

## **CHAPTER 25. ZONING**

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

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## CHAPTER 25. ZONING

### DIVISION A. IN GENERAL

#### ARTICLE I. General Provisions

##### § 25-1. Title.

This chapter shall be known and may be cited and referred to as the "Zoning Ordinance of Augusta County, Virginia."

State law reference—Virginia Code §§ 15.2-2280 *et seq.*

##### § 25-2. Compliance required.

No land shall hereafter be developed and no structure or use shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations.

##### § 25-3. Interpretation of standards.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this chapter shall control.

State law reference—Virginia Code § 15.2-2315.

##### § 25-4. Definitions.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "person" shall include person, firm, corporation; the word "shall" is mandatory and not advisory; the word "approve" shall mean disapprove when appropriate.

Abattoir. See "Slaughterhouse."

Access Drive. The area of a parking lot that allows motor vehicles ingress and egress from the street.

Accessory building or use. A building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building

or use. Where an accessory building is attached to the principal building by a common wall, it shall be considered part of the principal building.

Administrative Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Aggregate area. The total square footage of the gross horizontal areas of all floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Agricultural animals. All livestock and poultry including, but not limited to, cattle, horses, swine, sheep, goats, poultry, llamas, deer, ostriches, buffalo, mules, and rabbits.

Agriculture. The use of the land for agricultural purposes including farming, dairying, pasturage, apiculture, aquaculture, floriculture, horticulture, silviculture, viticulture and the raising of poultry and livestock and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural operations. The term does not include livestock markets and slaughterhouses.

Agriculture, limited. The use of the land for agricultural purposes including farming, dairying, pasturage, apiculture, aquaculture, floriculture, horticulture, silviculture, viticulture and the raising of poultry and livestock, and the necessary accessory uses for packing, treating and storing the produce, provided there is no more than one (1) animal unit per acre.

Aircraft. A device that is used or intended to be used for flight in the air.

Airport. Any airport licensed by the Virginia Department of Aviation or any United States government or military air facility.

Aisle or Aisle way. The traveled way by which motor vehicles enter and depart parking spaces.

Alley. A public or private way not more than thirty (30) feet wide affording a means of access to abutting property.

Animal, exotic. Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the area.

Animal unit. For the purpose of this chapter the following equal one animal unit: 1 head of beef or slaughter cattle, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 2 llamas, 2 alpacas, 1 horse, 3 miniature horses or miniature donkeys, 1 mule, 5 sheep, 5 goats, 2 deer, 3 ostriches, or 100 rabbits. (Ord. 6/26/13)

Apartment. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

Athletic facility, outdoor. Outdoor sites, often requiring structures and equipment, designed for formal athletic competition in field or court sports including but not limited to baseball, football, soccer, tennis, basketball, and swimming pools.

Attached accessory dwelling unit. A dwelling unit that has been added onto, or created within, a single-family house.

Auction house. A building within which objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

Bed and breakfast. Overnight accommodations and a morning meal provided to transients for compensation in a building containing a dwelling unit occupied by the owner or operator.

Boarding house. A dwelling or part thereof where meals or lodging are provided for compensation for persons not transient.

Breezeway. A structure for the purpose of connecting the principal building on a property with other accessory buildings.

Buffer yard. A landscaped area which may include open spaces, vegetation, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building footprint. The outline of the total area covered by a building's outer/perimeter wall at ground level, excluding courtyards. The footprint includes attached garages and accessory structures.

**Building height.** The vertical distance from the grade plane to the average height of the highest roof surface.

**Building, principal.** A building in which the principal use of the lot is conducted.

**Calendar year.** From January 1 to December 31 of a year.

**Caliper.** The diameter of a tree trunk measured at a point 6 inches (6") above the ground or top of the root ball.

**Campground.** A plot of ground upon which three (3) or more campsites are designed, located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

