

## **ARTICLE 3. AGRICULTURAL DISTRICT A-1<sup>1</sup>**

### **3-1. Purpose and Intent.**

It is the purpose and intent of this Article to implement the agricultural recommendations of the adopted Comprehensive Plan by conserving, protecting and encouraging (i) the commercial production of food and other agricultural and forestal products; (ii) the conservation and protection from urbanization of prime agricultural and forestal lands as valued natural and ecological resources which provide essential open space for clean air sheds, watershed protection, wildlife habitat and aesthetic purposes; and, (iii) the use of agricultural and forestal land as an economic and environmental resource of major importance.

(Ord. of 5-7-2013(2))

### **3-2. Uses Allowed.**

The following regulations shall apply in all A-1 Districts:

#### *3-2-1 Permitted principal uses and structures:*

*3-2-1.1a* Agriculture.

*3-2-1.1b* Agritourism, except in the instance there is a substantial impact on the health, safety, or general welfare of the public, as determined by the Board of Supervisors after compliance with all requirements of law regarding notice, hearing, and other elements of due process.

*3-2-1.2* Cemeteries (commercial cemeteries subject to minor site plan approval).

*3-2-1.3* Commercial stables, equine boarding facilities, and equestrian centers (which may hold competitive events but does not include a racetrack), subject to VDOT entrance permit approval.

*3-2-1.4* Community facilities such as fire and rescue stations, post office (subject to full site plan approval).

*3-2-1.5* Conservation area, Nature Preserve or Wildlife Sanctuary (including wetland banks and open space easement conservation areas).

*3-2-1.6* Family Day Home as governed by Article 9-1-8 of this ordinance.

*3-2-1.7* Farm Distillery, Licensed.

*3-2-1.8* Farm Winery, Licensed.

*3-2-1.9* Limited Brewery, Licensed.

*3-2-1.10* Land application of biosolids as governed by Article 9 of this ordinance.

*3-2-1.11* Parks, playgrounds and public recreation facilities.

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<sup>1</sup>Editor's note(s)—An ordinance adopted May 7, 2013, amended Art. 3 in its entirety, in effect repealing §§ 3-1—3-6 and enacting similar new provisions in lieu thereof as §§ 3-1—3-10. Formerly, such provisions derived from ordinances adopted Sept. 7, 1971; May 2, 1972; Nov. 3, 1976; May 2, 1978; Aug. 5, 1980; Dec. 2, 1980; Oct. 6, 1981; Nov. 7, 1984; March 3, 1987; May 24, 1989; Dec. 12, 1989; Sept. 1, 1992; Dec. 6, 1994; Aug. 1, 1995; Feb. 4, 1997; Sept. 2, 1997; Feb. 3, 1998; Oct. 6, 1998; Dec. 3, 2002; and Feb. 3, 2004.

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3-2-1.12 Plant Nurseries.

3-2-1.13 Public Schools.

3-2-1.14 Religious institutions, places of worship, and other ancillary uses normally associated with congregational worship such as churches, parish houses, rectories, parsonages, seminaries, and Sunday Schools.

3-2-1.15 Single Family detached dwellings, modular homes, or manufactured homes, limited to one such dwelling per parcel, on lots of record, on lots with valid preliminary approval as of August 5, 1997, which remain valid and are duly recorded or in minor subdivisions as defined in Article VI of the Subdivision Ordinance.

*3-2-2 Conditional uses:* In addition to the aforementioned uses permitted as a matter of right, the following uses may also be permitted, subject to securing a use permit as provided for in Article 17.

3-2-2.1.a Agricultural Enterprises in accordance with Article 31 of this ordinance.

3-2-2.1.b Agritourism, but only in the instance there is a substantial impact on the health, safety, or general welfare of the public, as determined by the Board of Supervisors after compliance with all requirements of law regarding notice, hearing, and other elements of due process. Any restriction placed on an agritourism activity shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

3-2-2.2 Airports and aircraft landing strips.

3-2-2.3 Assisted living facilities, nursing homes (use permit not required where permitted by right per the Code of Virginia).

3-2-2.4 Bed and Breakfasts or country inns, banquet facilities.

3-2-2.5 Campgrounds as governed by Article 9 of this Ordinance.

3-2-2.6 Day care centers, nursery schools.

3-2-2.7 Dentist, doctor, veterinary office (in home).

3-2-2.8 General stores (fuel sales limited to no more than four fueling stations).

3-2-2.9 Golf Courses, excluding miniature golf and driving ranges.

3-2-2.10 Health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature, or uses where involuntary detention is intended.

3-2-2.11 Kennels and boarding facilities.

3-2-2.12 Manufactured homes, temporary (per Article 28 of this ordinance).

3-2-2.13 Mining, excavation, quarries and production drilling, including all associated activities of extractive and mining operations.

3-2-2.14 Private schools.

3-2-2.15 Public Utilities/Utilities.

3-2-2.16 Recreational facilities utilizing natural resources as the primary attraction and private recreational facilities.

3-2-2.17 Residential professionals (in accordance with Article 9).

3-2-2.18 Utility Power Generation and Storage Facilities.

*3-2-3 Accessory Uses and Structures:*

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3-2-3.1 Accessory uses and structures customarily incidental to a principal use, subject to Article 9 herein.

