage provided they are fully shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes.
- J. Fences, walls, and hedges.
- K. Security buildings and structures, including residences for security guards, guardhouses and shelters for watchdogs, provided the minimum dwelling size for the security residence is three hundred (300) square feet. (8/27/14)

L. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

M. Television and radio antennae and support structures, satellite dishes and radio broadcasting and receiving antennae and support structures, including guy anchors, subject to applicable height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

N. Helipads.

**§ 25-58. Accessory uses permitted by administrative permit.**

The accessory uses listed in this section shall be permitted 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.

Inoperable motor vehicle impoundment yards.

Inoperable motor vehicle impoundment yards, when accessory to a permitted principal use, may be permitted by Administrative Permit provided:

1. No vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property.
2. Storage of vehicles shall be limited to areas shown on an approved site plan.
3. 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 principal use to which the impoundment yard is accessory, shall be confined to such areas designated for such purposes on the approved site plan.
4. 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 are being moved to and from the yard.
5. All vehicles, boats, recreational vehicles, and similar vehicles awaiting repair For more than thirty (30) days must be located within the required screened storage area.

**ARTICLE V, Division A, Chapter 25 revised and readopted on 2/10/10, eff. 3/1/10**