

## **CHAPTER 25. ZONING.**

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## **CHAPTER 25. ZONING.**

### **DIVISION B. AGRICULTURE DISTRICTS.**

#### **ARTICLE IX. Rural Conservation (RC) Districts.**

##### **§ 25-91. Purposes.**

A. To preserve the rural landscape, character, sensitive natural areas, farmland, and other large areas of open space, while permitting residential development at low, rural densities in an open space setting.

B. To encourage more effective land usage than can be achieved under the minor subdivision process in terms of the goals and objectives for the rural areas of the county as set forth in the comprehensive plan. Eligibility for land use taxation shall be the same for this district as in the General Agriculture District.

C. To preserve large tracts of land through the creation of preservation tracts that are reasonably contiguous and avoid fragmentation so that the County's agricultural and scenic areas are not divided into numerous small parcels.

D. To maximize the development potential of non-sensitive areas of the land and minimize land disturbance by generally grouping residential lots together when possible.

E. To preserve open fields, woodlands or pastures that could otherwise be developed and instead utilize them as natural open space or productive farmland or forestry uses.

F. To protect and preserve floodplains and wetlands from clearing, grading, filling, or construction (except as may be approved by the county for essential infrastructure or active or passive recreation amenities).

##### **§ 25-92. Density, area and minimum standards.**

A. Minimum district size. A Rural Conservation District shall contain a minimum of two hundred (200) contiguous acres of land.

B. Minimum lot area. The minimum lot area for any lot in a Rural Conservation District shall be two (2) acres.

C. Lot yield. The total gross density within a Rural Conservation District shall not exceed one (1) lot per ten (10) acres. Such density calculation shall include both the residential and preservation tracts. At least seventy percent (70%) of the gross acreage of the district must be contained in preservation tracts which must be permanently preserved.

1. Once created, no lot within a Rural Conservation District may be further subdivided or otherwise redeveloped except in accordance with the requirements of this district. For the purposes of the section, a boundary line adjustment or deed of trust shall not count as a resubdivision.

2. A note/deed restriction prohibiting resubdivision shall be recorded for each applicable lot prior to plat approval.

D. Minimum lot frontage. Every lot shall have at least thirty feet (30') of frontage on a public or private street internal to the development.

E. Ownership. A homeowners association or property owners association shall be established.

#### **§ 25-93. Permitted uses on residential lots.**

The following uses shall be permitted on the residential lots without Administrative or Special Use Permit:

A. One (1) single family dwelling and certain group homes required to be permitted by state law.

B. Limited agriculture as defined by this chapter, but not including poultry and swine, provided that the lot is at least five (5) acres in area.

C. Passive recreational facilities not requiring a building.

#### **§ 25-94. Permitted uses on preservation tracts.**

The following uses shall be permitted on the preservation tracts without Administrative or Special Use Permits:

A. 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.

B. One (1) single family dwelling and certain group homes required to be permitted by state law.

C. Passive recreational facilities not requiring a building.

#### **§ 25-94.1. Accessory buildings and uses on residential lots and preservation tracts.**

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted on the residential lots

and preservation tracts, subject to the applicable provisions of ARTICLE V of division A of this chapter.

**§ 25-94.2. Uses permitted by administrative permit on residential lots.**

The uses listed in this section shall be permitted within Rural Conservation 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.

All applications for Administrative Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Administrative Permit.

A. Home occupations, Class B.

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

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

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

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

4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) 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') in length; and

5. No display of products made shall be visible from the street; and (Ord. 10/28/15)

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.

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 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 listed above. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

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

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

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the requirements of § 25-54.1.N. (Ord. 10/28/15)

The following uses are not considered to be Home Occupations: 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 contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 10/28/15)

**B. 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 square feet (4 sq. ft.) in size; and

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

3. Play equipment and similar facilities may be used; and
4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and
5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and
6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and
7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

- a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

- b. Action if no objection received.

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

C. Attached accessory dwelling units.

One (1) 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 accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-94.4.E; and

6. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; 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.

