



Sussex County Planning Commission Meeting
Monday, April 7, 2025 at 6:00 P.M.
General District Courtroom at Sussex Judicial Center
15098 Courthouse Road, Sussex, VA 23884

Agenda

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. APPROVAL OF MINUTES

- a. None

D. PUBLIC HEARING (S)

- a. Zoning Text Amendment 2025-01, Sussex County
 - i. Open Public Hearing
 - ii. Staff Overview
 - iii. Public Comments
 - iv. Planning Commission Comments/Discussion
 - v. Planning Commission Action

E. OLD BUSINESS

- a. None

F. NEW BUSINESS

- a. None

G. ADJOURNMENT

DEPARTMENT OF PLANNING
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MEMORANDUM

DATE: March 31, 2025

TO: Planning Commission Members

FROM: Beverly Walkup, Director of Planning and Zoning *BW*

SUBJECT: Zoning Ordinance Amendment #2025-01

The Planning Commission held a public hearing on March 3, 2024 on the proposed comprehensive amendments to Chapter 34, Zoning of the Sussex County Code. The Planning Commission voted to conduct a second public hearing on April 7, 2025 to allow additional opportunity for public participation and comment.

Attached is an Errata Sheet listing additional amendments discussed during the first public hearing, along with the most recent copy of the use table.

Should you have any questions, please do not hesitate to contact me at 434-246-1043 or bwalkup@sussexcountyva.gov.

ZONING ORDINANCE AMENDMENT #2025-01

ERRATA SHEET

This Errata Sheet represents the revisions discussed during the Planning Commission's Public Hearing #1 on March 3, 2025. These revisions should be included in the motion to adopt based subject to continued discussions.

- 1) ARTICLE I. IN GENERAL – Sec. 34-1. Definitions revised to include a definition for a Special exception to be granted by the BZA to allow nonconforming structures to be repaired to its original condition if the structure has been vacant for a period longer than 2 years.

Sec. 34-1. Definitions

Special Exception - A Special Exception is a permit for the use and repair or restoration of a nonconforming structure that is not allowed as a matter of right due to the nonconformity, but may be permitted on a case-by-case basis by the Board of Zoning Appeals depending upon the location and condition of the structure.

- 2) ARTICLE II. ADMINISTRATION. DIVISION 6. NONCONFORMING USES – Sec. 34-67(b)(1) revised to allow a nonconforming structure to be expanded vertically provided it remains in the same footprint.

Sec. 34-67(b)(1). Repairs and maintenance

(1) Any building or structure that is conforming as to use, but is nonconforming as to the requirements of this chapter, including floor area, lot, yard, road frontage, setback, parking, loading spaces, fences, signs or height requirements, may be enlarged or structurally altered, if the alteration or enlargement complies with this chapter, except that the structure may be expanded vertically provided that it remains in the same footprint.

- 3) ARTICLE II. ADMINISTRATION. DIVISION 6. NONCONFORMING USES – Sec. 34-69(b) to allow a nonconforming structure to be damaged in any way to be replaced within two (2) years.

Sec. 34-69(b). Restoration and Replacement

(b) If a nonconforming structure is destroyed or damaged in any manner, it may be replaced in its current construction footprint without a variance provided that the structure has not been abandoned for a period longer than two years. If the structure has been abandoned for a period longer than two years, it shall be restored only upon the issuance of a special exception approved by the board of zoning appeals; provided, however, that:

(1) The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in

compliance with the provisions of the local floodplain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of this chapter. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then there shall be an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this subsection. For purposes of this section, the term "act of God" shall include any natural disaster or phenomena, including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, § 18.2-77 or 18.2-80, and obtain vested rights under this subsection.

- 4) ARTICLE II. ADMINISTRATION. DIVISION 7. BOARD OF ZONING APPEALS - Sec. 34-127(a)(4) revised to allow the BZA the authority to grant a special exception for the use and repair of a structure that has been abandoned for a period longer than two years, on a case-by-case basis depending upon the location and condition of the structure.

Sec. 34-127(a)(4)

(4) Special Exception..... To hear and decide applications for special exception for the use and repair or restoration of a nonconforming structure destroyed or damaged in any manner in its current construction footprint that has been abandoned for a period longer than two years. The board may impose such conditions relating to the use provided for in the authorized special exceptions for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. No such special exception may be granted except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

a. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

- 5) ARTICLE III. ZONING DISTRICTS. DIVISION 3. RURAL RESIDENTIAL DISTRICT, R-R - Sec. 34-250 revised to change the front setback as discussed during the Commission's worksessions to require

a 60' front setback instead of the 100' setback consistent with the recommended reduction in lot size from 2 acres to 1 acre and width and frontage from 300' to 150' as follows:

Sec. 34-250. Setback regulations.

In the R-R district, structures shall be located **60 feet** or more from any street right-of-way. This shall be known as the setback line. However, public utility distribution facilities and signs advertising the sale or rental of property may be erected up to the property line.

