

ARTICLE 6

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1

6-100

ACCESSORY USES AND STRUCTURES

6-101

Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in conjunction with, incidental to, and on the same lot with a principal use or structure which is permitted within such district. Notwithstanding the above, when several adjacent lots are used as one place of residence, accessory structures may be placed on the property provided all other standards are met.

6-102

Permitted Accessory Uses

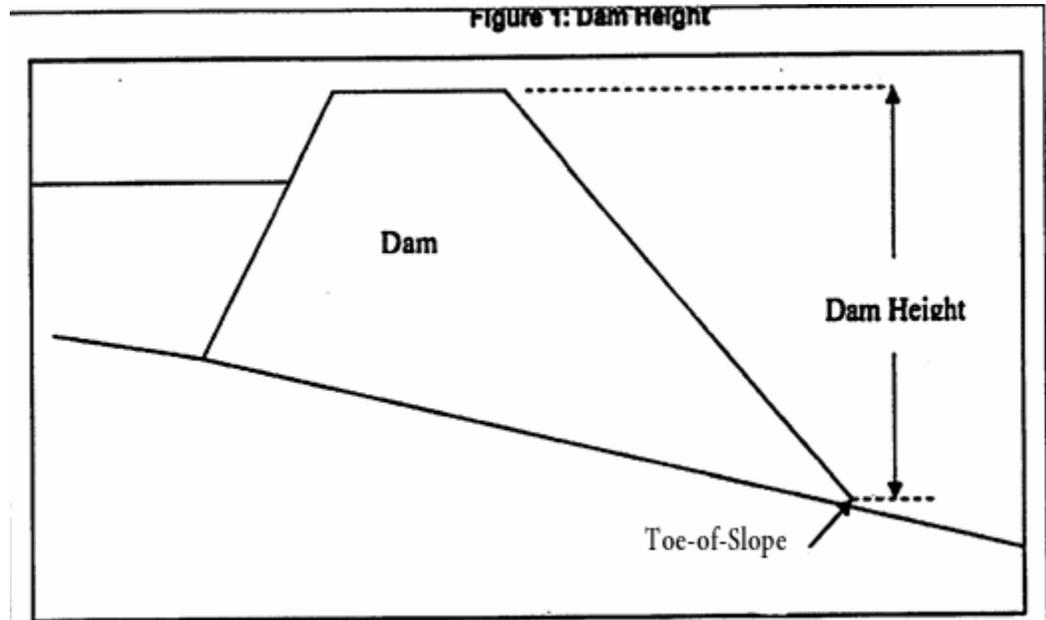
Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15.

1. Antenna structures.
2. Barns and any other structures that are customarily incidental to an agricultural use on a tract of land not less than two (2) acres; houses, sheds, and other similar structures for the housing of livestock when such animals are permitted on five acres or less.
3. Carports.
4. Child's playhouse, not to exceed 100 square feet in gross floor area, and child's play equipment.
5. Doghouses, pens and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 15.
6. Fallout shelters.
7. Garages, private, subject to the following limitations:
 - A. No garage accessory to a multiple family residence shall be designed for more than two (2) vehicles per dwelling unit.
 - B. No tractor trailer and not more than one (1) commercial vehicle may be parked in a private, enclosed garage in an R District.
8. Gardening.

9. Guest house or rooms for guests in an accessory structure, but only on lots of at least two (2) acres and provided such house is without kitchen facilities, is used for the occasional housing of guests of the occupants of the principal structure and not as rental units or for permanent occupancy as housekeeping units.
10. Parking and loading spaces, off-street, as regulated by Article 7.
11. Parking of commercial vehicles/tractor trailers subject to the following limitations:
 - A. In a residential district, parking of not more than one commercial vehicle per occupant/operator shall be allowed, but not to include any tractor trailer or vehicle exceeding one and one-half (1½) ton capacity. Parking shall not be in any required front or side yard.
 - B. In the rural zoning districts, parking of not more than one commercial vehicle/tractor trailer per occupant/operator shall be allowed, except the parking of any tractor trailer or vehicle exceeding one and one-half (1½) ton capacity shall not be permitted on a parcel of one (1) acre or less. Parking also shall not be permitted in any required setback. Vehicles utilized for agriculture shall not be included in this limitation.
12. Parking of small cargo trailers and major recreational equipment in an R District including but not limited to boats, boat trailers, camping trailers, travel trailers, motorized dwellings, tent trailers, houseboats and horse vans, but subject to the following limitations:
 - A. Such equipment shall not be used for living, sleeping or other occupancy when parked, or stored on a residential lot or in any other location not approved for such use except as may specifically be authorized pursuant to Sections 3-308.5 and 5-805.1.
 - B. Such equipment six (6) feet or more in average height, not parked or stored in a garage, carport or other structure:
 - (1) Shall not be located in any required front or side yard.
 - (2) Shall be located at least three (3) feet from all buildings.
13. Porches, gazebos, belvederes and similar structures.
14. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the Rural Districts at a density not to exceed one (1) unit per fifty (50) acres.
15. Recreation, storage and service structures in a mobile home park.
16. Residence for a proprietor or storekeeper and their families located in the same building as their place of occupation.
17. Signs, as permitted by Article 8.