3-2-3.2 Home occupations as defined by Article 2 of this Ordinance.

3-2-3.3 Sewage treatment systems (subject to the regulations of Chapter 14, Sanitary Regulations, of the Culpeper County Code).

3-2-3.4 One (1) tenant unit (on parcels containing a minimum of 15 acres) limited to an accessory structure at least thirty (30) feet from the principal structure. More than one unit can be approved only for occupancy by farm tenants. Such units are subject to the requirements found in Article 9 of this ordinance.

3-2-3.5 Tennis courts, swimming pools and similar uses accessory to single family dwellings.

3-2-3.6 Wayside Stand (notwithstanding Section 3-8, wayside stands may be located no closer than twenty-five (25) feet from the street right-of-way or easement line).

(Ords. of 5-7-2013(2); 5-3-2016(1); 5-2-2017; 10-3-2017(1); 5-7-2024, Att.)

### **3-3. Off-street parking.**

Off-street parking as required in Article 10.

(Ord. of 5-7-2013(2))

### **3-4. Signs.**

Signs as permitted and regulated in Article 11.

(Ord. of 5-7-2013(2))

### **3-5. Height Regulations.**

*3-5-1 Building and structure height:* Buildings may be erected up to forty-five (45) feet in height from the finished ground elevation. For structures permitted above the height limit, see Article 9.

(Ord. of 5-7-2013(2))

### **3-6. Area Regulations.**

*3-6-1 Minimum lot area:* The minimum lot area for permitted principal uses shall be five (5) acres except for the following: (i) Lawful nonconforming lots; (ii) the minimum lot area shall be one (1) acre for a family division lot; (iii) the minimum lot area for conditional uses may be modified in conjunction with approval of a conditional use by the Board of Supervisors pursuant to Article 17 herein; (iv) there shall be no minimum lot area for dedicated well lots as long as all requirements of the Virginia Department of Health and the Culpeper County Water and Wastewater Standards are met.

*3-6-2 Existing Lots of Record:* Any lot which was lawfully recorded prior to the date of adoption of this ordinance, and where such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot may be used for any use permitted in the Zoning District in which it is located even if the lot does not meet the current minimum district size, lot area, lot width and/or shape requirements of the district, provided all the other regulations of this ordinance can be satisfied.

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(Ord. of 5-7-2013(2))

### **3-7. Lot Coverage Regulations.**

*3-7-1 Maximum coverage area:* All buildings, including accessory structures and ground level impervious surfaces, shall not cover more than twenty-five percent (25%) of the total area of the lot or parcel for parcels five (5) acres or greater in size. Parcels less than five (5) acres shall be permitted to have a maximum lot coverage of forty percent (40%). This provision may be waived for churches, schools and other community facilities in conjunction with site plan approval. Greenhouses and other structures solely for agricultural use are exempt from this provision.

(Ord. of 5-7-2013(2))

### **3-8. Street Setback Regulations.**

No building or structure shall be located less than seventy-five (75) feet from any secondary or private road right-of-way or easement line; and, one hundred (100) feet from any primary highway right-of-way line. In no case shall any portion of a building or structure be located closer to the street right-of-way or easement than the setback line. In the case of corner lots, no building or structure shall be located closer than fifty (50) feet to the right-of-way or easement line of the side street.

(Ord. of 5-7-2013(2))

### **3-9. Width and Yard Regulations.**

*3-9-1 Minimum lot width:* The minimum lot width shall be 250 feet for any lot fronting on an existing road which is in the state system of secondary highways. Family Division lots are exempt from this provision.

*3-9-2 Minimum side yard:* Each lot shall have a minimum side yard of forty (40) feet. The side yard requirement for accessory structures other than tenant units shall be twenty (20) feet.

*3-9-3 Minimum rear yard:* Each lot shall have a minimum rear yard of fifty (50) feet. The rear yard requirement for accessory structures other than tenant units shall be twenty (20) feet.

*3-9-4 Minimum separation requirements for accessory buildings or structures:* Each accessory building or structure other than a deck, porch or patio shall be set apart from other buildings or structure at least three (3) feet.

*3-9-5 Hog and Poultry Restrictions:*

*3-9-5.1.* There shall be no building, structure or area of confinement for the commercial raising and/or housing of hogs and/or poultry, not free-ranging, within one hundred fifty (150) feet of any property line. For purposes of this section, the raising or keeping of more than five (5) hogs shall be considered commercial in all cases.

*3-9-5.2.* The area of confinement for non-commercial raising or keeping of hogs or poultry shall be located no closer than fifty (50) feet to any side or rear property line and shall be located no closer to the road than any primary structure on the property. This section shall not apply to the raising or keeping of more than five (5) hogs.

(Ord. of 5-7-2013(2))

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### **3-10. Subdividing.**

*3-10-1 Minor Divisions:* Subdivision in the A-1 (Agricultural) District shall be limited to Minor Divisions.

*3-10-2 Process:* The Minor Division process is set forth in Article VI of the Subdivision Ordinance. Qualifying parent parcels may be divided into two (2) parcels plus a residual parcel no more frequently than once every five (5) years. These divisions are administratively processed by the Zoning Administrator.

(Ord. of 5-7-2013(2))