

as set forth in Article 7 of this Ordinance for underground mining.

- (10) Drilling and operation of oil, natural gas and methane gas wells, including well heads and structures and activities accessory thereto, provided that all drilling and related activities and structures conform with applicable regulations of the Commonwealth of Virginia and are established and operated pursuant to well work permits and such other permits and approvals as may be required by the Virginia Oil and Gas Inspector or other state agency; and provided further that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (11) Injection wells used to dispose of strongly saline water (brine) produced within Wise County when oil and gas are extracted, including well heads and structures and activities accessory thereto, provided that all drilling and related activities and structures conform with applicable regulations of the Commonwealth of Virginia and are established and operated pursuant to permits as issued by the appropriate state and/or federal agency; and provided further that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (12) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewerage treatment plants or similar facilities.
- (13) Natural and methane gas gathering and transmission lines, provided that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance.
- (14) Home occupations as defined in Article 11 of this Ordinance.
- (15) Lodging units within single-family dwellings when such lodging units are occupied by a total of not more than two (2) persons.
- (16) Bed and breakfast facilities as defined in Article 11, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (17) Signs as permitted by the provisions of Article 5 of this Ordinance.

- (18) Accessory uses and structures.
- (19) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

4-2.3. Lot area and width requirements. The following lot area and lot width requirements shall be applicable in the R-1 Single-family Residential District (see section 5-8 for average lot sizes in residential subdivisions):

- (1) Single-family dwellings served by public sewer and public water systems shall be located on lots of not less than ten thousand (10,000) square feet in area and not less than eighty (80) feet in width.
- (2) Single-family dwellings which are served by either public sewer or public water systems, but not both, shall be located on lots of not less than one hundred (100) feet in width and of such area as may be required by the health official, but in no case less than fifteen thousand (15,000) square feet.
- (3) Single-family dwellings which are not served by public sewer and public water systems shall be located on lots of not less than one hundred fifty (150) feet in width and of such area as may be required by the health official, but in no case less than thirty thousand (30,000) square feet.
- (4) There shall be no minimum required lot area or lot width for uses other than single-family dwellings, provided that sufficient lot area and width are available to enable compliance with all other applicable requirements of this Ordinance, including requirements of the health official in cases where public sewer or public water systems are not available, and including such requirements as may be imposed in conjunction with the approval of any special use permit or plan of development.

4-2.4. Required yards. The following yards shall be required in the R-1 Single-family Residential District (see section 3-9 for provisions for relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than thirty (30) feet along minor and collector streets and forty (40) feet along arterial streets.
- (2) **Side yards.** Side yards of not less than fifteen (15) feet shall be provided.
- (3) **Rear yard.** There shall be a rear yard of not less than twenty-five (25) feet.

4-2.5. Height limit. No building or structure shall exceed a height of thirty-five (35) feet (see Article 5 for supplementary height regulations).

Sec. 4-3. R-2 General Residential District.

4-3.1. Intent of district. Pursuant to the purposes of this Ordinance, the intent of the R-2 General Residential District is to provide appropriate areas for relatively high density residential development with a variety of housing types within a suitable residential environment and where public sewer and water systems are available. The district is designed to accommodate single-family, two-family and multifamily dwellings, manufactured homes, lodgings and limited residential care facilities in addition to specific nonresidential uses which are necessary to provide for the recreational, educational, cultural and public service needs of a residential community. It is the intent of the district to exclude land uses of a commercial nature which are potentially incompatible with residential uses. The district includes lot size, open space, yard and other requirements designed to avoid overcrowding of land, to ensure a suitable living environment, to promote compatible relationships among the various permitted housing types, and to avoid undue burden on utilities and other public services.

4-3.2. Permitted uses and structures. The following uses and structures shall be permitted in the R-2 General Residential District:

- (1) Single-family dwellings.
- (2) Manufactured homes located on individual lots when provided with permanent foundations meeting the requirements of the Uniform Statewide Building Code and when all regulations applicable to single-family dwellings in this district are met. Where an approved permanent foundation does not consist of a foundation wall around the full perimeter of the manufactured home, skirting shall be provided in accordance with

the requirements of section 5-10.5 (7) of this Ordinance.

- (3) Manufactured home parks subject to the requirements set forth in Article 5 of this Ordinance, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (4) Single-family attached dwellings, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (5) Two-family dwellings.
- (6) Multifamily dwellings, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (7) Lodginghouses, provided that a plan of development shall be required as set forth in Article 7 of this Ordinance.
- (8) Nursing homes, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (9) Churches, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (10) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (11) Parks, recreational facilities, community centers, libraries, and museums owned or operated by a governmental agency, neighborhood organization or other nonprofit organization; and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining residential areas, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance for all uses and structures permitted by this paragraph.
- (12) Propagation and cultivation of crops, flowers, trees, and shrubs which are not offered for sale on the premises.

- (13) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewerage treatment plants or similar facilities.
- (14) Natural and methane gas gathering and transmission lines, provided that a plan of development approved by the Zoning Administrator shall be required as set forth in Article 7 of this Ordinance.
- (15) Underground mining, provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy and pursuant to permits or licenses issued by said department, where applicable; and provided further that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance. No surface structures accessory to such underground mining activities shall be permitted.
- (16) Home occupations as defined in Article 11 of this Ordinance.
- (17) Lodging units within single-family dwellings when such lodging units are occupied by a total of not more than two (2) persons.
- (18) Bed and breakfast facilities as defined in Article 11, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (19) Signs as permitted by the provisions of Article 5 of this Ordinance.
- (20) Accessory uses and structures.
- (21) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amend to add 5-9-2019)

4-3.3. Public sewer and water requirements. All permitted uses shall be served by public sewer and public water systems, except single-family dwellings and two-family dwellings located on lots meeting the requirements of the health official and

other permitted uses for which sewerage disposal and water supply are not required by applicable health or building code requirements. Individual connections for sewer and water shall be provided for each single-family attached dwelling unit.

4-3.4. Lot area requirements. The following lot area requirements shall be applicable in the R-2 General Residential District (see section 5-8 for average lot sizes in residential subdivisions):

- (1) Single-family dwellings served by public sewer and public water systems shall be located on lots of not less than six thousand (6,000) square feet in area.
- (2) Single-family dwellings which are not served by public sewer and public water systems shall be located on lots of such area as may be required by the health official, but in no case less than six thousand (6,000) square feet.
- (3) Two-family dwellings served by public sewer and public water systems and lodging houses and nursing homes shall be located on lots of not less than ten thousand (10,000) square feet in area.
- (4) Two-family dwellings which are not served by public sewer and public water systems shall be located on lots of such area as may be required by the health official, but in no case less than ten thousand (10,000) square feet.
- (5) Single-family attached dwellings shall be located on lots of not less than one thousand eight hundred (1,800) square feet in area, provided that the total area of the development site shall be not less than an area equal to six thousand (6,000) square feet for the first dwelling unit within the development site plus four thousand (4,000) square feet for each additional dwelling unit within the development site. For the purposes of this requirement, a development site shall be as defined in Article 11 of this Ordinance.
- (6) Multifamily dwellings shall be located on lots of not less than six thousand (6,000) square feet in area for the first dwelling unit plus four thousand (4,000) square feet in area for each additional dwelling unit.

4-3.5. Lot width requirements. The following lot width requirements shall be applicable in the R-2 General Residential District (see section 5-8 for average lot sizes in residential subdivisions):

- (1) Permitted uses other than single-family attached dwellings shall be located on lots of not less than fifty (50) feet in width.
- (2) Single-family attached dwellings shall be located on lots of not less than eighteen (18) feet in width, provided that the end lots of each row of attached units shall be not less than twenty-eight (28) feet in width.

4-3.6. Usable open space requirements. Usable open space in the amount of not less than two (2) square feet for each one (1) square foot of floor area contained in all buildings shall be provided on each lot devoted to multifamily dwellings, lodging houses and nursing homes. For the purposes of this requirement, usable open space and floor area shall be as defined in Article 11 of this Ordinance.

4-3.7. Required yards. The following yards shall be required in the R-2 General Residential District (see section 3-9 for provisions for relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than twenty-five (25) feet.
- (2) **Side yard.** The following side yards shall be required:
 - a. Side yards of not less than five (5) feet shall be provided on lots devoted to single-family dwelling uses.
 - b. A side yard of not less than ten (10) feet shall be provided at each end of a row of single-family attached dwellings.
 - c. Side yards of not less than ten (10) feet shall be provided on lots devoted to all permitted uses except single-family dwellings and single-family attached dwellings.
- (3) **Rear yard.** There shall be a rear yard of not less than twenty-five (25) feet.
- (4) **Yards between main buildings.** When two (2) or more buildings devoted to permitted principal uses are situated on the same lot, yards of not less than fifty (50) feet shall be provided between such buildings, except that where neither of the opposing walls of two (2) buildings contain windows, the yard between the

buildings shall be not less than twenty (20) feet.

4-3.8. Additional requirements for attached dwellings.

- (1) Appropriate agreements and covenants approved as to form by the county attorney shall provide for the perpetuation and maintenance of all areas and facilities within a development site to be held in common ownership by property owners within such development site.
- (2) Not more than six (6) dwellings shall be attached in a series or continuous row.

4-3.9. Height limit. No building or structure shall exceed a height of thirty-five (35) feet (see Article 5 for supplementary height regulations).

Sec. 4-4. B-1 Limited Business District.

4-4.1. Intent of district. Pursuant to the purposes of this Ordinance, the intent of the B-1 Limited Business District is to accommodate and encourage a limited range of low-intensity retail, personal service and office uses which are compatible with adjacent and nearby rural areas and residential uses, and which provide for the convenience and day-to-day needs of residents of nearby neighborhoods. The district is also intended to encourage small concentrations of business uses, to provide a transition between residential areas and heavier business uses and to be applied to relatively small geographical areas where convenience type businesses exist and where adjacent vacant properties may be appropriate for further limited business development.

4-4.2. Permitted uses and structures. The following uses and structures shall be permitted in the B-1 Limited Business District:

- (1) Automobile service stations, auto service centers and self-service gasoline stations.
- (2) Bakeries where products are sold principally at retail on the premises.
- (3) Banks, savings and loan offices and similar financial service offices.
- (4) Childcare centers licensed by the state, provided that outdoor play areas shall not be located within

required front or side yards and shall be enclosed with continuous fencing not less than four (4) feet in height.

- (5) Churches and other places of worship.
- (6) Dry cleaning and laundering establishments.
- (7) Dwelling units incidental to and contained within the same building as other uses permitted in this district, provided that such dwelling units shall be located above the ground floor or to the rear of other permitted uses, and the total floor area of that portion of the building devoted to dwelling use shall not exceed the amount of floor area devoted to other permitted uses.
- (8) Fire stations and rescue squad facilities.
- (9) Funeral homes.
- (10) Garden centers, plant nurseries and greenhouses.
- (11) Grocery stores and specialty food and beverage stores.
- (12) Laundromats.
- (13) Libraries, museums, schools, adult education and child development centers, community centers, parks and recreational facilities owned or operated by a governmental agency or a nonprofit organization.
- (14) Natural and methane gas gathering and transmission lines, provided that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance.
- (15) Office supply, custom printing, and photocopy establishments.
- (16) Offices, including medical and dental offices and clinics.
- (17) Parking areas serving uses permitted in this district.
- (18) Personal service businesses, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, shoe repair shops, tailor, and dressmaking shops, watch and jewelry repair shops, travel agencies and similar uses.

- (19) Post offices and pickup stations for package mailing services.
- (20) Refuse collection and recycling collection centers for use by the general public, when such centers are owned, operated or leased by Wise County, and provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (21) Restaurants and similar food service and catering establishments, but not including establishments providing live entertainment on the premises or establishments where food or beverages are intended to be consumed in vehicles on the premises. Establishments where food or beverages are available by drive-up window service shall not be permitted on any lot abutting property located within an A-RR, R-1 or R-2 District.
- (22) Retail stores and shops as defined in Article 11 of this Ordinance.
- (23) Rights-of-way, easements, and appurtenances necessary for the provision and maintenance of public utilities and transportation, but not including treatment plants, generating plants, railroad yards or depots.
- (24) Service businesses, including establishments which rent, service or repair radios, televisions, video equipment and movies, home or business electronic equipment, home appliances, furniture, yard and garden equipment, tools, bicycles, locks, office machines, and similar household or business items.
- (25) Shopping centers containing uses permitted in this district, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (26) Signs as permitted by the provisions of Article 5 of this Ordinance.
- (27) Tourist homes.
- (28) Underground mining, provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy and pursuant to permits or licenses issued by said department, where applicable; and provided further that a plan of development approved by the

zoning administrator shall be required as set forth in Article 7 of this Ordinance. No surface structures accessory to such underground mining activities shall be permitted.

- (29) Video arcades, billiard parlors and similar amusement centers, but not including other entertainment, amusement and recreational facilities which are specifically permitted in the B-2 District.
- (30) Accessory uses and structures.
- (31) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

4-4.3. Lot area and width requirements. There shall be no minimum lot area or lot width requirements, except that uses which are not served by public sewer and public water systems shall be provided with such minimum lot area as deemed necessary by the health official.

4-4.4. Required yards. The following yards shall be required in the B-1 Limited Business District (see section 3-9 for provisions for relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than thirty (30) feet.
- (2) **Side yards.** No side yards shall be required, provided that where a side lot line abuts property located in any A-RR, R-1 or R-2 District there shall be a side yard of not less than twenty-five (25) feet, and provided further that there shall be a side yard of not less than five (5) feet adjacent to any alley.
- (3) **Rear yard.** No rear yard shall be required, provided that where a rear lot line abuts property located in any A-RR, R-1 or R-2 District there shall be a rear yard of not less than twenty-five (25) feet, and provided further that there shall be a rear yard of not less than five (5) feet adjacent to any alley.

4-4.5. Screening requirements. Where a side or rear lot line abuts property located in an A-RR, R-1 or R-2 District, there shall be a continuous opaque fence, wall or evergreen

vegetative screen of not less than six (6) feet in height provided along such lot line, but not within ten (10) feet of any street right-of-way line.

4-4.6. Height limit. No building or structure shall exceed a height of thirty-five (35) feet (see Article 5 for supplementary height regulations).

4-4.7. Plan of development required. A plan of development as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the B-1 Limited Business District.

Sec. 4-5. B-2 General Business District.

4-5.1. Intent of district. Pursuant to the purposes of this Ordinance, the intent of the B-2 General Business District is to accommodate a wide range of retail, wholesale, service and office uses which cater to the traveling public and which serve the county as a whole. The district is intended to be applied along principal highways and to areas having direct access thereto, in order to provide safe and efficient access for commercial vehicles and relatively large volumes of private vehicles while avoiding the routing of such traffic onto minor roads or through residential areas. The regulations within the district are designed to afford flexibility in permitted uses and in the utilization of individual sites in order to promote business opportunities, economic development and the provision of services for the community and the surrounding area. The district also contains yard, screening and other provisions intended to encourage harmonious development, to minimize potential adverse impacts of general business development and to ease the transition between business areas and adjacent rural and residential areas.

4-5.2. Permitted uses and structures. The following uses and structures shall be permitted in the B-2 General Business District:

- (1) Automobile service stations, auto service centers, self-service gasoline stations and self-service or automatic auto wash facilities.
- (2) Automobile, truck, trailer, recreational vehicle, equipment, machinery, farm implement and manufactured home sales, rental, service and repair businesses, but not including junkyards or automobile graveyards, and provided that no repair of vehicles shall be conducted outside of completely enclosed buildings.

- (3) Bakeries where products are sold principally at retail on the premises.
- (4) Banks, savings and loan offices and similar financial service offices.
- (5) Building materials and supplies sales.
- (6) Churches and other places of worship.
- (7) Contractors' offices, shops and display rooms.
- (8) Dry cleaning and laundering establishments.
- (9) Dwelling units incidental to and contained within the same building as other uses permitted in this district, provided that such dwelling units shall be located above the ground floor or to the rear of other permitted uses, and the total floor area of that portion of the building devoted to dwelling use shall not exceed the amount of floor area devoted to other permitted uses.
- (10) Entertainment, amusement and recreational facilities located within completely enclosed buildings and including bowling alleys, billiard parlors, amusement centers, video arcades, theaters, lodge and club meeting places, dance halls, auditoriums, assembly halls and similar uses.
- (11) Fire stations and rescue squad facilities.
- (12) Funeral homes.
- (13) Garden centers, plant nurseries and greenhouses.
- (14) Grocery stores and specialty food and beverage stores.
- (15) Hospitals.
- (16) Hotels and motels.
- (17) Laundromats.
- (18) Libraries, museums, schools, adult education and child development centers, community centers, parks and recreational facilities owned or operated by a governmental agency or a nonprofit organization.
- (19) Mechanical, electrical, plumbing and heating supplies

sales.

- (20) Miniature golf courses, golf driving ranges, and other outdoor commercial recreational facilities, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (21) Natural and methane gas gathering and transmission lines, provided that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance.
- (22) Office supply, custom printing and photocopy establishments.
- (23) Offices, including medical and dental offices and clinics.
- (24) Parking areas.
- (25) Personal service businesses, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, shoe repair shops, tailor and dressmaking shops, watch and jewelry repair shops, travel agencies, and similar uses.
- (26) Post offices and pickup stations for package mailing services.
- (27) Refuse collection and recycling collection centers for use by the general public, when such centers are owned, operated or leased by Wise County, and provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (28) Restaurants and other food service and catering establishments.
- (29) Retail stores and shops as defined in Article 11 of this Ordinance.
- (30) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and transportation, but not including treatment plants, generating plants, railroad yards or depots.
- (31) Service businesses, including establishments which rent, service or repair radios, televisions, video equipment and movies, home or business electronic equipment, home appliances, furniture, yard or garden

equipment, tools, bicycles, locks, office machines, and similar household or business items.