18. Statues, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges. Notwithstanding the limitations of Section 6-101 of this section, a flagpole for any flag meeting the limitations of Section 8-301.6 may be located on an adjoining property under common ownership.
19. Storage outside, to include a compost pile, farm equipment and inoperable and junk vehicles on any lot as provided for in Section 2-508, provided such storage and/or vehicle in a Residential District is located on the rear half of the lot; is screened from view from the first story window of any neighboring dwelling; and the total area for such outside storage, excluding the area occupied by one (1) junk vehicle, does not occupy more than 100 square feet.
20. Storage structures incidental to a permitted use.
21. Swimming pool and bathhouses, private.
22. Tennis, basketball or volleyball court and other similar private outdoor recreation uses.
- 23a. Wayside stands, subject to the following limitations:
 - A. Shall be permitted only on a lot containing at least 2 acres.
 - B. Structures shall not exceed 400 square feet in gross floor area.
 - C. Shall be permitted only during crop-growing season, with structures removed except during such season.
 - D. Sales shall be limited to agricultural products grown on the property and value added agricultural products produced on the property. For the purpose of this Ordinance, plants which are balled, burlapped or bedded shall not be considered as growing on the same property.
 - E. Shall not be subject to the location requirements set forth in Section 105 below, but shall be located a minimum distance of thirty (30) feet from the street line and no closer than ten (10) feet to any lot line which abuts an R District.
 - F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
 - G. Notwithstanding the provisions of Article 8, a wayside stand may have one (1) building mounted sign which does not exceed ten (10) square feet in area, mounted flush against the stand.
- 23b. The sale of fruit and vegetables shall be allowed as an accessory use to farm supply establishments and retail nursery and greenhouses.
24. Ponds, but subject to the following limitations:

- A. All ponds shall require a zoning permit. A plat shall be submitted with the permit application showing:
1. Location of the pond on the property, with setbacks to property lines and setbacks to drainfields and septic tanks shown;
 2. Location of the dam, showing width of entire dam to the toe-of-slope;
 3. Height of the proposed dam.



The dam height shall be measured from the toe-of-slope to the top of the dam (See Figure 1). If the pond utilizes an outfall pipe, the height of the dam shall be measured from the invert of the outfall pipe to the top of the dam embankment.

- B. All ponds, including the embankment's toe-of-slope, shall be entirely located outside of the required setbacks for the parcel and shall also be located at least 100 feet from any drainfield or septic tank. The required setbacks, with the exception of the required 100 foot setback from any drainfield or septic tank, may be reduced if the written consent of the owner(s) impacted is obtained and submitted with the zoning permit application.
- C. Off-site grading is prohibited unless the written consent of the owner(s) impacted is obtained and submitted with the zoning permit application.
- D. No zoning permit, nor a land disturbing permit, shall be issued for a pond unless evidence of State, Federal or Special Exception approval is provided with the zoning permit application.

