

DIVISION 1. - AGRICULTURAL DISTRICT A-1

Sec. 25-71. - Purpose.

The Agricultural District A-1 is intended to preserve and enhance the rural character and natural resources of those portions of the county where agriculture, forest, rural residential and open space uses predominate, and to accommodate additional limited amounts of low density residential development that is not served by public water or wastewater systems.

This district is generally intended to apply to land within the current A-1 district on the date of adoption of this chapter and land designated in the comprehensive plan as being planned for agricultural, rural residential or private forest. Land in this district is generally not intended to be served with public water or wastewater.

(Res. of 1-1-02, § 2-101)

Sec. 25-72. - Permitted uses.

The following uses are permitted by right, subject to compliance with all other requirements of this chapter, and all other applicable regulations:

- (1) Agriculture.
- (2) Agriculture, intensive, subject to standards of subsection 25-76(c).
- (3) Cemetery.
- (4) Church.
- (5) Dwelling, single-family.
- (6) Dwelling, accessory.
- (7) Group home.
- (8) Home occupation, subject to standards of section 25-435.
- (9) Mobile (manufactured) home, Class A or B, subject to standards of section 25-437.
- (10) Natural area.
- (11) Park, unlighted.
- (12) Playground, unlighted.
- (13) Sawmill, temporary.
- (14) Sawmill, small-scale.
- (15) School, public.
- (16) Telecommunications tower, attached, subject to standards of section 25-441.
- (17) Temporary family health care structure.
- (18) Temporary meteorological tower (MET), subject to standards of section 25-446(d).
- (19) Cabin or cottage, subject to standards of section 25-434.
- (20) Homestay, subject to standards of section 25-434.

(Res. of 1-1-02, § 2-102; Res. No. 11-10-10, 10-25-11; Res. No. 15-06-18, 6-23-15; Res. No. 16-05-14, 5-24-16; Res. No. 16-05-15, 5-24-16; Res. No. 16-05-16, 5-24-16; Res. No. 16-05-17, 5-24-16)

Sec. 25-73. - Uses permissible by special exception.

The following uses may be permitted by the board of supervisors as special exception uses, subject to the requirements of this chapter and all other applicable regulations:

- (1) Airport, private.
- (2) Animal hospital.
- (3) Antique shop.
- (4) Assisted living facility.
- (5) Boardinghouse, subject to standards of section 25-434.
- (6) Bed and breakfast, subject to standards of section 25-434.
- (7) Campground.
- (8) Cabin or cottage, resort, subject to standards of section 25-434.
- (9) Civic club.
- (10) Community center.
- (11) Correctional facility, adult.
- (12) Correctional facility, juvenile.
- (13) Country club.
- (14) Crematorium and/or funeral home.
- (15) Day care center.
- (16) Fire, police and rescue stations.
- (17) General store.
- (18) Golf course.
- (19) Grain mill, feed mill.
- (20) Heliport.
- (21) Home business, subject to standards of section 25-435.
- (22) Home business, rural, subject to standards of section 25-435.
- (23) Hunting lodge, game preserve.
- (24) Junkyard, automobile graveyard.
- (25) Kennel, commercial.
- (26) Kennel, private.
- (27) Landfill.
- (28) Livestock market.
- (29) Medical care facility.
- (30) Nursery, production.

- (31) Nursery, retail (garden center).
- (32) Park and ride lot.
- (33) Park, lighted.
- (34) Pet farm.
- (35) Playground, lighted.
- (36) Public utility trunk lines, other (gas, electric, communications).
- (37) Public utility trunk lines, water or sewer.
- (38) Public utility plants, other (gas, electric, communications).
- (39) Public utility plants, water or sewer.
- (40) Public utility maintenance facility or storage yard.
- (41) Public utility substations (gas, electric, communications).
- (42) Recreational vehicle park, subject to standards of section 25-434.
- (43) Recycling collection point.
- (44) Roadside stand.
- (45) Rural resort, subject to standards of section 25-434.
- (46) Rural retreat, subject to standards of section 25-434.
- (47) Sawmill.
- (48) School, private.
- (49) Shooting range.
- (50) Slaughterhouse, includes custom meat cutting, processing and sales.
- (51) Special events facility.
- (52) Stable, commercial.
- (53) Storage yard.
- (54) Structures, non-residential, totaling in excess of twenty thousand (20,000) gross square feet, but not greater than thirty-nine thousand nine hundred ninety-nine (39,999) gross square feet.
- (55) Telecommunications tower, free-standing, subject to standards of section 25-441.
- (56) Temporary meteorological tower (MET), subject to standards of section 25-446(e).
- (57) Wind energy system, utility-scale, subject to standards of section 25-446.

(Res. of 1-1-02, § 2-103; Res. No. 03-04-12, 4-15-03; Res. No. 06-04-19, 4-25-06; Res. No. 07-05-15, 5-22-07; Res. No. 11-10-10, 10-25-11; Res. No. 13-04-18, 4-23-13; Res. No. 14-11-21, 11-25-14; Res. No. 15-06-18, 6-23-15; Res. No. 16-05-14, 5-24-16; Res. No. 16-05-15, 5-24-16; Res. No. 16-05-16, 5-24-16; Res. No. 16-05-17, 5-24-16)

Sec. 25-74. - Lot requirements.