- (32) Shopping centers containing uses permitted in this district, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance.
- (33) Signs as permitted by the provisions of Article 5 of this Ordinance.
- (34) Tourist homes.
- (35) Travel trailer and recreational vehicle parks and campgrounds, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (36) Underground mining, provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy and pursuant to permits or licenses issued by said department, where applicable; and provided further that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance. No surface structures accessory to such underground mining activities shall be permitted.
- (37) Veterinary clinics and animal hospitals.
- (38) Vocational, business and professional schools.
- (39) Wholesale and distribution businesses, including warehouse and storage facilities accessory thereto.
- (40) Accessory uses and structures.
- (41) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

4-5.3. Lot area and width requirements. There shall be no minimum lot area or lot width requirements, except that uses which are not served by public sewer and public water systems shall be provided with such minimum lot area as deemed necessary by the health official.

4-5.4. Required yards. The following yards shall be required in the B-2 General Business District (see section 3-9 for provisions for relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than twenty (20) feet.
- (2) **Side yards.** No side yards shall be required, provided that where a side lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a side yard of not less than twenty-five (25) feet, and provided further that there shall be a side yard of not less than five (5) feet adjacent to any alley.
- (3) **Rear yard.** No rear yard shall be required, provided that where a rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a rear yard of not less than twenty-five (25) feet, and provided further that there shall be a rear yard of not less than five (5) feet adjacent to any alley.

4-5.5. Use of certain required yard areas. Required side yards abutting property in any A-RR, R-1, R-2 or PD-BT District shall not be devoted to any of the following uses or activities, nor shall any of the following uses or activities take place within ten (10) feet of any street right-of-way line:

- (1) Outdoor storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles.
- (2) Outdoor display or sales areas for vehicles or other products.
- (3) Loading or unloading areas for trucks and other vehicles.

4-5-6. Screening requirements. Where a side or rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District, all outside areas devoted to the storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles shall be screened from view from such property. Such screening shall consist of continuous opaque fences, walls or evergreen vegetative material not less than six (6) feet in height placed along the lot line abutting the property in the A-RR, R-1, R-2 or PD-BT District, but not within ten (10) feet of any street right-of-way.

4-5.7. Height limit. No building or structure shall exceed

a height of fifty (50) feet (see Article 5 for supplementary height regulations).

4-5.8. Plan of development required. A plan of development as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the B-2 General Business District, except those for which a special use permit is required by the provisions of this article.

4-5.9. Transitional Provision. A special use permit as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the B-2 General Business District when such uses or structures are situated within one thousand (1000) feet of property located in a PD-BT Planned Development - Business Technology District. Expansion, enlargement or modification of an existing development involving less one thousand acres (1000) square feet of additional building space shall be exempt from this requirement. In addition to the Standards and Guidelines contained in Section 8-6 of this Ordinance and applicable to all special use permits, the Planning Commission and Board of Supervisors shall consider the compatibility of the use, site plan and design and character of the structure or structures with existing and proposed development in the nearby PD-BT District, including compatibility with the guidelines set forth in the approved master plan for the PD-BT District.

(Sect. 4-5.9 Added May 11, 2000)

Sec. 4-6. M-1 Light Industrial District.

4-6.1. Intent of district. Pursuant to the purposes of this Ordinance, the intent of the M-1 Light Industrial District is to provide appropriate locations for light industrial and manufacturing uses, as well as related service and support uses, which involve minimal hazards and do not create significant amounts of smoke, noise, odor, dust or other potential nuisance, and which afford employment opportunities and economic development potential. M-1 Districts are intended to be located along or near primary highways to facilitate access and to avoid industrial traffic impacts on minor roads. The permitted uses and yard, screening and separation requirements in the district are intended to enhance compatibility with neighboring industrial and other uses and to avoid negative impacts on existing and future residential and business development that may be situated nearby.

4-6.2. Permitted uses and structures. The following uses and structures shall be permitted in the M-1 Light Industrial District:

- (1) Any use or structure permitted in the B-2 General Business District as set forth in section 4-5 of this Ordinance.
- (2) Airports and landing strips, including runways, taxiways, aprons, aircraft storage and tie-down areas, hangars and other buildings, structures and facilities necessary for the operation and administration thereof; provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (3) Automobile, truck, trailer, recreational vehicle, equipment, machinery, farm implement and manufactured home sales, rental, service and repair businesses, but not including junkyards or automobile graveyards, and provided that activities conducted outside of completely enclosed buildings shall be subject to the provisions of subsections 4-6.5 and 4-6.6 of this article.
- (4) Blacksmith shops.
- (5) Boat building.
- (6) Cabinet, upholstery, furniture and woodworking shops.
- (7) Cemeteries, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (8) Circus, carnival and fairgrounds, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (9) Contractors' equipment storage yards and rental of contractors' equipment.
- (10) Ice manufacturing.
- (11) Kennels, including outdoor kennels, operated independent of other uses or in conjunction with veterinary clinics or animal hospitals, subject to the provisions of subsections 4-6.5 and 4-6.6 of this article.
- (12) Laboratories and research facilities.
- (13) Machine shops which do not utilize drop hammers or punch presses exceeding forty-ton capacity.

- (14) Manufacturing and assembling of electronic equipment and parts, electrical appliances, musical instruments, toys, novelties, medical equipment and similar products.
- (15) Manufacturing, compounding, assembling, treatment, or packaging of products derived from the following materials, when such materials are refined or initially processed or prepared elsewhere: Bone, canvas, cellophane, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, metals, paint, paper, plastic, rubber, shells, stone, straw, textiles, tobacco and wood.
- (16) Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, food products, perfumes, pharmaceuticals, soaps, toiletries and similar products.
- (17) Manufacturing of pottery and ceramic products utilizing only clay which has been pulverized elsewhere.
- (18) Monument works and stone cutting.
- (19) Petroleum, fuel oil or propane storage for purposes of distribution, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (20) Propagation, cultivation and sales of crops, flowers, trees and shrubs.
- (21) Refuse collection and recycling collection centers for use by the general public, when such centers are owned, operated or leased by Wise County.
- (22) Sheet metal fabrication.
- (23) Tire recapping and retreading shops.
- (24) Truck terminals.
- (25) Warehouse and storage facilities.
- (26) Welding shops.
- (27) Accessory uses and structures.
- (28) Natural and methane gas gathering and transmission

lines, provided that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance.

- (29) Underground mining, provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy and pursuant to permits or licenses issued by said department, where applicable; and provided further that a plan of development approved by the zoning administrator shall be required as set forth in Article 7 of this Ordinance. No surface structures accessory to such underground mining activities shall be permitted.
- (30) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amend to add 5-9-2019)

4-6.3. Lot area and width requirements. There shall be no minimum lot area or lot width requirements, except that uses which are not served by public sewer and public water systems shall be provided with such minimum lot area as deemed necessary by the health official.

4-6.4. Required yards. The following yards shall be required in the M-1 Light Industrial District (see section 3-9 for provisions for relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than twenty (20) feet.
- (2) **Side yards.** No side yards shall be required, provided that where a side lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a side yard of not less than fifty (50) feet, and provided further that there shall be a side yard of not less than five (5) feet adjacent to any alley.
- (3) **Rear yard.** No rear yard shall be required, provided that where a rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a rear yard of not less than fifty (50) feet, and provided further that there shall be a rear yard of not less than five (5) feet adjacent to any alley.

4-6.5. Use of certain required yard areas. Required side yards abutting property in any A-RR, R-1, R-2 or PD-BT District shall not be devoted to any of the following uses or activities, nor shall any of the following uses or activities take place within ten (10) feet of any street right-of-way line:

- (1) Outdoor storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles.
- (2) Outdoor display or sales areas for vehicles or other products.
- (3) Loading or unloading areas for trucks and other vehicles.

4-6.6. Screening requirements. Where a side or rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District, all outside areas devoted to the storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles shall be screened from view from such property. Such screening shall consist of continuous opaque fences, walls or evergreen vegetative material not less than six (6) feet in height placed along the lot line abutting the property in the A-RR, R-1, R-2 or PD-BT District, but not within ten (10) feet of any street right-of-way.

4-6.7. Height limit. No building or structure shall exceed a height of fifty (50) feet, provided that additional height shall be permitted when all portions of buildings or structures in excess of fifty (50) feet in height are situated no closer to any front, side or rear property line than a distance equal to one (1) foot for each one (1) foot of total height of the building or structure (see Article 5 for supplementary height regulations).

4-6.8. Plan of development required. A plan of development as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the M-1 Light Industrial District, except those for which a special use permit is required by the provisions of this article.

4-6.9. Transitional Provision. A special use permit as set forth in Article 7 of this Ordinance shall be required for all uses or structures in the M-1 Light Industrial District when such uses or structures are situated with one thousand (1000) feet of property located in a PD-BT Planned Development - Business Technology District. Expansion, enlargement or modification of an existing development involving less than one thousand (1000) square feet of additional building space shall be exempt from this requirement. In addition to the Standards

and Guidelines contained in Section 8-6 of this Ordinance and applicable to all special use permits, the Planning Commission and Board of Supervisors shall consider the compatibility of the use, site plan and design and character of the structure or structures with existing and proposed development in the nearby PD-BT District, including compatibility with the guidelines set forth in the approved master plan for the PD-BT District.

(Section 4-6.9 Added May 11, 2000)

Sec. 4-7. M-2 Heavy Industrial District.

4-7.1. Intent of district. Pursuant to the purposes of this Ordinance, the intent of the M-2 Heavy Industrial District is to provide appropriate locations for heavy industrial and manufacturing uses, as well as related service, support and business uses, which are not appropriately situated in the Light Industrial District and which may result in greater amounts of smoke, noise, odor or dust than typically associated with uses permitted in light industrial and business districts. The M-2 District is intended to accommodate those uses which, although not generally appropriate in other districts or in close proximity to residential, business or other industrial areas, are nonetheless important to the economic well-being of the County, provide desirable employment opportunities, enhance economic development potential and enlarge the tax base. The yard, separation, screening, special use and other requirements of the district are designed to promote compatibility of development and to provide protection for other uses and for the community as a whole.

4-7.2. Permitted uses and structures. The following uses and structures shall be permitted in the M-2 Heavy Industrial District:

- (1) Any use or structure permitted in the M-1 Light Industrial District as set forth in section 4-6 of this Ordinance.
- (2) Asphalt mixing plants.
- (3) Boiler shops.
- (4) Injection wells used to dispose of strongly saline water (brine) produced within Wise County when oil and gas are extracted, including well heads and structures

and activities accessory thereto, provided that all drilling and related activities and structures conform with applicable regulations of the Commonwealth of Virginia and are established and operated pursuant to permits as issued by the appropriate state and/or federal agency; and provided further that a special use permit shall be required as set forth in Article 8 of this Ordinance.

- (5) Drilling and operation of oil, natural gas and methane gas wells, including well heads, gathering and transmission lines and structures and activities accessory thereto, provided that all drilling and related activities and structures conform with applicable regulations of the Commonwealth of Virginia and are established and operated pursuant to well work permits and such other permits and approvals as may be required by the Virginia Oil and Gas Inspector or other state agency.
- (6) Electric generating plants, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (7) Junkyards and automobile graveyards, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (8) Landfills which are owned and operated by Wise County, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (9) Machine shops with drop hammers or punch presses exceeding forty-ton rated capacity.
- (10) Manufacturing, processing or storage of brick, concrete, cement, lime, gypsum, fertilizer or acids, provided that any use involving the manufacturing, processing or storage in bulk of acids, chemicals, explosives, fireworks, matches, petroleum products, fuel oil, propane, fertilizer, or similar items shall be permitted only after issuance of a special use permit as set forth in Article 8 of this Ordinance.
- (11) Meat, poultry or fish processing or packaging; stockyards and livestock auction markets; slaughtering operations; fat grease or tallow refining or rendering; tanning, curing or storage of raw hides or skins; provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.

- (12) Mineral extraction and processing, including underground mining, surface mining, extraction and removal of coal, stone, gravel, and sand and similar minerals or raw materials and structures and activities accessory thereto; provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy and pursuant to permits or licenses issued by said department, where applicable.
- (13) Paper and pulp manufacturing or processing.
- (14) Railroad yards and depots.
- (15) Sawmills, plane mills and veneer mills.
- (16) Wastewater treatment plants, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance.
- (17) Wood processing and wood preserving plants.
- (18) Accessory uses and structures.
- (19) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

4-7.3. Lot area and width requirements. There shall be no minimum lot area or lot width requirements, except that uses which are not served by public sewer and public water systems shall be provided with such minimum lot area as deemed necessary by the health official.

4-7.4. Required yards. The following yards shall be required in the M-2 Heavy Industrial District (see section 3-9 for provisions of relief in cases of steep topography and Article 5 for supplementary yard regulations):

- (1) **Front yard.** There shall be a front yard of not less than twenty (20) feet.
- (2) **Side yards.** No side yards shall be required, provided that where a side lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a side yard of not less than fifty (50) feet, and provided further that there shall be a side yard of

not less than five (5) feet adjacent to any alley.

- (3) **Rear yard.** No rear yard shall be required, provided that where a rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District there shall be a rear yard of not less than fifty (50) feet, and provided further that there shall be a rear yard of not less than five (5) feet adjacent to any alley.

4-7.5. Use of certain required yard areas. Required side yards abutting property in any A-RR, R-1, R-2 or PD-BT District shall not be devoted to any of the following uses or activities, nor shall any of the following uses or activities take place within ten (10) feet of any street right-of-way line:

- (1) Outdoor storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles.
- (2) Outdoor display of sales areas for vehicles or other products.
- (3) Loading or unloading areas for trucks and other vehicles.

4-7.6. Screening requirements. Where a side or rear lot line abuts property located in any A-RR, R-1, R-2 or PD-BT District, all outside areas devoted to the storage of building materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles shall be screened from view from such property. Such screening shall consist of continuous opaque fences, walls or evergreen vegetative material not less than six (6) feet in height placed along the lot line abutting the property in the A-RR, R-1, R-2 or PD-BT District, but not within ten (10) feet of any street right-of-way.

4-7.7. Height limit. No building or structure shall exceed a height of fifty (50) feet, provided that additional height shall be permitted when all portions of buildings or structures in excess of fifty (50) feet in height are situated no closer to any front, side or rear property line than a distance equal to one (1) foot for each one (1) foot of total height of the building or structure (see Article 5 for supplementary height regulations).

4-7.8. Plan of development required. A plan of development as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the M-2 Heavy Industrial District, except those uses and structures for which a special use permit is required by the provisions of this article. In the case of mining activities and structures for which permits are

required to be issued by the state department of mines, minerals and energy, the process for review and approval of plans of development shall be as set forth in section 7-4.3 of this Ordinance.

4-7.9 Transitional Provision. A special use permit as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the M-2 Heavy Industrial District when such uses or structures are situated within one thousand (1000) feet of property located in a PD-BT Planned Development - Business Technology District. Expansion, enlargement or modification of an existing development involving less than one thousand (1000) square feet of additional building space shall be exempt from this requirement. In addition to the Standards and Guidelines contained in Section 8-6 of this Ordinance and applicable to all special use permits, the Planning Commission and Board of Supervisors shall consider the compatibility of the use, site plan and design and character of the structure or structures with existing and proposed development in the nearby PD-BT District, including compatibility with the guidelines set forth in the approved master plan for the PD-BT District.

Sec. 4-8. FP Floodplain Districts.

4-8.1. Intent of districts. The intent of FP Floodplain Districts is to accomplish the purposes of the Wise County Flood Protection Ordinance as set forth in Ordinance No. 4-1980, adopted by the board of supervisors on August 14, 1980, and as thereafter amended.

4-8.2. Application of districts. The FP Floodplain Districts shall be in addition to, and shall be construed to overlay, overlap and be superimposed on other zoning districts established by this Ordinance and shown on the official zoning district map. Any property lying within a Floodplain District shall also lie within and be subject to the regulations of one (1) or more of the other zoning districts established by this Ordinance, which districts shall be known as underlying districts.

4-8.3. District regulations and boundaries. The regulations applicable within FP Floodplain Districts shall be as set forth in the Wise County Flood Protection Ordinance established by

Ordinance No. 4-1980, adopted by the board of supervisors on August 14, 1980, and as thereafter amended. The regulations and other provisions of said ordinance and the flood boundary and floodway map prepared by the Federal Emergency Management Agency, revised December 15, 1989, and as thereafter amended, are hereby incorporated by reference and made a part of this Ordinance as though fully set forth herein.

Sec. 4-9. Lonesome Pine Airport Zoning District.

4-9.1. Intent of district. The intent of the Lonesome Pine Airport Zoning District is to accomplish the purposes of the Wise County Lonesome Pine Airport Zoning Ordinance adopted on May 12, 1966, and as thereafter amended.

4-9.2. Application of district. The Lonesome Pine Airport Zoning District shall be in addition to, and shall be construed to overlay, overlap and be superimposed on other zoning districts established by this Ordinance and shown on the official zoning district map. Any property lying within the Lonesome Pine Airport Zoning District shall also lie within and be subject to the regulations of one (1) or more of the other zoning districts established by this Ordinance, which districts shall be known as underlying districts.

4-9.3. District regulations and boundaries. The regulations applicable within the Lonesome Pine Airport Zoning District shall be as set forth in the Wise County Lonesome Pine Airport Zoning Ordinance adopted on May 12, 1966, and as thereafter amended. The boundaries of said district shall be as shown on the Lonesome Pine airport zoning map dated September 30, 1965, and as thereafter amended. Said ordinance and map are hereby incorporated by reference and made a part of this Ordinance as though fully set forth herein.

Sec. 4-10. Conservation and Recreation District.

- (a) There is established an additional zoning district called the Conservation and Recreation District. The Conservation and Recreation District shall be in addition to, and shall be construed to overlay, overlap and be superimposed on other zoning districts established by the Wise County Zoning Ordinance and shown on the official zoning district map. Any property lying within a Conservation and Recreation District shall also lie within and be subject to the regulations of one (1) or more of the other zoning districts established by the zoning ordinance, which

districts shall be known as underlying districts. The permitted uses listed for the Conservation and Recreation District shall replace and supersede the permitted uses listed for the underlying district, for that property lying within a Conservation and Recreation District and an underlying district. This district will be applied as an overlay to those areas of Wise County which are uniquely suited for conservation and recreation because of their natural features, association with the history of the area or potential to support development of recreational facilities which will serve the public welfare.

