

ORDINANCE 15-12, Residential Setbacks

Ordinance Amendment Report
Board Meeting Date: November 10, 2015



Executive Summary

AN **ORDINANCE** to amend the Hanover County Code, Chapter 26, Zoning Ordinance, as follows:

1. To amend Section 26-6, to modify the definition of “front yard”, “yard measurement”, “rear yard”, “required yard” and “side yard”, to provide that, in residential zoning districts, properties shall contain a front yard and a rear yard while business and industrial districts continue to consist of a front yard, side yard, and rear yard;
2. To amend Sections 26-26, 26-40, 26-52, and 26-63, to modify the yard requirements in the A-1, Agricultural District, the AR-6, Agricultural Residential District, the RC, Rural Conservation District, and the RS, Single-Family Residential District, respectively, to provide that there shall be requirements for side setbacks in front yards rather than requirements for side yards;
3. To amend Section 26-59, to conform the regulations applicable to conditional uses in the RS, Single-Family Residential District to the amended definitions of front yard and rear yard;
4. To amend Section 26-243, to conform the definitions applicable to side yards to reflect the changes being made to the definitions of front yard, side yard, and rear yard;
5. To amend Section 26-247, to amend the regulations applicable to accessory buildings and pools to reflect the changes being made to the definitions of front yard, side yard, and rear yard; and
6. To provide that the changes being made to the definition of front yard, side yard, and rear yard shall be applicable to the district regulations applicable to those residential districts which have been repealed by the Board of Supervisors.

Board Authorization

At their meeting of September 9, 2015, the Board of Supervisors authorized the Planning Commission to hold a public hearing on Ordinance Amendment 15-12, Residential Setbacks.

Recommendation

Staff

Staff recommends **ADOPTION** of Draft Ordinance Amendment 15-12, Residential Setbacks. A Draft Ordinance is attached for the Board of Supervisors consideration of the requested amendment.

Planning Commission

At their meeting of October 15, 2015, the Hanover County Planning Commission, on a motion by Ms. Winborne, seconded by Mr. Whittaker, voted to recommend **ADOPTION** of the attached Draft Ordinance 15-12, Residential Setbacks.

Analysis

At the request of Board members, staff was tasked with evaluating existing definitions for side yards and side yard setbacks in the residential zoning districts, which include the A-1, Agricultural District, the AR-6, Agricultural Residential District, the RC, Rural Conservation District, the RS, Single-Family Residential District, and the RM, Multi-Family Residential District. This request came about as a result of the lack of clarity within the existing zoning definitions and a lack of clear methodology regarding the measurement of side yards in general.

To address these issues, staff has prepared recommended Ordinance amendments which accomplishes the following:

- Revises the definition for both the front and rear yards;
- Refines the methodology for determining the yards; and
- Eliminates the requirement for a side yard within the residential districts

Staff has also identified additional Ordinance amendments to revise terminology related to “side yards” and “side setbacks” to ensure the revised terms are used consistently within the Ordinance.

Review of Ordinance 15-12

On July 25, 2015, Staff presented this draft Ordinance to the Community Development Committee. The Community Development Committee discussed the proposal and unanimously approved the motion to recommend that the request to authorize advertisement of a public hearing before the Planning Commission on Ordinance 15-12 be added to an upcoming agenda of the Board of Supervisors.

At its meeting of September 9, 2015, the Board of Supervisors authorized the Planning Commission to hold a public hearing on Ordinance Amendment 15-12, Residential Setbacks. The Planning Commission Chairman sent this Ordinance to Subcommittee 1 for its consideration prior to the scheduled October Public Hearing. The subcommittee was provided a detailed explanation of the draft Ordinance, and unanimously recommended it be recommended for approval by the Planning Commission subject to the following modifications:

- The Ordinance eliminate reference to the parking of trailers, recreational vehicles, and so forth in the “side yard”; and
- The title to Section 26-243 be modified to read “Section 26-243 Residential Side Setbacks and Non-residential Side Yards”

Attachments

- Blackline of Existing Ordinance
- Clean Ordinance

CLEAN

DATE: 10-5-15

ORDINANCE 15-12

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 26, ZONING ORDINANCE, AS FOLLOWS:

