

AN ORDINANCE No. 23-169

To amend Spotsylvania County Code Chapter 23, Zoning, Article 8, Non-Conforming Uses, Sec. 23-8.1.6 *Alternative or enlargement of a nonconforming structure* to allow the reconstruction of an existing electrical transmission line within an existing easement.

PUBLIC HEARING:

THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 8, consisting of sections Sec. 23-8.1.6, be and is hereby **amended** and reordained as follows:

Sec. 23-8.1.6. - Alteration or enlargement of a nonconforming structure.

- (a) A nonconforming structure shall not be enlarged in any manner or undergo any structural alteration unless to make it a conforming structure, except as set forth in subsections (b), (c), (d), ~~(e)~~ **and (f)** below.
- (b) Notwithstanding the restriction set forth in (a) above, a single-family detached dwelling which is nonconforming due to the minimum yards set forth in articles 6 or 7 for the district in which it is located may be enlarged or altered provided that the enlargement or alteration itself conforms to the requirements set forth in articles 6 and 7 of this chapter.
- (c) Notwithstanding the restriction set forth in (a) above, any structure which is occupied by the county itself, or by a government agency and which is nonconforming due to the minimum setbacks, height limit, or floor area ratio limits set forth in Articles 6 or 7 for the district in which it is located, may be enlarged or altered.
- (d) Notwithstanding the restrictions set forth in (a) above, for lots in the I-1 and I-2 districts where the use is a permitted use, but where the current development standards (including, but not limited to, parking, yards, landscaping, screening and buffering, height, signs, floor area ratio and open space) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved provided all current development standards applicable to the expansion are met and provided such alteration or expansion does not increase the degree of nonconformity as to minimum yards, height or floor area ratio set forth in articles 6 or 7 for the district in which it is located.
- (e) Notwithstanding the restriction set forth in subsection (a) above, a commercial structure which is nonconforming due to the minimum yards set forth in articles 6 or 7 for the district

Deleted: and

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

in which it is located may be enlarged or altered provided that the enlargement or alteration itself conforms and the increase in size is no more than twenty-five (25) percent of the gross floor area to the requirements set forth in articles 6 and 7 of this chapter.

- (f) Notwithstanding the restrictions set forth in (a) above, the reconstruction of an existing electrical transmission line may be undertaken if done in substantial conformance with the existing transmission line, structures and appurtenances. This exception permits the replacement, upgrade, and modernization of existing transmission lines and supporting structures and appurtenances. The replacement of appurtenances, includes, but is not limited to, the replacement of wooden structures with steel structures under this exception. The average height of the new structures in the County may vary from the height of the old structures by plus or minus fifteen percent (15%). The location of the new structures may vary from the existing locations by up to sixty (60) feet and the footprint of the new structures may vary so long as the new structures are located within existing easements. The location of any new structures and/or switch structures within the public rights-of-way shall be regulated by the County Administrator under the appropriate franchise regulations.

§ 2. This ordinance shall be in force and effect upon adoption.