(b) The following uses and structures shall be permitted in the Conservation and Recreation District:

- (1) Single-family dwellings;
- (2) Agricultural uses, including horticulture, general farming, truck gardens, cultivation of field crops, orchards, groves and nurseries for growing trees and other plants, keeping and raising of livestock, and including incidental processing, storing and selling of products raised or produced on the premises, and including all structures, machinery and activities necessary to support such uses; provided that no enclosed pen, building or structure for the keeping of livestock, excluding grazing areas, shall be located within forty (40) feet of any side or rear lot line;
- (3) Forestry, tree farming, wildlife preserves and conservation areas, including sawmills when such activities are permitted by special use permit as set forth in Article 8 of this Ordinance;
- (4) Parks, recreational facilities, community centers, libraries, and museums owned or operated by a governmental agency, neighborhood organization or other nonprofit organization; and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining residential areas; provided that a special use permit shall be required as set forth in Article 8 of this Ordinance for all uses and structures permitted by this paragraph;
- (5) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards [yards], freight or passenger depots, generating plants, sewerage treatment plants or similar facilities; provided that a special use permit shall be required as set forth in Article 8 of this

Ordinance for all uses and structures permitted by this paragraph;

- (6) Drilling and operation of oil, natural gas and methane gas wells, including well heads and structures and activities accessory thereto, provided that all drilling and related activities and structures conform with applicable regulations of the Commonwealth of Virginia and are established and operated pursuant to well work permits and such other permits and approvals as may be required by the Virginia Oil and Gas Inspector or other state agency; and provided further that a special use permit shall be required as set forth in Article 8 of this Ordinance for all uses and structures permitted by this paragraph;
- (7) Natural and methane gas gathering and transmission lines, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (8) Stables operated for private or commercial purposes, provided that no pen, building or structure for the keeping of horses shall be located within forty (40) feet of any side or rear lot line, and provided further that a special use permit shall be required as set forth in Article 8 of this Ordinance for any stable operated for commercial purposes;
- (9) Hunting or fishing clubs or lodges operated for nonprofit purposes and limited to use by members and their guests, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (10) Rifle and pistol shooting ranges operated for nonprofit purposes and limited to use by members and their guests, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance, and provided further that outdoor ranges shall be so located, arranged and operated and shall be provided with such safety measures as deemed necessary by the board of supervisors to avoid safety hazards and noise disturbances to occupants of nearby properties, as well as to the general public;
- (11) Underground mining, provided that all mining activities are conducted in accordance with applicable regulations of the state department of mines, minerals and energy pursuant to permits or licenses issued by said department, where applicable; and provided further that a plan of development approved by the

zoning administrator shall be required as set forth in Article 7 of this Ordinance. No surface structures accessory to such underground mining activities shall be permitted;

- (12) Bed and breakfast facilities as defined in Article 11, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (13) Churches, provided that a plan of development approved by the planning commission shall be required as set forth in Article 7 of this Ordinance;
- (14) Travel trailer and recreational vehicle parks and campgrounds, provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (15) Service businesses which provide services for recreational users, including rental of nonmotorized bicycles, nonmotorized boats, skiing equipment, and similar human-powered equipment; provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (16) Outfitting and backcountry guide businesses which provide services or equipment for hiking, hunting, fishing, river rafting and floating, horseback trail riding or similar recreational pursuits provided that a special use permit shall be required as set forth in Article 8 of this Ordinance;
- (17) Parking areas serving uses permitted in this district;
- (18) Signs as permitted by the provisions of Article 5 of this Ordinance;
- (19) Accessory uses and structures.
- (20) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

(Section 4-10 Amend. of 2-11-93)

Sec. 4-11. PD-BT Planned Development - Business Technology

District.

4-11.1. Intent of District. Pursuant to the purposes of this Ordinance, the intent of the PD-BT Planned Development-Business Technology District is to encourage and provide for development of corporate office, light industrial and research centers in a park-like campus setting; and to attract office and technology based companies with high employment levels to the region. The district is intended to provide for a variety of business, office and compatible light industrial uses which are planned, developed and managed in a unified and coordinated development. The district is intended to encourage high quality development with greater levels of amenities and more efficient traffic flow, service and parking facilities than typically found in business and industrial areas that are developed on a lot-by-lot basis. Permitted uses in the district are intended to also allow for business and employee support functions grouped on freestanding sites or integrated within office buildings in order to provide necessary and convenient retail, personal and business services for occupants of the district. The district regulations are intended to promote an attractive and harmonious business environment that maximizes economic development opportunities for the County and the region, provides a desirable working environment, and respects the natural features of the site by preserving meaningful open space and vegetation.

4-11.2. Procedures for Establishing a PD-BT District.

(1) Rezoning. Except as specifically modified by the provisions of this section, applications for rezoning property to a PD-BT District shall be submitted in the same manner and shall be reviewed and considered in the same manner as other applications to change the zoning classification of property by amendment to the Official Zoning District Map as set forth in Article 10 of this Ordinance. A master plan for the development of each PD-BT District shall be submitted by the applicant as part of the application for rezoning. Upon approval by the Board of Supervisors, the standards and requirements set forth in such master plan, together with the applicable requirements of this Ordinance, shall constitute the regulations applicable within the particular PD-BT District.

(2) Master plan. Every application for rezoning to a PD-BT District shall include a master plan for development of the site. The master plan shall consist of not less than the following

written and graphic information, in such number as specified by policy of the Planning Commission, prepared in sufficient detail

and scale and with sufficient clarity to accurately depict the nature and character of development proposed within the District:

- (a) A plat, legal description of the property and verification of ownership or control by the applicant;
- (b) Existing zoning, uses and structures on the subject site, and existing zoning and use of adjacent properties;
- (c) An inventory of major site characteristics and natural features, including topography with contour intervals of five (5) feet or less, water courses, water bodies, floodplains, wetlands, wooded areas and other major vegetation features, and historic and archeological resources;
- (d) Description of the proposed development, including its general character, the manner in which it satisfies the purposes and intent of the PD-BT District, means of preserving significant natural features and means of addressing potential impacts on the community and on public services;
- (e) A land use plan for the site, showing generalized land uses with schematic typical site plans, access and circulation, general location and arrangement of buildings, parking areas, driveways, pedestrian routes, natural areas to be retained, buffers and open spaces and their functions and general character;
- (f) Statements or graphic representations showing proposed development standards including minimum lot areas and widths, minimum yards and setbacks, maximum building heights, amount of floor area for each type of land use, numbers of parking spaces and percentage of open space, road width and improvement standards;
- (g) General plans for public services, road access and utilities sufficient to show that necessary services, access and utilities are available or will be provided to serve the development;
- (h) Statements and graphic representations of typical general character and architectural and design guidelines to be applicable within the development,

including street and parking area design standards, landscaping, lighting and signage.

- (i) Covenants and restrictions, including architectural and building materials guidelines, arrangements for an architectural review committee or other means of implementing such guidelines and for maintenance of open spaces and common areas shall be described in general in the master plan. Detailed covenants and restrictions shall be submitted for approval as to form by the County Attorney prior to or at the time of submittal of the first subdivision or plan of development.
- (j) Development phasing schedule, including provisions for necessary infrastructure improvements;
- (k) Such other information deemed necessary by the Zoning Administrator, Planning Commission or Board of Supervisors to establish that the proposed development complies with the general purposes or specific requirements of this Ordinance, including such additional information or analyses as may be necessary to evaluate potential impacts of the proposed development on the surrounding area and the County as a whole.

(3) Review and consideration of application. Prior to submission of the PD-BT District application and master plan, the applicant shall participate in at least one pre-application conference with the Zoning Administrator and such other officials as the Zoning Administrator deems appropriate. The purpose of such conference is to discuss the proposed development in general and the application, review and approval process. Following formal submission of the application and master plan, review, consideration and action on the application shall be conducted in accordance with the provisions of this section and Article 10 of this Ordinance.

Planning Commission action on the application shall include recommendations to the Board of Supervisors regarding the master plan, and the Commission may recommend modifications or changes to such master plan. The Board of Supervisors may consider further modifications or changes to the master plan after the Planning Commission makes its recommendation, provided such are referred to the Commission for comment before final action by the Board.

(4) Approval of subdivision and plans of development. Prior to any development pursuant to an approved PD-BT District, subdivision plats as normally required by the Subdivision Ordinance and plans of development as required by this Ordinance shall be submitted and approved. Subdivision plats and plans of development shall conform to the standards and requirements of the

PD-BT District and the master plan approved in conjunction with the district.

(5) Modifications or amendments to approved master plan.

Minor modifications to an approved PD-BT District master plan may be authorized by the Zoning Administrator when such modifications do not: alter the boundaries of the property; conflict with specific requirements of this Ordinance or any specific standards or requirements set forth in the approved master plan; significantly decrease the width or depth of any yard, setback or buffer area; significantly alter points of access to the property or the internal circulation system; significantly alter the arrangement of major site plan elements; or substantially change the general character, architectural treatment or design of elements of the plan.

Changes in an approved PD-BT District master plan other than minor modifications as described above shall require formal amendment subject to the same procedures and requirements as a new application.

(6) Failure to submit plats or plans of development. Failure of an applicant to submit a subdivision plat or plan of development for a first phase of development pursuant to an approved PD-BT District within twenty-four (24) months of approval of the district shall cause the Board of Supervisors to initiate an ordinance to consider amending the Official Zoning District Map to rezone the property to the classification(s) existing at the time of initial approval of the PD-BT District.

4-11.3 Permitted Uses and Structures. The following uses and structures shall be permitted in the PD-BT District. A plan of development as set forth in Article 7 of this Ordinance shall be required for all uses and structures in the PD-BT District.

- (1) Business, professional and trade schools, but not involving instruction in repair or operation of internal combustion engines, motor vehicles, construction equipment or heavy machinery or similar vehicles or equipment.
- (2) Fire Stations and rescue squads;
- (3) Manufacturing, fabrication or assembly of electronic devices or components, small appliances, items pertaining to the medical and biotechnology industries, medical, dental or optical equipment, hardware, small parts and similar products;
- (4) Office and business support services, including office

supply, office equipment rental and repair, and computer, photocopy, fax, printing, mailing and clerical services;

- (5) Office uses, including data processing and computer centers, internet commerce centers, customer service centers, telephone calling and relay centers, and corporate, business, general administration and professional offices, architectural and engineering services and other professional offices;
- (6) Parking areas and parking structures as principal or accessory uses of property, when serving principal uses permitted in the district;
- (7) Parks and non-commercial recreation facilities;
- (8) Post offices, and package mailing services;
- (9) Printing, publishing and photographic processing;
- (10) Radio or television broadcasting stations and studios, recording studios and motion picture studios;
- (11) Research, development, laboratory and testing facilities, including but not limited to facilities related to the electronic, medical and biotechnology industries, and including assembly, processing and prototype production activities accessory thereto;
- (12) Rights-of-way, easements, and appurtenances necessary for the provision and maintenance of public utilities and transportation;
- (13) Signs as permitted by subsection 4-10.4 of this Ordinance;
- (14) Towers and appurtenances for wireless communications systems;
- (15) The following uses, provided that no individual use listed below shall occupy more than eight thousand (8,000) square feet of floor area, and the total land area devoted to sites for such uses, including off-street parking and other accessory features, shall not exceed five (5) percent of the total land area of the district, not including land area devoted to public rights-of-way:

- (a) Auto service centers, auto service stations, self-service gasoline stations and convenience stores with or without gasoline service;
 - (b) Banks and other financial services;
 - (c) Child care centers;
 - (d) Medical and dental offices and clinics;
 - (e) Personal service businesses, including barber shops, beauty salons, health spas, fitness centers, laundry and dry cleaning pick up stations, photography studios, shoe repair shops, tailor shops, watch and jewelry repair shops, travel agencies, and similar uses;
 - (f) Restaurants, and other food and beverage service establishments and catering establishments, but not including drive-up window service;
 - (g) Retail stores and shops and video rental stores;
- (16) Accessory uses and structures.
- (17) Solar energy systems, as described in Art. 11 of this ordinance, are permitted as an accessory use to a permitted principal use, subject to the standards for accessory buildings in the applicable zoning district and the specific criteria set forth in this article.
(Amended to add 5-9-2019)

4-11.4. Permitted Signs. In addition to the regulations set forth in Article 5 of this Ordinance and applicable to signs in all districts, the following signs shall be permitted and the following sign regulations shall apply in the PD-BT District:

- (1) Temporary signs as permitted in the A-RR, R-1 and R-2 Districts and set forth in subsection 5-2.2 of this Ordinance;
- (2) Signs attached flat against a vertical surface of a main building, when such signs do not extend beyond the extremities of the surface of the building to which they are attached;
- (3) Signs suspended from a covered vehicle driveway, covered walkway or covered entranceway to a building, when such signs do not exceed eight (8) square feet in area and are provided with an under clearance of not

less than ten (10) feet;

- (4) One freestanding sign along each street frontage of one hundred (100) feet or more in length, provided that:
 - (a) No freestanding sign shall exceed seventy-five (75) square feet in area;
 - (b) Freestanding signs shall be ground-mounted monument type, and shall not exceed six (6) feet in height;
 - (c) No freestanding sign shall be located within ten (10) feet of any feet of any street line, other property line or driveway intersecting a street;
- (5) The aggregate area of all permanent signs located on a lot shall not exceed one and one-half (1.5) square foot for each lineal foot of lot frontage on a street. In the case of lots having more than one frontage on a street, the maximum permitted sign area shall be determined by the frontage having the greatest dimension;
- (6) In addition to signs permitted on individual lots, one ground-mounted monument type sign not exceeding seventy-five (75) square feet in area and six (6) feet in height shall be permitted at each public street entrance to the district for purposes of identifying the planned development;
- (7) Billboard signs, roof-mounted signs, animated signs and portable signs shall not be permitted;
- (8) An overall signage program for each PD-BT District showing the types, general sizes and general design character of signs to be installed within the district shall be submitted prior to or at the time of submittal of the first plan of development for a site in the district.

4-11.5. District Size. Each PD-BT District shall contain not less than fifty (50) acres of contiguous land area. Existing public streets shall not be included in calculating the minimum required land area. An area of any size may be added to an existing PD-BT District, provided such area is contiguous or situated directly across a public street from the existing district and is under the same control as the existing district. The procedure for expanding a PD-BT District shall be the same as

for establishing the original district.

4-11.6. Lot Area and Width Requirements. Minimum lot areas and lot widths for all uses within each PD-BT District shall be as specified in the master plan for the district, provided all other applicable standards and requirements of this section are met.

4-11.7. Required Yards. The following yards shall be required in the PD-BT District: (See Article 5 for supplementary yard regulations.)

- (1) **Front yard.** A front yard of not less than fifty (50) feet shall be provided along all street frontages of a lot, except that when no parking or other area for circulation of vehicles is located between a building and the street line, a landscaped front yard of not less than thirty (30) feet may be provided.

- (2) **Side yards.** Side yards of not less than thirty (30) feet shall be provided, except that side yards of not less than fifty (50) feet shall be provided abutting property in an A-RR, R-1 or R-2 District.

- (3) **Rear yard.** A rear yard of not less than thirty (30) feet shall be provided, except that a rear yard of not less than fifty (50) feet shall be provided abutting property in an A-RR, R-1 or R-2 District.

- (4) **Parking in required yards.** Areas devoted to parking or circulation of vehicles, other than approved driveways from the street, shall not be located in required front yards. Except within perimeter buffers described in subsection 4-10.8, areas devoted to parking or circulation of vehicles may be located within required side and rear yards, provided a landscaped strip not less than ten (10) feet wide is provided along the lot line separating such parking or circulation area from the abutting lot.

4-11.8. Additional Development Standards. The following development standards shall be applicable in the PD-BT District in addition to the standards set forth elsewhere in this Section:

- (1) **Open space.** Not less than twenty (20) percent of each lot shall be devoted to open space, and not less than thirty (30) percent of the total area within a PD-BT District shall be devoted to open space. Required open space may landscaped yards and setbacks, landscaped

areas within parking areas and any other area not covered by buildings or structures and not devoted to parking, streets, driveways or other area for vehicle circulation, but shall not include areas devoted to public street rights-of-way.

Open space shall be arranged to form a continuous system which, in conjunction with walkways along streets, allows for pedestrian movement among building sites and between building sites and recreation or leisure areas intended for common use by occupants of the development.

(2) Landscaping along street frontages. Required yards along street frontages shall be landscaped with appropriate ground cover and shrubbery, and shall be planted with deciduous or evergreen trees having a caliper of not less than two (2) inches at the time of planting and at the rate of one (1) tree per fifty (50) feet of linear street frontage. Existing healthy trees with a caliper of ten (10) inches or greater measured two (2) feet above the ground level shall be preserved within such areas. Credit shall be given on a one for one basis for all healthy trees preserved within required landscaped yard areas. Landscaped yard areas may include means of pedestrian access and other pedestrian amenities.

(3) Landscaping within parking areas. Every parking area containing more than ten (10) parking spaces shall be provided with internal landscaped islands or other landscaped areas comprising not less than five (5) percent of the total parking area. Landscaped setback areas and peripheral landscaping shall not be included in calculating such area. Landscaped islands shall be not less than six (6) feet in width and placed in such a manner that not more than twelve (12) parking spaces are situated in a single continuous row. Parking area landscaping shall include deciduous trees as specified below, but may also consist of evergreen trees, shrubbery, vegetative ground cover, seasonal planting or combinations thereof.

Deciduous trees having a caliper of not less than two (2) inches at the time of planting shall be provided within and on the immediate periphery of parking areas at a rate of not less than one tree for each ten (10) parking spaces within the parking area. Existing healthy trees retained within or immediately adjacent to a parking area may be counted toward satisfying the tree requirement.

- (4) **Perimeter buffers adjacent to A-RR, R-1 and R-2 Districts.** Where a lot in a PD-BT District is contiguous to property in an A-RR, R-1 or R-2 District, a continuous buffer not less than fifty (50) feet in depth shall be provided. No building, structure, parking, loading or outside storage or service area shall be located within such buffer. Buffers shall contain visually opaque screening not less than six (6) feet in height consisting of continuous structural fences or walls or evergreen vegetative material, or combinations thereof. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or supplemented with additional planting, and provides the required visual screening.