1. State approval is required for any pond with a dam height of 6 feet or greater and an impounding capacity of 50 acre-feet or greater OR any pond with a dam height of 25 feet or greater and an impounding capacity of 15 acre-feet or greater.
 2. Federal or State approval is required when there is proposed disturbance of wetlands or Waters of the United States.
 3. Special Exception approval pursuant to Section 4-400 is required for any pond located within the mapped 100-year floodplain.
- E. No zoning permit shall be issued for a pond unless a land disturbing permit, when required, is concurrently submitted and approved. A land disturbing permit is required when disturbance exceeds 10,000 square feet, including dredge material. A General VPDES permit shall be required if disturbance exceeds 1 acre. Ponds triggering these requirements may necessitate a technical analysis review consistent with the County's Design Standards Manual (DSM) requirements.
- F. Ponds used a part of a bona fide agricultural operation are exempt from Paragraph E above. As part of the zoning permit application, the applicant shall provide a plan indicating how the pond will be used as part of the agricultural operation. A Pond Agricultural Affidavit shall be included with the zoning permit application.
1. Only excluded from the State's Dam Safety Act and Dam Safety Regulations if the pond has a maximum capacity of less than 100 acre-feet or the dam is less than 25 feet in height (if the use or ownership changes, the dam may be subject to regulation.)
- G. Stockpiles of excavated soil and/or dredge material are subject to the following:
1. Material shall not be placed adjacent to bodies of water, wetlands or other environmentally sensitive areas.
 2. Material shall not be used as fill material.
 3. Material must be spread, or removed, to a permitted on-site or off-site location.
 4. Material shall meet the setback requirements of the zoning district in which located.
- H. Maintenance
1. Dredging, and the exact replacement of the riser and/or outfall structure(s), of a legally permitted pond shall not require approval of a zoning permit.
 2. A land disturbing permit shall be required if the disturbance exceeds 10,000 square feet as noted in Paragraph E above.

3. If the pond is being enlarged, alterations are being made to the riser and/or outfall structure(s), or the embankment is being relocated, a zoning permit shall be required in addition to any other required Federal, State and County Land Disturbing permits.
25. Yard/garage sales access to residential uses, subject to the following limitations (no Zoning Permit required):
 - A. Not more than two yard sales may be conducted on a lot in any calendar year.
 - B. A yard sale shall not continue for longer than two days which shall be consecutive.
 - C. Items offered for sale shall be used household goods or articles created or substantially processed on the premises by the residents thereof, and shall be the property of those residents.
 - D. Yard sales in excess of two (2) per year may be granted with special permit approval. In no case shall more than 6 yard sales be permitted in any calendar year.
26. Animal waste storage facility (including but not limited to a pile, storage tank or pit) subject to the following limitations:
 - A. Approval from the State Water Control Board.
 - B. Approval in writing by the John Marshall Soil and Water Conservation District to location and retention facility design.
27. The following activities shall be allowed by-right as accessory uses to agriculture:
 - A. The sale of Agricultural Products produced on the property, and the sale of Value-Added Agricultural Products produced from products grown on the property. The sale of Agricultural Products includes pick-your-own operations.
 - B. On-site processing to create Value-Added Agricultural Products, provided that: (i) at least 50 percent of the Agricultural Products being processed on-site are produced on-site; (ii) on-site shall mean the specific property on which the processing occurs or on property adjacent thereto under the same ownership; (iii) produced on-site, with respect to poultry, shall mean raised on-site from hatchling to harvest and with respect to other livestock, shall mean pastured on-site for at least six (6) months or weaning to harvest; (iv) all saw mills shall be enclosed for sound attenuation purposes; and (v) all processing shall comply with all other state and federal regulations.

- C. The sale of Agricultural Products produced at other Virginia properties; and the sale of Value-Added Agricultural Products produced from products grown in Virginia.
 - D. In the RA zoning district only, Agriculture-Related Activities that specifically promote, and are directly connected to, agricultural products or Value-Added Agricultural Products produced on the property where the activity is taking place. The number of such events is not limited, except that if such events allow customers or members of the public to utilize, or result in their utilization of, buildings or structures located on the property more than twelve (12) times per year, then such structures and buildings shall comply with the Virginia Uniform Statewide Building Code, and Site Plan and Special Exception approval shall be required pursuant to Sections 3-309.14, 15 & 16 of this Ordinance.
 - E. Sale of Incidental Farm-Related Promotional Items.
 - F. The combined percentage of Annual Farm Sales Revenue from the activities described in Sections C, D, and E above shall not exceed 50% of the Annual Farm Sales Revenue.
 - G. Notwithstanding the limitations of Section 2-302.2, any accessory use meeting the limitations above shall be allowed as an accessory use pursuant to this section, regardless of whether such use is separately listed as a primary use in Section 3-300 of the Ordinance.
28. Fundraising by local non-profit and governmental entities at governmental athletic recreation uses permitted pursuant to Section 3-311.18 of this Ordinance, if the accompanying standards are met. Fundraiser is defined as the raising of funds for the development and operation of the governmental athletic property upon which the event is held. A no-fee administrative permit is required.

For purposes of this definition, the term “event” shall not include any sports competitions in which youth or local adults are the principle users of the facility. Fundraising shall be subject to the following performing standards.

