

CHAPTER 2

DISTRICTS; ZONING MAP

ARTICLE A. HRD HISTORIC RESIDENTIAL DISTRICT

SECTION:

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7-2A-1: **PURPOSE; INTENT:**

- A. The historic residential district (HRD) is established to provide a medium to high density residential area intended primarily for peaceful single-family development, typical of a small historic community. This district may accommodate those institutional and public uses compatible with residential neighborhoods. The secondary conditional allowances will be considered for certain low impact commercial uses intended to diversify the local economy and enhance the overall community.
- B. The HRD contains the most important and protected historic residential structures within the Virginia City national historic landmark.
- C. In an effort to enhance and not disrupt the historic character of this area, zoning restrictions for new development within the HRD will be heavily influenced by historic design precedents as documented by nearby existing structures. The primary difference between the HRD and other residential districts is that restrictions will be more strictly enforced within the HRD than in other residential districts in order to maintain the historical integrity of the area. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2A-2: PERMITTED USES:

Fences, hedges, and walls:

- A. Must comply with applicable design review regulations.
- B. Must be located on property owned by the builder, unless by encroachment permit.
- C. Must be less than three and one-half feet ($3\frac{1}{2}'$) in height when erected within seventy five feet (75') of the centerline of two (2) intersecting streets or constructed of materials that do not obstruct a motorist's vision.
- D. Must not exceed a maximum of six feet (6') in height, unless by variance.

Outbuildings (secondary structures detached from primary residence structure):

- A. Must comply with applicable design review regulations.
- B. Outbuilding construction cannot precede the residence structure by more than twelve (12) months, and only in combination with an active permit for a new residence.
- C. Outbuildings should not be located in front of the residence. The front of a house will be determined during the permitting process, and typically relates to the most architecturally attractive or interesting elevation, when viewed from the perspective of the primary public access to the building site.

Single-family dwelling: A dwelling designed for occupancy by one family unit.

- A. Definition of "single-family": A single housekeeping unit of unlimited size, related by blood/marriage, plus up to three (3) nonrelated persons. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2A-3: CONDITIONAL USES:

- A. Allowed Uses: Subject to approval by the town council, as the board of adjustments, the following uses and structures are permitted in the historic residential district:

Bed and breakfast: Short term rentals, six (6) rental rooms maximum, unless by variance.

Boarding house: Long or short term rentals, six (6) occupants maximum, unless by variance.

Churches.

Essential public services (fire and police stations).

Government buildings.

Group homes.

Home occupation: The use of a portion of a dwelling or outbuilding for commercial activities that is clearly secondary to the residential use of the property, and provided that:

1. Only one employee, other than a resident of the property may engage in the occupational activity at any given time.
2. There shall be no change in the outside appearance of the building or other visible evidence of the conduct of the home occupation, other than one sign advertising the business activity, not to exceed four (4) square feet in size, per side, double sided.
3. Commercial icon signs, neon signs, or special lighting is not allowed.
4. Adequate parking is reasonably provided for all customers.
5. Hours of operation are selected to reasonably minimize noise and traffic impacts on adjacent residents.
6. A local business license is applied for and approved.

Manufactured homes: Class A design on permanent foundation that satisfies appropriate design review regulations. Older style (pre-1990) class B manufactured homes are specifically prohibited.

Nursing homes and hospitals.

Parks, schools, community centers, and daycare facilities.

Other similarly related, low impact activities.

B. Prohibited Uses:

High impact commercial activities are specifically prohibited.

C. Conditional Use Application:

1. Request For Conditional Use: Requests must specifically identify and address the type of activity proposed, occupancy limits, traffic and parking plan, noise abatement, hours of operation, compliance with design review criteria, and other applicable regulations.

2. Term Of Permit: As long as the originally permitted conditions are satisfied, the conditional use permit will remain in effect forever and run with the property. If a conditionally permitted use or structure should cease to operate or exist (i.e., fire) for a period of more than twelve (12) continuous months, the conditional use permit will automatically expire. A current business license filed with the town will qualify as proof of ongoing business activity.

3. Allowed Activities:

a. Review And Monitoring: Activities allowed by the conditional use permit will be regularly reviewed and monitored by the advisory zoning board.

b. Complaints: Complaints filed by abutting property owners will be promptly investigated and may be cause for termination of the conditional use permit. The holder of the conditional permit may request an appeal hearing before the board of adjustments. The board of adjustments shall determine whether the filed complaint justifies termination or modification of the conditional use permit. See section 7-6-2 of this title for conditional use permit application. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2A-4: **LAND USE VARIANCE REQUESTS:** Any proposed land use activity beyond the scope of these conditional uses will require a formal application to the board of adjustments (i.e., town council)

for a land use variance. See section 7-6-3 of this title for land use variance application. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2A-5: RESIDENTIAL BUILDING REQUIREMENTS:

- A. Front Of House: The front of a house will be determined during the permitting process, and typically relates to the most architecturally attractive or interesting elevation, when viewed from the perspective of the primary public access to the building site.
- B. Compliance With Design Review: All buildings must comply with applicable design review regulations.
- C. Minimum Lot Size And Area Per Dwelling: Fifty feet by ninety four feet (50' x 94') (4,700 square feet), or twenty five feet by ninety four feet (25' x 94') (2,350 square feet) in historic areas originally platted as smaller lots (see 1868 VC plat map) or minimum area required for county issued septic permit.
- D. Minimum Property Line Setback:
 - 1. In keeping with existing historical precedents established by adjacent buildings within one block of the proposed building site.
 - 2. Alternative if lacking strong precedents:
 - a. Front: Twenty five feet (25') from property line in front of the main entrance to the residence.
 - b. Side: Five feet (5') from side property lines.
 - c. Rear: Five feet (5') from rear property line.
- E. Minimum Building Size:
 - 1. In keeping with existing historical precedents established by adjacent buildings within one block of the proposed building site.
 - 2. Alternative if lacking strong precedents: Five hundred (500) square feet of total living space, not including garages, shops, or uncovered porches or decks.

F. Maximum Building Size:

1. In keeping with existing historical precedents established by adjacent buildings within one block of the proposed building site.

2. Alternative if lacking strong precedents:

a. Total footprint (square feet) of all buildings on the site must be less than fifty five percent (55%) of the total square footage of the building site.

b. Primary structure, the total footprint must be less than three thousand five hundred (3,500) square feet.

G. Maximum Building Height:

1. In keeping with existing historical precedents established by adjacent buildings within one block of the proposed building site.

2. Alternative if lacking strong precedents: Twenty five feet (25') when measured from the top of the building foundation (sill plate) to the high point of the roof ridge. To facilitate this measurement, the height of daylight foundation walls will not be included in the height calculation. Foundation walls are expected to be backfilled to the original grade of the property.

H. Minimum Off Street Parking: One space per one thousand (1,000) square feet of residential living space, unless allowed by variance. (Ord. 516, 4-19-2007, eff. 5-19-2007)