The Board of Supervisors may, at the time of approval of a PD-BT District and the accompanying master plan, reduce this buffer requirement in a specific case if the contiguous property zoned A-RR, R-1 or R-2 is designated in the future land use plan for commercial or industrial use.

- (5) **Landscape plan.** A landscape plan shall be submitted with the plan of development for each stage of development in a PD-BT District and shall show the manner in which the landscaping, screening, tree planting and buffer requirements of this subsection will be met. Such plan shall identify specific means by which existing trees to be preserved shall be protected with barriers during construction.
- (6) **Driveways.** The detailed location and design of driveways shall be approved in conjunction with plans of development and in accordance with design standards and policies of the County and the Virginia Department of Transportation. The number of driveways from public streets shall be the minimum necessary to provide safe and efficient ingress and egress, and where multiple driveways are necessary to serve a site, they shall be located as far apart as practicable. Wherever possible, internal streets or service roads providing access to individual development sites and joint driveways serving abutting properties shall be utilized.
- (7) **Loading, service and outside storage areas.** Areas for loading and unloading vehicles, service areas and facilities for trash collection shall not be located in front yards, and shall be located or screened so as not

to be visible from any street. No outside storage of equipment, materials, supplies or products shall be permitted in any front or side yard. Outside storage areas may be provided to the rear of buildings when located or screened so as not to be visible from any street or adjacent property.

(8) **Fencing.** No chain link, wire mesh, barbed wire or similar fence material shall be utilized at any location visible from any street.

(9) **Outdoor lighting.** Parking areas intended for use during non-daylight hours shall be lighted. Outdoor lighting for parking areas and other purposes shall be located, directed or shielded so as not to shine directly or create glare on adjacent properties or streets. Outdoor lighting fixtures shall not exceed twenty (20) feet in height.

4-11.9. Height Limit. No building or structure in a PD-BT District shall exceed a height of thirty-five (35) feet, provided that communications towers may be permitted to a greater height when the location and maximum height are specifically shown and approved as an element of a district master plan. In no case shall a communications tower be located less than one hundred fifty (150) feet from property in an A-RR, R-1 or R-2 District. (See Article 5 for supplementary height regulations.)

(Section 4-11 Added May 11, 2000)

ARTICLE 5. SUPPLEMENTARY REGULATIONS

Sec. 5-1. Applicability of article.

The regulations set forth in this article are additions or exceptions to, and qualify, supplement or modify, as the case may be, the regulations and requirements set forth in the district regulations contained in Article 4 of this Ordinance.

Sec. 5-2. Sign regulations.

5-2.1. Signs generally. The sign regulations contained in this section shall apply generally to signs in all districts, and no sign shall be erected, constructed, installed or attached except in conformity with all of the provisions set forth in this section for the particular sign in the district in which it is located. Definitions of the various types of signs regulated herein, as well as the method of measuring the area of signs, shall be as set forth in Article 11 of this Ordinance.

5-2.2. Permitted signs in A-RR, R-1 and R-2 Districts. The following signs shall be permitted in the A-RR, R-1 and R-2 Districts:

- (1) Signs not exceeding in the aggregate twenty-four (24) square feet in area identifying a church, school, park, playground, library, museum or other permitted nonresidential use. Such signs shall be attached flat against a main building or may include not more than one (1) freestanding sign. In the case of a freestanding sign, an additional area not exceeding twenty-four (24) square feet may be devoted to architectural elements which serve as support, boarder or base for such sign and which are not a part of the message portion of the sign.
 - a. No freestanding sign shall exceed a height of eight (8) feet.
 - b. No freestanding sign shall be located within ten (10) feet of any street line, other property line, alley or driveway intersecting a street.
- (2) One (1) freestanding sign per street entrance identifying a residential subdivision or a manufactured home park. Such sign shall be subject to the requirements for freestanding signs set forth in

section 5-2.2 (1).

- (3) One (1) sign not exceeding twenty-four (24) square feet in area identifying a multifamily development, single-family attached development site, nursing home or lodging house. Such sign shall be attached flat against a main building or may be freestanding, provided that a freestanding sign shall be subject to the requirements set forth in section 5-2.2 (1).
- (4) One (1) or more temporary signs not exceeding in the aggregate six (6) square feet in area pertaining to the sale, rental or lease of the premises on which they are located. Such signs shall not be illuminated, shall not be located within five (5) feet of any street line, other property line, alley or driveway intersecting a street, and shall be removed when the sale, rental or lease of the premises is consummated.
- (5) One (1) or more temporary signs not exceeding in the aggregate thirty-two (32) square feet in area identifying the use to be made of a building under construction on the property on which such signs are located or identifying the contractor, subcontractors, architect, lending institution or other party involved with such construction. Such signs shall not be illuminated, shall not be located within ten (10) feet of any street line, other property line, alley, or driveway intersecting a street, and shall be removed upon completion or abandonment of the construction activity to which they pertain.

5-2.3. Permitted signs in B-1 Districts. The following signs shall be permitted in the B-1 Limited Business District:

- (1) Any sign permitted in the A-RR, R-1 and R-2 Districts and set forth in section 5-2.2 of this article, provided that signs identifying uses which are permitted in the A-RR, R-1 or R-2 Districts shall be subject to the regulations set forth in that section.
- (2) Signs attached flat against or painted on a vertical surface of a main building or accessory structure, other than a structure intended principally for sign purposes, when such signs do not extend beyond the extremities of the surface of the building or structure to which they are attached.
- (3) Signs attached to a mansard or other sloped roof of a main building, when such roof has a pitch of sixty (60) degrees or greater, and when such signs are

parallel to the building wall and do not extend beyond the extremities of the roof to which they are attached.

- (4) Signs suspended from a covered vehicle driveway, covered walkway or covered entranceway to a building, when such signs do not exceed in the aggregate eight (8) square feet in area and are provided with an under clearance of not less than ten (10) feet.
- (5) One (1) freestanding sign along each street frontage of one hundred (100) feet or more in length, when the main building on the lot is set back twenty-five (25) feet or more from the street line along such frontage, provided that:
 - a. Where more than one (1) freestanding sign is permitted on a lot having multiple street frontages, the distance between freestanding signs on the same lot shall be not less than one hundred (100) feet;
 - b. No freestanding sign shall exceed one hundred (100) square feet in area or twenty (20) feet in height, except that on a shopping center site, one (1) freestanding sign not exceeding three hundred (300) square feet in area shall be permitted along each street frontage when no other freestanding signs are located on the site;
 - c. No freestanding sign shall be located within fifty (50) feet of any lot in an A-RR, R-1 or R-2 District, or within ten (10) feet of any street line, other property line, alley or driveway intersecting a street.
- (6) The aggregate area of all signs located on a lot, other than a lot devoted to a shopping center, shall not exceed one (1) square foot for each lineal foot of lot frontage on a public street. In the case of lots having more than one (1) frontage on a public street, the maximum permitted sign area shall be determined by the frontage having the greatest dimension.
 - a. In the case of a shopping center, the maximum area of signs attached to any portion of a building devoted to a particular tenant shall not exceed one (1) square foot for each lineal foot of building frontage devoted to such tenant.
 - b. In no case shall the provisions of this paragraph

be construed to restrict any lot or any tenant in a shopping center to less than forty (40) square feet of sign area.

- (7) The maximum number of signs located on a lot, other than a lot devoted to a shopping center, shall not exceed one sign for each twenty (20) feet of lot frontage or major fraction thereof on a public street. In the case of lots having more than one (1) frontage on a public street, the maximum number of signs shall be determined by the frontage having the greatest dimension.
 - a. In the case of a shopping center, the maximum number of signs attached to any portion of a building devoted to a particular tenant shall be not exceed one (1) sign for each twenty (20) feet of building frontage or major fraction thereof devoted to such tenant.
 - b. In no case shall the provisions of this paragraph be construed to restrict any lot or any shopping center tenant to less than two (2) signs.

5-2.4. Permitted signs in B-2, M-1 and M-2 Districts. The following signs shall be permitted in the B-2, M-1 and M-2 Districts:

- (1) Any sign permitted in the B-1 Limited Business District as set forth in section 5-2.3 of this article and subject to all of the regulations applicable in the B-1 District, except that:
 - a. No freestanding sign shall exceed one hundred (100) square feet in area or thirty-five (35) feet in height, except that freestanding signs identifying shopping centers shall not exceed three hundred (300) square feet in area.
 - b. The aggregate area of all signs located on a lot shall not exceed two (2) square feet for each lineal foot of lot frontage on a public street, and in the case of a shopping center, the maximum area of signs attached to any portion of a building devoted to a particular tenant shall not exceed two (2) square feet for each lineal foot of building frontage devoted to such tenant.
- (2) Signs attached to and projecting from a wall of a main building, provided that such signs shall not project

beyond any property line and shall be provided with an under clearance of not less than ten (10) feet.

- (3) Billboard signs as defined in Article 11 of this Ordinance, provided that the following requirements shall be met:
 - a. No billboard sign shall exceed three hundred (300) square feet in area with the following exception. If the roadway is a divided four-lane highway, then a billboard may be up to (378) three hundred seventy-eight square feet in area.
 - b. There shall be no more than one (1) billboard sign attached to or painted on a sign structure, except that two (2) billboard signs may be attached back-to-back on a single structure, in which case such arrangement shall be considered a double-faced sign for purposes of calculating permitted sign area as defined in Article 11 of this Ordinance.
 - c. No billboard sign shall exceed a total height of thirty-five (35) feet.
 - d. No two (2) billboard signs shall be located less than five hundred (500) feet apart along the same side of a street or highway, as measured parallel to the edge of the roadway.
 - e. No billboard sign shall be located within twenty-five (25) feet of any street line or within one hundred (100) feet of any intersection of street lines or the boundary of any A-RR, R-1 or R-2 District.

5-2.5. Certain signs permitted in all districts.

- (1) Directional signs as defined in Article 11 of this Ordinance shall be permitted in any district. Such signs shall be exempt from regulations pertaining to freestanding signs and shall not be included in calculations determining the aggregate area or maximum number of permitted signs, provided that no freestanding directional sign shall be located within five (5) feet of any street line.
- (2) Temporary signs as defined in Article 11 of this Ordinance and installed for the purpose of merchandising or announcing a sale or promotion and not exceeding eight (8) square feet in area shall be permitted in any district and shall not be included in calculations determining the aggregate area or maximum number of permitted signs. Temporary signs which exceed eight (8) square feet in area or do not otherwise conform to the definition thereof shall be subject to all sign regulations and restrictions applicable in the district in which they are located.

5-2.6. Portable signs. Portable signs as defined in Article 11 of this Ordinance shall be permitted only in the Business and Industrial Districts. Such signs shall be subject to all of the regulations applicable to permanently installed freestanding signs in the district in which they are located, provided that no portable sign shall be illuminated except in conformance with applicable electrical codes.

5-2.7. Animated signs prohibited. Animated signs as defined in Article 11 of this Ordinance shall not be permitted in any district.

5-2.8. Illumination. Illumination of signs shall conform to the restrictions set forth in section 5-11 of this article, and no bulb, lamp or other source of illumination shall be directly exposed to any street, alley, driveway or adjacent property, nor shall the exterior of any building, structure or portion thereof be illuminated by outlining such with lights, except for temporary seasonal decoration purposes.

5-2.9. Signs identifying nonconforming uses. One (1) sign identifying a nonconforming use located in an A-RR, R-1 or R-2 District shall be permitted, provided that such sign shall be attached flat against the building occupied by such use and shall not exceed eight (8) square feet in area. Signs identifying nonconforming uses located in districts other than A-RR, R-1 and R-2 Districts shall conform to the sign regulations applicable in the district in which the use is located.

5-2.10. Nonconforming signs.

- (1) Except as otherwise provided in this section, a nonconforming sign as defined in Article 11 of this Ordinance may remain and may be maintained and repaired, provided that such sign shall not be moved, replaced, structurally altered, or modified as to size, shape or height except in conformity with the provisions of this article. The face of a nonconforming sign or the copy thereon may be changed when all other provisions of this section are met.
- (2) Any sign which identifies or pertains to a use which has vacated the premises on which such sign is located or any freestanding sign structure which no longer contains any message shall be removed from the premises within ninety (90) days from the date on which the use to which it pertains last occupied the

premises.

5-2.11. Permits required. No permanent sign shall hereafter be erected or installed unless a sign permit for such has been approved by the zoning administrator after confirmation that such

sign conforms with all applicable provisions of this Ordinance. In the case of signs for which permits are required by the Virginia Uniform Statewide Building Code, approval by the building official shall also be required.

5-3.1. Number of spaces required. The minimum number of off-street parking spaces required for particular uses located in any district shall be as set forth in the following schedule. The minimum number of off-street parking spaces required for a use not specifically listed in the schedule shall be as required for the most similar use listed as determined by the zoning administrator.

	Use	Number of Spaces
(1)	Single-family detached or two-family dwelling; manufactured home on an individual lot; dwelling unit located in a commercial building	1 per dwelling unit
(2)	Single-family attached dwelling	Average of 2 per dwelling unit on the development site
(3)	Multifamily dwelling	2 per dwelling unit
(4)	Multifamily dwelling or lodging house where units are intended to be occupied by persons 65 years or more of	1 per 2 units

	age	
(5)	Lodging house; tourist home; hotel; motel; bed and breakfast; lodging unit in a single-family dwelling	1 per lodging unit
(6)	Group home	1 per 2 bedrooms
(7)	Nursing home	1 per 4 beds
(8)	Hospital	1 per 3 beds, plus 2 per 3 employees and staff
(9)	Childcare center	1 per 10 children, plus 2 per 3 staff
(10)	Church	1 per 8 seats in main auditorium or sanctuary
(11)	School, public or private	The greater of 1 per classroom or 1 per 5 seats in auditorium
(12)	Vocational, business or professional school	1 per 2 persons enrolled
(13)	Library; museum; art gallery	10, plus 1 per 400 sq. ft. of floor area
(14)	Theater; auditorium; assembly hall or similar use with fixed seating	1 per 4 seats
(15)	Lodge hall; dance hall; club; or similar meeting	1 per 100 sq. ft. of floor area in club or meeting

	place without fixed seating	rooms
(16)	Bowling alley	4 per lane
(17)	Miniature golf course	3 per hole
(18)	Office; travel agency	5 per first 1000 sq. ft. of floor area, plus 1 per each additional 350 sq. ft. of floor area
(19)	Medical or dental office or clinic; veterinary clinic	4 per doctor, plus 2 per 3 employees
(20)	Bank; savings and loan office	1 per 200 sq. ft. of floor area, plus waiting space for 5 vehicles per drive-up teller station
(21)	Funeral home	1 per 4 seating capacity in chapel or funeral service rooms, plus 2 per 3 employees
(22)	Restaurant, including fast food	1 per 100 sq. ft. of floor area, plus waiting space for 5 vehicles per drive-up window
(23)	Grocery, food or beverage store; amusement center; billiard parlor; video game arcade	1 per 150 sq. ft. of floor area
(24)	Retail store or shop not otherwise specified; laundromat; dance studio; health spa	1 per 200 sq. ft. of floor area

	or fitness center; home video rental store	
(25)	Retail clothing, jewelry, home accessories, electronics, office supply, hardware, yard or garden supply, or auto accessory store; photography studio; laundering or dry cleaning business; shoe repair, tailor, or dressmaking shop; watch or jewelry repair; electronics or household items repair; similar service business not otherwise listed	1 per 400 sq. ft. of floor area
(26)	Retail furniture, appliance or building materials and supplies store; auto sales showroom	1 per 600 sq. ft. of floor area
(27)	Wholesale or distribution business; contractor's shop and display rooms	1 per 800 sq. ft. of floor area, plus 1 per vehicle used in connection therewith
(28)	Barber shop or beauty salon	3 per hair cutting station
(29)	Auto service center; service station; auto or truck repair	5, plus 2 per service bay
(30)	Self-service or automatic auto wash	3 per wash bay, plus off-street waiting space as required by plan of development

(31)	Shopping center	4.0 per 1000 sq. ft. of floor area
(32)	Manufacturing, processing, fabricating; research or laboratory facility; bottling plant; warehouse or storage facility; truck terminal	2 per 3 employees, plus 1 per vehicle used in connection therewith

5-3.2. Method of determining number of spaces. For purposes of determining the number of off-street parking spaces required for a particular use, the following rules shall apply:

- (1) Floor area shall include the gross area of the floor space devoted to the use, including space used for incidental purposes related thereto, and shall be measured along exterior faces of enclosing walls or partitions or, in the case of attached buildings or abutting spaces within the same building devoted to different uses, shall be measured along the center lines of common walls or partitions.
- (2) Number of employees shall be construed as the maximum number of persons employed on any working shift.
- (3) When computation of required number of spaces based on floor area, units, employees, or seating capacity results in a fractional number, the required number of spaces shall be the nearest whole number.
- (4) When a building or premises is devoted to more than one (1) use, the total number of spaces required shall be the sum of the spaces required for each use.
- (5) Required off-street parking spaces may be provided within garages, carports or enclosed building space when the provisions of this article pertaining to dimensions and accessibility of parking spaces are met.

5-3.3. Nonconforming number of spaces. Whenever any change is made in a building or use for which the existing number of off-street parking spaces is nonconforming, the following rules

shall apply:

- (1) Whenever any change is made in a building or use so that the number of spaces required after the change by application of the provisions of section 5-3.1 of this article is not more than fifty (50) percent greater than the number of spaces required before the change, then not less than the number of spaces required for that increase shall be provided in addition to the number of spaces provided prior to the change in the building or use. The purpose of this provision is to preserve any nonconforming right that may exist prior to any minor change in a building or use, but to require such additional parking as may be necessitated by the change.
- (2) Whenever any change is made in a building or use so that the number of spaces required after the change by application of the provisions of section 5-3.1 of this article increases by more than fifty (50) percent of the number of spaces required before the change, then not less than the total number of spaces necessary to comply with the requirements of that section shall be provided. The intent of this provision is to eliminate any right to a nonconforming number of parking spaces and to bring the property into full compliance with the parking requirements when a substantial change in a building or use is made.