D. Detached accessory dwelling attached to an accessory building.

One (1) apartment constituting a detached accessory dwelling unit may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

2. The accessory dwelling unit is 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

3. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and

4. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-94.4.E; 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 apartment once the Administrative Permit has been approved; and

6. 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

7. All parking shall be accommodated on-site.

**§ 25-94.3. Uses permitted by administrative permit on preservation tracts.**

The uses listed in this section shall be permitted within Rural Conservation 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.

All applications for Administrative Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Administrative Permit.

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 (1) 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 and tree farms, where products grown on the premises are sold to the public.

Greenhouses, nurseries, or tree farms may be permitted by Administrative Permit provided:

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. Home occupations, Class B.

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

1. 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
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. 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
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 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

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

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

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

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the requirements of § 25-54.1.N. (Ord. 10/28/15)

The following uses are not considered to be Home Occupations: 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 contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 10/28/15)

D. 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.

E. 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.

F. Attached accessory dwelling units.

One (1) 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 § 25-94.4 E; 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.

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

One (1) 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. 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
4. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and
5. Approval by the Virginia Department of Transportation; and
6. 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 § 25-94.4 E; and
7. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and
8. 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
9. All parking shall be accommodated on site.

**§ 25-94.4. Uses permitted by special use permit on residential lots.**

The uses listed in this section shall be permitted within Rural Conservation Districts on residential lots only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of division I of this chapter.

All applications for Special Use Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Special Use Permit.

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 specific standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

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

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

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

B. Day care centers and nursery schools.

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

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

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

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

C. Residential care facilities.

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

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and

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

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

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

D. Christmas tree farms where trees are sold to the public on site.

Christmas tree farms where trees are sold to the public on site may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and
2. The tract or parcel fronts on and has access from a state maintained road, or, if it fronts on a private road, the applicant has demonstrated that the private road is constructed and maintained to adequate standards so as to accommodate the anticipated traffic; and
3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
4. On-site traffic flow will adequately and safely accommodate all traffic to and from adjoining and nearby streets and highways; and
5. Approval by the Virginia Department of Transportation.

E. 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 apartment 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 §§25-94.3 F and G are met.

F. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to: bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic, community service and fraternal organizations, boarding houses, and residential care facilities, 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.
4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

**§ 25-94.5. Uses permitted by special use permit on preservation tracts.**

The uses listed in this section shall be permitted within Rural Conservation Districts on preservation tracts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of division I of this chapter.

All applications for Special Use Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Special Use Permit.

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 specific 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.

A. Kennels.

Kennels 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.

B. 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.

C. 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.

D. 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 §§25-94.4 F and G are met.

E. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to: bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic, community service and fraternal organizations, boarding houses, and residential care facilities, 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.
4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

**§ 25-95. Prohibited uses.**

All uses except those listed in §§25-93, 25-94, 25-94.1., 25-94.2., 25-94.3., 25-94.4., and 25-94.5. above are specifically prohibited in Rural Conservation Districts.

**§ 25-96. Rezoning Requirements.**

A. Existing Features and Site Analysis Plan and Master Plan required. Prior to the approval of any rezoning request in a Rural Conservation District, the owner or owners shall submit for review by the planning commission and for approval by the board of supervisors an Existing Features and Site Analysis Plan and a Master Plan for the land within the external boundary of contiguous tracts that are wholly or partly owned by the same person, firm or corporation.

B. Presubmission studies and conferences. Prior to the formal rezoning request, the applicant or his representative shall hold a conference with the Director of the Community Development Department and submit an Existing Features and Site Analysis Plan and a Master Plan providing all information as set forth in paragraphs C and D below along with unofficial preliminary studies of the proposed development for tentative review, comments and recommendations.

C. Contents of Existing Features and Site Analysis Plan. An Existing Features and Site Analysis Plan shall be submitted with each application for rezoning at a scale no less than 1": 400', and shall include the area within two hundred (200') feet of the proposed district. The plan shall include the following information:

1. A topographic map with a contour interval of five feet (5') or less and slopes exceeding twenty-five (25) percent clearly indicated on the plan.
2. Stream valleys and wetland complexes and location of ponds, streams and natural drainage swales (from the National Hydrography Dataset and National Wetlands Inventory).
3. Public land and the location and description, including program and expiration date, of existing conservation practices/easements on the property.
4. Soil types and accompanying data regarding suitability of soils for sewage disposal systems and reserve areas.
5. Existing public and private roads and trails, utility and other easements and rights-of-way, buildings, and other man-made improvements.
6. Vegetative cover conditions on the property according to general cover type including cultivated land, grassland, woodland and wetland as designated by the Corps of Engineers delineating woodlands over one-half (1/2) acre in area (from county base maps and/or aerial photographs).
7. The boundaries of any Overlay District on or adjacent to the property as designated in Division H of Chapter 25 "Zoning", of this code, including any sub designations within such overlay district. Within the Floodplain Overlay District (FPO), such areas shall include the 100 year backwater of any stormwater management facility outside a dedicated right-of-way or easement.
8. The location of mapped dam inundation zones.
9. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.
10. Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Augusta County historic site survey.

D. Contents of Master Plan. A Master Plan shall be submitted with each application for rezoning. The property shall be developed and maintained in substantial conformity with the Master Plan approved as part of the rezoning. The Master Plan shall include the following additional information:

1. The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
2. The north point, scale, and date. The scale shall be no less than 1”= 400’.
3. Lot layout and including approximate acreage of each lot, clearly identifying which are residential lots and which are preservation tracts.
4. Total residential lot area and total preservation tract area.
5. Number of residential lots and number of preservation tracts.
6. Designation, proposed ownership, management and general description identifying the type of use/s expected of preservation tracts, conservation areas and open space, if applicable.
7. Location of streets and entrances, widths and designation of which are to be public and which are to be private.
8. Amount of land proposed to be set aside for public streets and amount of land proposed to be set aside for private streets.
9. General location of sewage disposal systems and reserve areas, if applicable.
10. Location of pedestrian trails, if applicable.

E. Submission. After presubmission review as set forth in paragraph B above has been completed, the applicant may submit an official Existing Features and Site Analysis Plan and an official Master Plan as part of the rezoning only after the completion of the review of said plans. The Director of the Community Development Department shall only accept the Existing Features and Site Analysis Plan and the Master Plan if the applicant has provided all the information required by this section.

**§ 25-97. Streets.**

A. All lots created in a Rural Conservation District must access an internal road system which may consist of public or private streets or a combination thereto.

B. Where private streets are utilized, they shall be constructed to the following standards:

1. 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.

2. The minimum width of private streets shall be eighteen feet (18') with a minimum two foot (2') shoulders on each side of the street.

3. Any private street in the Rural Conservation District which is not paved to standards set forth in Chapter 21, Subdivision of Land shall be surfaced with a base course of minimum eight inch (8") of compacted #21B stone.

4. All private streets shall be constructed in accordance with approved erosion and sediment control plans.

5. All private streets shall be constructed in compliance with the applicable requirements of Chapter 18, Regulation of Stormwater.

6. The maximum grade for any private street in the Rural Conservation District shall be twelve percent (12%).

7. All streets shall be designed and maintained to safely accommodate fire and rescue emergency vehicles.

8. The applicant or developer shall provide for and establish a nonprofit corporation or other legal entity under the Laws of Virginia for the ownership, care and maintenance of all private streets constructed in the district.

C. Development in a Rural Conservation District shall have no more than one (1) access to a public street external to the development, except for the following:

1. More than one (1) access is required to meet §21-9.1. D.

2. A second or separate entrance is needed for the use of the preservation tract.

3. A topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

4. The access must meet VDOT standards.

**§ 25-98. Common Elements.**

All common open space, individual properties and facilities shall be preserved for their intended or similar purpose as expressed in the approved Master Plan. Where common elements are part of a development in Rural Conservation Districts, they shall be established and evidenced by documents duly recorded prior to final plat approval for any lot, structure or use in the district. Such documents shall also specify the provisions for participation in and construction, maintenance and upkeep of all such common elements. For purposes of this section, common elements shall include all facilities, open areas and other uses of property in which individual lots, structures, uses, owners or tenants have a beneficial interest in common with others.

**§ 25-99. Yard and setback requirements.**

A. Front lot lines.

1. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than one hundred feet (100').

2. No building or other structure 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 local street than twenty feet (20').

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. Rear and side lot lines for residential and preservation 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').

**§ 25-99.1. Height limitations.**

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

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

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay (APO) District.

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

(Ord. 6/22/11)