**Camp host.** A manager or employee of a campground or recreational vehicle park who resides onsite. (Ord. 6/22/11)

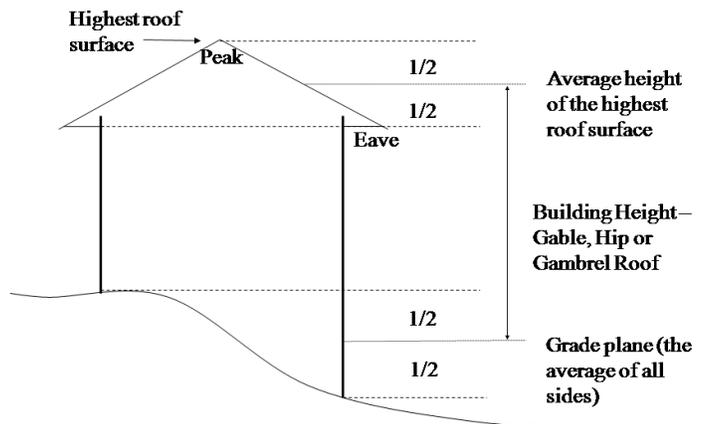
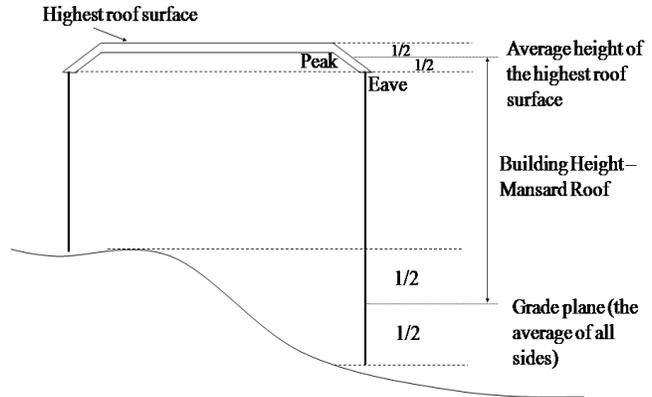
**Campsite.** Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**Caregiver.** For the purposes of this chapter, an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring. (Ord. 09/28/11)

**Carport.** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

**Cemetery.** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, and mausoleums. Mortuaries and funeral homes, if operated in connection with and within the boundaries of such cemetery, shall be considered as accessory uses to cemeteries.

**Certificate of occupancy.** A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable ordinances.



Channel. A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

Channelization. (1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) a traffic control device that forces vehicles into certain traffic flows or turning movements.

Christmas tree farm. A land area cultivated for the growing, harvesting, and marketing of evergreen trees intended to be marketed as Christmas trees. (Ord. 5/13/98)

Church. See Religious institution.

Club. A nonprofit association of persons who are bona fide members, paying regular dues and who are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial vehicle. Any vehicle which displays business or commercial advertising lettered or attached thereon, or any vehicle that sits on at least two (2) axles and is designed to carry freight or merchandise, whether loaded or empty, or any vehicle licensed and/or operated as a “for hire” vehicle, or personal vehicles used for business or commercial purposes whether full or part time. For the purposes of this chapter, a vehicle and pull-behind trailer is considered as one unit, unless otherwise limited by specific district regulations. (Ord. 10/28/15)

Common wall. A shared wall between two separate structures, buildings, or dwelling units.

Community center. A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group, agency, or private party.

Composting. A controlled process of degrading organic matter by microorganisms.

Condemnation. The exercise by a governmental agency of the right of eminent domain.

Condominium. A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous (having a common boundary).

Convenience retail operation. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, pastries, pizza, sandwiches and other freshly prepared foods, such as salads, for off-site consumption, and may offer the sale of gasoline products.

Curb. A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

Day care center. Any facility for the purpose of providing care and protection during a part of the day to a group of children or adults and not constituting a day care home occupation or other use separately permitted. (Ord. 10/24/92)

Day care home occupation. Any facility operating in the residence of the operator for the purpose of providing care and protection during a part of the day to a group of six (6), but no more than twelve (12) children unrelated to the operator.

Deciduous. Plants that drop their foliage annually before becoming dormant.

Density, gross. The ratio of the total number of lots or dwellings on a tract of land to the total number of acres within the tract.

Detached accessory dwelling unit. An accessory dwelling unit that is not attached to the principal dwelling unit.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials. (Ord. 5/17/90; Ord. 9/26/07, eff. 9/28/07)

Director of the Community Development Department. The Director of the Community Development Department of Augusta County. The term includes any person or persons designated to perform certain specific administrative functions by the Director of the Community Development Department.

Distribution center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District. A portion of the territory of the county within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dog. A highly variable domestic mammal related to the common wolf. The term includes wolf hybrids and canine hybrids.

Duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dust free surface. A maintained surface, which may consist of asphalt, concrete, brick pavers, gravel, stone, or healthy living turfgrass.

Dwelling. Any building, manufactured home, mobile home, or portion thereof designed or used as the residence of one or more persons, but not including a tent, camper, recreational vehicle, or a room in a hotel or motel.

Dwelling, multi-family. A building containing three (3) or more dwelling units.

Dwelling, single-family. A building, manufactured home, or mobile home designed for or used exclusively for residential purposes by one family or housekeeping unit. A single family dwelling may include attached or detached accessory dwelling units.

