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### **3 DISTRICT REGULATIONS**

#### **3-A SCHEDULE OF DISTRICT REGULATIONS**

##### **3-A-1 RESIDENTIAL (R)**

Intent: The Residential (R) District is created to provide for single-family residences at a moderate level of density comparable to the current density of residential development in the Town. Development within this district is encouraged to use traditional neighborhood design concepts to provide housing that is a continuation of the arrangement, scale, and architectural character of the Town. Development within this district shall preserve existing natural features, vegetation, and promote excellence in site planning and landscape design.

##### **3-A-1-a Permitted Uses and Structures**

(11/1/05)

###### **1. Principal Uses and Structures**

- a. Single-family Dwellings
- b. Accessory uses, to include detached carport and garages, tool sheds, children's playhouses, doghouses, and private swimming pools
- c. Home occupations

(10/2/07)

###### **2. Special Uses and Structures**

- a. Accessory Structures to single-family dwellings for human habitation
- b. Cemeteries
- c. Churches and other places of worship
- d. Community buildings, public and private
- e. Day care centers and nursery schools for 13 or more clients
- f. Financial Institutions (with or without drive-thru windows)  
(see section 3-A-1-h below for additional regulations)
- g. Government and other public uses (including police, fire, library, museum, and postal facilities) (see section 3-A-1-h below for additional regulations)
- h. Office, Business or Professional (including medical clinics) (see section 3-A-1-h below for additional regulations)
- i. Private or public schools, parks, playgrounds and related uses
- j. Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements
- k. Recreational uses (public swimming pools, tennis courts, etc.)
- l. Sewerage System & Treatment Works

##### **3-A-1-b Lot and Setback Standards**

(12/4/07)

###### **1. Lot area**

Critical Environmental Areas or Private Access Easements shall not be included when determining whether a lot complies with the following minimum or maximum lot area standards.

- |                                      |                    |
|--------------------------------------|--------------------|
| a. Minimum                           | 7,500 square feet  |
| b. Maximum (for single family only): | 20,000 square feet |

(10/2/07)

2. Minimum set backs on lots less than 15,000 square feet in area:

a. Minimum width:

Interior lot: 60 feet  
Corner lot: 75 feet

b. Yard requirements:

Front yard: 15 feet  
Front yard or  
Side yard: 25 feet for the vehicle entrance to  
garages, carports, or other structures  
used to store vehicles  
Side yard: 5 feet for all structures  
Rear yard: 25 feet  
5 feet for accessory structures

3. Minimum set backs on lots 15,000 square feet in area and greater:

a. Minimum lot width:

Interior lot: 75 feet  
Corner lot: 90 feet

b. Yard requirements:

Front yard: 25 feet  
Side yard: 10 feet  
5 feet for accessory structures  
25 feet for the vehicle entrance to  
garages, carports, or other structures  
used to store vehicles  
Rear yard: 35 feet  
5 feet for accessory structures

4. Minimum setback on all lots from a railroad right of way: 25 feet

3-A-1-c

Common Open Space

Subdivisions of at least two acres of land, with an average lot size of less than 15,000 square feet, shall show at least 20% of the site area of the subdivision as open space dedicated to common usage and ownership. When one-fourth of the total common open space (5% of the net site area) is at least 5,000 square feet in area, it shall be developed and designed for recreational and active community open space. Critical Environmental Areas shall not contribute to common open space requirements.

3-A-1-d

Critical Environmental Areas

1. Critical Environmental Areas (CEAs) are 100-year flood plains, sinkholes (the area within 100 feet of the discernable edge of the sinkhole), and slopes in excess of 25 percent.
2. Structures requiring building permits shall not be located in CEAs.

3. CEAs shall not be included in maximum or minimum lot area or any density calculations, or be used to meet open space requirements or to meet setback requirements.
4. CEAs shall not be developed; they shall be left in a generally natural state as determined in the Management Plan.

3-A-1-e Critical Environmental Areas/Common Open Space (CEA/COS) Management Plan  
A CEA/COS Management Plan shall be filed with a preliminary subdivision plat.

3-A-1(-f Impervious Area

- (5/11/04) 1. Not more than 25% of a lot shall be covered with an impervious surface.
- (12/4/07)
- (5/11/04) 2. No impervious surface shall be closer than 3 feet to any side or rear property line.