1. TO AMEND SECTION 26-6, TO MODIFY THE DEFINITION OF "FRONT YARD", "YARD MEASUREMENT", "REAR YARD", "REQUIRED YARD" AND "SIDE YARD", TO PROVIDE THAT, IN RESIDENTIAL ZONING DISTRICTS, PROPERTIES SHALL CONTAIN A FRONT YARD AND A REAR YARD WHILE BUSINESS AND INDUSTRIAL DISTRICTS CONTINUE TO CONSIST OF A FRONT YARD, SIDE YARD, AND REAR YARD;
2. TO AMEND SECTIONS 26-26, 26-40, 26-52, AND 26-63, TO MODIFY THE YARD REQUIREMENTS IN THE A-1 AGRICULTURAL DISTRICT, THE AR-6 AGRICULTURAL RESIDENTIAL DISTRICT, THE RC RURAL CONSERVATION DISTRICT, AND THE RS SINGLE-FAMILY RESIDENTIAL DISTRICT, RESPECTIVELY, TO PROVIDE THAT THERE SHALL BE REQUIREMENTS FOR SIDE SETBACKS IN FRONT YARDS RATHER THAN REQUIREMENTS FOR SIDE YARDS;
3. TO AMEND SECTIONS 26-19, 26-34, 26-44, 26-58, AND 26-71 TO CONFORM THE REGULATIONS APPLICABLE TO PERMITTED ACCESSORY USES IN THE A-1 AGRICULTURAL DISTRICT, THE AR-6 AGRICULTURAL RESIDENTIAL DISTRICT, THE RC RURAL CONSERVATION DISTRICT, THE RS SINGLE-FAMILY RESIDENTIAL DISTRICT, AND THE RM MULTI-FAMILY RESIDENTIAL DISTRICT TO THE AMENDED DEFINITIONS OF FRONT YARD AND REAR YARD;
4. TO AMEND SECTION 26-59, TO CONFORM THE REGULATIONS APPLICABLE TO CONDITIONAL USES IN THE RS SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AMENDED DEFINITIONS OF FRONT YARD AND REAR YARD;
5. TO AMEND SECTION 26-243, TO CONFORM THE DEFINITIONS APPLICABLE TO SIDE YARDS TO REFLECT THE CHANGES BEING MADE TO THE DEFINITIONS OF FRONT YARD, SIDE YARD, AND REAR YARD;
6. TO AMEND SECTION 26-247, TO AMEND THE REGULATIONS APPLICABLE TO ACCESSORY BUILDINGS AND POOLS TO REFLECT THE CHANGES BEING MADE TO THE DEFINITIONS OF FRONT YARD, SIDE YARD, AND REAR YARD; AND
7. TO PROVIDE THAT THE CHANGES BEING MADE TO THE DEFINITION OF FRONT YARD, SIDE YARD, AND REAR YARD SHALL BE APPLICABLE TO THE DISTRICT REGULATIONS APPLICABLE TO THOSE RESIDENTIAL DISTRICTS WHICH HAVE BEEN REPEALED BY THE BOARD OF SUPERVISORS.

WHEREAS the Hanover County Zoning Ordinance regulates the required areas of properties throughout the County; and

WHEREAS Planning Department staff have determined that the area and lot regulations applicable to residential properties could be clarified to provide for greater understanding by property owners and to ensure equal treatment of residential properties throughout the County; and

WHEREAS staff has determined that modifications to the definition of “front yard,” side yard,” and “rear yard” would result in minor changes to the regulations applicable to residential properties and would help to make these regulations more clear to the public; and

WHEREAS staff also has determined that the regulations applicable to business and industrial properties is appropriate and that there is no current need to amend the yard regulations applicable to these properties; and

WHEREAS the Board has determined that the these proposed changes are consistent with the intent of the zoning regulations for the residential zoning districts and would improve the orderly development of residential properties throughout the County; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-6, regarding definitions in the Zoning Ordinance, shall be amended to read as follows:

Section 26-6. - Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

* * *

Yard, front: An area between the front lot line and a perpendicular line drawn from the building line to each side lot line at a point on the building closest to the front lot line. In no case shall the front yard depth be less than the required front yard, nor shall any portion of the structure extend into the required front yard, except as provided in Section 26-242(d).

Yard measurement: In measuring a yard, the building line shall be deemed to mean a line parallel to the nearest lot line drawn through the closest point of a building, or the closest point of a group of buildings.