Dwelling, townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear or side access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, two-family. A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling unit. One (1) room or a suite of two (2) or more rooms designed for or used by one (1) family for living purposes.

Dwelling, zero lot line. A dwelling located on a lot in such a manner that one (1) or more of the dwelling's sides rests on a lot line.

Eave. The projected lower edges of a roof overhanging the wall of a building.

Egress. Exit.

Encroachment. Any obstruction or intrusion into a right-of-way, required yard, or onto adjacent land.

Essential services. Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish adequate levels of service for the area in which it is located. Wireless telecommunication facilities are not considered essential services and are subject to applicable district regulations.

Evergreen. A plant with foliage that remains green year-round.

Extended-stay cabin. A cabin at a campground that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) contains a water-flushed toilet, lavatory, shower, and kitchen sink as an integral part of the structure. Extended-stay cabins must meet the ANSI 119.5 standard for recreational park trailers. (Ord. 6/22/11)

Extended-stay campground. A campground in which guests may occupy extended-stay cabins on the same property more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period. Maximum duration of guest occupancy on the same property is limited to one hundred eighty (180) days within any twelve-month period. (Ord. 6/22/11)

Extended-stay recreational vehicle park. A recreational vehicle park in which guests may occupy self-contained units on the same property more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period. Maximum duration of guest occupancy on the same property is limited to two hundred forty (240) days within any twelve-month period for no less than 70% of the sites in the park. No more than 30% of the park, at any given time, can be occupied by vehicles which are on the same property for more than 240 days. (Ord. 6/22/11; Ord. 11/28/12)

Extended-stay recreational vehicle site. Any recreational vehicle site equipped for use by a self-contained unit, containing hook-up points for electricity and an approved water and sewer system. (Ord. 6/22/11)

Facility. Any building or other man-made structure or device.

Fair market value. The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing, but not forced, to sell and a knowledgeable buyer willing, but not forced, to buy.

Family. Two (2) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit; or a group of individuals, but not exceeding six (6), not necessarily related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit. For purposes of this chapter, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm building or structure. Any building or structure used for agricultural purposes.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Flea market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Freight and truck terminal. Area or building where trucks, tractor-trailers, railcars, or other large vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Front lot line. See “Lot line, front”.

Fueling position. A location at which a single vehicle may be fueled from a product dispenser.

Garage, private. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

Garage, repair. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles or boats is conducted or rendered.

Gasoline retail outlet. Any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels with no more than two (2) diesel fueling positions or twenty (20) gasoline fueling positions.

Grade plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

Greenhouse. A building where the roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Ground cover. Grasses or other plants and landscaping grown to keep soil from being blown or washed away.

Group home. A single family dwelling that is occupied as:

A. A residential care facility for adults and/or children licensed by the State Department of Mental Health, Mental Retardation and Substance Abuse Services, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight (8) such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401.

B. A residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For purposes of this ordinance, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority.

C. For the purposes of this chapter, a group home shall be considered a single-family dwelling.

(Ord. 09/28/11)

Hazardous substance. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Heavy equipment. A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to: bulldozers, cranes, backhoes, track-hoes, rollers, loaders, and lifts.

Heliport. An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service, and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

Helipad. An accessory facility where helicopters take off and land in the normal course of business, delivery, or service to a principal use. A helipad consists only of the takeoff/landing facility and its attendant safety structures, and does not include service, maintenance and repair, or fueling facilities. See also "Heliport."

Home occupation, Class A. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit and meeting the standards contained in this chapter.

Home Occupation, Class B. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit or accessory building and meeting the standards contained in this chapter.

Hotel. A facility offering transient lodging accommodations to the general public where the majority of the rooms have access through the main lobby of the building.

Housekeeping unit. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Improvement. Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Ingress. Access or entry.

Inoperable. See “Motor vehicle, inoperable”.

Inorganic. Not derived from living organisms.

Interparcel travelway. A private street providing access among adjacent lots, parcels, or tracts, but not including driveways.

Interstate highway system. A countrywide, federally supported network of controlled and limited access highways designated as interstate highways by the federal government.

Junkyard. Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of any scrap, waste, reclaimable material, or debris. The term "junkyard" shall not include motor vehicle storage/towing lots or any of the things recited herein which are incidental and accessory to any agricultural or commercial use. The term does include motor vehicle junkyards.

Kennel. Any structure or premises on which five (5) or more dogs over six (6) months of age are kept.