3-A-1-g Maximum Structure Height:  
(11/2/04) 30 feet, except 25 feet on parcels of less than one acre with a width of less than 75 feet  
(12/4/07)

3-A-1-h Additional Regulations

1. Refer to Section 4-J for off-street parking requirements.
2. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property developer/owner until such time as the developer/owner conveys such common area to a responsible entity approved by the Town.
3. Financial Institutions, Government and other public uses, and Business or Professional Offices shall be no larger than 4,000 square feet and shall have direct access on to Greenway Avenue (U.S. Route 340) or Main Street (Virginia Route 723).
- (11/1/05) 4. Accessory Structures shall not be located in the front yard of a single-family dwelling.
- (10/5/2010) 5. A subdivision may be approved with access to a portion of the lots by Private Access Easement(s), however not less than three nor more than five lots in the Residential Zoning District may be served by any individual access easement.
- (12/7/2010) 6. Temporary Family Health Care Structure shall be (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use. Such a structure shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
  - a. For purposes of this section:
    1. "Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

2. "Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia Code § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.
  3. Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
- b. Any person proposing to install a temporary family health care structure shall first obtain a Zoning Permit. To obtain Zoning Permit approval, the applicant shall provide sufficient proof of compliance with this section. The applicant shall provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
  - c. Any temporary family health care structure installed pursuant to this section may 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 requirements of the Virginia Department of Health.
  - d. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
  - e. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
  - f. The Zoning Administrator may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the Town Council may seek injunctive relief or other appropriate actions or proceedings in Circuit Court to ensure compliance with this section. The Zoning Administrator is vested with all necessary authority to ensure compliance with this section.

### 3-A-2 BUSINESS (B)

Intent: The Business (B) District is established to provide locations for highway commercial uses on Greenway Avenue, and retail, offices, and employment related businesses on both Greenway Avenue and Main Street. Development under this district is permitted only in accordance with a site plan.

The application of this district is intended for locations where office, retail, and similar activities are the principal use. High quality commercial site design principals are to be incorporated into the B District uses. Highway oriented commercial uses shall be located where they are pre-planned and creatively grouped in an efficient manner meeting the comprehensive planning objectives with frontage on a primary highway.

The specific uses permitted within the B District must be in harmony with the cultural and environmental character of the Town of Boyce. No use should be permitted which might be harmful to the adjoining land uses and the residential ambiance of the community at-large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities and promoting pedestrian circulation within the Town of Boyce.

#### 3-A-2-a Principal Uses and Structures

(3/2/2010)

1. Permitted Uses and Structures on parcels with frontage on Greenway Avenue and Main Street:
  - a. Churches and other places of religious assembly
  - b. Clubs or Lodges
  - c. Community Services
  - d. Inns
  - e. Multi-family Apartment Dwellings (three or more attached apartment dwellings, allowed either as a stand alone use or with other uses)
  - f. Offices, Business or Professional (including medical clinics)
  - g. Plant nurseries
  - h. Public utilities and related easements
  - i. Restaurants (without drive-thru)
  - j. Retail and Service businesses
2. Permitted Uses and Structures on parcels with frontage on Greenway Avenue
  - a. Assisted Living Facilities
  - b. Automobile and Light Truck service and repair establishments (provided that all vehicle repair takes place in a fully enclosed building)
  - c. Car washes
  - d. Convenience Store with gasoline sales
  - e. Day care centers
  - f. Financial institutions (with drive-thru windows)
  - g. Gasoline Filling Stations
  - h. Laundromat
  - i. Veterinary hospitals (small animals), exclusive of out-door boarding kennels

3. Permitted Uses and Structures on parcels with frontage on Main Street
  - a. Financial institutions (without drive-thru windows)
4. Special Uses on parcels with frontage on Greenway Avenue and Main Street
  - a. Assembly halls and auditoriums
  - b. Single Family Dwellings
  - c. Structures Supporting Telecommunication Antennae (more than 40 feet high)
  - d. Two Family Dwellings
  - e. Custom Architectural Woodwork and Millwork
5. Special Uses on parcels with frontage on Greenway Avenue
  - a. Farm machinery sales and service (provided that all service activities take place in a fully enclosed building)
  - b. Farm supplies and sales (provided that all storage activities take place in a fully enclosed building)
  - c. Warehousing and Storage of 10,000 square feet or less excluding mini-warehouses/self-storage units, (#53113 in the North American Industry)
  - d. Wholesale establishments of 10,000 square or less
6. Special Uses on parcels with frontage on Main Street
  - a. Financial institutions (with drive-thru windows)