- A. In no event shall fireworks, hot air balloons or helicopters be used for any event(s).
- B. In no case shall attendance exceed 1,000, based upon the capacity of the facility.
- C. The maximum number of events shall not exceed two (2) in any calendar week.
- D. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.

- E. The non-profit or governmental entity shall provide adequate security, emergency, traffic control, sanitation, and refreshment services at every event or activity.
 - F. The applicant shall require its employees/volunteers and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
 - G. The applicant shall conform at all times to County Health Department regulations.
 - H. All uses under this category shall be conducted so as to meet all noise performance standards enumerated in Article 9 of the Fauquier County Zoning Ordinance.
 - I. During events with outdoor music or amplified sound, the maximum permitted sound pressure noise levels shall not exceed 60 decibels at the property line (s).
 - J. All events shall be conducted between the hours of 8:00 a. m. and 11:00 p. m. provided that all outdoor music shall cease no later than 10:00 p.m. Event preparation and breakdown shall cease by 11:00 p. m.
 - K. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
 - L. Virginia Department of Transportation approval and installation of entrance shall occur prior to any event being held.
29. Fundraising by local non-profit and governmental entities shall be permitted as an accessory use to residential uses in the Rural Agriculture and Rural Conservation zoning districts, if the accompanying standards are met. An administrative permit is required.

Fundraising under this subsection shall be subject to the following performance standards.

- A. In no event shall fireworks, hot air balloons, rodeos, amusement rides, motorized or vehicular racing or helicopters be used for any event(s).
- B. In no case shall attendance exceed 1,000, based upon the capacity of the facility.
- C. The maximum number of events shall not exceed one (1) in any calendar year.

- D. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
 - E. The applicant shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event activity.
 - F. The applicant shall require its employees/volunteers and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
 - G. The applicant shall conform at all times to County Health Department regulations.
 - H. All uses under this category shall be conducted so as to meet all noise performance standards enumerated in Article 9 of the Fauquier County Zoning Ordinance.
 - I. During events with outdoor music or amplified sound, the maximum permitted sound pressure noise levels shall not exceed 60 decibels at the property line(s).
 - J. All events shall be conducted between the hours of 8:00 a.m. and 11:00 p.m. provided that all outdoor music shall cease no later than 10:00 p.m. event preparation and breakdown shall cease by 11:00 p.m.
 - K. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
 - L. Virginia Department of Transportation approval and installation of entrance shall occur prior to any event being held.
 - M. The applicant shall provide a copy of the local non-profit's IRC §501.c. determination letter from the Internal Revenue Code or a letter from the governmental agency stating that the event is being held for the benefit of the governmental agency.
 - N. The site shall contain a minimum of 50 acres and have a minimum of 300 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Zoning Administrator in issuing this permit determines that the type and amount of traffic generated by the fund raising event is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
30. A Family Day Home for four or fewer children.
31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month.

32. Temporary family health care unit (Unit) shall be allowed accessory to a single-family dwelling located on a lot, provided that:
- A. Only one Unit shall be permitted per lot;
 - B. No more than one person shall occupy the Unit;
 - C. The Unit shall not exceed 300 gross square feet in area;
 - D. The Unit shall comply with the setback requirements for primary structures in the district;
 - E. The Unit shall primarily be assembled at a location other than the lot on which it is to be located;
 - F. The Unit shall not be placed on a permanent foundation;
 - G. A physician licensed in Virginia has certified in writing that the person who occupies or intends to occupy the Unit is mentally or physically impaired because he/she requires assistance with two or more activities of daily living during more than half the year;
 - H. The caregiver for the mentally or physically impaired occupant of the Unit lives in the primary residence on the lot, and is an adult related by blood, marriage, or adoption or is the legally appointed guardian of the occupant of the Unit;
 - I. The Unit shall be removed within thirty (30) days of the impaired person no longer meeting the certification requirements or no longer residing within the Unit;
 - J. The Unit shall not be used for, or converted to, another use;
 - K. No signage advertising or promoting the existence of the Unit shall appear on the Unit or anywhere on the property;
 - L. The Unit shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable codes and requirements, including permits, for such connection.
 - M. A zoning permit shall be obtained pursuant to Section 13-500 prior to placement of such Unit on the lot. In conjunction with the request for the zoning permit and annually thereafter, the following shall be submitted to the satisfaction of the Zoning Administrator:
 - i. documentation of the need for care for the mentally or physically impaired person to include a letter of certification written by a licensed physician;

- ii. documentation of the relationship of the mentally or physically impaired person and caregiver;
- iii. permission for the Zoning Administrator or her representative to inspect, at reasonably convenient times, the Unit and the single-family dwelling on the lot to determine compliance with this section.
- iv. any additional information deemed necessary by the Zoning Administrator to assure compliance with this section.