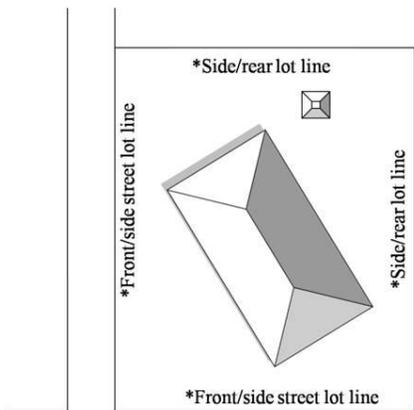
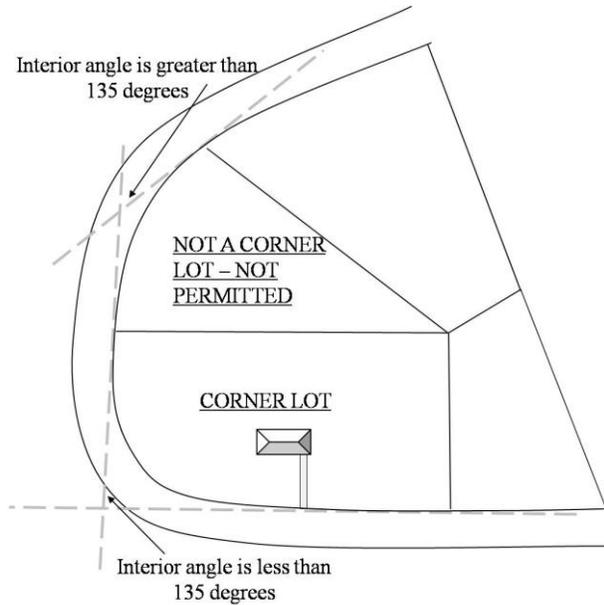
Landing strip. Any runway, landing area, or other facility, other than an airport, designed, used, or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, the storage and tie-down areas, the hangars, and other necessary buildings and open spaces.

Landscape. Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

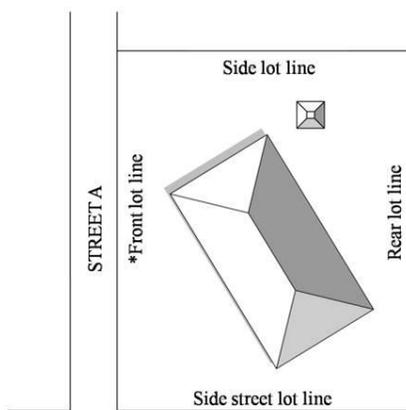
Loading space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot. A designated parcel, tract, or other area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

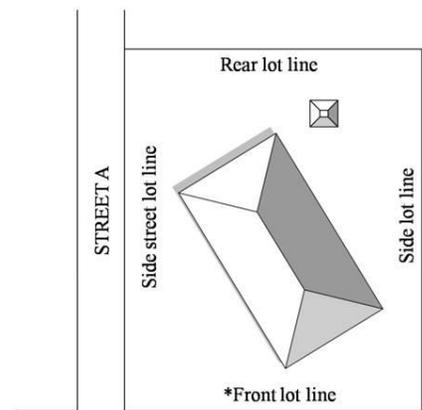
Lot, corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. In the case of corner lots, the front yard shall be the way the structure is faced. In cases where it is not obvious which street the structure faces, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.



\*owner designates front lot line



\*OPTION 1: owner designates front lot line on Street A



\*OPTION 2: owner designates front lot line on Street B

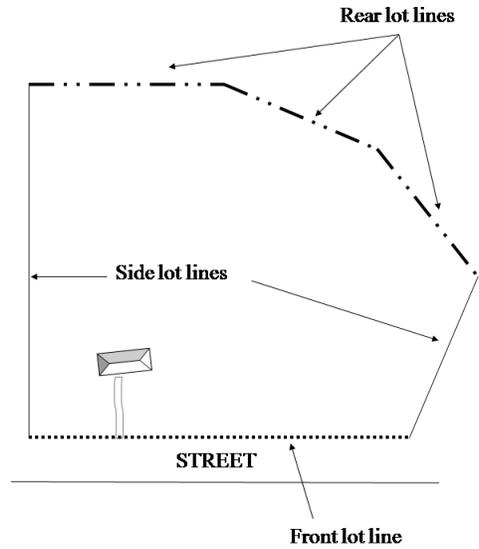
Lot, double frontage. See "Lot, through."

Lot, new. Any lot, tract, or parcel resulting from the division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels, except a "parent lot" as defined herein.