5-3.4. Location of required parking spaces. Required off-street parking spaces shall be located on the same lot or development site as the use for which they are required, provided that parking spaces required for uses other than dwelling uses, lodging houses, tourist homes, group homes, child care centers and motels may be located off the premises when all of the following conditions are met:

- (1) The parking area within which such parking spaces are provided shall comply with the use regulations and all other requirements of the district in which it is located.
- (2) Such parking spaces shall be located within three hundred (300) feet, by normal pedestrian route, of a principal entrance to the building devoted to the use they are intended to serve.
- (3) Not more than fifty (50) percent of the parking spaces required for churches, schools, theaters, auditoriums, stadiums, lodge halls, dance halls, clubs and restaurants may be provided by and shared with parking

spaces provided for offices, banks, retail and service uses, and other commercial or industrial uses which are not open, used or operated during any of the same hours of the day or night.

- (4) Where the property on which such parking spaces are located is not under the same ownership and control as the property on which the use to be served is located, a lease agreement providing for such parking spaces shall be submitted with the application for the certificate of occupancy for the use to be served. The tenure of such lease shall be for not less than one (1) year, and the form of such lease shall be approved by the county attorney prior to issuance of the certificate of occupancy. At any time the use of the property for parking purposes is to be discontinued, the zoning administrator shall be given at least thirty (30) days' notice thereof in writing, and unless the parking spaces are no longer required by the provisions of this Ordinance, such spaces shall be provided elsewhere in compliance with the Ordinance.

5-3.5. Parking space dimensions. Required off-street parking spaces shall be not less than nine (9) feet in width and eighteen (18) feet in length, except that spaces arranged parallel to their means of access shall be not less than eight (8) feet in width and twenty-two (22) feet in length.

The width and length of parking spaces shall be measured perpendicular to one another so as to form a rectangle with dimensions as required herein. Parking spaces required to be accessible to handicapped persons by the provisions of the Virginia Uniform Statewide Building Code shall comply with the requirements of that code.

5-3.6. Access to parking spaces.

- (1) Each required off-street parking space shall be provided with a driveway or common access aisle directly serving such space and of sufficient dimensions to enable vehicles to maneuver into and out of such space without encroaching into another parking space or extending beyond the designated driveway or access aisle area.
- (2) No area devoted to parking or access thereto shall be designed, operated or maintained so as to cause any public street, alley or sidewalk area to be obstructed by vehicles entering, leaving or maneuvering within such parking area. Whenever necessary to avoid such obstruction, maneuvering space shall be provided

within the parking area.

5-3.7. Improvement of parking areas.

- (1) Parking areas containing five (5) or more parking spaces and all entrances thereto and exits therefrom shall be provided with an all-weather surface material approved by the zoning administrator. Sufficient improvements shall be made to ensure that the parking area is usable and that proper access and drainage are provided.
- (2) Wheel stops, curbs, walls, fences, shrubbery or other means shall be provided along the edges of parking areas where necessary to prevent parked vehicles from encroaching onto adjacent properties or into public streets and alleys, required yards or public walkways within or adjacent to the site.

5-3.8. Parking in yards adjacent to streets.

- (1) In A-RR, R-1 and R-2 Districts, no parking area other than that which serves a single-family dwelling or a manufactured home on an individual lot shall be located within any required front yard or required street side yard.
- (2) In districts other than A-RR, R-1 and R-2 Districts, no parking area shall be located within ten (10) feet of any street right-of-way line.
- (3) Yard areas located between parking areas and adjacent streets shall be improved in accordance with the provisions of section 5-3.9 of this article.
- (4) The provisions of this section shall not be construed to prohibit driveways from the street when such driveways are approved by the appropriate authority.

5-3.9. Screening and landscaping requirements.

- (1) Parking areas containing five (5) or more parking spaces and located in any district shall be screened from abutting properties located in an A-RR, R-1 or R-2 District. Screening shall consist of opaque fences, walls or evergreen vegetative materials of not less than four (4) feet in height erected and maintained along the property line or the edge of the parking area.
- (2) Yard areas located between parking areas and adjacent

streets, and yard areas located between required screening and adjacent property lines or streets shall be of a suitable grade and shall be improved and landscaped with grass, other plant materials or ground cover in a manner that will prevent erosion, the spread of dust and the collection of surface water or drainage thereof onto adjacent property.

Sec. 5-4. Supplementary yard requirements.

5-4.1. Yard exceptions. Front, side and rear yard requirements shall not apply to fences or walls not exceeding six and one-half (6 1/2) feet in height, or to permitted signs and customary yard ornaments and accessories, except as provided in section 5-5, visibility at intersections. Fences and walls exceeding six and one-half (6 1/2) feet in height shall be construed as structures, and shall be subject to all yard requirements.

5-4.2. Permitted projections into required yards.

- (1) Sills, belt courses, eaves, normal roof overhangs, chimneys, pilasters and similar architectural features of a building may project into required yards.
- (2) Uncovered porches, steps, landings, patios, decks and similar building features may project into required yards, provided such features do not exceed a height of up to thirty (30) inches above the adjacent natural ground level. Covered building projections, and projections thirty (30) inches or greater in height shall be subject to all yard requirements.

5-4.3. Yards on corner lots and through lots.

- (1) On a corner lot in any district in which a front yard is required, a front yard shall be provided along at least one (1) street frontage, and a street side yard of not less than ten (10) feet shall be provided along all other street frontages, provided that:
 - a. There shall be a front yard along any street frontage opposite the principal entrance to a dwelling unit;
 - b. There shall be a front yard along the frontage on any street along which a front yard is required for an adjacent lot. The depth of such front yard shall be not less than the minimum required front yard on the adjacent lot or the actual front yard

provided on the adjacent lot, whichever is less. For the purposes of this provision, an adjacent lot shall be deemed to be a lot which abuts or lies directly across an alley from the lot in question and which has frontage along the same street as the lot in question.

- (2) On through lots, there shall be a front yard as required in the district along each street frontage.
- (3) Where more than one (1) front yard is required on a lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

5-4.4. Yards adjacent to streets less than forty (40) feet in width. The required front yards and street side yards set forth in the district regulations and elsewhere in this Ordinance are applicable adjacent to public streets having a right-of-way width of forty (40) feet or greater. The required depth of any front yard or street side yard along any public street having a right-of-way of less than forty (40) feet in width shall be increased by twenty (20) feet as measured from the centerline of the street right-of-way.

5-4.5. Yards for swimming pools and tennis courts. Swimming pools, pool deck areas and tennis courts shall not be located within required front and side yards. A swimming pool, pool deck area or tennis court situated within fifty (50) feet of any adjacent property in an A-RR, R-1 or R-2 District shall be screened from view from such property by solid fencing or evergreen vegetative material not less than six (6) feet in height.

Sec. 5-5. Visibility at intersections.

On a corner lot in any A-RR, R-1 or R-2 District, nothing that would materially obstruct the vision of operators of motor vehicles shall be erected, placed, planted or allowed to grow between the heights of three (3) and eight (8) feet above the grade of the intersection of the centerlines of the adjacent intersecting streets within the following described area: A triangular shaped area on the ground bounded on two (2) sides by the street lines abutting the lot, and bounded on the third side by a line joining points on said street lines twenty-five (25) feet from the point of their intersection. The purpose of this provision is to prohibit the planting of shrubbery or low trees or the construction of solid fences, walls or other structures that would block the visibility of oncoming vehicles to

motorists at a street intersection.

Sec. 5-6. Supplementary height regulations.

- (a) The height regulations set forth in this Ordinance shall not apply to church spires, belfries, cupolas, antennae attached to buildings, water towers, ventilators, chimneys, flues or similar appurtenances or mechanical structures attached to a building and not intended for human occupancy. A roof mounted solar energy system installed on a flat roof shall not be permitted to exceed the districts height limit by more than six (6) feet above the rooftop surface. (Amended to add 5-9-2019)
- (b) The height of permitted public buildings, churches, broadcast and communications towers, and accessory structures necessary to permitted mining or well drilling operations may exceed the maximum height limit applicable to the district in which they are located, provided that all required yards are increased a minimum of one (1) foot for each one (1) foot of building or structure height in excess of the height limit applicable in the district in which such building or structure is located, and provided further that all other applicable codes and regulations are met.

Sec. 5-7. Yard and height regulations for accessory buildings.

5-7.1. Yards. Except as provided below, no accessory building shall be located within any required yard.

- (1) An accessory building not exceeding twelve (12) feet in height may be located within a required rear yard, but not within five (5) feet of any lot line.
- (2) An accessory building not exceeding twelve (12) feet in height may be located within a required side yard, other than a required street side yard, but not within five (5) feet of any lot line. An accessory building attached to an accessory building on the adjoining lot shall not be subject to the side yard requirement.

5-7.2. Height. No accessory building shall exceed the height of the main building located on the lot, nor shall any accessory building exceed the minimum permitted height in the district in which it is located.

Sec. 5-8. Average lot sizes in residential subdivisions.

In any residential subdivision hereafter recorded, including a subdivision intended for manufactured homes, the area or the width or the area and the width of individual lots may be reduced by not more than twenty (20) percent of the minimum lot area or lot width required in the district in which such subdivision is located, provided that the average lot area and lot width of all lots within the subdivision shall be not less than the minimum required in the district, and provided further that no lot which is not served by public sewer and water systems shall be reduced to an area less than that which is approved by the health official. For the purposes of this provision, a subdivision shall be deemed to include only those lots within a subdivision or section thereof which are approved under the county subdivision ordinance and are recorded simultaneously by a single plat.

Sec. 5-9. Manufactured homes on lots with other dwellings.

A manufactured home may be located on a lot together with a single-family dwelling when a certificate of occupancy for such manufactured home is approved by the zoning administrator and issued by the building official, and when all of the following conditions are met:

- (1) The manufactured home shall be provided with a permanent foundation meeting the requirements of the Virginia Uniform Statewide Building Code. Where an approved permanent foundation does not consist of a foundation wall around the full perimeter of the manufactured home, skirting shall be provided in accordance with the requirements of section 5-10.5 (7) of this Ordinance.
- (2) The area of the lot shall be not less than twice the minimum area required in the district for a single-family dwelling. A lot which is not served by public sewer and water systems shall contain such greater lot area as may be required by the health official.
- (3) The single-family dwelling and the manufactured home shall be provided with separate utility connections.
- (4) All applicable yard and off-street parking requirements shall be met, and the single-family dwelling and the manufactured home shall be located on the lot relative to one another and in such a manner that the lot area, lot width and all yard requirements

applicable in the district would be met if the lot were to be split so as to create a separate lot for each.

- (5) The manufactured home shall be occupied only by members of the immediate family or by the natural or legally defined offspring or spouse of a member of the immediate family of an occupant of the single-family dwelling on the lot. Notice of this requirement shall be included in any contract to sell, rent or lease the property, and new certificates of occupancy shall be required for both the manufactured home and the single-family dwelling upon any change in ownership of the property. For the purposes of this provision, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse or parent of an occupant of the single-family dwelling.

Sec. 5-10. Manufactured home park regulations.

5-10.1. Area and density of manufactured home parks.

- (1) Manufactured home parks shall contain not less than two (2) acres in area.
- (2) The maximum density within a manufactured home park shall not exceed six (6) units per gross acre within the manufactured home park, provided that all other applicable requirements of this article shall be met.

5-10.2. Recreation area requirements. Every manufactured home park shall include within its boundaries areas for outdoor recreation purposes for common use by residents of the park. Such areas shall in the aggregate consist of not less than ten (10) percent of the gross area of the manufactured home park, shall not include any area devoted to individual manufactured home spaces, and shall be suitably improved and maintained for active or passive recreation use.

5-10.3. Yard, separation and buffer requirements.

- (1) No manufactured home or other building or structure within a manufactured home park shall be located within ten (10) feet of any boundary of a manufactured home space.
- (2) No manufactured home shall be located within thirty

(30) feet of any other manufactured home.

- (3) No manufactured home, accessory structure or other building or structure within a manufactured home park shall be located within twenty-five (25) feet of any public street right-of-way or private roadway.
- (4) A landscaped buffer area of not less than twenty-five (25) feet in width shall be provided adjacent to all exterior boundaries of a manufactured home park. Such buffer area shall not be occupied by any manufactured home space, building, structure, roadway, parking area or improved area for active recreation purposes.

5-10.4. Off-street parking requirements.

- (1) Every manufactured home space shall be provided with not less than two (2) off-street parking spaces located within the boundaries of the manufactured home space or within a common parking area or on a private roadway of suitable dimensions situated immediately adjacent to the manufactured home space.
- (2) Required off-street parking spaces shall be of such dimensions and shall be provided with such means of access as set forth in section 5-3 of this article and shall be paved with dust-free, all-weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator.

5-10.5. Park improvement requirements.

- (1) **Sewer and water systems.** Every manufactured home park shall be served by public sewer and water systems which shall be connected to each manufactured home unit and each building or structure containing plumbing facilities. Where public sewer and water systems cannot reasonably be made available to a manufactured home park, private systems serving the park as a whole and approved by the health official may be utilized, provided that the discharge of sewerage into septic tank systems shall be permitted.
- (2) **Streets and walkways.** All streets and roadways within a manufactured home park shall be paved with dust-free, all-weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator. Paved sidewalks shall be provided between each manufactured home unit and the street and

elsewhere in the manufactured home park where necessary to enable safe and convenient pedestrian movement to and from common facilities.

- (3) **Storm drainage.** Storm drainage facilities shall be provided within each manufactured home park in accordance with a storm drainage plan submitted with the special use application and approved in conjunction therewith.
- (4) **Lighting.** Lighting shall be installed along streets within each manufactured home park and adjacent to common facilities utilized by residents of the park. A lighting plan shall be submitted with the special use application and approved in conjunction therewith.
- (5) **Underground utilities.** All utilities within a manufactured home park shall be installed underground, provided that this requirement may be waived when recommended by the planning commission and where it finds that soil or topographic conditions make such requirement impracticable.
- (6) **Refuse facilities.** Refuse containers of adequate capacity to meet the needs of all manufactured home units and common facilities shall be provided for the deposit and collection of refuse within each manufactured home park. Containers serving individual manufactured home units and containers serving common facilities within the manufactured home park shall be so located or screened as to not be visible from public or private streets or adjacent properties.
- (7) **Skirting.** Skirting shall be provided around the base of each manufactured home so as to conceal from view the frame, axles, wheels, crawl space and all utility connections. Skirting shall be constructed of weather resistant material and shall meet the requirements of the Virginia Uniform Statewide Building Code.
- (8) **Delineation of spaces.** Each manufactured home space shall be clearly defined with permanent markers at each corner and shall be identified with the space number as shown on the approved plans.
- (9) **Installation of manufactured homes.** All manufactured homes shall be installed in accordance with applicable requirements of the Virginia Uniform Statewide Building Code. No manufactured home shall be installed within a manufactured home park until all required

improvements have been completed and a certificate of occupancy for the manufactured home park or for that portion of the manufactured home park to be occupied has been approved by the zoning administrator and issued by the building official. A certificate of occupancy shall be required for each manufactured home upon completion of required site work and installation and prior to occupancy.

Sec. 5-11. Outdoor lighting in general.

Outdoor lighting, when provided as accessory to any use or to illuminate any sign or similar device, shall be located, directed or shielded so as not to shine directly on nearby properties or to create a traffic hazard as a result of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

Sec. 5-12 Telecommunication towers and antennas.

5-12.1. Purpose. The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goals of this section are to: (i) encourage the location of towers in non-residential areas and minimize the total number of towers and tower sites throughout the county, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the county's natural beauty is minimal, (iv) encourage users of towers and antennas to configure them in such a way that minimizes the adverse visual impact of the towers and antennas and, (v) to provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the county.

5-12.2. Applicability. These standards shall apply to all new and replacement towers within the county with the exception that new and replacement towers and associated antenna not exceeding fifty (50) feet in height and located within any business or industrial zoning district shall be permitted by right provided:

- (1) The proposed tower is a monopole type design;
- (2) The general area of the proposed tower is currently served by above ground utilities including electric power and telephone poles; and

- (3) All other use and design standards for the construction of the tower and associated facilities are met.

5-12.2.1. Amateur radio and receive only antennas. This section shall not govern any tower, or the installation of any antenna, that is:

- (1) Under fifty (50) feet in height and is owned and operated by a federally licensed amateur radio station operator; or
- (2) Used exclusively for receive only antennas for amateur radio station operation.

5-12.2.2. Existing towers and structures. The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other free standing structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

5-12.2.3. Speculative towers. Speculative construction of towers will not be permitted. Firms desiring to construct such towers will have a firm user commitment.

5-12.3. General guidelines and requirements.

5-12-.3.1. Principal and accessory uses. For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or

structure.

5-12.3.2. Inventory of existing sites. Each applicant for an antenna and or tower shall provide the zoning administrator an inventory of existing facilities that are either within the county or within five (5) miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The zoning administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the county, provided, however the the zoning administrator shall not, by sharing such information, an any way represent or warrant that such sites are available or suitable.

5-12.3.3. Design. The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the board of supervisors may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- (1) Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, nonreflective color with no logos.
- (2) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- (3) No towers will be permitted within the critical viewsheds of the Guest River Gorge as shown on the official map designating these viewsheds. In addition, no tower shall be proposed within any other designated area of local scenic, historical, ecological and cultural importance. Towers proposed in elevations lower than surrounding ridgelines are preferred.
- (4) All towers must comply with any additional requirements as contained in the Lonesome Pine Airport Overlay District. Any tower proposed within such district or within tow (2) miles of said airport shall be referred to the appropriate regional FAA office for review and comment prior to filing an application for a special use

- permit.
- (5) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (6) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, planning commission and or board of supervisors may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - (7) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
 - (8) To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of one hundred ninety-nine (199) feet.
 - (9) Towers shall be designed to collapse within the lot lines or lease area, which ever is larger, in case of structural failure.

5-12.4. Federal requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate these items.

