

WARRENTON ZONING ORDINANCE
Article 9-1 Accessory Structures and Uses Text Amendment

Adopted by Town Council: February 12, 2013

9-1 Accessory Structures and Uses; Parcel Limitations

9-1.1 The aggregate gross floor area of an accessory structure (i.e., the total gross floor area of all accessory structures) shall not exceed thirty (30) percent of the area of the rear yard, nor shall it exceed 25% of the total area of the principal structure.

9-1.2 Accessory structures shall not be located closer than five (5) feet to any rear or side property line.

9-1.3 An accessory dwelling structure in a single-family dwelling or in an accessory building may be permitted by Special Use Permit in an R-15 or R-10 Residential District, provided that:

- 1) Either the main dwelling or the accessory dwelling structure be occupied by the owner of the property,
- 2) The accessory dwelling structure shall not exceed twenty-five (25) percent of the total floor area of the main dwelling nor contain less than five hundred (500) square feet of floor area,
- 3) The general appearance of a single-family dwelling shall be maintained,
- 4) No exterior stairways to a second floor be constructed at the front or side of the main building, and
- 5) At least three (3) off-street parking spaces are available on the property for use by the owner-occupant and the tenant.

9-1.4 A temporary family health care structure per § 15.2-2292.1 of the Code of Virginia shall be allowed accessory to a single-family dwelling located on a lot, provided that:

- 1) Only one temporary health care structure shall be permitted per lot;
- 2) No more than one person shall occupy the temporary health care structure;
- 3) The structure shall not exceed 300 gross square feet in area;
- 4) The structure shall comply with the setback requirements for primary structures in the district;
- 5) The structure shall primarily be assembled at a location other than the lot on which it is to be located;
- 6) The structure shall not be placed on a permanent foundation;
- 7) A physician licensed in Virginia has certified in writing that the person who occupies or intends to occupy the structure is mentally or physically impaired because he/she requires assistance with two or more activities of daily living during more than half the year;

- 8) The caregiver for the mentally or physically impaired occupant of the temporary health care structure 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 structure;
- 9) The structure shall be removed within thirty (30) days of the impaired person no longer meeting the certification requirements or no longer residing within the structure;
- 10) The structure shall not be used for, or converted to, another use;
- 11) No signage advertising or promoting the existence of the structure shall appear on the structure or anywhere on the property;
- 12) The structure 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 and fees associated therewith separated from the required permit fee set forth in Section 13 (v) of this section, for such connection.
- 13) A zoning permit shall be obtained pursuant to Section 11-3.4.1 prior to placement of such structure 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 representative to inspect, at reasonably convenient times, the structure 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.
 - v. A permit to install the structure along with a \$100.00 fee.