Lot, parent. In Agriculture Districts only, the largest lot, tract, or parcel of land resulting from the division of a lot, tract, or parcel into two (2) lots, tracts or parcels. Where the resulting lots are equal in size, no lot shall be deemed the parent lot.

Lot, reverse frontage. A through lot that is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

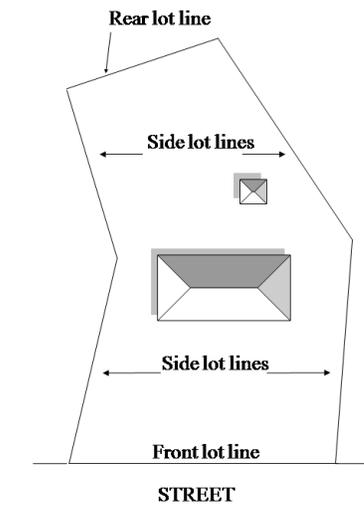
**Lot, through.** A lot having frontage on two (2) parallel or approximately parallel streets. In the case of a platted residential subdivision, the structure must front the subdivision street. In cases where it is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.



**Lot area.** The total area within the lot lines of a lot, excluding any street rights-of-way.

**Lot frontage.** The length of the front lot line measured at the street right-of-way line.

**Lot line, front.** The line separating the lot from a right-of-way line or where the right-of-way enters the property. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

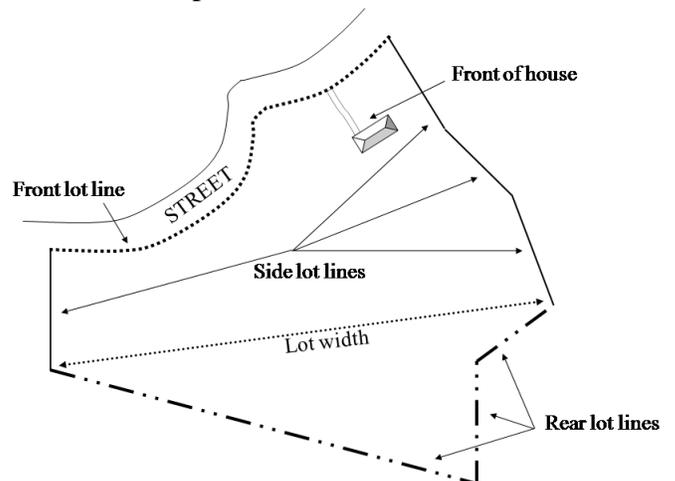


**Lot line, rear.** The lot line or lines opposite and generally parallel to the front lot line. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

**Lot line, side.** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. Every lot created after the effective date of this ordinance must have at least two (2) side lot lines. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

**Lot of record.** A lot that exists as shown or described on a plat or deed recorded in the Clerk's Office of the Circuit Court of Augusta County.

**Lot width.** The distance between the side lines.



Manufactured home. A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width and is forty feet (40') or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured home park. Any lot projected to accommodate or upon which are located three (3) or more manufactured or mobile homes other than homes for sale by a bona fide licensed dealer, unless the lot is zoned General Agriculture and contains at least twenty (20) acres in area per dwelling. (Ord. 7/24/96)

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

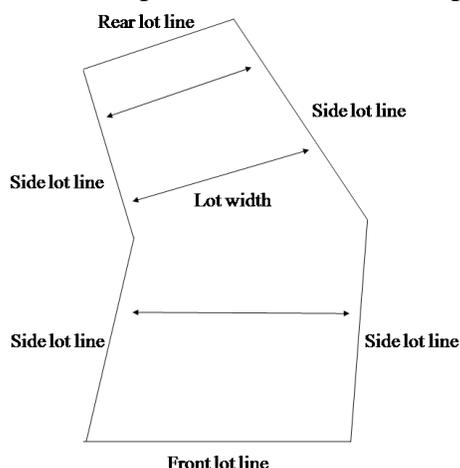
Mean. The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

Mentally or physically impaired person. For the purposes of this chapter, a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth. (Ord. 09/28/11)

Minimum setback line. The distance a building, structure or use is required to be constructed or placed away from a street right-of-way line, zoning district, building, structure, boundary line or other feature.

Mobile home. A detached unit that was manufactured under the Industrialized Building Unit and Manufactured Home Safety Laws, prior to the passage of the National Manufactured Home Construction and Safety Standards Act in 1976, designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it may be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer, camper, camping trailer, truck camper, van conversion camper, motor homes, or similar portable vehicles are not

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be considered as a mobile home, but must meet the same rules and regulations as a mobile home if they occupied on the same property more than twenty-(21) days within any two-month period or more than forty-five (45) days within any twelve-month period.