(a) *Conventional development option.*

- (1) Minimum lot area: Two and one-quarter (2.25) acres; one and one-quarter (1.25) acres for family subdivisions provided that the lot has frontage on a state-maintained road or a twenty-foot easement to a state-maintained road is dedicated and recorded.

- (2) Maximum lot coverage: Fifteen (15) percent.
 - (3) Lot access. Lots shall be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to be accepted into the VDOT system, except in the case of family subdivisions.
 - (4) Minimum lot width.
 - a. For lots fronting public roads existing on the date of adoption of this chapter: One hundred fifty (150) feet.
 - b. For lots fronting new public roads built by the applicant after the date of adoption of this chapter: One hundred thirty (130) feet.
 - (5) Wastewater disposal. All lots must meet health department requirements for individual wastewater disposal (or be served by approved public or community sewer service), and drainfields shall be located only on the lot that is served by that drainfield.
- (b) *Cluster A-1 development option.*
- (1) Maximum density: One (1) lot per two and one-quarter (2.25) acres, except one and one-quarter (1.25) acres for family subdivisions provided that the lot has frontage on a state-maintained road or a twenty-foot easement to a state-maintained road is dedicated and recorded and that the average lot size of all lots on the tract is not less than two and one-quarter (2.25) acres.
 - (2) Minimum lot area (maximum net density).
 - a. *Cluster lots:* Forty thousand (40,000) square feet.
 - b. *Conservation lots:* Twenty-five (25) acres; at least fifty (50) percent of the parent parcel area shall be allocated to conservation lots.
 - (3) Maximum lot coverage.
 - a. *Cluster lots:* Twenty (20) percent.
 - b. *Conservation lots:* Five (5) percent.
 - (4) Lot access.
 - a. Cluster lots shall be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to be accepted into the VDOT system.
 - b. Conservation lots may be accessed by private access easements at least twenty (20) feet in width. Up to two such lots may be served by a single access easement. At least one of the conservation lots in any cluster development shall front on an existing public road (minimum three hundred (300) feet frontage).
 - c. *Pipestem lots.* Cluster lots may be pipestem lots as defined herein, subject to approval by the planning commission in conjunction with preliminary plat.
 - d. *Conservation lots.* Any conservation lot may be a pipestem lot.
 - (5) Minimum lot width.
 - a. *Cluster lots.* One hundred (100) feet at the minimum setback line of front yard.
 - b. *Conservation lots.* For conservation lots fronting public roads existing on the date of adoption of this chapter or new public roads built by the applicant after the date of adoption of this chapter, three hundred (300) feet at the minimum setback line of the front yard.

(Res. of 1-1-02, § 2-104)

Sec. 25-75. - Building requirements.

(a) *Conventional A-1 Development Option.*

(1) Minimum yards (building setbacks).

a. *Front:*

1. On existing public road: Seventy-five (75) feet.
2. On new public road: Fifty (50) feet.

b. *Rear:* Thirty (30) feet.

c. *Side:* Twenty (20) feet

d. *Accessory buildings.*

1. In the A-1 use district, no closer than fifteen (15) feet to a side or rear lot line; not permitted within front setbacks.
2. All lots existing prior to the adoption of this chapter shall be regulated by the prior setback requirements for the district in force at the time of adoption of this chapter. (Section 25-39)

(2) Maximum height of buildings and structures. Forty (40) feet, except for exempted structures provided for in section 25-15(b) of this chapter, and except by special exception in which case for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of sixty (60) feet.

(b) *Cluster A-1 development option.*

(1) Minimum yards.

a. *Front:*

1. For cluster lots: Thirty-five (35) feet.
2. For conservation lots: Forty (40) feet.

b. *Side.*

1. For cluster lots: Fifteen (15) feet.
2. For conservation lots: Twenty (20) feet.

c. *Rear.*

1. For cluster lots: Thirty-five (35) feet.
2. For conservation lots: Forty (40) feet.

d. *Accessory buildings.* No closer than fifteen (15) feet to a side or rear lot line; not permitted in front yards.

(2) Maximum height of buildings and structures. Forty (40) feet, except for exempted structures provided for in section 25-15(b) of this chapter, and except by special exception in which case for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of sixty (60) feet.

(Res. of 1-1-02, § 2-105; Res. No. 11-10-10, 10-25-11)

Sec. 25-76. - Use limitations.

(a) *Individual septic systems (cluster option).* All lots (conservation and cluster) shall meet health department requirements for individual wastewater disposal, except that drainfields may be located on an adjacent lot (cluster, conservation or open space lot). All off-site drainfields shall be placed within a dedicated utility access easement for the benefit of the lot which the drainfield serves.