33. Wind Energy Systems, subject to the following limitations:

- A. A single Wind Energy System shall be allowed in the RA and RC Districts, and only on those lots containing a minimum of two (2) acres. For those lots in the RA and RC Districts containing a minimum of fifty (50) acres, an additional Wind Energy System is allowed subject to these limitations.
- B. The Wind Energy System shall be for on-site use only. A system is considered an on-site Wind Energy System only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, in compliance with the Virginia Net Energy Metering Law (20 VAC 5-315-30) and its accompanying regulations.
- C. Wind Energy Systems up to a maximum of 45 feet in height may be approved by the Zoning Administrator with an administrative permit. However, freestanding Wind Energy Systems up to a maximum of 60 feet in height may be approved by the Zoning Administrator when located within twenty-five (25) feet of an existing structure, but only in those cases when the applicant can demonstrate that the additional height is required for optimal operation of the system. No administrative permit shall be approved for any Wind Energy System which does not comply with every standard set forth in this Section 6-102.33.

For purposes of this section, height of a Wind Energy System shall be measured from the lowest point of the finished grade of the fixed portion of the structure to the uppermost projection of the arc of the blades on the turbine itself for freestanding systems. For roof mounted vertical access wind turbines, the height shall be measured from point of the roof where such is attached to the uppermost projection of the turbine itself.

- D. No freestanding Wind Energy System shall be located any closer to any adjacent property line than a minimum distance equal to 110% of its maximum height, as measured above. In addition, a freestanding wind energy system shall be located no closer than a minimum distance equal to 150% of its maximum height from any residential dwelling on an

adjacent property. These setbacks may be reduced by notarized consent of the owner of the adjacent property whose property line or dwelling falls within a specified setback area and upon execution of a deed of easement for the benefit of the property on which the Wind Energy System is to be erected, prohibiting construction of any new structure within the specified easement.

The setback requirements for roof mounted vertical access wind turbines shall be the same as those of the structures on which they are located.

- E. No Wind Energy System shall be located as to project above a ridgeline.
- F. No lattice type towers shall be allowed for Wind Energy Systems. In addition, the base of any tower shall not be climbable for a distance of twelve (12) feet.
- G. Wind Energy Systems shall maintain a galvanized steel finish and shall be a non-obtrusive color such as white or gray. As an alternative to further reduce visible obtrusiveness, wind energy systems may be painted to better conform to the surrounding environment, as determined by the Zoning Administrator.
- H. The applicant must provide information demonstrating that the system will be used for the generation of utility power for private, on-site consumption. In addition, the applicant shall also provide evidence that the provider of electrical service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the application states that the system will not be connected to the local electricity grid.
- I. No component of the wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.
- J. No signs, as defined in Article 8, are permitted to be located on any component of the wind energy system.
- K. Any wind energy system that has not been operated for a continuous period of twelve (12) months shall be considered abandoned and the registered property owner shall remove the system upon receipt of notice from the Zoning Administrator.

6-103

Accessory Uses Not Permitted

1. Deleted.
2. Junkyards, scrap heaps or refuse piles except as specifically permitted in Section 102 above.

6-104**Use Limitations**

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
3. All accessory uses and structures combined shall cover no more than thirty (30) percent of the areas of the required rear yard.
4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified in Section 2-506.
5. In residential districts the use of barbed wire fences shall not be permitted on lots less than twenty-five (25) acres in size; however, barbed wire strand(s) may be used to enclose storage areas or other similar industrial and commercial uses or swimming pools. The barbed wire strands shall be restricted to the uppermost portions of the fence and shall not extend lower than a height of six (6) feet from the nearest ground level.

6-105**Location Regulations**

1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building.
2. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 7.
3. Signs shall be located in accordance with the provisions of Article 8.
4. Wayside stands shall be located in accordance with the provisions of Paragraph 23 of Section 102 above.
5. Ponds shall be located in accordance with the provisions of Paragraph 24 of Section 102 above.
6. Barns shall not be located less than 100 feet from any property line except when located in the Conservation (RC) or Agriculture (RA) Districts the following shall apply:

Outside of Service Districts

For properties that are zoned Conservation (RC) or Agriculture (RA), barns may be located up to the minimum required yard line so long as a minimum of 150 feet of separation is maintained from all existing dwellings where either property is RC zoned and 125 feet of separation is maintained where

both properties are RA zoned, provided further that no barn shall be required to be set back more than 100 feet from the property line.