Motel. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor vehicle. A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

Motor vehicle, inoperable. Any motor vehicle, trailer or semi-trailer which meets any of the following: (Ord. 09/28/11)

1. Does not have valid license plates and valid inspection decals.
2. Is not in operating condition.
3. Has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle for a period of sixty (60) days or longer.

Motor vehicle junkyard. Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, unlicensed or incapable of being operated are placed.

Nonconforming lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district, or a lot lawfully existing at the time of a condemnation or other acquisition by an entity with condemning authority, which becomes nonconforming with respect to the applicable district regulations by virtue of said condemnation or other acquisition.

Nonconforming structure or building. A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming use. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Non-self-contained unit. A unit which is dependent upon a service building for toilet and lavatory facilities. (Ord. 6/22/11)

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursery school. See "School, nursery."

Nursing home. See "Residential care facility."

Off-site parking. Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

Off-street parking space. A temporary storage area for a motor vehicle that is directly accessible to an aisleway and that is not located on a dedicated street right-of-way.

Opaque. A material or fabric which is impervious to light and cannot be seen through.

Open space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open space, common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Organic. Derived from living organisms.

Outdoor athletic facility. See Athletic facility, outdoor.

Outdoor display. A temporary form of advertisement involving the organized arrangement of representative samples of items offered for sale on the premises of a business establishment.

Outdoor storage. The keeping of any goods, material, equipment, or merchandise in any place other than a completely enclosed building during any time other than normal business hours. The term does not include vehicle sales lots, as defined by this chapter; outdoor display, as defined by this chapter; or the keeping of company motor vehicles used in the business of the company. (Ord. 11/26/02; eff. 1/1/03)

Parapet. The extension of the main walls of a building above the roof line.

Parking, shared. Joint use of a parking area for more than one use.

Parking facility. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots (including aisleways and travel lanes), garages, private driveways, and legally designated areas of public streets, but not including access drives.

Parking space. See "Off-street parking space."

Permitted use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Preservation tract. A lot, the use and diminishment of which is restricted and protected by legal arrangements to insure its maintenance and preservation for the purposes of preservation of agricultural and forestal land and activity, water supply protection, and/or conservation of natural, scenic or historic resources. (Ord. 06/22/11)

Principal building. See "Building, principal."

Principal use. The primary or predominant use of a lot or parcel.

Prohibited use. A use that is not permitted in a zoning district.

Public utility. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public utility facilities. Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Rear lot line. See "Lot line, rear."

Rear yard. See "Yard, rear."

Recreation, active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields, such as playgrounds, tennis courts, golf courses, ball fields, gymnasiums and swimming pools.

Recreation, passive. Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities such as bathrooms, benches, picnic tables, and trails.

Recreational vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational vehicle park. A lot or parcel of land upon which three (3) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles or tents as temporary living quarters for recreational, travel, or vacation purposes.

Recreational vehicle site. Any plot of ground within a recreational vehicle park intended for exclusive occupancy by one (1) recreational vehicle under the control of the occupant. (Ord. 6/22/11)

Religious institution. A structure or place in which worship, ceremonies, rituals, or education pertaining to a particular system of religious beliefs are held.

Residential care facility. Any residential facility for the benefit of persons unrelated to the operator and in need of care and protection and not constituting a group home or other use separately permitted. The term includes hospitals, nursing homes, and "homes for adults." (Ord. 10/14/92)

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, fast food. An establishment where food and/or beverages are sold in a form ready for consumption, where a portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and/or where ordering and pick up of food may take place from an automobile.

Retail sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail services. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

Rezone. To change the zoning classification of particular lots or parcels of land or portions thereof.

Riding academy. An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

Right-of-way line. The line that forms the boundary of a right-of-way.

Road. See "Street."

Roof. The outside top covering of a building.

Sanitary landfill. A dump where material is buried and which is permitted by the Virginia Department of Environmental Quality.

Sawmill, permanent. A sawmill permanently located for the purpose of processing timber without regard to point of origination.

Sawmill, temporary. A sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

School. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

School, elementary. Any school licensed by the state and that meets the state requirements for elementary education.

School, higher education. An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

School, nursery. An institution of learning which offers instruction to children between the ages of two (2) and six (6) preparatory to enrollment in schools. (Ord. 10/14/92)

School, private. Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

School, secondary. Any school licensed by the state and authorized to award diplomas for secondary schools.