5-12.5. Building codes. To insure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

5-12.6. Insurance requirements. The contractor shall obtain an indemnification bond or letter of credit in an amount sufficient to secure and protect the interest of the county in the construction, maintenance, and demolition of the structure. The amount of the bond will be set by the county, depending on the circumstances and situation at the time of application and proof of such bonding shall be part of the application phase. Other insurance requirements may be levied on the applicant depending on the situation and circumstances at the time of application is submitted.

5-12.7. Information required. Each applicant requesting a special use permit under this section shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, driving, parking, fencing, landscaping and adjacent uses. The planning commission may require other information to be necessary to assess compliance with this section. Additionally, applicants shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground and the background of the site.

5-12.7.1. Certification. Certification by the manufacturer or an engineering report by a Virginia Registered structural engineer shall be filed by the applicant indicating the tower height and design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated and demonstrating to the satisfaction of the building official of all structural requirements and other safety considerations set for the in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendments thereof, can be met

5-12.7.2 NIER certification. A licensed professional engineer shall certify that the non-ionizing electromagnetic radiation emitted from the facility will not result in a level of exposure at any point beyond the property line of the facility which exceeds the lowest government or by the American National Standards Institute. Exceptions to this requirement may be granted by the planning commission for low power transmission facilities such as two-way radio, telephone (cellular and VHF), microwave, government equipment and similar type transmitters.

5-12.7.3. Co-location policy. The applicant shall provide copies of its co-location policy.

5-12.7.4. Elevation information. The applicant shall

provide copies of propagation maps demonstrating that antennas and sites for possible o-locator antennas are no higher in elevation than necessary.

5.12.8. Factors considered in granting special use permits for new towers. The planning commission and board of supervisors shall consider the following factors in determining whether to issue a special use permit. These bodies may also waive or reduce the burden on the applicant of one (1) or more of these criteria if it is concluded that the goals of this section are better served thereby/

- (1) Height of the proposed tower, which may not exceed one hundred ninety-nine (199) feet'
- (2) Proximity of the tower to residential structures and residential district boundaries;
- (3) Nature and uses of adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress;
- (8) Co-location policy;
- (9) Consistency with the comprehensive plan and the purpose to be served by zoning;
- (10) Proximity to the Lonesome Pine Airport, the Guest River Gorge and any other scenic, historical or environmentally sensitive area including mountain ridge tops.

5-12.9. Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission and the board of supervisors that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can

accommodate the applicant's proposed antenna may consist of any of the following;

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers and structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support the proposed antenna and related equipment.
- (4) The proposed antenna would cause electromagnetic interference with the antenna on the existing structure or the antenna already in place would cause interference with the proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing structure or to adapt an existing structure or tower for sharing are unreasonable. Costs exceeding the cost of a new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5-12.10. Setbacks. The following setback requirements shall apply; provided however that the planning commission or board of supervisors may reduce the standard setback requirements if the goals of this section would be better serve thereby.

- (1) The tower must be setback from any off-site residential structure no less than four hundred (400) feet.
- (2) Towers, guys, an accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

5-12.11. Security fencing. Towers shall be enclosed in security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

5-12.12. Landscaping. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the supporting buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the facility perimeter. Existing mature trees and natural landforms on the site shall be preserved to the maximum extent possible. The planning commission or board of supervisors may waive these provisions if it is felt that the visual impact of the site would be minimal.

5-12.13. Local government access. Owners of the towers shall provide the county co-location opportunities as a community benefit to improve radio communication for county departments and emergency services.

5-12.14. Removal of abandoned towers and antennas. Any tower or antenna that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from the zoning administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cable, and supporting buildings. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

5-12.15. Review fees. Any out of pocket costs incurred for review by a licensed engineer of any of the above required information shall be paid by the applicant.

5-12.16. Procedure. The procedure as outlined in Article 8 or this ordinance shall apply to any application for towers and antennas.

5-12.17. Definitions. The following definitions apply to this section.

- (1) **Antenna.** Any apparatus designed for telephonic, data, radio or television communications through the sending and /or receiving of electromagnetic waves.
- (2) **FAA.** The Federal Aviation Administration.
- (3) **FCC.** The Federal Communications Commission.

- (4) **Height.** The distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lighting rod.
- (5) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

(Amend. Of 11-9-00)

Sec. 5-13 Conditional zoning.

5-13.1 Purpose.

Where competing and incompatible uses conflict, traditional zoning methods and procedures are sometimes inadequate. In such cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section to provide a zoning method as authorized under section 15.2-2303 Code of Virginia 1950, as amended, whereby a zoning classification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though said conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner, or operator, and the provisions of this section shall not be used for the purpose of discrimination in housing. ~~Nor is it the purpose of this amendment to allow changes so drastic so as to completely change the nature and character of the zone. To this end, zoning changes will be restricted only to the next highest classification, i.e. B-1 to B-2, M-1 to M-2, etc, but not B-1 to M-1 or M-2, etc.~~ AMENDED 14APRIL2005 TO DELETE

5-13.2. Proffer in writing.

As a part of a petition for rezoning or amendment of the

zoning district map the owner or owners of the property involved may, prior to a public hearing before the planning commission, voluntarily proffer in writing such reasonable conditions, in addition to the regulations provided for the zoning district or districts as herein set forth, as he deems appropriate for the particular case; provided that:

- a. The rezoning itself must give rise for the need for the conditions.
- b. Such conditions shall have a reasonable relation to the zoning;
- c. Such conditions shall not include a cash contribution to the county;
- d. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments, or other public facilities not otherwise provided for in the subdivision ordinance; such conditions shall not include payment for or construction of off site improvements except as those provide for in the subdivision ordinance;
- e. No condition shall be proffered that is not related to the physical development or physical operation of the property;
- f. All such conditions shall be in conformity with the comprehensive plan
- g. The conditions must be clearly understood and enforceable; and
- h. The conditions must not require or allow a design or standard that is less restrictive than the general provisions of this ordinance.

For the purpose of this section, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations, and/or other demonstrative materials. Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner or owners of the subject property; "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this

submission."

Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect ~~for that particular owner~~ (AMENDED TO DELETE 14APR2015) until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance. ~~In the event of a change of ownership in the said property, the new owner or prospective new owner must make application to the planning commission in order to retain the conditional zoning. These same requirements will also apply to any substantial change in the management/operational structure of the business, to include any lease arrangements; however, such reapplications and reconsiderations will not be unduly denied.~~ (AMENDED TO DELETE 14APR2005)

5-13.3 Review and revision of proffered conditions.

Additional conditions or modified conditions may be proffered by the applicant during or subsequent to the public hearing before the planning commission, provided however, that after proffered conditions are signed and made available for public review and the public hearing before the board of supervisors has been advertised (whether or not jointly held with the planning commission) no change or modification to any condition shall be approved without a second advertised public hearing thereon.

After the board of supervisors public hearing has been advertised or commenced, should additional or modified conditions be proffered by the applicant, which conditions were discussed at the public hearing before the planning commission, then a second public hearing need be held only before the board of supervisors before the application and the modified conditions can be approved.

Should additional conditions be proffered by the applicant at the time of the public hearing before the board of supervisors, which conditions were not addressed at the public hearing before the planning commission, or if the proffered conditions are modified beyond the scope of any conditions considered at the public hearing before both the planning commission and the board of supervisors, which hearing may be either separately or jointly held.

5-13.4 Annotation of zoning district map.

The zoning district map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The official shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. Such conditions shall become a part of the zoning regulations applicable to the property in question, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning district map, and such conditions shall be in addition to the specific regulations set forth in the ordinance of the zoning district in question.

5-13.5 Enforcement of conditions.

The official shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to such rezoning or amendment to the zoning district map, including:

- a) The ordering in writing of the remedy of any noncompliance with such **conditions**.
- b) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other
- c) Appropriate action or proceeding; and
- d) Requiring a guarantee, satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the board of supervisors, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.
- e) Provided, further, that failure to meet all conditions shall constitute cause to deny the issuance of an of the required use, occupancy, or building permits, as may be appropriate.

5-13.6 Conformity of development plans

Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any county official in the absence of said substantial conformity. For the purpose of this section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

5-13.7 Change of approved conditions.

Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. If the amendment concerns an approved plan of development, such application shall include the submission requirements for a plan of development set forth in Article 7, except that the official may waive any submission requirement if such requirement is not necessary for an adequate review of the plan of development amendment application. Such amendment shall be the subject of public hearing in accordance with the requirements for a new application.

5-13.8 Review of the administrator's decision.

Any zoning applicant who is aggrieved by the decision of the official regarding any proffered condition may petition the board of supervisors for the review of the decision of the official, such appeal must be filed within thirty (30) days.

5-13.9 Reconsideration, one year limitation.

Whenever a petition requesting an amendment, supplement, or change has been denied by the board of supervisors, such petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

(Amend. Of 6-13-02)

ARTICLE 6. NONCONFORMING USES AND FEATURES

Sec. 6-1. Nonconforming uses and features may continue.

Subject to the limitations and restrictions set forth in this article, nonconforming uses and nonconforming features of uses and buildings may be continued. The terms "nonconforming use" and "nonconforming feature" shall have such meaning as defined in Article 11 of this Ordinance.

Sec. 6-2. Extension of nonconforming uses.

No nonconforming use shall be extended, enlarged or moved so as to occupy a different or greater area of land or buildings than was occupied by and actively devoted to such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout such portion of land or such part of a building which was lawfully and manifestly arranged, designed and intended for such use at the time it became nonconforming.

Sec. 6-3. Change of nonconforming uses.

- (a) A nonconforming use of land or a nonconforming use of a building may be changed to another use which is of the same or more restricted classification under the terms of this Ordinance or may be changed to any use which conforms with the use regulations of this Ordinance. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to the original nonconforming use or to any less restricted use.

- (b) Removal and replacement of a manufactured home which constitutes a nonconforming use on an individual lot or within a manufactured home park, or removal of any manufactured or mobile home unit which does not conform with current federal manufactured housing construction and safety standards and replacement of such unit with a manufactured home which conforms with said standards, shall be permitted so long as replacement takes place within sixty (60) days of removal.

Sec. 6-4. Discontinuance of nonconforming uses.

Whenever a nonconforming use of land or a nonconforming use of a building is discontinued for a period of more than twenty-four (24) consecutive months, whether or not equipment or fixtures intended for such use are removed, any subsequent use shall conform with the use regulations of the district in which the property is located.

Sec. 6-5. Alterations to buildings devoted to nonconforming uses.

No building or portion of a building devoted to a nonconforming use shall be enlarged, extended, structurally altered, reconstructed or moved, unless such building or portion of a building is thereafter devoted to a use which conforms with the use regulations of this Ordinance. Nothing in this article shall be construed to prohibit normal repair, maintenance or nonstructural alteration of a building devoted to a nonconforming use or the alteration, strengthening or restoring of a building to safe condition as may be required by law.

Installation or replacement of solar energy systems that do not change the use or the basic exterior characteristics or appearance of the building or structure may be requested and application made by Special Use Permit. (Amended to add 5-9-2019)

Sec. 6-6. Alterations to buildings having nonconforming features.

A building which is devoted to a conforming use and is nonconforming with respect to the yard, height, bulk or area regulations of this Ordinance or other feature required by this Ordinance may be enlarged, extended or structurally altered, provided that such enlargement, extension or structural alteration does not increase the degree or extent of any nonconforming feature of the building. An increase in the height

of a building or portion of a building which is nonconforming with regard to a yard requirement shall be deemed to be an increase in the extent of the nonconforming feature of the building.

Sec. 6-7. Damage to buildings having nonconforming features or to buildings devoted to nonconforming uses.

Reserved.

Sec. 6-8. Nonconforming dwelling uses.

Any dwelling use which is located in a Business or Industrial District and which becomes a nonconforming use under the provisions of this Ordinance may be maintained, improved, structurally altered, enlarged or moved, or may be reconstructed if damaged by fire, explosion, act of God or the public enemy. In no case shall the amount of floor area devoted to the dwelling use at the time of its inclusion in a Business or Industrial District be increased by greater than ten (10) percent; nor shall the number of dwelling units located on the property be increased; nor shall the lot area, lot width, lot depth or yard dimensions be reduced to less than that which would be required for such dwelling use in the R-2 General Residential District.

Sec. 6-9. Intermittent or illegal uses.

Intermittent, casual, temporary or illegal use of land or buildings shall not be construed to establish the existence of a nonconforming use for the purposes of this article.

Sec. 6-10. Existence of nonconforming uses and features.

The zoning administrator shall have the authority to determine whether a nonconforming use or a nonconforming feature of a use or building exists in accordance with the provisions of this Ordinance. An appeal from any decision of the zoning administrator regarding such determination may be taken to the board of zoning appeals by any person aggrieved by such decision pursuant to the provisions of Article 9 of this Ordinance.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Sec. 7-1. Enforcement.

7-1.1. Zoning administrator. The provisions of this Ordinance shall be administered and enforced by the zoning administrator, who shall be appointed by and shall serve at the pleasure of the board of supervisors, and who may hold other appointed office in the county. The zoning administrator shall have all necessary authority to carry out the duties prescribed in this Ordinance on behalf of the board of supervisors. It shall be the responsibility of all other appointed officers and employees of the county to cooperate with the zoning administrator in the execution of his or her duties.

7-1.2. Duties of the zoning administrator.

- (1) **Interpretation.** Subject to appeal to the board of zoning appeals pursuant to the provisions of Article 9 of this Ordinance, the zoning administrator shall be the final authority as to the interpretation of the provisions of this Ordinance.
- (2) **Review and approval of applications.** The zoning administrator shall review all applications for building permits, certificates of occupancy and sign permits required by the provisions of this Ordinance or by the Virginia Uniform Statewide Building Code, and shall approve or disapprove same based on compliance or noncompliance with the provisions of this Ordinance.

The zoning administrator shall also review all applications for plans of development, and shall approve or disapprove such plans of development based on compliance or noncompliance with the provisions of this Ordinance or, in the case of plans of development required by the provisions of section 7-4 to be approved by the planning commission, shall provide a recommendation to the commission.

No permit for excavation for any building or authorization for any land disturbing activity shall be granted by any administrative official of the county until the zoning administrator has reviewed same and certified that such excavation or land disturbing activity will not result in any violation of the provisions of this Ordinance.

- (3) **Violations.** The zoning administrator shall use his or her best endeavors to prevent violations of the provisions of this Ordinance and to detect and secure the correction of violations. The zoning administrator shall order in writing remedy of conditions found to be in violation, including the discontinuance of illegal uses of land and buildings, the removal or bringing into compliance of illegal buildings, structures, additions and alterations, and the discontinuance of illegal work being done. The zoning administrator shall have the authority to bring such legal action to ensure compliance and prevent violations as may be authorized by the laws of the commonwealth.
- (4) **Other duties.** The zoning administrator shall have such other duties with respect to the administration of this Ordinance as are specifically set forth elsewhere in the Ordinance.
- (5) **Records.** The zoning administrator shall maintain records of all official actions taken with respect to the administration and enforcement of this Ordinance.

Sec. 7-2. Building permits.

7-2.1. Review for zoning compliance. No building permit required by the provisions of the Virginia Uniform Statewide Building Code shall be issued by the building official until the zoning administrator has reviewed the application for such permit and determined that the proposed construction and use complies with the applicable provisions of this Ordinance by so noting on the building permit application form.

7-2.2. Plans. In addition to the plans and information required by the building code to be submitted with a building permit application, the zoning administrator may require such further plans and information to be submitted by the applicant as deemed necessary by the zoning administrator to determine compliance with the provisions of this Ordinance.

Sec. 7-3. Certificates of occupancy.

For the purposes of administration and enforcement of this Ordinance, certificates of occupancy shall be required as set forth in this section.

7-3.1. Required for all uses and buildings. It shall be a violation of the provisions of this Ordinance for any person to use or to permit the use of any land or building unless a certificate of occupancy for such land or building shall have

been approved by the zoning administrator. A certificate of occupancy shall not be required for conservation uses of land, or for agricultural uses of land associated with the conduct of a farm.

7-3.2. New and altered buildings. Whenever any building is hereafter erected, constructed, reconstructed, enlarged, converted or moved, the owner of such building shall make application for a certificate of occupancy.

7-3.3. Change in use. Whenever the use of any land or building is changed to a different use or extended to occupy a greater area of land or of a building, the owner of such land or building shall make application for a certificate of occupancy.

7-3.4. Temporary certificates of occupancy.

- (1) To the extent permitted by the building code, the zoning administrator may approve a temporary certificate of occupancy only where lack of compliance with the provisions of this Ordinance is of a temporary nature and involves site related improvements such as landscaping, vegetative screening and paving which cannot reasonably be completed due to seasonal or weather conditions. In such instance, the zoning administrator and the building official shall be satisfied that the premises involved are physically suitable for use and occupancy in terms of access, availability of required parking and drainage.
- (2) Temporary certificates of occupancy shall state the nature of the incomplete work and the time period within which the work is to be completed, which in no case shall exceed six (6) months. A temporary certificate of occupancy shall expire at the end of such stated period, and if the work is not completed, a violation of the terms of this Ordinance shall be deemed to exist.

7-3.5. Certificate of occupancy for portions of buildings. To the extent permitted by the building code, a certificate of occupancy may be approved for a portion of a building or a portion of a development completed in accordance with all of the applicable provisions of this Ordinance even though the entire building or development is not completed.

7-3.6. Plans. In addition to such plans and information as may be required by the building code to be submitted with an application for a certificate of occupancy, the zoning administrator may require such further plans and information to be submitted by the applicant as deemed necessary by the zoning

administrator to determine compliance with the provisions of this Ordinance.

Sec. 7-4. Plans of development.

7-4.1. Purpose; levels of approval. The purpose of the plan of development process is to provide an opportunity for the zoning administrator and, in certain cases, the planning commission to review and approve plans for the development of property prior to the issuance of building permits or other authorizations to develop or use land in order to assure compliance with the regulations contained in this Ordinance. There shall be two (2) different levels of approval for plans of development depending on the nature and complexity of the development and its potential impacts on the site and on adjacent properties and public streets. The procedures for review and approval of each level of plan of development shall vary, depending on whether the authority for approval is vested in the zoning administrator or the planning commission.

7-4.2. When required.