When a RC or RA zoned parcel adjoins a parcel not zoned RC or RA, barns shall not be located less than 100 feet from any property line.

Inside of Service Districts

Barns shall not be located less than 100 feet from any property line.

7. Houses, sheds, pens and other similar structures on lots of five acres or less for the housing of livestock shall be a maximum of 150 square feet in footprint area and set back 25 feet from the side and rear lot lines and not permitted in any required minimum front yard.
8. The setback requirements set forth in Section 3-404 and 3-405 shall apply to all accessory structures except as set forth below:
 - A. An accessory structure or use, no part of which exceeds seven (7) feet in height, may be located in any part of any side or rear yard.
 - B. An accessory structure 256 square feet or less in area, and with an eave height of ten (10) feet or less, may be located in the side and rear yard provided:
 1. A minimum five (5) foot setback is provided from all property lines.
 2. The accessory structure shall be located at least ten (10) feet to the rear of the principal structure on the subject parcel and ten (10) feet to the rear of the principal structure on the adjoining parcel closest to the accessory structure.
 3. No more than one accessory structure utilizing this reduced setback shall be located in any side yard.
 - C. No accessory structure or use shall be located in any required minimum front yard, except:
 1. All Lots: Fences which do not exceed five (5) feet in height, statues, arbor, trellis or flagpole, gate and gate posts.
 2. Through-Lots: Additional structures, to include pools, decks, play equipment, sheds and other buildings may be placed within the required front yard located at the rear of the house, provided that no accessory structure exceeding seven (7) feet in height shall be located closer than a distance equal to its height to the lot line adjoining the street and further provided that such structures are partially screened from the adjoining street by a fence, landscaping or topography. Fences shall continue to be limited to five (5) feet.

9. Wind Energy Systems shall be located in accordance with the provisions of Paragraph 33 of Section 102 above.

PART 2

6-200

ACCESSORY SERVICE USES

6-201

Authorization

Accessory service uses, as defined in Article 15, are permitted in connection with certain principal uses as set forth below when expressly authorized in the zoning district regulations.

6-202

Permitted Accessory Service Uses

1. Accessory to a principal use of multiple family dwellings when such dwelling or dwelling complex has a minimum of 250 dwelling units:
 - A. Eating establishments.
 - B. Group day care facilities or day care centers.
 - C. Personal service establishments.
 - D. Retail sales establishments selling convenience merchandise.
2. Accessory to a principal use of offices, industrial establishments or institutional buildings in the Commercial and Industrial Districts when such principal use has a gross floor area of at least 100,000 square feet, except as qualified below:
 - A. Business service and supply service establishments.
 - B. Eating establishments.
 - C. Group day care facilities or day care centers.
 - D. Health clubs, spas, sauna and steam baths, swimming pools, indoor tennis courts, and other similar facilities but not including places for the training of athletes for competition.
 - E. Offices for professional people associated with an industrial establishment or institutional building, with no limitation on the gross floor area of the principal use.
 - F. Personal service establishment.
 - G. A single residence for a watchman, custodian, proprietor or owner whose employment or business is directly related to the principal use, with no limitation on the gross floor area of the principal use.
 - H. Retail sales establishments selling convenience merchandise.

Use Limitations

In addition to the use limitations applicable to the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

1. Accessory service uses shall be designed to cater primarily to the residents or employees of the principal use with which they are associated.
2. With the exception of those uses set forth in Paragraph 3 below, all accessory service uses shall be located in the same building as the principal use, and public access to an accessory service use shall be only from an interior lobby or corridor of the building in which located.
3. Accessory service uses in the C-3 District may be located in a freestanding building separate from the principal use, and eating establishments in the I-1 District may also be located in a freestanding building; but such freestanding buildings shall be allowed only in those locations shown on an approved development plan for a planned office or industrial park. The use limitations and standards set forth in this Part shall also apply to such a freestanding accessory service use.
4. The aggregate area of all accessory service uses shall not exceed fifteen (15) percent of the total gross floor area of the principal building or buildings.
5. No accessory service use shall be located above the second floor of the building in which located, with the exception of:
 - A. The residence of a proprietor or owner which may be located on any floor.
 - B. The offices for professional people which may be located on any floor.
 - C. An eating establishment which may be located in a rooftop penthouse.
6. Signs for accessory service uses shall be regulated by the provisions of Article 8.