School, vocational. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-contained unit. A self-contained vehicular-type portable structure without permanent foundation that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) contains a water-flushed toilet, lavatory, shower, and kitchen sink as an integral part of the structure. Self-contained units must meet the ANSI 119.2 standard for recreational vehicles or the ANSI 119.5 standard for recreational park trailers. For the purposes of this chapter, camper shells, conversion vans, manufactured homes, mobile homes, pop-up trailers, tents, truck campers, or other vehicles converted for use as a temporary living accommodation shall not be deemed to be a self-contained unit. (Ord. 6/22/11)

Setback. The distance between any building, structure, or use and a specified street right of way line, zoning district, building, structure, boundary line, or other feature.

Shade tree. A tree, usually deciduous, planted primarily for overhead canopy.

Shielded or screened from view. All operations, materials, containers, or vehicles shall be kept within a fully enclosed building or screened by an opaque privacy fence, walls, berms with landscaping, or trees of appropriate height and density so that the items are not visible from any side. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, chain link fences with slats, or similar shields shall not be deemed to satisfy the requirements of this chapter.

Shopping center. Any group of two or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Short-term cabin. A cabin at a campground that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) is not equipped with a water-flushed toilet, lavatory, shower, and kitchen sink as an integral part of the structure. (Ord. 6/22/11)

Short-term campground. A campground in which guests occupy short-term tents or cabins on the same property fewer than twenty-one (21) days within any two-month period or fewer than forty-five (45) days within any twelve-month period. (Ord. 6/22/11)

Short-term recreational vehicle park. A recreational vehicle park in which guests occupy recreational vehicles or short-term cabins on the same property fewer than twenty-one (21) days within any two-month period or fewer than forty-five (45) days within any twelve-month period. (Ord. 6/22/11)

Short-term recreational vehicle site. Any recreational vehicle site that is not equipped for use by a self-contained unit. (Ord. 6/22/11)

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Site plan. A required submission, prepared and approved in accordance with the provisions of this chapter, of the proposed improvements required in the development of a given lot.

Slaughterhouse. A place where livestock is killed and prepared for distribution.

Special Use Permit. A special exception granted by the board of zoning appeals under the provisions of this chapter.

Specimen tree. A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Stable. A structure that is used for the shelter or care of horses.

Story. That portion of a building, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

Street. A road or street, whether public or private, which affords a principal means of access to abutting property.

Street, cul-de-sac. A street with a single common ingress and egress and with a turnaround at the end.

Street, private. Solely for the purpose of this chapter, a private street shall be any road or street which affords a principal means of access to two (2) or more abutting properties, and is not a public street as defined by this chapter.

Street, public. Solely for the purpose of this chapter, a public street shall be a road or street which affords a principal means of access to abutting property, and is encompassed by a right-of-way dedicated to and accepted by the board of supervisors on or after July 1, 1932, for public use or is maintained by the Commonwealth as part of the State primary or secondary road system.

Structure. An assembly of materials forming a construction for occupancy or use.

Structural alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (Ord. 9/26/07, eff. 9/28/07)

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. (Ord. 9/26/07, eff. 9/28/07)

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. (Ord. 09/28/11; Ord. 8/27/14).

Temporary use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Thoroughfare, designated. A street which has been officially designated as a principal street for the purpose of carrying substantial volumes of traffic.

Tourist home. A building or part thereof, other than a hotel, boarding home, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Townhouse. See "Dwelling, townhouse."

Trailer. Travel trailer, camper, camping trailer, truck camper, van-conversion trailer, motor home, pop-up camper, converted bus, storage trailer, office trailer, semi-trailer, recreational vehicle, industrialized building or any similar item, and any manufactured or mobile home not used as a residence.

Travel lane. A traveled way, where motor vehicles are not directly entering or departing parking spaces, which serves a vehicular use area or parking lot. This is distinct from an aisle or aisleway.

Travel plaza. A facility serving the traveling public, including fuel service, with more than two (2) diesel fueling positions or twenty (20) gasoline fueling positions, and possibly including restaurants, overnight accommodations, motor vehicle repair facilities, or other uses convenient to the traveling public. (Ord. 11/23/99; eff. 1/1/2000)

Truck stop. A facility or premises which caters principally to trucks, tractor-trailers, and other large vehicles en route which includes fuel service and parking spaces for more than twenty (20) trucks, tractor-trailers, or other large vehicles and may include motor vehicle repair, overnight accommodations and other uses convenient to the traveling public. (Ord. 11/23/99; eff. 1/1/2000)

Truck Terminal. See "Freight and truck terminal."

