

## **CHAPTER 25. ZONING.**

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### **DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.**

#### **Article XIII. Single Family Residential (SF) Districts.**

##### **§ 25-131. Purpose.**

The Single Family Residential Districts are intended to provide locations for single family dwellings on separate lots.

##### **§ 25-132. Permitted uses.**

The following uses shall be permitted within all Single Family Residential Districts without Administrative or Special Use Permits:

- A. One (1) single family dwelling and certain group homes required to be permitted by state law.
- B. Passive recreational facilities not requiring a building.
- C. Religious institutions.

##### **§ 25-132.1. Accessory buildings and uses.**

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Single Family Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. In Single Family Residential districts, accessory buildings and structures are permitted with the following limitations:

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

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling or taller than the height of the principal dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-138.

2. Lots containing one (1) acre, but less than five (5) acres in area:

Accessory buildings and structures not exceeding twenty feet (20') or the height of the principal dwelling, whichever is less, and with a total aggregate area of no

more than twelve hundred square feet (1,200 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the principal dwelling or taller than the principal dwelling. The side and rear setback requirements in 25-138 shall be observed.

3. Lots containing five (5) acres or more in area:

Accessory buildings and structures not exceeding twenty feet (20') or the height of the principal dwelling, whichever is less, may be erected in side or rear yards. On lots five (5) acres or more, there shall be no size limits for the buildings or structures, however, the side and rear setback requirements in § 25-138 shall be observed.

4. Temporary family health care structure that:

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

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

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

d. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

C. Accessory buildings or other accessory structures which do not meet the criteria listed in § 25.132.1. A. and B. above may be permitted by Special Use Permit provided:

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

2. Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-138.

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

**§ 25-133. Uses permitted by Administrative Permit.**

The uses listed in this section shall be permitted within Single Family Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

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

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (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 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. No display of products made shall be visible from the street; and

5. 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.

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

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. 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. For purposes of this section a commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair or motor vehicle repair. Landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

(Ord. 09/28/11; Ord. 10/28/15)

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. For attached accessory dwelling units not constituting an addition, the owner must provide a floor plan sketch to demonstrate that the apartment contains less square footage than the principal dwelling and in no case shall the apartment be larger than the footprint of the existing dwelling; and

3. For attached accessory dwelling units, constituting an addition and changing the footprint of the original dwelling, the attached accessory dwelling unit shall be 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

4. Exterior entrances to the apartment are on the side or rear only; and
5. There shall be no more than one (1) attached accessory dwelling unit per principal dwelling; and
6. 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 constructed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-134.H; and
7. 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
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.

(Ord. 09/28/11; Ord. 6/26/19)

D. Domestic Chickens.

The keeping of no more than four (4) chicken hens shall be permitted by Administrative Permit provided:

1. No more than four (4) chicken hens shall be allowed per parcel and will be accessory to a single-family dwelling. Chickens shall not be permitted on any parcel of land that is within five hundred (500) feet of any poultry house. Chickens shall only be raised for domestic purposes. No commercial on-site use on the property such as selling eggs or selling chickens for meat shall be allowed.
2. No roosters, capons, or crowing hens shall be allowed.
3. There shall be no outside slaughtering of birds.
4. All chicken hens must be kept at all times in an enclosed and covered, at a minimum with wire mesh, secure movable or stationary pen that contains at a minimum four (4) square feet of roost space per bird, with an additional five (5) square feet of run space per bird. The maximum total area of the coop and chicken enclosure shall not exceed one hundred fifty (150) square feet nor a height of ten feet (10').
5. All coops and enclosed pens must be located behind the front building line of the principal structure and may not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') from any property lines or thirty-five

- feet (35') from any stream or any river and shall not be located in any storm water management area, flood plain, or Source Water Protection Area 1.
6. All enclosed pens must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries.
  7. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.
  8. Provisions shall be made for the storage and removal of chicken litter and chicken waste (manure). Chicken litter and chicken waste shall not be disposed of by composting on-site, but shall be collected by a bona-fide litter service, or bagged and taken to the county landfill. In no case shall such chicken litter and chicken waste be allowed to create a nuisance or health hazard to adjoining property owners.
  9. Any dead bird shall be taken to the county landfill.
  10. Persons wishing to keep chicken hens pursuant to this subsection must file an application with the Department of Community Development, which application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed along with the fee for a Keeping of Poultry Permit. The sketch must show all dimensions and setbacks. As part of the application process all persons must complete the Virginia Livestock Premises Registration with the Virginia Office of Veterinary Services prior to the issuance of a permit. If the applicant is not the property owner, property owner consent is required.
  11. Upon receipt of an application for a Keeping of Poultry Permit, the Director of the Community Development Department shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.
    - A. Action if objection received.
      - i. If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the keeping of chickens may be allowed only upon approval of a Special Use Permit by the board of zoning appeals.
      - ii. If the Special Use Permit is granted by the board of zoning appeals, the keeping of chickens shall be permitted provided all terms and conditions of the Special Use Permit are satisfied.
    - B. Action if no objection received. If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the keeping of chickens may be permitted by a Keeping of Poultry Permit.



