MONTGOMERY COUNTY
PLANNING COMMISSION
755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Chris Tuck, Chair
Montgomery Co. Board of Supervisors

FROM: Robert Miller, Chair
Montgomery Co. Planning Commission

DATE: September 15, 2016

RE: Zoning Ordinance Amendment- Z-2016-02, SUPs for Accessory Structures

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The attached amendment was considered by the Planning Commission at their September 14, 2016 meeting. The Board of Zoning Appeals had requested consideration to amend the zoning ordinance requirement for a Special Use Permit for accessory structures greater than 1200 square ft. and/or 18 ft. in height. Working with the Commission and BZA, staff fielded questions and gathered additional input necessary to draft the attached text amendment.

There were no speakers from the public during the hearing. Commission members discussed concerns regarding the allowable size based on square footage versus footprint of the principal structure; however, it was determined the ordinance as written would allow the zoning administrator the authority to determine whether a structure was subordinate to the principal structure and adequately address the concerns of the BZA.

Upon a motion, duly seconded and carried by a 5-0 vote (Allen, Disney, & Kroll absent and one vacancy), the Planning Commission voted to forward an amended draft ordinance to the Board of Supervisors with a recommendation of approval.

Enclosures: Ordinance Amendment

ORD-FY-17
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 10-21 (4), 10-22(4), 10-23(4), 10-24(4), 10-25(4), 10-26(4), 10-22(4) AND 10-41(1) RESPECTIVELY BY CHANGING WHEN ACCESSORY STRUCTURES REQUIRE AUTHORIZATION BY SPECIAL USE PERMIT

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning, Sections 10-21(4), 10-22(4), 10-23(4), 10-24(4), 10-25(4), 10-26(4), 10-27(4) and 10-41(1) respectively shall be amended and reordained as follows:

Sec. 10-21. - A-1 Agricultural District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures <u>that exceed the square footage or height of the principal structure</u> ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Boarding house.
(d) Campground.
(e) Camp, boarding.
(f) Civic club.
(g) Contractor's storage yard.
(h) Country club.
(i) Country inn.
(j) Custom meat cutting, processing and packaging.
(k) Day care center.
(l) Disposal facility, landfill.
(m) Exploratory activities associated with extractive industries.
(n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
(o) Flea market (also subject to requirements of article VI of the County Code).
(p) Game preserve.
(q) Garden center.
(r) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
(s) Golf course.
(t) Golf driving range.
(u) Grain mill, feed mill.
(v) Home business.
(w) Junkyard, automobile graveyard.
(x) Kennel, commercial (refer to use limitations in subsection 7).

(y) Landfill (see Disposal facility).
(z) Livestock market.
(aa) Park, lighted.
(bb) Park and ride lot.
(cc) Playground, lighted.
(dd) Public utility plant, other.
(ee) Public utility substations.
(ff) Public utility plant water or sewer (not including distribution or collection lines).
(gg) Recreational vehicle park.
(hh) Recycling collection points.
(ii) Repair shop, automotive (refer to use limitations in subsection 7).
(jj) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
(kk) Rural resort.
(ll) Sawmill.
(mm) School of special instruction.
(nn) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
(oo) Slaughterhouse.
(pp) Solid waste collection point.
(qq) Stable, commercial.
(rr) Stone engraving and sales.
(ss) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
(tt) Structures over forty (40) feet in height.
(uu) Telecommunications tower, freestanding.
(vv) Transition house.

(4)(ii) [Special uses.] The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than one thousand two hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.
(b) Farm enterprise with less than forty (40) feet of public road frontage subject to the requirements of section 10-41(18)(g) of this Zoning Ordinance.

Sec. 10-22. - C-1 Conservation District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Campground.

(d) Park, unlighted.
(e) Park and ride lot.
(f) Playground, unlighted.
(g) Sawmill, temporary.
(h) Structures over sixty-five (65) feet in height.
(i) Telecommunications tower, freestanding.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

Sec. 10-23. - R-R Rural Residential District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Cemetery.
(d) Civic club.
(e) Country club.
(f) Day care center.
(g) Fire, police and rescue stations.
(h) Golf course.
(i) Golf driving range.
(j) Home business.
(k) Park, lighted.
(l) Park and ride lot.
(m) Playground, lighted.
(n) Public use, public facility.
(o) Public utility substations.
(p) Public utility plant, water or sewer.
(q) Stable, commercial.
(r) Structures over fifty (50) feet in height.
(s) Telecommunications tower, freestanding.
(t) Veterinary practice, animal hospital.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

Sec. 10-24. - R-1 Residential District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast inn.
(c) Boarding house.
(d) Cemetery.
(e) Civic club.
(f) Country club.
(g) Day care center.
(h) Fire, police and rescue stations.
(i) Funeral home.
(j) Golf course.
(k) Home business.
(l) Nursing home.
(m) Park, lighted or unlighted.
(n) Park and ride lot.
(o) Playground, lighted or unlighted.
(p) Private club.
(q) Public use, public facility.
(r) Public utility plant, other.
(s) Public utility plant, water or sewer.
(t) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

(b)—(o). Reserved.