Use. The purpose for which land, a building, or structure is arranged, designed or intended; or for which either land or building or structure is, or may be, occupied or maintained.

Use, nonconforming. See "Nonconforming use."

Utility lot. A lot, tract, or parcel of land that is used or intended to be used by a governmental agency or duly chartered public service corporation for essential services and utilities.

Variance. Permission to depart from the literal requirements of a zoning ordinance in accordance with 15.2-2309 et seq. of Article 8 of the Code of Virginia, 1950, as amended.

Vehicle, motor. See "Motor vehicle."

Vehicle sales lot. The keeping of any motor vehicles, dune buggies, all-terrain vehicles, snowmobiles, trail bikes, mopeds, motor bikes, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery for sale or lease. (Ord. 11/26/02; eff. 1/1/2003)

Vehicle repair shop. The repair of any motor vehicles, dune buggies, all-terrain vehicles, snowmobiles, trail bikes, mopeds, motor bikes, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery.

Warehouse. A building used primarily for the storage of goods and materials. The term does not include a freight or truck terminal. (Ord. 11/23/99; eff. 1/1/2000)

Warehouse, mini, self-storage. A facility with multiple storage compartments where each compartment has an individual separate door accessed directly from the exterior.

Wholesale trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (Ord.11/24/93)

Yard. An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, front. A space extending the full width of the lot between any principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue zoning permits. The term includes any person or persons designated to perform specific administrative functions by the Zoning Administrator.

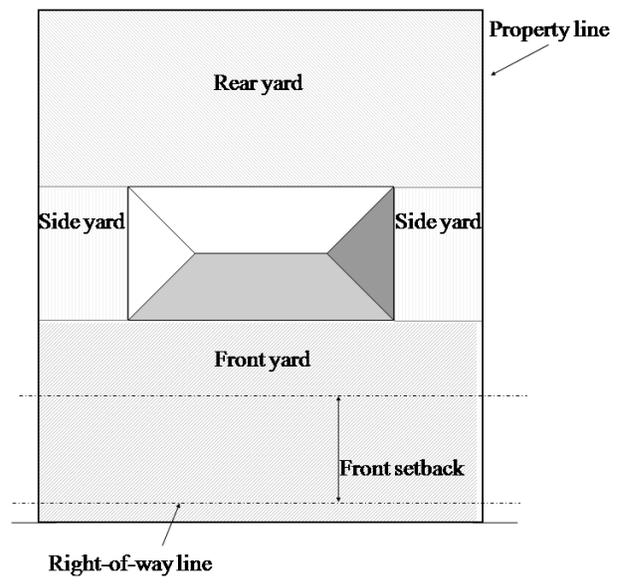
Zoning certificate. An official finding that a planned use of a property, as indicated by an application, complies with the requirements of the Zoning Ordinance.

#### **§ 25-5. Relationship of chapter to Comprehensive Plan.**

A. The Comprehensive Plan is general in nature, serving as an advisory guide to the general or approximate location, character and extent of each feature shown on the plan. It is a general program for the physical development of the county, intended to provide advance planning effectively and fairly. However, application of the Comprehensive Plan to specific situations requiring decisions under this chapter must reasonably account for the existing nature of the community and must reasonably anticipate the nature and extent of future growth and change.

B. Despite its general advisory nature in most respects, the Comprehensive Plan should control the general or approximate location, character and extent of each public facility or utility shown thereon.

C. No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted



Comprehensive Plan. This requirement shall not apply to such feature when exempted by state law.

D. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

E. Nothing herein shall be deemed to require submission for approval prior to a rezoning which involves the probable construction or extension of facilities which are subject to such a review.

State law reference--Virginia Code § 15.2-2232.

#### **§ 25-6. Zoning maps.**

A. The boundaries and locations of the zoning districts are set forth as shown on the series of maps entitled "Augusta County Zoning Maps", dated 12/13/95, as amended. Such series of maps, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this chapter.

B. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Augusta County Zoning Maps, the map or maps affected shall be amended promptly after the amendment has been approved by the board of supervisors.

C. A copy of the Augusta County Zoning Maps, properly attested shall be filed in the Community Development Department and shall be available for inspection by the public.

D. Where uncertainty exists as to the boundaries of districts as shown on the Augusta County Zoning Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center line.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following city limits or county boundaries shall be construed as following such city limits or county boundaries.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in 1 through 5 above shall be so construed.

7. Distances not specifically indicated shall be determined by the scale of the map.

**§ 25-7 through § 25-10. Reserved.**

**DIVISION A, Article I revised and readopted on 2/10/10, eff. 3/1/10**