

ORANGE COUNTY, VA

DIVISION 2. - AGRICULTURAL ZONING DISTRICT - (A)

Sec. 70-301. - Intent.

The agricultural zoning district (A) comprises most of the land area of the county. It preserves the rural character of the county by protecting agriculture from conflicts with incompatible uses and discourages the random scattering of commercial and industrial uses and residential developments. In addition to agriculture, it permits the traditional rural pattern of homes and small businesses and home enterprises.

(Ord. of 06/14/16)

Sec. 70-302. - Permitted uses.

In the agricultural district, land may be used for the following uses, and any accessory use that is customarily incidental to such uses, including home occupations and home enterprises:

- 1) Agriculture.
- 2) Agritourism.
- 3) Bed and breakfast inn.
- 4) Short-term lodging facility.
- 5) Single-family dwelling.
- 6) Two-family dwelling.
- 7) Manufactured home.
- 8) Place of worship.
- 9) Cemetery or graveyard.
- 10) Sign subject to sections 70-308 and 70-696 et seq.
- 11) Farm enterprise, farm stand, wayside stand.
- 12) Farmer's market of up to 4,000 square feet gross floor area.
- 13) Temporary uses, with a zoning permit pursuant to sections 70-309 and 70-122, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 14) Accessory Apartment.
- 15) Commercial Kitchen or Smokehouse.

(Ord. of 5-2-1996, § 202; Ord. of 7-12-2011(2); Ord. 11-13-2013; Ord. 03-11-2014; Ord. of 04-14-2015)

Sec. 70-303. - Uses permitted by special use permit.

In the agricultural district the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

- 1) Agricultural equipment sales or service, or both.
- 2) Airport.
- 3) Bed and breakfast inn with a restaurant open to non-guests.
- 4) Boarding kennel or commercial breeding kennel.
- 5) Camp, campground or recreational vehicle park.
- 6) Fairground
- 7) Elder care center, child day care center, or nursery school.
- 8) Livestock auction or farmer's market of greater than 4,000 square feet gross floor area.
- 9) Manufactured home park.
- 10) Mine or quarry.
- 11) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- 12) Cultural use.
- 13) Commercial recreational use.
- 14) Institutional use.
- 15) Public garage.
- 16) Public use such as school, park, library, or fire and rescue station.
- 17) Retail store not exceeding 4,000 square feet gross floor area, including, a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery.
- 18) Restaurant which is accessory to an agritourism use where said use has been in existence for at least five years
- 19) Sanitary landfill.
- 20) Veterinary service, including animal hospital.
- 21) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 22) Public utility facility.
- 23) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

(Ord. of 8-11-1998, §§ 203, 203.18; Ord. of 5-8-2001; Ord. of 7-12-2011(2); Ord. 06-14-14 (20); Ord. of 04-14-2015; Ord. of 08-11-2015, Ord. of 07-12-16, Ord. 05/23/2017)

Sec. 70-304. - Area regulations.

In the agricultural zoning district, the minimum lot area shall be two acres, except in cluster developments subject to article VI, or manufactured home parks subject to article VII.

(Ord. of 5-2-1996, § 204)

Sec. 70-305. - Frontage regulations.

In the agricultural zoning district, the minimum lot frontage shall be 200 feet, except in cluster developments subject to article VI, or manufactured home parks subject to article VII. Each lot shall meet the minimum requirement, either at the front lot line or at the required building setback.

(Ord. of 5-2-1996, § 205)

Sec. 70-306. - Setback and yards.

(a) In the agricultural zoning district, the regulations in this section shall apply to all buildings, all structures that require building permits, and all temporary or portable buildings greater than 150 square feet in floor area or greater than eight feet six inches in height.

(b) For setbacks from primary highways, see section 70-646 et seq.

(c) The setback from any secondary road or subdivision street with a right-of-way 50 feet or more in width shall be 35 feet from the right-of-way.

(d) The setback from any secondary road or subdivision street with a right-of-way less than 50 feet in width shall be 85 feet from the centerline of the road.

(e) The minimum side yard width for each main structure shall be 20 feet. A two-family dwelling, which shall be constructed in a side-by-side arrangement unless otherwise permitted via section 70-1, shall have no side yard requirement for the main structure at the property line which separates the units. The minimum side yard width for each accessory structure shall be ten feet.

(f) The minimum rear yard width for each main structure shall be 35 feet. The minimum rear yard width for each accessory structure shall be ten feet.

(g) For corner lots the side yard adjacent to the side street shall not be less than the minimum setback. For double-frontage lots the rear yard shall not be less than the minimum setback.