- 6) ARTICLE III. ZONING DISTRICTS. DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-1 - Sec. 34-275 to add Community Center as a permitted use in the R-1.

Sec. 34-350. Use regulations.

In the R-1 General Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(a) Permitted Uses:

- (1) Dwelling, single-family, detached, including modular homes on an individual lot.
- (2) Dwelling, two-family or duplex.
- (3) Dwelling, single-family, attached or townhouse.
- (4) Church and associated facilities.
- (5) Educational facility, primary/secondary.
- (6) Public park or playground.
- (7) Home occupations, type 1 in accordance with Article XXIV, Section 34-711.
- (8) Accessory uses/buildings provided there is an existing primary use/structure already located in the subject property. Accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building.
- (9) Public utility.
- (10) **Community center.**
- (11) Community recreation.
- (12) Construction office temporary.
- (13) Family day home.
- (14) Governmental service.
- (15) Public safety service.
- (16) Real estate office, temporary.

- 7) ARTICLE III. ZONING DISTRICTS. DIVISION 5. HIGHER DENSITY RESIDENTIAL DISTRICT, R-2 – Sec. 34-350 to add Community Center as a permitted use in the R-2.

Sec. 34-350. Use regulations.

In the higher residential district R-2, structures to be erected or land to be used shall be for one (1) or more of the following uses:

(a) Permitted Uses:

- (1) Dwelling, single-family, detached, including modular homes on an individual lot.
- (2) Dwelling, single-family, attached or townhouse.
- (3) Dwelling, two-family or duplex.
- (4) Dwelling, multi-family.
- (5) Church and associated facilities.
- (6) Educational facility, primary/secondary.

- (7) Public park or playground.
- (8) Home occupation, type 1 in accordance with Article XXIV, Section 34-711.
- (9) Accessory uses/buildings provided there is an existing primary use/structure already located on the subject property. Accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building.
- (10) Public utility, neighborhood.
- (11) Community center.
- (12) Community recreation.
- (13) Construction office, temporary.
- (14) Family day home.
- (15) Governmental service.
- (16) Public safety service.
- (17) Real estate office, temporary.
- (18) Silviculture.

- 8) ARTICLE III. ZONING DISTRICTS. DIVISION 6. RURAL RESIDENTIAL-MANUFACTURED HOME PARK DISTRICT, RR-MHP – Sec. 34-402 revised to add single- and/or double-wide for clarity.

Sec. 34-402. Use regulations.

- (1) Manufactured/mobile home park, single- and/or double-wide
- (2) Accessory uses except that no accessory building may be closer than ten feet from any adjoining property line.
- (3) Public utility, neighborhood.

- 9) ARTICLE IV. SUPPLEMENTARY REGULATIONS - Sec. 34-713 (47)(k) revised to permit shipping containers accessory to a bona-fide agricultural farm use provided they are shielded from the public road and adjacent residences.

Sec. 34-713 (47)(k). Shipping container.

- a. No shipping container shall be used as a residence.
- b. Shipping containers may serve as accessory structures to a permitted use in industrial zoning districts and as a conditional use in residential and commercial zoning districts.
- c. Shipping containers shall be placed or stored in areas depicted on an approved site plan.
- d. The exterior of the shipping container shall be maintained structurally intact.
- e. The exterior of a shipping container in residential and commercial districts must be painted in non-reflective, subtle, neutral or earth tones. The use of high intensity colors, metallic colors, black or fluorescent colors are prohibited.
- f. Shipping containers must comply with development criteria relating to setbacks for principal buildings in the industrial district where permitted and landscape buffer yards.
- g. Shipping containers shall not be stacked to exceed a total of three (3) containers or thirty-eight (38) feet in height in industrial zoning districts, whichever is less. Stacked containers must comply with the Virginia Statewide Fire Prevention Code, as amended.
- h. Shipping containers must be treated to limit or remove potential exposure to hazardous chemicals. A certification that these conditions have been remedied or are absent is required for new container applications.

- i. No shipping container shall be placed on or otherwise block or restrict access to fire hydrants, fire lanes or required parking spaces.
- j. Shipping containers associated with storage incidental and accessory to a residential primary use on a lot zoned A-1 may be permitted subject to a conditional use permit.
- k. A shipping container may be permitted for use accessory to a bona-fide agricultural farm use provided they are shielded from view from a public road and adjacent residences.

10) ARTICLE VI. SIGNS - Sec. 34-835(c) revised to allow the zoning administrator discretion as to the requirement for removal of a sign when the business is no longer operating, as follows:

Sec. 34-835(c). Removal of abandoned signs:

(1) At the discretion of the Zoning Administrator, a sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

(2) If the owner or lessee fails to remove such sign, the Zoning Administrator shall give the owner a 30-day written notice to remove it.

(3) Upon failure to comply with this notice, the Zoning Administrator may remove the sign at cost to the property owner.