- (1) A plan of development shall be required for such uses as specified in Article 4 of this Ordinance pertaining to district regulations. A plan of development shall be required to construct, erect, enlarge, move or convert any building intended to be devoted to any such use, or to construct or modify a parking area or vehicular circulation system on any site intended to be devoted to such use.
- (2) A plan of development shall not be required for a change in use of an existing building when no enlargement of the building and no modifications to the parking, vehicular circulation system or other features of the site are to be made.
- (3) No building permit, certificate of occupancy or other authorization to improve or develop land shall be approved or issued in any instance where a plan of development is required until such plan of development has been approved in accordance with the applicable provisions of this section.

7-4.3. Procedures for review and approval. Plans of development shall be reviewed and approved in accordance with the following procedures:

- (1) **Approval by zoning administrator.** Except where approval by the planning commission is specifically required by paragraph (4) of this section or by the

district regulations set forth in Article 4 of this Ordinance, a plan of development approved by the zoning administrator shall be required for all uses for which a plan of development is specified in the district regulations.

The zoning administrator shall review each plan of development for compliance with applicable provisions of this Ordinance and shall approve, approve with modifications or conditions, or disapprove the plan of development within thirty (30) days of receipt of all required plans and information.

- (2) **Plan of development for mining activities.** In the case of mining activities and related structures for which permits are required to be issued by the state department of mines, minerals and energy, the applicant for such permit shall notify the zoning administrator of a pending permit application by providing to the zoning administrator a copy of the receipt for filing the state required permit application materials with the clerk of the circuit court. Filing of the permit application materials with the clerk of the circuit court and subsequent notification of the zoning administrator shall be deemed to constitute submission of the plan of development application as required by the provisions of this Ordinance. All plans of development for mining, other mineral extraction and processing shall be subject to approval only by the zoning administrator.

After receiving notification, it shall be the responsibility of the zoning administrator to review the pertinent elements of the permit application materials to determine compliance or noncompliance with the provisions of this Ordinance. The zoning administrator shall have authority to disapprove or require modifications to a plan of development only if the intended use is not consistent with the applicable provisions of this Ordinance.

- (3) **Plan of development for oil and gas drilling activities.** In the case of oil and gas drilling activities and related structures for which permits are required to be issued by state regulatory agencies, the applicant shall notify the zoning administrator of a pending permit application by submitting to the zoning administrator a copy of the permit application which is submitted to the state. Submission to the zoning administrator shall include

locational maps showing gathering and transmission lines in addition to the materials required under the state permit application. Such notification of the zoning administrator shall be deemed to constitute submission of the plan of development application as required by the provisions of this Ordinance. All plans of development for the drilling and operation of oil and gas wells shall be subject to approval only by the zoning administrator.

After receiving notification, it shall be the responsibility of the zoning administrator to review the pertinent elements of the permit application materials to determine compliance or noncompliance with the provisions of this Ordinance. The zoning administrator shall have authority to disapprove or require modifications to a plan of development only if the intended use is not consistent with the applicable provisions of this Ordinance.

- (4) **Approval by planning commission.** A plan of development approved by the planning commission shall be required for all uses for which a plan of development is specified in the district regulations contained in Article 4 of this Ordinance when any of the following circumstances exist, unless specific requirements to the contrary are set forth in Article 4 with regard to any use:
- a. When more than one (1) main building is to be situated on a lot.
 - b. When any new commercial or industrial use is to be developed on a vacant lot.
 - c. When the district regulations specifically require planning commission approval of a plan of development.

The zoning administrator shall forward each application for such plan of development to the planning commission within thirty (30) days of receipt of all required plans and information, along with a report indicating the manner in which the plan of development complies or does not comply with the provisions of this Ordinance and a recommendation for action to be taken by the commission.

The commission shall consider such application and recommendation at its first regular meeting following submission by the zoning administrator. The commission

shall take final action within sixty (60) days, unless the applicant requests additional time to consider or prepare revised plans. The planning commission shall have the authority to approve, approve with modifications or conditions, or disapprove the plan of development, provided that all decisions of the planning commission shall be pursuant to and consistent with the applicable provisions of this Ordinance.

7-4.4. Compliance with district regulations. All plans of development shall comply with the district regulations, supplementary regulations and all other requirements of this Ordinance which are applicable to the use in the district in which it is situated. Neither the zoning administrator nor the planning commission shall have any authority to waive such requirements unless specific authority to do so is set forth in this Ordinance.

7-4.5. Preliminary approvals. The zoning administrator and the planning commission may grant preliminary approval of plans of development, which shall be of an informal nature for purposes of providing advice and guidance to the applicant and shall not be binding on future formal actions. Applicants shall be encouraged to seek such preliminary approval or other advice and guidance prior to preparing plans of development for formal consideration. Such preliminary approval shall be conditioned on final approval in accordance with the procedures specified in this article, and shall not be the basis for the issuance of any permits or authorization to commence development of any building or site.

7-4.6. Plan submission requirements. All plans of development shall be submitted to the zoning administrator, and shall be in such form and format, shall include such information, and shall include plans and drawings in such numbers as required by written policy established by the zoning administrator and adopted by the planning commission. Such policy shall require that plans of development be prepared by professionals or others deemed appropriate by the zoning administrator, and that such information be included on plans of development as necessary to enable a complete review and evaluation to determine compliance or noncompliance with applicable development standards and requirements. Such policy may provide for waiver of certain plan information by the zoning administrator in cases where such information is not needed for review and evaluation of the plan of development.

7-4.7. Development standards. The following development standards and improvement requirements shall apply and shall be specified, where applicable, on all plans of development:

- (1) All street and highway construction standards and geometric design standards shall be in accord with those specified by applicable laws and policies, provided that the zoning administrator may recommend modification of design standards with the concurrence of the Virginia Department of Transportation.
- (2) On-site vehicular travel lanes and driveways shall have pavement widths of not less than twenty (20) feet for two-way traffic and sixteen (16) feet for one-way traffic. Driveways providing access to required parking spaces shall be of such width as necessary to conform with the requirements of section 5-3 of this Ordinance pertaining to off-street parking, provided that driveways which provide direct access to perpendicular parking spaces on both sides thereof shall be not less than twenty-four (24) feet in width.
- (3) Driveways and areas for the parking and circulation of vehicles shall be arranged and designed so as to provide for safe and convenient access and circulation on the site and with respect to abutting streets and adjacent properties. The number of driveways from public streets shall be the minimum necessary to provide adequate access and circulation, and whenever possible common driveways serving abutting sites shall be provided. Means of access to the site and circulation on the site shall be suitable to accommodate firefighting apparatus and other emergency vehicles.
- (4) Sites devoted to commercial uses such as fast food restaurants, banks, auto washes and similar uses which provide drive-up or drive-through facilities for customers, shall be designed and arranged to meet the requirements of Article 5 pertaining to off-street parking and waiting space for vehicles. Such waiting space shall be located and arranged so as to avoid the blocking of required parking spaces or access thereto and so as not to cause obstruction of vehicular circulation on the site or of traffic on the adjoining public streets. The planning commission shall have the authority to require greater waiting space for vehicles than set forth in Article 5 of this Ordinance when in its judgement the particular circumstances of the use, the location of the site or traffic conditions on abutting streets warrant.
- (5) Space for the loading and unloading of trucks and other vehicles shall be provided on sites developed

for commercial and industrial uses. Such loading areas shall be so located on the site and shall be of such dimensions as not to occupy or obstruct access to any required parking spaces or to obstruct any public street or roadway or any fire lane or emergency access route during the loading or unloading of vehicles. When necessary to meet these criteria, designated loading areas and adequate maneuvering space shall be provided on the site.

- (6) Sidewalks or pedestrian walkways shall be provided so as to enable safe and convenient pedestrian access between buildings located on the site, between buildings and their parking areas and between buildings and public sidewalks.
- (7) The natural landscape and topography of the site shall be preserved to the extent possible by minimizing grading and retaining mature trees and significant vegetative features. Appropriate ground cover, trees and other vegetation shall be planted and maintained to prevent excessive storm water runoff, erosion, siltation and dust, and to enhance the general appearance of the site.
- (8) Buildings shall be arranged on the site so as to respect the established development pattern in the immediate area, so that the fronts of buildings containing dwelling units do not face into the rears or the service areas of other buildings and so that the rears or service areas of buildings are not oriented toward public streets, unless screening is provided.

7-4.8. Amendments. Any amendment of substance to an approved plan of development shall be subject to the provisions of this section and shall be processed, reviewed and acted upon in the same manner as an original plan of development. Minor modifications to the site details of an approved plan of development may be authorized by the zoning administrator when such modifications do not significantly: Alter the boundaries of the property; conflict with any specific requirements of this Ordinance or specific conditions of the approved plan of development; decrease the width or depth of any yard, setback or buffer area; alter points of access to the property or the internal arrangement of site plan elements; or have an appreciable effect on surrounding properties.

7-4.9. Implementation of approved plans.

- (1) Prior to final approval of any plan of development,

the applicant or owner shall execute an agreement to construct such required improvements as are located within public rights-of-way or easements connected to any public facility, together with a performance bond with surety acceptable to the county administrator. The bond shall be in the amount of the total estimated cost of providing the improvements as determined by the county administrator, and shall provide for completion of the work within a specific time.

- (2) Inspections shall be made by the zoning administrator and other public officials with respect to their particular areas of responsibility during construction and upon completion of construction of off-site and on-site improvements in order to ensure compliance with each approved plan of development. The owner or developer shall provide supervision at the development site during construction and installation of all improvements required by the approved plan of development, and shall maintain a set of approved plans at the site at all times that work pursuant thereto is being performed.

7-4.10. Expiration of plan of development. An approved plan of development shall become null and void if no building permit to construct the improvements authorized by the plan of development has been issued within twelve (12) months of the date of approval. Upon written request by the applicant, the zoning administrator may grant one (1) ninety-day extension of the expiration date of a plan of development.

7-4.11. Appeals.

- (1) Appeals from decisions of the zoning administrator regarding plans of development may be made to the board of zoning appeals in accordance with the provisions of Article 9 of this Ordinance.
- (2) Appeals from decisions of the planning commission regarding plans of development may be made to the county board of supervisors by filing a request in writing with the county clerk within ten (10) days of the date of the decision. The board of supervisors shall hear such appeal within thirty (30) days of the date of filing such request. In deciding an appeal, the board of supervisors shall have the same authority as is vested in the planning commission by the provisions of this article.

7-4.12. Fees. A filing fee in such amount as established by general rule by the board of supervisors shall accompany

each application for a plan of development.

Sec. 7-5. Compliance with approved plans.

Building permits, certificates of occupancy, sign permits and plans of development are approved or issued on the basis of approved applications and plans, and shall authorize only the construction, arrangement and use set forth by such approved applications and plans. Any construction, arrangement or use not in compliance with that which is specifically authorized by approved applications and plans shall be deemed a violation of this Ordinance.

Sec. 7-6. Violations and penalties.

Any violation of the provisions of this Ordinance shall be a misdemeanor punishable upon conviction by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), or such other penalty as may be authorized by the laws of the commonwealth. Each day such violation exists shall constitute a separate offense.

ARTICLE 8. SPECIAL USE PERMITS

Sec. 8-1. Purpose of special use permit procedure.

The purpose of the special use permit procedure is to provide a means for the board of supervisors to authorize, after review and subject to appropriate conditions, certain specified uses which, although generally appropriate in the district in which they are permitted by this Ordinance, have a potentially greater impact on neighboring properties than those uses which are permitted by right in the district. The special use procedure is intended to provide the opportunity for the planning commission and the board of supervisors to review of each proposed special use and its potential impacts on surrounding properties and land uses, with special regard for the particular circumstances of each case. It is also intended to provide an opportunity for the planning commission to recommend and for the board of supervisors to impose such conditions as are necessary to ensure that the use will be compatible with the surrounding area and consistent with the intent of the particular district and the purposes of this Ordinance.

Sec. 8-2. Special use permit required.

A use indicated as permitted as a special use by any of the district regulations set forth in this Ordinance shall be authorized only upon approval of a special use permit by the board of supervisors. No building permit or certificate of occupancy for a special use or for a building devoted to a special use shall be issued unless a special use permit for such use has been approved in accordance with the provisions of this article.

Sec. 8-3. Applications for special use permits.

Applications for special use permits shall be submitted to the zoning administrator on forms provided for such purpose. Applications may be filed by the owner of the property or, with the written consent of the owner, the contract purchaser of the property or any agent of the owner. Applications shall be accompanied by such plans and information as required by this article.

Sec. 8-4. Required plans.

Special use permit applications shall be accompanied by plans, drawn to scale, and including the following information:

- (1) A location map showing the subject property and adjacent streets and roads, water bodies, subdivisions, political boundaries, zoning patterns, and the use of adjacent properties and names of the owners;
- (2) A site plan of the subject property showing its boundaries, existing and proposed buildings and uses, yards, open spaces, pedestrian walkways, landscaping, screening and buffering, fences, signs, access to the site, and on-site parking and vehicular circulation;
- (3) Easements, water bodies, floodplains, wetlands and other natural features, including major trees and wooded areas, and steep slopes;
- (4) Existing and proposed streets, utilities and drainage facilities;
- (5) Elevation drawings and general floor plans of all buildings;
- (6) In the case of a special use application for any mineral extraction activity for which a permit to conduct mining and reclamation operations is required by applicable state law, the application for the special use permit shall include copies of such information and such elements of the permit application materials, including the proposed postmining land use and reclamation plan, required for permits by the pertinent state regulatory agency as deemed necessary by the planning commission for the purposes of enforcing the provisions of this Ordinance. Upon direction from the planning commission, the zoning administrator may waive any of the special use permit plan requirements set forth elsewhere in this section when plans and information contained in the state permit application materials provide the information necessary for review and action on the special use permit application.

In addition to the above, the zoning administrator may require such other information as deemed necessary to determine compliance with the provisions of this Ordinance and to evaluate potential impacts of the proposed special use. The zoning administrator may waive such plan elements as deemed unnecessary to determine compliance with the provisions of this Ordinance, to evaluate the potential impacts on surrounding properties and to establish an adjacent record of the application. Plans shall be submitted in such numbers as determined by written policy of the planning commission.

Sec. 8-5. Procedure for review and approval.

8-5.1. Review by zoning administrator. Within thirty (30) days of receipt of a special use permit application and after review of same, the zoning administrator shall forward to the planning commission the application, plans and related materials. The zoning administrator shall also submit to the planning commission a report indicating the manner in which the proposed special use complies or does not comply with the applicable provisions of this Ordinance and any recommendations the zoning administrator may have regarding approval, disapproval or conditions to be attached to the proposed use or plans.

8-5.2. Action by planning commission.

- (1) After receiving a special use application, the planning commission shall hold a public hearing thereon. The commission shall give notice of such hearing as required by the provisions of section 15.1-431 of the Code of Virginia, 1950, as amended.
- (2) After conducting a public hearing and reviewing the application for compliance with the provisions of this Ordinance, the planning commission shall make a recommendation to the board of supervisors. The commission may recommend approval or disapproval, or that additional requirements or conditions be attached in accordance with section 8-6 of this article. The commission shall take action and forward a report to the board of supervisors within sixty (60) days after its public hearing, unless the applicant requests additional time to consider or to prepare revised plans.

8-5.3. Action by board of supervisors. Upon receiving the recommendation of the planning commission, the board of supervisors shall give notice as required by the provisions of section 15.1-431 of the Code of Virginia, 1950, as amended, and hold a public hearing on the application. The board of supervisors may approve or disapprove the application, may accept or modify the conditions recommended by the planning commission, or may attach additional conditions consistent with the provisions of section 8-6 of this article. The board of supervisors may also refer the application back to the planning commission for further consideration or advice, and in which case shall specify a time period within which the commission shall report. The action of the board of supervisors shall be by resolution which shall be set forth in writing and preserved

among its records.

Sec. 8-6. Standards and guidelines.

8-6.1. Standards for approval. A special use permit shall be approved only when the board of supervisors is satisfied that the use and the operation thereof: Will not be in conflict with the objectives of the comprehensive plan; will not adversely affect adjoining and surrounding property; will not unreasonably impair light and air, convenience of access or safety from fire, flood and other dangers; will not create or unreasonably increase congestion on adjacent streets; will not overburden utilities, public facilities or public services; will not adversely affect groundwater, surface water or wetlands resources; will conform with applicable requirements pertaining to erosion and sediment control; and will not otherwise be contrary to the stated intent and purpose of this Ordinance.

8-6.2. Factors to be considered. In evaluating and acting upon special use permit applications, the planning commission and the board of supervisors shall consider, among other factors: The adequacy of utilities, access, and necessary public facilities and services; off-street parking and vehicular circulation; the arrangement of and relationship among elements of the site plan; the extent to which natural vegetation and topographic features are to be retained; and the adequacy of separation, landscaping, buffers, yards and other features to protect adjacent properties from potential adverse effects of the special use.

8-6.3. Conditions may be imposed. The planning commission may recommend and the board of supervisors may impose such reasonable requirements and conditions as deemed necessary to meet the guidelines set forth in this article and to accomplish the intent and purpose of this Ordinance. In the case of a special use application for any mineral extraction activity for which a permit to conduct mining and reclamation operations is required by applicable state law, the board of supervisors may condition its approval on issuance of the permit by the appropriate state agency and compliance with the requirements of the state permit.

8-6.4. Compliance with district regulations. Except to the extent that greater requirements may be imposed by the board of supervisors pursuant to the provisions of this article, a special use shall comply with the regulations and standards generally applicable within the district in which it is located and with such specific conditions for the particular use as may be set forth in the district regulations.

Sec. 8-7. Amendments to special use permits.

Any amendment or change of substance to an approved special use permit shall be subject to the same procedures and standards as for a new application. Minor modifications to approved site plans or building details may be authorized by the zoning administrator when such modifications do not: Significantly alter the boundaries of the property; conflict with specific requirements of this Ordinance or conditions of the approved special use permit; decrease the width or depth of any yard, setback or buffer area; significantly alter points of access to the property or the internal arrangement of site plan elements; or have an appreciable effect on surrounding properties.

Sec. 8-8. Compliance with approved plans.