3-A-2-b Non-residential and Multi-family Density, Lot, and Setback Standards

- |          |   |  |
|----------|---|--|
| 1.       | Minimum lot area:   | 10,000 sq ft<br>(excluding Critical Environmental Areas) |
| 2.       | Minimum lot width:  | 60 feet  |
| (5/3/11) | 3. Setback from a primary highway:  |  |
|          | a. Minimum (except as noted in Sections 3b & c below):  | 5 feet   |
|          | b. Minimum for the vehicle entrance to garages, carports, or other structures used to store, repair, or service vehicles:       | 25 feet  |
|          | c. Minimum for fuel pump canopies   | 10 feet  |
|          | d. Maximum for structures with non-residential uses on the ground floor (except as noted in Sections 3e below):                 | 20 feet  |
|          | e. Maximum for the vehicle entrance to garages, carports, or other structures used to fuel, store, repair, or service vehicles: | 60 feet  |
| (5/3/11) | 4. Setback from a secondary highway (including town streets)  |  |
|          | a. Minimum (except as noted in Sections 4b below):  | None   |
|          | b. Minimum for the vehicle entrance to garages, carports, or other structures used to store, repair, or service vehicles:       | 25 feet  |
|          | c. Maximum for structures with non-residential uses on the ground floor (except as noted in Section 4b below):                  | 15 feet  |
|          | d. Maximum for the vehicle entrance to garages, carports, or other structures used to fuel, store, repair, or service vehicles: | 60 feet  |

- (5/3/11) 5. Minimum setback requirement from a railroad right of way or a residential zoning district: 25 feet
- (10/2/07) 6. For Multi-family apartment dwellings:  
Two units for the first 10,000 square feet of lot area, one unit for each additional 5,000 square feet (excluding Critical Environmental Areas)
- 3-A-2-c Single-family Dwellings Density, Lot, and Setback Standards: See Section 3-A-1-b  
(5/3/11)
- 3-A-2-d Critical Environmental Areas
1. Critical Environmental Areas (CEAs) are 100-year flood plains, sinkholes (the area within 100 ft of the discernable edge of the sinkhole), and slopes in excess of 25 %.
  2. Structures requiring building permits shall not be located in CEAs.
  3. CEAs shall not be included in maximum or minimum lot area or any density calculations, or be used to meet landscaping requirements or to meet setback requirements.
  4. CEAs shall be left in a natural state as determined in the project site plan
- 3-A-2-e Impervious Area  
(5/3/11) Not more than 60% of a lot shall be covered with an impervious surface. A Best Management Practice Vegetated Roof shall not be considered impervious surface.
- 3-A-2-f Maximum Structure Height: 30 feet, except 25 feet for structures used exclusively for residential dwellings.  
(10/2/07)
- 3-A-2-g Additional Regulations  
(10/5/10)  
(5/3/11)
1. Parking, Streets, and Access
    - a. All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
    - b. The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
    - c. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
    - d. Business uses on parcels with frontage on secondary highways are not required to provide off-street parking spaces;
    - e. All uses on parcels with frontage on secondary highways shall not have off-street parking spaces located in any front yard areas;
    - f. A subdivision may be approved with access to a portion of the lot(s) by Private Access Easement(s), however not more than two lots in the Business Zoning District may be served by any individual access easement.
    - g. 30 feet of right of way shall be dedicated from the centerline of primary highways when a subdivision or site plan is submitted.
    - h. 20 feet of right of way shall be dedicated from the centerline of secondary highways when a subdivision or site plan is submitted.

2. Storage of Materials and Refuse
  - a. All business services (and storage) shall be conducted within the principal structure, which is to be completely enclosed.
  - b. All refuse containers shall be screened by a solid wall or fence.
  - c. Any establishment involved with the storage of petroleum fuel for sale, for on-site use, or for any other purposes, shall be permitted only if petroleum the fuel is stored underground, except where otherwise permitted under provisions established by the Planning Commission.
  - d. All storage shall be conducted within the principal structure, which is to be completely enclosed.
  
3. Retail display area limits  
For each parcel fronting on Main Street, not more than a total of 5,000 sq ft of display area for retail items shall be provided, whether in a building or outside of a building.
  
4. Site Plan
  - a. A site plan, which shall govern all development, shall be submitted for approval as specified in Section 6 of this Ordinance. Single-family dwellings and accessory structures to single-family dwellings shall be exempt from this regulation.
  - b. Site plans shall include provisions for:
    - 1) adequate public facilities,
    - 2) development phasing,
    - 3) storm water management facilities to address the ultimate development coverage within the district.
    - 4) lighting and signing,
    - 5) building placement and configuration,
    - 6) landscaping and buffering, and
    - 7) other special site features and land use considerations deemed necessary to serve the district.
  - c. All uses shall be subject to final site plan approval.