Yard, rear: (1) In business and industrial districts: an area extending across the full width of a lot and lying between the rear lot line and the closest point of the primary structure (extended in both directions to the side lot lines) provided the depth of the rear yard is not less than the depth of the required rear yard.

(2) In residential districts: the rear yard shall include all portions of the lot or property which not a part of the front yard.

Yard, required: The area between the minimum setback and the front and rear property lines, respectively.

Yard, side: In business and industrial districts: the area between the front yard and the rear yard lying between a side lot line and the nearest part of the primary building.

2. That the Hanover County Code, Zoning Ordinance, Section 26-19, regarding permitted accessory uses in the A-1 Agricultural District, shall be amended to read as follows:

Section 26-19. - Permitted accessory uses.

1. Accessory uses as follows on a farm of ten (10) acres or more:
 - a. Accessory structures for sale or processing of farm products raised on the premises.
 - b. Accessory, open or enclosed storage of farm materials, products, or equipment.
 - c. Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
 - d. Dwellings for persons permanently employed on the premises.
2. Domestic storage in main building or in accessory building.
3. Garage, private. On properties located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan, a private garage may house no more than four (4) vehicles.
4. Guest houses.
5. Home occupations in a main building, in accordance with the standards of section 26-279.
6. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not for a business, as an accessory to a nonfarm dwelling on a lot of not less than two (2) acres.
7. Domestic employees' quarters.
8. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
 - a. On all properties:
 - i. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
 - ii. The vehicle is not used for commercial purposes; and

- iii. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area; and
- b. On properties containing twenty (20) or more acres, the vehicle may also be stored in the front yard so long as the vehicle is not stored within the required front yard.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

- 9. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.
- 10. Signs as regulated in division 7 of article 5.
- 11. Temporary buildings, the uses of which are incidental to construction operation during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- 12. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than two-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- 13. The location of office or construction trailers for a period not to exceed one (1) year.
- 14. Noncommercial fuel alcohol distillery.
- 15. Foster home.
- 16. Vending machines, when used in conjunction with a permitted commercial use. All machines shall be contained within a building or other enclosure and shall not be accessible to the public outside of normal business hours.
- 17. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
- 18. Pony rings.
 - 19. Family day homes.
 - 20. Temporary family health care structures, as permitted in section 26-281.
3. That the Hanover County Code, Zoning Ordinance, Section 26-26, regarding yard requirements in the A-1 Agricultural District, shall be amended to read as follows:

Section 26-26. - Yard requirements.

		Minimum in Feet			
		Front Yard	Side Setback (Front Yard), Minimum	Side Setback (Front Yard), Aggregate	Rear Yard
1.	Single-family dwelling on the following proposed rights-of-way:				
(a)	160 ft. rights-of-way	125	25	50	40
(b)	80 ft. rights-of-way	100	25	50	40
(c)	60 ft. rights-of-way	70	25	50	40
(d)	50 ft. rights-of-way	60	25	50	30
Proposed rights-of-way are those designated by the major thoroughfare plan.					
2.	(a) Stable, public:	Side setback and rear yard: minimum 200 feet			
	(b) Stable, private:	Side setback and rear yard: minimum 100 feet			
3.	Other structures same or as required in district regulations.				

4. That the Hanover County Code, Zoning Ordinance, Section 26-34, regarding permitted accessory uses in the AR-6 Agricultural Residential District, shall be amended to read as follows:

Section 26-34. - Permitted accessory uses.

1. Accessory uses as follows on a farm of ten (10) acres or more:
 - a. Accessory structures for sale or processing of farm products raised on the premises.
 - b. Accessory, open or enclosed storage of farm materials, products, or equipment.
 - c. Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

- d. Dwellings for persons permanently employed on the premises.
- 2. Domestic storage in main building or in accessory building.
- 3. Garage, private.
- 4. Guest houses.
- 5. Home occupations in a main building in accordance with the standards of section 26-279.
- 6. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not for a business, as an accessory to a nonfarm dwelling on a lot of not less than two (2) acres.
- 7. Domestic employees' quarters.
- 8. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
 - a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
 - b. The vehicle is not used for commercial purposes; and
 - c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

- 9. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.
- 10. Signs as regulated in division 7 of article 5.
- 11. Temporary buildings, the uses of which are incidental to construction operation during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- 12. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- 13. The location of office or construction trailers for a period not to exceed one (1) year.
- 14. Noncommercial fuel alcohol distillery.
- 15. Foster home.

16. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
 17. Pony rings.
 18. Family day homes.
 19. Temporary family health care structures, as permitted in section 26-281.
5. That the Hanover County Code, Zoning Ordinance, Section 26-40, regarding yard requirements in the AR-6 Agricultural Residential District, shall be amended to read as follows:

Section 26-40. - Yard requirements.

		Minimum in Feet			
		Front Yard	Side Setback (Front Yard), Minimum	Side Setback (Front Yard), Aggregate	Rear Yard
1.	Single-family dwelling on the following proposed rights-of-way:				
(a)	160 ft. rights-of-way	125	25	50	40
(b)	80 ft. rights-of-way	100	25	50	40
(c)	60 ft. rights-of-way	70	25	50	40
(d)	50 ft. rights-of-way	60	25	50	30
2.	Other structures same or as required in district regulations.				

Note: Ultimate rights-of-way are those designated by the major thoroughfare plan.

6. That the Hanover County Code, Zoning Ordinance, Section 26-44, regarding permitted accessory uses in the RC Rural Conservation District, shall be amended to read as follows:

Section 26-44. - Permitted accessory uses.

The following accessory uses and structure shall be permitted:

(a) Uses of residential lots:

1. Domestic storage in a main building or an accessory building.
2. Private garages.
3. Guest houses.
4. Home occupations in a main building, in accordance with the standards of section 26-279.
5. Keeping of companion animals, but only for personal enjoyment or household use, and not as a business.
6. Quarters for domestic employees.
7. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:

- a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;

- b. The vehicle is not used for commercial purposes; and
- c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

- 8. Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests.
 - 9. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining lot and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
 - 10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 - 11. Construction trailers for a period not to exceed one (1) year.
 - 12. Foster home.
 - 13. Family day homes.
 - 14. Temporary family health care structures, as permitted in section 26-281.
- (b) Uses of preservation lots:
- 1. When a preservation lot is improved with a residence, the accessory uses specified in section 26-44 shall be permitted. Upon a finding by the Board that the public interest will be served by the preservation of multiple structures, more than one (1) main building may be permitted on a preservation lot.
 - 2. On parcels of ten (10) acres or more in area used for agricultural purposes: structures for sale of farm products raised on the premises; open or enclosed storage of farm materials, products or equipment; farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
 - 3. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same parcel and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
 - 4. Accessory off-street parking and loading spaces.
 - 5. Construction trailers for a period not to exceed one (1) year from issuance of building permit for the trailer.

6. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
 7. Dog kennels, noncommercial, as an accessory to and located within the building envelope for a residence; provided any open pens, runs, cages or kennels or any place for keeping more than five (5) adult dogs shall be located at least two hundred (200) feet from any side or rear lot lines.
7. That the Hanover County Code, Zoning Ordinance, Section 26-52, regarding yard requirements in the RC Rural Conservation District, shall be amended to read as follows:

Section 26-52. - Yard requirements.

	Minimum in Feet			
	Front Yard	Side Setback (Front Yard), Minimum	Side Setback (Front Yard), Aggregate	Rear Yard
Single-family dwelling:	15	5	20	25

Note: All other structures shall meet the requirements specified in the A-1, agricultural district unless modified by the regulations of this District or of article 5.

8. That the Hanover County Code, Zoning Ordinance, Section 26-58, regarding Permitted Accessory Uses in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-58. - Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.
2. Garage, private.
3. Home occupations in a main building, in accordance with section 26-279.
4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
5. Storage of recreational vehicles, utility trailers, boat trailers and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
 - a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
 - b. The vehicle is not used for commercial purposes; and
 - c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of residents or their guests.
7. Signs as regulated in division 7 of article 5.
8. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision

and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

9. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 10. The location of office or construction trailers for a period not to exceed one (1) year.
 11. Foster home.
 12. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
 13. Family day homes.
 14. Temporary family health care structures, as permitted in section 26-281.
9. That the Hanover County Code, Zoning Ordinance, Section 26-59, regarding Conditional Uses in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-59. - Conditional uses.

The following uses may be permitted as conditional uses:

1. Camps, day or boarding, private or commercial.
2. Institutions, educational or philanthropic, including museums, art galleries and libraries.
3. Private clubs.

4. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated in accordance with the standards of section 26-299.
7. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least seventy-five (75) acres.
9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.
10. Business or professional office use in an existing residential structure. For any such use, the following standards shall apply:
 - a. All required parking shall be located only within the rear yard;
 - b. All required parking shall be landscaped in accordance with the provisions of section 26-192;
 - c. All required parking shall be screened in accordance with the provisions of section 26-263;
 - d. There shall be no outdoor storage of materials or vehicles used in the conduct of business on the site; and
 - e. There shall be no more than one detached sign permitted, limited to no more than ten (10) square feet, advertising the business or professional office use. Any such sign shall be lighted internally.

10. That the Hanover County Code, Zoning Ordinance, Section 26-63, regarding yard requirements in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-63. - Yard requirements.

	Minimum in Feet			
Dwelling units:	Front Yard	Side Setback (Front Yard), Minimum	Side Setback (Front Yard), Aggregate	Rear Yard
Base density:	50	10	25	25
Higher densities:	15	0	0	0

Notes:

1. When detached garages are constructed in the rear yard on any lot in a district where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side setback. The minimum rear yard shall be five (5) feet.
2. All other structures and uses shall meet the requirements specified in the A-1, agricultural district, or as otherwise specified in the zoning ordinance.
3. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

11. That the Hanover County Code, Zoning Ordinance, Section 26-71, regarding Permitted Accessory Uses in the RM Multi-Family Residential District, shall be amended to read as follows:

Section 26-71. - Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.
2. Garage, private.
3. Garage, located in central parking areas, for use by residents.
4. Home occupations in a main building, except for retail sales businesses, in accordance with the standards of section 26-279.
5. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
6. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in (i) parking areas specifically designated and designed for such use, and (ii) where driveways are used, in the driveway for the residence or in the rear yard, in accordance with the following:
 - a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
 - b. The vehicle is not used for commercial purposes; and

- c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

- 7. Golf courses, accessory to dwellings in the district.
- 8. Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- 9. Signs as regulated in division 7 of article 5.
- 10. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- 11. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- 12. The location of office or construction trailers for a period not to exceed one (1) year.
- 13. Foster home.
- 14. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.

- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
 - 15. Family day homes.
 - 16. Temporary family health care structures, as permitted in section 26-281.
12. That the Hanover County Code, Zoning Ordinance, Section 26-243, regarding regulations applicable to Side Yards, shall be renamed and amended to read as follows:

Section 26-243. – Residential side setbacks and nonresidential side yards.

- (a) Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the required side setback not more than six (6) feet.
 - (b) Where a building in a commercial district is subject to the height, area, and bulk requirements applicable to residential development under section 26-248(b), the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than twenty-five (25) percent of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.
 - (c) For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.
 - (d) The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of the yard shall be as required in the district regulations for the district in which the building is located.
13. That the Hanover County Code, Zoning Ordinance, Section 26-247, regarding regulations applicable to Accessory buildings and pools, shall be amended to read as follows:

Section 26-247. - Accessory buildings and pools.

- (a) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (b) Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided such accessory building does not occupy more than thirty (30) percent of the area of the required rear yard and provided it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
- (c) When a lot is so located as to have contiguous boundaries with the rear lot lines of all adjoining lots, accessory structures may be placed anywhere on the lot; provided that no structure may be closer than five (5) feet to any lot line.
- (d) Accessory swimming pools, open and unenclosed, may occupy a required rear yard, provided the edge of water is not located closer than six (6) feet to a rear lot line or

ten (10) feet to a side lot line. A walk space at least three (3) feet wide shall be provided between pool walls and protective fences or barrier walls.

14. That the district regulations for the AR-1 Agricultural Residential District, the AR-2 Agricultural Residential District, the R-1 Single-Family Residential District, the R-2 Single-Family Residential District, the R-3 Single-Family Residential District, the R-4 Residential Cluster Development District, and the R-5 Multiple-Family Residential Districts shall be amended to conform to the definitions of “front yard” and “rear yard” as provided in this Ordinance.
15. This ordinance shall be effective on the date of adoption.

CURRENT

REAR LOT LINE

REAR YARD

SIDE
YARD

SIDE
YARD

FRONT YARD

FRONT LOT LINE

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RESIDENTIAL

REAR LOT LINE

REAR YARD

FRONT YARD

FRONT LOT LINE

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