(h) The zoning administrator may authorize construction of an unenclosed porch no more than ten feet deep to be attached to a single-family dwelling, irrespective of setbacks or required yards, upon finding in writing that such porch will not be detrimental to adjoining property or the intent of this chapter. If the zoning administrator does not make such finding, the board of zoning appeals may grant a special exception for such porch.

(i) The setback for any new dwelling shall be a minimum of 50 feet from the shoreline of any body of water. Construction proposed to take place within any floodplain shall comply with those provisions as outlined in chapter 34

(Ord. of 5-2-1996, § 206; Ord. of 7-24-1998, § 206.08)

Sec. 70-307. - Height regulations.

In the agricultural zoning district, structures other than public utility facilities and silos shall be 40 feet in height or less. The board of supervisors may grant a special exception to allow a structure taller than 40 feet.

(Ord. of 5-2-1996, § 207)

Sec. 70-308. - Signs.

(a) In the agricultural district, signs are permitted within the guidelines as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.

(b) One permanent sign for every 200 feet of road frontage shall be permitted. The total area of permanent signs shall be 32 square feet or less.

(c) Monument signs and pylon signs shall be eight feet or less in height. Building signs shall not project above the top or sides of the building.

(d) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists and pedestrians.

(Ord. of 5-2-1996, § 208; Ord. of 7-26-2011)

Sec. 70-309. - Temporary uses.

In the agricultural district, temporary uses may be permitted upon the issuance of a temporary zoning permit granted by the zoning administrator.

(1) Reserved.

(2) Temporary or seasonal sales.

a. Temporary sales of produce not otherwise permitted by right, meals, Christmas trees, fireworks, and other seasonal goods, are permitted upon approval of a temporary zoning permit. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate traffic control, on-site parking, public safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns.

b. A temporary zoning permit for temporary sales of farm or food products shall be valid for a period not to exceed 90 days, and shall require that all structures and materials be removed within such time period.

1. Structures for temporary sales shall meet the required setbacks set forth in section 70-306 (setbacks and yards).

2. Entrances and exits must be clearly delineated and located to provide safe ingress and egress from roads.

c. Outdoor on-site farm or food products sales shall be allowed daily.

d. Flea markets shall be allowed one, three-weekend event every 30 days. Permitted hours are from 7:00 a.m. to 9:00 p.m.

(3) Special events.

a. A temporary zoning permit shall be required for special events that are planned for or which reasonably may be expected to attract more than 100 persons a day. Examples of special events which require a temporary zoning permit are: Carnival, circus, equipment show and display, festival, fair, fireworks show, tent event or similar meetings or events. Each subsequent event shall require a new permit.

b. Adequate provisions must be made for off-street parking, security, safe ingress and egress, refuse disposal, sanitary facilities as appropriate and approved by the zoning administrator.

c. Special events are permitted only between the hours of 7:00 a.m. to 10:00 p.m., Sunday through Thursday; and 7:00 a.m. to 12:00 a.m., Friday and Saturday. The

zoning administrator may require that no activity, including set-up or knockdown of any such use, be permitted between 11:00 p.m. to 7:00 a.m.

d. Night operations shall be permitted only if the zoning administrator determines that the proposed lighting protects the public safety and will not cause excessive glare into residential areas or onto public streets.

e. If a temporary use permit is obtained for an outside music/festival, an entertainment permit will not be required.

f. Prior to issuance of a zoning permit, fireworks shows must also obtain a fireworks display permit, which sets forth the days and hours of the show, from the county administrator's office.

g. The following special events are exempt from the requirements of this section and may occur without a temporary zoning permit. Exempt special events, however, shall remain subject to all other applicable provisions of this section and the county laws and regulations, including obtaining any and all other permits necessary for said event.

1. Special events planned or reasonably expected to attract less than 100 persons at any one time.

2. Special events to include private parties and social events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.

3. Any event sponsored in whole or in part by the county or another political subdivision of the Commonwealth of Virginia.

4. Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include: sporting events conducted on courses or fields, animal show events, equestrian events held at stables or riding facilities, events held on the property of historic home/site museums, wedding services, wine tasting and wine tasting dinners at wineries whose facilities are designed for such events, and conferences and similar events in facilities designed and which have a zoning permit for such use.

5. Any established event/festival that has been in existence five or more years prior to the passing of this ordinance amendment will not be required to obtain a temporary use permit, provided that the use does not change.

6. Yard sale events at a private residence or community yard sale, held by the occupant of the residence, that do not last more than three days at any given time.

(Ord. of 7-12-2011(2))

Secs. 70-310--70-330. - Reserved.