- C. In all cases, the permit to keep chickens is issued non-transferrable and does not run with the land.
12. Once the permit has been issued, the site and enclosures shall be inspected and approved by the Department of Community Development within thirty (30) days of construction of the pens.
  13. The permit applicant must be the owner of the property or must have and submit written consent of the owner of the property as part of the Keeping of Poultry Permit application to keep chickens on the property. Upon written notice of the property owner's withdrawal or cancellation or termination of such approval, the permit shall be revoked by the Director of Community Development.
  14. If the permit holder is convicted of any county or state code violation associated with the keeping of chickens, the permit shall be revoked.
  15. In the event of the Department of Community Development receiving and verifying three substantial and credible complaints of violation of any provision of this chapter and after notice given of such to the permit holder, the permit shall be revoked.
  16. Upon revocation of the permit, chickens must be removed within 30 days or be subject to removal. Any person(s) so having a permit revoked shall not be allowed, at any time, to make application for another permit for five years.

(Ord. 2/22/17; Ord. 5/25/22)

#### **§ 25-134. Uses permitted by Special Use Permit.**

The uses listed in this section shall be permitted within Single Family Residential Districts 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.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

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

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

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

B. 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.

A Christmas tree farm, where at least seventy-five percent (75%) of the items sold must be grown on the 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. Farms and agriculture of a limited nature.

Limited agriculture, not including swine and poultry, except for domestic chickens as provided for in § 25-133, may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and

2. The property is not part of a platted residential subdivision; and

3. 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

4. Traffic generated by the proposed farming operation will be compatible with the roads serving the site and other traffic utilizing said roads; and

5. There shall be no accessory business use of the property that will generate additional traffic.

This ordinance shall become effective six months after adoption.

(Ord. 2/22/17)

F. Accessory buildings or other accessory structures located in the front yard.

Accessory buildings or other accessory structures located in the front yard may be permitted by Special Use Permit provided:

1. The proposed location of the accessory building or structure would not appear out of character with other buildings and uses on the adjoining and surrounding properties; would not be aesthetically damaging to the character of the surrounding properties; or would not adversely and substantially affect the fair market value of surrounding properties; and

2. The accessory building or structure must meet the front setback requirement of this article.

G. Boarding houses.

A Special Use Permit for a boarding house in a pre-1980 structure may be granted provided that all the requirements listed below are met:

1. The lot on which the dwelling is located is at least one (1) acre in size and not in a subdivision approved by the board of supervisors; and
2. The owner of the dwelling lives on the premises; and
3. The dwelling used shall have the exterior appearance of a single family residence and normal residential accessory structures; and
4. 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
5. Approval by the Virginia Department of Transportation; and
6. All parking associated with the use is accommodated off-street in accordance with the requirements of article III of this Code "Off-street Parking."

H. Attached 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 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 will not be out of character with the neighboring properties; and
2. All other provisions of §25-133.C are met. (Ord. 3/24/21)

**§ 25-135. Prohibited uses.**

All uses except those listed in §§ 25-132, 25-132.1, 25- 133, and 25-134 above, including manufactured and mobile homes, are specifically prohibited in Single Family Residential Districts.

**§ 25-136. Lot area.**

- A. The minimum lot area for lots on public water and sewer shall be:
  1. Nine thousand square feet (9,000 sq. ft.) where:

a. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or

b. Curb and gutter are provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

2. Twelve thousand square feet (12,000 sq. ft.) in all other cases.

B. The minimum lot area for lots on public water and private sewage disposal systems shall be one (1) acre.

(Ord. 7/25/07)

**§25-137. Lot width.**

A. Every lot shall have at least forty feet (40') of frontage on a public street.

B. The minimum lot width at the minimum front setback line shall be:

1. Seventy-five feet (75') where:

a. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or

b. Curb and gutter are provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

2. One hundred feet (100') in all other cases.

C. The minimum lot width at the rear lot line shall be forty feet (40').

**§ 25-138. Yard and setback requirements.**

In Single Family Residential Districts the following yard and setback requirements are imposed:

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 fifty feet (50').

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'). On lots in subdivisions where a master plan or preliminary plat was approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').

3. In the absence of proof to the contrary, the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract, or parcel fronts on two (2) 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 lot lines.**

1. No principal building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to any rear lot line than twenty-five feet (25').

2. Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in rear yards. Accessory buildings and structures less than nine hundred square feet (900 sq. ft.) shall not be nearer than five feet (5') to any rear lot line.

3. Accessory buildings and structures more than nine hundred square feet (900 sq. ft.) must meet the rear yard requirements for principal buildings.

**C. Side lot lines.**

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to any side lot line than:

a. Eight feet (8') where:

i. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or

ii. Curb and gutter are provided to the applicable standards of the Virginia Department of Transportation (VDOT) and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

b. Fifteen feet (15') in all other cases.

2. Accessory buildings and structures may be erected in side yards. Side yard setback requirements applicable to principal buildings and structures shall be observed by all accessory buildings and structures.

**§25-138.1. Public water required.**

All developed lots in Single Family Residential Districts zoned after February 28, 2010 shall have service by a public water system.

**§ 25-139. Height limitations.**

In Single Family Residential 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 District.

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

**§ 25-139.1. Access to public streets.**

Lots created in residential subdivisions after February 28, 2010 must access a subdivision street or an internal road system. Nothing contained in this section shall be deemed to affect the validity of any preliminary plat or master plan approved prior to February 28, 2010 in accordance with Chapter 21 of this Code.

**§ 25-140. Reserved.**

**Article XIII, Division C, Chapter 25 revised and readopted 2/10/10, eff. 3/1/10**