PART 3**6-300****HOME OCCUPATIONS****6-301****Authorization**

Home occupations are permitted as an accessory use to residential use within all dwelling units subject to the following provisions and any use limitations applicable in the zoning district in which located. Except as otherwise specifically authorized in the standards set forth below, only members of the household residing on the premises may be engaged in a home occupation. More than one home occupation shall be allowed in a single residence only if the cumulative impacts of such home occupations are no more than those authorized under the standards and limits of this section.

For purposes of this ordinance, Home Occupations are grouped into two categories. Minor Home Occupations may be authorized by approval of an administrative permit by the Zoning Administrator. Major Home Occupations require authorization by approval of a special permit by the Board of Zoning Appeals.

6-302

Minor Home Occupations Allowed by Administrative Permit

1. An administrative permit authorizing a home occupation may be issued by the Zoning Administrator for any home occupation meeting the following limitations:
 - A. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. In no case shall more than 25% of the gross floor area of the dwelling be utilized for a home occupation. Alternatively, the use may occupy up to 500 square feet of an accessory structure.
 - B. Other than family members living on the premises, no more than one employee who comes to the premises shall be employed in the home occupation.
 - C. All public contact related to such a use shall be limited to the period between 7:00 a.m. and 8:00 p.m.
 - D. All activities related to the home occupation shall occur indoors. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including display of goods, or storage of equipment or materials outside of a fully enclosed structure. Notwithstanding the prior sentence, trailers consistent with the limitations of Section 6-102.12 may be utilized in the Home Occupation further provided the area of such trailer is counted toward the area limits of 6-302.1.A and such trailer displays no commercial signage or logo. Goods, equipment, and materials related to the Home Occupation may be stored in such trailer provided the trailer is completely enclosed.
 - E. No retail or wholesale sales shall occur unless:
 - i. No clients or customers come to the site in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; or
 - ii. The business is a "Direct Sales" type business, where customers are on the premises only by prior, individual invitation.
 - F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Deliveries shall be limited to normal daily deliveries by public and private mail carriers.
 - G. Academic or other instructions may not be given to more than four persons at the same time.

- H. The applicant shall demonstrate that adequate parking area is available to serve the use. No such parking shall be located in a required front yard except within an existing driveway.
- I. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- J. No commercial vehicles related to the home occupation beyond those authorized by Section 6-102 (11) shall be parked or regularly brought to the premises, nor shall any such vehicles be parked on any public or private street within ¼ mile of the premises.
- K. Signage shall be limited to that authorized by 8-1401 (1).
- L. Such uses shall not be listed in Section 6-304 or be similar thereto, as determined by the Zoning Administrator.

6-303

Major Home Occupations Allowed by Special Permit Approval

The following home occupations may be authorized as a Major Home Occupation by approval of a special permit by the Board of Zoning Appeals:

- 1. Any home occupation meeting all standards set forth in Section 5-201.
- 2. Small contracting business in the RC, RA,V, C-2, I-1 and I-2 districts, subject to the standards set forth in Section 5-202.
- 3. Auto repair garage in the RC, RA, RR-2, I-1 and I-2 districts subject to the standards set forth in Section 5-203.
- 4. Classic car sales subject to the standards set forth in Section 5-204.
- 5. Gunsmithing and the accessory sale of firearms subject to the standards set forth in Section 5-205.
- 6. Pet grooming subject to the standards set forth in Section 5-206.

6-304

Uses Not Permitted as Home Occupations

Permitted home occupations shall not in any event be deemed to include:

- 1. Retail uses except those specifically authorized by Section 5-201 (4), 6-302 (1) (E), or 6-303(5);
- 2. Funeral chapel or funeral home;
- 3. Assembly uses, including places of worship;

4. Medical or dental office, clinic, hospital, or care facility [Note: Medical/dental office uses may be authorized by special permit in the residential districts under Section 3-319];
5. Renting of trailers, equipment, vehicles, machinery;
6. Clubs, eating or drinking establishments;
7. Kennel, veterinary clinics/hospitals, pet grooming (except as specifically authorized in 6-303 (6));
8. Bed and breakfast, tourist home;
9. Abattoir;
10. Motor vehicle related uses except as specifically authorized in Section 6-303(3) & (4) above, or transportation service establishments meeting those standards for a Minor Home Occupation found in Section 6-302 above;
11. Recreation uses;
12. Adult entertainment activities/businesses;
13. Dismantling, junk, scrap or storage yards (except small contracting business as specifically authorized by 6-303(2)).