- (b) *Public water and wastewater service.* Lots may be served by public or community water and sewer service which meets the provisions of the county's comprehensive plan and all design standards set forth by the county, including:
- (1) When a water or sewer service distribution/collection line is located within three hundred (300) feet of an existing lot, such lot may be connected to that distribution line.
 - (2) When a water or sewer service distribution/collection line is located within three hundred (300) feet of any lot within an existing recorded subdivision, all lots in such subdivision may connect to that line, provided that all lots along the distribution/collection line within the subdivision shall connect to the service line.
 - (3) The design of all pipes, pumps, and other elements of community water or sewer systems must meet the design standards of the county.
- (c) *Intensive agriculture on small lots.* Intensive agricultural activities are not permitted on lots of less than five (5) acres where the primary use of the lot is residential.

(Res. of 1-1-02, § 2-106)

Secs. 25-77—25-90. - Reserved.

DIVISION 16. - INDUSTRIAL DISTRICT M-3

Sec. 25-361. - Purpose.

The intent of Industrial District M-3 is to establish areas for industrial uses which, because of their nature and operations, exhibit such noticeable characteristics as noise, glare, smoke, fumes and odors. These industrial uses should be monitored with respect to air and water quality. This district, and additions to existing districts, should be in proximity to other existing and/or planned commercial, industrial and institutional land use activities with utilities and superior road access.

(Res. of 1-1-02, § 2-1601)

Sec. 25-362. - Permitted uses.

The following uses are permitted by right, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

- (1) Livestock and auction markets.
- (2) Acid manufacture.
- (3) Exploration and extraction of gas, oil and other minerals, including quarries.
- (4) Mineral processing operations, such as crushing plants; cement, lime and gypsum manufacturing; masonry block and brick manufacturing; and asphalt plants.
- (5) Fertilizer manufacture.
- (6) Petroleum manufacture, including by-products.
- (7) Petroleum storage.
- (8) Pulp and paper manufacture.
- (9) Slaughterhouse, including meat, poultry and fish processing.

- (10) Steel fabricating plants.
- (11) Public utility generating, booster and relay stations; transformer stations; transmission lines and towers; and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- (12) Animal hospital, veterinary service.
- (13) Crematorium.
- (14) Telecommunications tower, attached, subject to the standards of section 25-441.

(Res. of 1-1-02, § 2-1602)

Sec. 25-363. - Uses permissible by special exception.

The following uses may be permitted by the board of supervisors as special exception uses, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

- (1) Automobile graveyards.
- (2) Junkyards.
- (3) Landfills, transfer station.
- (4) Telecommunication tower, freestanding, subject to standards of section 25-441.
- (5) Shooting range.
- (6) Concrete mixing, storage plant.
- (7) Sawmill, wood processing facility.
- (8) Stump processing plant.
- (9) Kennel, commercial.
- (10) Explosive storage facility.
- (11) Individual well and septic systems approved by the state health department.

(Res. of 1-1-02, § 2-1603; Res. No. 06-07-13, 7-25-06; Res. No. 11-10-10, 10-25-11)

Sec. 25-364. - District requirements.

Minimum district size: Twenty (20) acres.

(Res. of 1-1-02, § 2-1604)

Sec. 25-365. - Lot requirements.

- (a) *Minimum lot area:* One (1) acre.
- (b) Maximum floor area ratio: 0.50; impervious surfaces on any lot shall not exceed seventy (70) percent of the lot area.
- (c) *Minimum lot width:* One hundred (100) feet.

(Res. of 1-1-02, § 2-1605; Res. No. 11-10-10, 10-25-11)

Sec. 25-366. - Building requirements.

- (a) *Minimum yards.*
 - (1) Front: Forty (40) feet.
 - (2) Side: Forty (40) feet. (One hundred (100) feet adjoining residential).
 - (3) Rear: Fifty (50) feet. (One hundred (100) feet adjoining residential).
- (b) *Minimum building setback.* Forty (40) feet when parking is located behind principal building, when parking screened from public road view with berms and/or coniferous landscaping, or when parking lot landscaping is increased by at least fifty (50) percent over minimum requirements; otherwise building setback shall be eighty (80) feet plus distance of impervious surfaces.
- (c) *Building height.* Forty-five (45) feet. Parapet walls are permitted up to four (4) feet above the maximum height of the building. Buildings over forty five (45) feet in height may be permitted by the board of supervisors as a special exception where building setback is increased five (5) feet for each additional foot over forty-five (45) feet plus such other conditions as the board of supervisors imposes.

(Res. of 1-1-02, § 2-1606; Res. No. 11-10-10, 10-25-11)

Sec. 25-367. - Use limitations.

- (a) *Public water and sewer service.* All development within the M-3 District is required to be served by public or community water and sewer facilities which comply with current county and state health department standards, unless granted a special exception permit under subsection 25-363(11).
- (b) *Access.* Lot access for M-3 Districts or lots shall not be provided through contiguous residential districts, residential areas of planned districts, or residential subdivisions in the A-1 or RR districts.
- (c) *Indoor/outdoor operations.* All manufacturing operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors as a special exception use.
- (d) *Noise.* Noise levels generated on-site shall comply with Article II Noise, of the Noise Ordinance of the Botetourt County Code.

(Res. of 1-1-02, § 2-1607; Res. No. 06-07-13, 7-25-2006)

Secs. 25-368—25-380. - Reserved.