Sec. 10-25. - R-2 Residential District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.

(b) Bed and breakfast inn.
(c) Boarding house.
(d) Cemetery.
(e) Civic club.
(f) Country club.
(g) Day care center.
(h) Fire, police and rescue stations.
(i) Funeral home.
(j) Golf course.
(k) Home business.
(l) Nursing home.
(m) Park, lighted or unlighted.
(n) Park and ride lot.
(o) Playground, lighted or unlighted.
(p) Private club.
(q) Public use, public facility.
(r) Public utility plant, other.
(s) Public utility plant, water or sewer.
(t) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

Sec. 10-26. - R-3 Residential District.

(4)(i) Uses permissible by special use permit. The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~ when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
(b) Bed and breakfast homestay.
(c) Boarding house.
(d) Cemetery.
(e) Civic club.
(f) Country club.
(g) Day care center.
(h) Fire, police and rescue stations.
(i) Funeral home.
(j) Golf course.
(k) Home business.
(l) Manufactured home, Class A and Class B.

(m) Medical care facility.
(n) Nursing home.
(o) Park, lighted or unlighted.
(p) Park and ride lot.
(q) Playground, lighted or unlighted.
(r) Public use, public facility.
(s) Public utility plant, other.
(t) Public utility substations.
(u) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

Sec. 10-27. - RM-1 Multiple-Family Residential District.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures that exceed the square footage or height of the principal structure ~~greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height~~.

Sec. 10-41. - Supplemental district regulations.

(1) Accessory uses and structures.

(a) Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and in compliance with all other provisions of this chapter. Accessory structures shall not exceed the square footage or height of the principal structure ~~eighteen (18) feet in height or twelve hundred (1,200) square feet in area~~ unless authorized by special use permit.

(b) Residential accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Above ground deck.
2. Clothesline.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking for motor vehicles, subject to subsection (14).
6. Patio, porch, gazebo.
7. Pet houses and pens.
8. Play equipment and playhouses.

9. Private garage, carport for personal, non-commercial use and shall be subordinate to principal structure. ~~Maximum height and area shall be eighteen (18) feet and twelve hundred (1,200) square feet respectively~~ unless authorized by special use permit.
10. Private greenhouse.
11. Private swimming pool.
12. Private tennis court or outdoor recreational court.
13. Radio or satellite antennas, freestanding or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height.
14. Storage shed for personal, noncommercial use, and clearly subordinate to principal structure.
15. Studios and workshops without outdoor display for personal use, and clearly subordinate to principal structure.
16. Accessory dwellings in accord with subsection (2).
17. Solar power panels.
18. Enclosed areas devoted to collection of recyclable materials generated by the principal use.
19. Bus shelter or bus stand.

(c) Commercial and industrial accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Dumpsters and dumpster pads.
2. Emergency power generators.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking uses and structures. Parking uses in the Community and General Business Zoning Districts shall be limited to the personal non-commercial vehicles driven by property owners, tenants who live on premises and their guests, the employees who work on site or the customers who patronize the business and to commercial vehicles weighing less than five (5) tons GVW that are owned and associated with the business. The parking or storing of commercial vehicles weighing over five (5) ton GVW or semitrailers associated or not associated with the business shall only be permitted pursuant to a special use permit authorized by the Board of Supervisors.
6. Recycling facilities, in accord with subsection (7).
7. Storage sheds, clearly subordinate to principal structure.
8. Stormwater management facilities, BMP facilities.
9. Bus shelter or bus stand.
10. Accessory living quarters for watchman, guard or custodian.
11. Sculpture, fountain, etc., clearly subordinate to principal structure.
12. Solar power panels.

(d) Use limitations:

1. Accessory structures shall be located on the same lot as the principal use or structure, except in the A-1 agricultural and C-1 conservation districts.

2. Accessory structures shall be included in the calculations for height, bulk and coverage as required by this chapter.
3. Except as otherwise permitted herein and subject to subsection (8), no accessory use or structure shall be located in a required yard.
4. No accessory use or structure shall create a nuisance or hazard.
5. No accessory use or structure shall be used as a dwelling or for lodging purposes, except for living quarters for guards or custodians as provided for in subsection (c)10. above.
6. Home occupation uses shall comply with the provisions of subsection (4).
7. Accessory uses and structures shall be operated and maintained under the same ownership as the principal use.
8. No accessory uses or structures shall be established until the principal use or structure is established except in the A-1 agricultural and C-1 conservation districts.