PART 4

6-400

FARM WINERIES

6-401

By-Right Accessory Uses at a Farm Winery

The following uses and activities shall be considered by-right uses accessory to the production and harvesting of grapes at a FARM WINERY, and shall be allowed at a FARM WINERY upon approval of a Zoning Permit pursuant to Section 13-500 of the Ordinance, subject to the use limitations set forth herein and in Sections 6-402 and 6-403:

1. The On-Premises sale of wine during Regular Business Hours, or if approved, during Extended Business Hours;
2. Wine Tasting and Consumption conducted On-Premises at a Farm Winery during Regular Business Hours, or if approved, during Extended Business Hours;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board;
4. The sale and shipment of wine to Alcoholic Beverage Control Board licensed wholesalers, and to out of state purchasers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, and federal law;

5. The storage, warehousing and wholesaling of wine in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, as well as federal law;
6. The sale of Wine-Related Items incidental to the sale of wine during Regular Business Hours, or if approved, during Extended Business Hours;
7. Private personal gatherings held by the owner of a Farm Winery who resides at such Farm Winery (or on property adjacent thereto that is owned or controlled by such owner) where wine is not sold or marketed at such event; and further provided that such private personal gathering is not otherwise regulated pursuant to the provisions of the Zoning Ordinance;
8. Light Accompaniments served in conjunction with Wine Tasting and Consumption during Regular Business Hours, or if approved, during Extended Business Hours; and
9. Up to two times in any calendar month, activities or events that would otherwise fall within the definition of a Special Event, but which are limited to 35 invitees or ticketed attendees, and held when the Farm Winery is closed to the general public, and in any case prior to Closing Time; provided that in lieu of holding any one such authorized monthly 35-person activity or event in any month, a Farm Winery may instead serve, once in any calendar month, Catered Food to the general public in conjunction with Wine Tasting and Consumption (and not in conjunction with any ticketed or by-invitation activity or event) during Regular Business Hours, or if approved, Extended Business Hours.

6-402

General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

1. **Noise:** Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the Farm Winery. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from a Farm Winery shall exceed the noise limits set forth in Section 9-700.
2. **Lighting:** Lighting shall be fully shielded as set forth in Section 9-1005 and shall comply with the general requirements set forth in Sections 9-1006.4 and 9-1006.7. Structures and uses requiring building permit approval because of the extent of Special Events shall be subject to all lighting limitations applying to commercial uses.
3. **Setbacks:** Any structure to be utilized as part of a Farm Winery where any Special Events will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Winery structure for which the County has issued a Zoning Permit for operation as a Farm Winery prior to adoption of this Farm Winery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances and regulations then applicable to such expansion.

4. **Parking:** Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Ordinance that does not meet the 100 foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
5. **No Food Establishments:** In no case shall food be provided which results in a Farm Winery having to be licensed by the Health Department as a *Food Establishment* or *Temporary Food Establishment* as defined by the Virginia Administrative Code 12VAC-421-10.
6. **Occupancy:** No activities or events held at a Farm Winery, including Wine Tasting and Consumption and Special Events, shall result in more people being On-site than the authorized occupancy limits under such Farm Winery's Health Department septic permit, or under any other applicable statute, ordinance or regulation.
7. **Closing Time:** The Closing Time for any Special Event held at a Farm Winery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
8. **Server Training:** Every Farm Winery shall be required to cause its employees serving wine to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons from a list of approved programs published from time to time by the Zoning Administrator.

6-403

Prohibited Accessory Uses at a Farm Winery

The following uses/activities are prohibited accessory uses at any Farm Winery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department
2. Helicopter rides
3. Hot air balloons
4. Fireworks
5. Grocery, convenience or general stores
6. Go-kart, motorized bike or four-wheeler trails, tracks or rides
7. Amusement park rides
8. Flea markets
9. Farmers' markets
10. Bowling Alleys
11. Mini-golf
12. Personal Services, including beauty or spa type services
13. Lodging
14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

SEVERABILITY

Should any article, section, subsection, sentence, clause or phrase of the regulations constituting the "Farm Winery Ordinance," to include the definitions set forth in Section 15-300, the provisions relating to by-right accessory uses set forth in Sections 6-400, or the provisions related to Administrative Permits or Special Exceptions for a Farm Winery set forth in Sections 5-1810.1 and 5-1810.2 be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Farm Winery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.