Failure to comply with approved plans or any conditions of a special use permit shall constitute a violation of the provisions of this Ordinance and shall be cause for revocation of the special use permit by the zoning administrator.

Sec. 8-9. Expiration.

An approved special use permit shall become null and void if no building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the board of supervisors. A special use permit for which no building permit is required shall become null and void if the use is not established within twelve (12) months of the date of approval by the board of supervisors. Upon written request by the applicant, the zoning administrator may grant one (1) sixty-day extension of the expiration date of a special use permit.

Sec. 8-10. Existing uses.

Any use permitted as a special use in the district in which it is located and for which no special use permit has been approved shall be considered a nonconforming use, provided such use was legally established prior to the effective date of this Ordinance.

Sec. 8-11. Fees.

A filing fee in such amount as established by general rule by the board of supervisors shall be submitted with each application for approval of a special use permit.

ARTICLE 9. BOARD OF ZONING APPEALS

Sec. 9-1. Membership and organization.

9-1.1. Establishment of board; membership. Pursuant to the provisions of section 15.1-494 of the Code of Virginia, 1950, as amended, a board of zoning appeals is hereby created which shall consist of five (5) members who shall be residents of the county and shall be appointed by the circuit court. One (1) of the members of the board shall be appointed from among the members of the county planning commission. The terms of the members of the board, reappointments, the filling of vacancies and procedures for the removal of members shall be as set forth in section 15.1-494 of the Code of Virginia, 1950, as amended.

9-1.2. Officers. The board of zoning appeals shall elect from among its members a chairman, a vice chairman, who shall serve in the absence of the chairman, and a secretary, all of whom shall serve annual terms and may succeed themselves.

9-1.3. Staff and support services. With the approval of the county board of supervisors and within the limits of funds that may be appropriated for such purposes, the board of zoning appeals may employ or contract for such clerical, technical or legal services necessary for it to carry out its responsibilities.

Sec. 9-2. Procedures.

9-2.1. Adoption of rules. The board of zoning appeals shall adopt rules necessary for the conduct of its affairs in keeping with the applicable provisions of this article and the provisions of title 15.1 of the Code of Virginia, 1950, as amended. Copies of such rules shall be available to the public.

9-2.2. Forms for applications and appeals. The board of zoning appeals shall see that forms necessary for applications and appeals are available, which forms shall be provided to applicants by the zoning administrator.

9-2.3. Meetings. The board of zoning appeals shall, in accordance with its rules, schedule regular meetings which shall be open to the public. The board may also hold such special meetings as it deems necessary in accordance with its rules.

9-2.4. Public hearings. The board shall make no decision on any application or appeal until it has conducted a public hearing after giving public notice as required by the provisions

of section 15.1-431 of the Code of Virginia, 1950, as amended, which provisions shall be incorporated within or attached to the rules of the board.

9-2.5. Quorum. A quorum of not less than a majority of all members of the board shall be required for the conduct of any hearing and the taking of any action.

9-2.6. Records. The board of zoning appeals shall keep minutes of its proceedings, including the vote of each member on each question, and shall keep records of its official actions. Minutes and records shall be public and shall be filed in the office of the board. The board shall submit an annual report of its activities to the county board of supervisors.

Sec. 9-3. Powers and duties.

Pursuant to the provisions of section 15.1-495 of the Code of Virginia, 1950, as amended, the board of zoning appeals shall have such powers and duties as set forth in this section.

9-3.1. Appeals. The board of zoning appeals shall have the power to hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or any other administrative officer in the administration or enforcement of this Ordinance.

9-3.2. Variance.

- (1) The board of zoning appeals shall have the power to authorize upon application in specific cases, such variance as defined in section 15.1-430 (p) of the Code of Virginia, 1950, as amended, from the terms of this Ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, provided that the spirit of this Ordinance shall be observed and substantial justice shall be done.
- (2) No variance shall be authorized by the board unless a property owner can show to the satisfaction of the board that:
 - a. The property was acquired in good faith;
 - b. By reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of this Ordinance or

subsequent amendment thereto, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the condition, situation or development of property immediately adjacent thereto, strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property; or that the granting of the variance requested will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

- (3) No variance shall be authorized by the board unless it finds from the evidence presented that:
 - a. Such variance will be in harmony with the intended spirit and purpose of this Ordinance;
 - b. The strict application of this Ordinance would produce undue hardship, and that such hardship is not shared generally by other properties in the same zoning district and the same vicinity as the subject property;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;
 - d. The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted by the board of supervisors as an amendment to this Ordinance;
 - e. The variance will not include a departure from the use regulations set forth in this Ordinance.
- (4) In the authorization of a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure or use 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 satisfied.

9-3.3. Interpretation of official zoning district map. The board of zoning appeals shall have the power to hear and decide

applications for interpretation of the official zoning district map where there is any uncertainty as to the location of a district boundary, and where the rules for interpretation of district boundaries set forth in Article 2 of this Ordinance do not satisfactorily resolve such uncertainty. After notice to the owners of the property affected by any such question, and after public hearing with notice as required, the board may interpret the map in such way as to carry out the intent and purpose of this Ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries established by this ordinance.

9-3.4. Special exceptions. The board of zoning appeals shall have the power to hear and decide applications for such special exceptions as may be authorized elsewhere in this Ordinance. In the granting of any such special exception, the board may impose such conditions relating to the use provided for 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 satisfied.

9-3.5. Prohibition on rezoning of property. No provision of this article shall be construed as granting the board of zoning appeals the power to rezone property, which power shall be vested in the board of supervisors.

Sec. 9-4. Appeal procedure.

- (a) An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance.
- (b) An appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator and with the board, a notice of appeal specifying the grounds thereof. Copies of the notice of appeal shall also be submitted to any other individual, officer, department or agency involved in the appeal. The zoning administrator shall forthwith transmit to the board all papers and other materials constituting the record upon which the action appealed from was taken.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that, by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case

proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and with notice to the zoning administrator, and for good cause shown.

Sec. 9-5. Applications for variances, special exceptions and interpretation of the official zoning district map.

- (a) Applications for variances, special exceptions and interpretation of the official zoning district map may be made by any property owner, tenant, government official, department, board or bureau on forms provided for such purpose by the board of zoning appeals.
- (b) Applications shall be submitted to the zoning administrator in accordance with rules adopted by the board. The zoning administrator shall transmit all applications and accompanying maps and documents to the secretary of the board who shall place the matter on the docket of the board. The zoning administrator shall also transmit copies of all applications to the county planning commission, which may send a recommendation to the board or appear as a party at the hearing.
- (c) Substantially the same application for a variance, special exception or interpretation of the official zoning district map which has been decided by the board shall not be considered again by the board within twelve (12) months of the date of its decision, except that the board may, pursuant to its rules, reconsider an application if it finds that new or additional information is available which would have a direct bearing on the case and which could not reasonably have been presented at the initial hearing.

Sec. 9-6. Public hearings and decisions.

- (a) The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within ninety (90) days of the filing of the application or appeal. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from.
- (b) The concurring vote of not less than three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance, or to effect any variance from the provisions of

this Ordinance.

- (c) The chairman of the board or in his or her absence the acting chairman may administer oaths and compel the attendance of witnesses.

Sec. 9-7. Expiration of variance or special exception.

A variance or special exception granted by the board of zoning appeals shall lapse and be of no effect if, after the expiration of one (1) year from the date of such action by the board, no construction or change in use pursuant to such variance or special exception has taken place, provided that the board may, for good cause shown, specify a longer period of time in conjunction with its action to grant a variance or special exception.

Sec. 9-8. Amendment of variance or special exception.

The procedure for amendment of a variance or special exception granted by the board of zoning appeals, including any changes in the conditions attached thereto, shall be the same as for a new application.

Sec. 9-9. Enforcement of decisions.

Decisions of the board of zoning appeals shall be administered and enforced by the zoning administrator. Noncompliance with any action taken by the board, including conditions imposed by the board, shall constitute a violation of the provisions of this Ordinance.

Sec. 9-10. Appeals from decisions of the board.

Appeals from decisions of the board of zoning appeals shall be presented to the circuit court of the county in accordance with the procedures set forth in section 15.1-497 of the Code of Virginia, 1950, as amended. Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer or any officer, department, board or bureau of the county may present to the circuit court a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

Sec. 9-11. Fees.

A filing fee in such amount as established by general rule by the board of supervisors shall be submitted with each appeal to the board of zoning appeals and each application for a variance, special exception or interpretation of the official zoning district map.

ARTICLE 10. AMENDMENTS

Sec. 10-1. Generally.

Whenever public necessity, convenience, general welfare or good zoning practice require, and subject to the procedures and requirements set forth in sections 15.1-491 and 15.1-493 of the Code of Virginia, 1950, as amended, the regulations, restrictions and district boundaries established by this Ordinance may be amended, supplemented, changed or repealed by ordinance adopted by the board of supervisors. Any ordinance to amend the provisions of this Ordinance shall be enacted in the same manner as all other ordinances.

Sec. 10-2. Initiation of amendments.

Amendments to this Ordinance may be initiated by any of the following methods:

- (1) **Resolution of the board of supervisors.** The board of supervisors may, by its own resolution, initiate an ordinance to amend any of the provisions of this Ordinance, including the official zoning district map. Such resolution shall state the public purpose for the amendment.
- (2) **Motion of the planning commission.** The planning commission may, by adoption of a motion, initiate an amendment to any of the provisions of this Ordinance, including the official zoning district map. Such motion shall state the public purpose for the amendment. The motion shall be forwarded to the board of supervisors which shall cause an ordinance to be prepared for its consideration.
- (3) **Petition of a property owner.** A petition to change the zoning classification of property by amendment to the official zoning district map may be filed by the owner of such property or, with the written consent of the owner, the contract purchaser of the property or any agent of the owner. Such petition may be addressed to the board of supervisors or to the planning commission and shall be filed with the zoning administrator on forms provided by the zoning administrator for such purpose. The petition shall be accompanied by the required fee and a certified plat, legal description or such other documentation as prescribed by written policy established by the board of supervisors. The zoning administrator shall forward the petition to the

board of supervisors, which shall cause an ordinance to be prepared for its consideration.

Sec. 10-3. Action by planning commission.

10-3.1. Review and recommendation. No ordinance to amend the provisions of this Ordinance shall be acted upon by the board of supervisors unless the amendment has been referred to the planning commission for its review and recommendation. The commission may recommend that the board of supervisors adopt or reject the proposed amendment or may recommend changes in the proposed amendment. Failure of the commission to consider the amendment and report to the board of supervisors within ninety (90) days after the first regular meeting of the commission after the amendment was referred to it, shall be deemed to be a recommendation of approval.

10-3.2. Public notice and hearing. Before taking action on any amendment referred to it by the board of supervisors, the planning commission shall give public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon. The zoning administrator shall submit a written report and recommendation regarding the amendment to the planning commission prior to its scheduled public hearing.

Sec. 10-4. Action by board of supervisors.

10-4.1. Public notice and hearing. Before taking action on any ordinance to amend the provisions of this Ordinance, the board of supervisors shall give public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon.

10-4.2. Final action. After receiving a report from the planning commission and after giving public notice and holding a public hearing, the board of supervisors may adopt or reject the proposed amendment, or may make appropriate changes or corrections to the amendment, provided that no land may be zoned to a more intensive use classification nor shall a greater area of land be rezoned than was described in the public notice without referral to the planning commission and an additional public hearing after public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended.

10-4.3. Continuance or withdrawal. Final action on any proposed amendment may be continued by the board of supervisors for good cause, provided that all resolutions, motions or petitions for amendments to the provisions of this Ordinance

shall be acted upon and a decision made by the board within one (1) year of the date of such resolution, motion or petition. This provision shall not apply if the petitioner requests or consents in writing to action beyond such period or if the resolution, motion or petition initiating the amendment is withdrawn by providing written notice to the county clerk. In the case of withdrawal, no further action on the amendment shall be necessary.

Sec. 10-5. Joint public hearing.

The board of supervisors and the planning commission may hold a joint public hearing on any proposed amendment, subject to the public notice requirements of section 15.1-431 of the Code of Virginia, 1950, as amended.

Sec. 10-6. Filing of new petition after rejection.

Upon rejection by the board of supervisors of any proposed amendment to the official zoning district map by petition of a property owner, contract purchaser or agent of a property owner, substantially the same petition shall not be considered again by the board within one (1) year of the date of such rejection.

Sec. 10-7. Fees.

A filing fee in such amount as established by general rule by the board of supervisors shall be submitted with each petition to change the zoning classification of property.

ARTICLE 11. DEFINITIONS

Sec. 11-1. Applicability of article.

For the purposes of this Ordinance, certain words and terms shall be interpreted as set forth in this article, unless otherwise specifically prescribed elsewhere in this Ordinance. Words and terms not defined herein shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

Sec. 11-2. Rules of interpretation.

The following general rules of interpretation shall apply throughout this Ordinance as they are appropriate to the context of specific provisions:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (2) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- (3) The word "shall" is mandatory, and the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The words "building" or "structure" include any part thereof, and the word "building" includes the word "structure."
- (6) The terms "main" and "principal" are used herein as synonymous.
- (7) The word "land" includes the words "water" and "marsh."

Sec. 11-3. Certain words defined.

The following words and terms shall be interpreted as having much meaning as set forth herein, unless a specific meaning to the contrary is indicated elsewhere in this Ordinance:

- (1) **Accessory building.** A building used for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.
- (2) **Accessory use.** A use of land or a use of a building for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.
- (3) **Alley.** A public way affording or intended to afford secondary means of vehicular access to abutting properties and situated along the side or rear of such properties.
- (4) **Auto service center.** An establishment for the servicing and minor repair of motor vehicles within enclosed service bays, or stalls, and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. Auto service center shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, frame straightening, tire recapping or vulcanizing, storage of wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.
- (5) **Automobile graveyard.** Any area outside of a completely enclosed building used for the storage, keeping or parking of five (5) or more motor vehicles of any kind, incapable of being operated and not economically practical to make operative.
- (6) **Auto service station.** An establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity, and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles in enclosed service bays or stalls. An auto service station shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, storage of

wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

- (7) **Bed and breakfast facility.** A facility within an owner-occupied single-family dwelling for the housing of persons on a transient basis for not more than seven (7) consecutive nights; containing not more than two (2) lodging units for such persons, which units are provided with private baths; and within such facility no meals other than breakfast are served to guests.
- (8) **Board of supervisors.** The governing body of Wise County, Virginia.
- (9) **Board of zoning appeals.** The Board of Zoning Appeals of Wise County, the composition and powers of which are set forth in Article 9 of this Ordinance.
- (10) **Buildable area.** The area of a lot, excluding the area of the minimum front, side and rear yards required by the provisions of this Ordinance.
- (11) **Building.** A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property.
- (12) **Building official.** The official designated by the board of supervisors to enforce the provisions of the Virginia Uniform Statewide Building Code within the jurisdiction of Wise County.
- (13) **Child care center.** Any facility operated for the purpose of providing care, protection and guidance to a group of more than five (5) children separated from their parents or guardians during a portion of the day, not including children of a family residing on the premises. The term child care center shall include family day care homes as licensed by the state.
- (14) **Completely enclosed building.** A building enclosed on all sides and having no outside openings other than ordinary doors, windows and means of ventilation.
- (15) **Development site.** All of the land developed or intended to be developed for single-family attached dwellings and related accessory uses, structures and facilities, when such land is contiguous and under

single ownership or control for purposes of planning and initial development. A development site shall include the individual lots on which attached dwellings are or will be located, as well as all open spaces, parking areas, driveways, recreational facilities, community areas and other areas owned or to be owned in common by owners of individual lots within the development.

- (16) **Dwelling, multifamily.** A building which contains three (3) or more dwelling units.
- (17) **Dwelling, single-family attached.** A building which contains one dwelling unit located on an individual lot of record and which is attached by means of party walls in a series of two (2) or more buildings, each of which contains one (1) dwelling unit and is located on a separate lot of record. A building meeting the terms of this definition and commonly known as a "townhouse" shall be considered a single-family attached dwelling for purposes of this Ordinance.
- (18) **Dwelling, single-family.** A building which is completely separated from any other main building and which contains only one (1) dwelling unit, as distinguished from a single-family attached dwelling.
- (19) **Dwelling, two-family.** A building which contains two (2) dwelling units.
- (20) **Dwelling unit.** A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended for occupancy by one (1) family and containing kitchen, sleeping and sanitary facilities. The term "dwelling unit" shall include a manufactured home, but shall not include a recreational vehicle or room or group of rooms within a hotel, motel, tourist home or lodging house.
- (21) **Dwelling use.** Any principal use containing dwelling or lodging units which are not generally available for occupancy for periods of less than one (1) week, as distinguished from units located within hotels, motels and similar facilities intended for transient occupancy.
- (22) **Family.** One (1) or more persons related by blood, marriage or adoption, including foster children, or not more than five (5) unrelated persons occupying a single dwelling unit. Domestic servants or employees residing on the premises shall be considered as part

of a family. The term "family" shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodging house or institution of any kind, but shall include the occupants of a group home as defined in this article.

- (23) **Floor area.** The sum of the horizontal areas of all usable floors of a building as measured from the exterior faces of exterior walls and including all intervening walls, partitions, hallways, corridors, lobbies, and stairways. Floor area shall not include unenclosed porches, balconies, carports, garages, or basement or attic areas which are not improved for use in conjunction with the principal use of the building.
- (24) **Frontage.** That portion of a lot abutting a street and being situated between the lot lines intersecting the street; also referred to as street frontage.
- (25) **Group home.** A residential facility in which not more than eight (8) mentally ill, mentally retarded, or other developmentally disabled persons reside, with one (1) or more resident counselors or other staff persons, the purpose of such facility being to provide to its occupants the benefits of normal residential surroundings to achieve optimal assimilation into the community. The term "group home" shall include family care homes or foster homes and any other residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority under state law, but shall not include residential facilities the principal purpose of which is to provide emergency shelter, or to provide diagnostic or treatment services for persons currently suffering illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia.
- (26) **Health official.** The official designated to enforce the requirements of the state department of health.
- (27) **Height.** The vertical distance measured from the average of the lowest and highest elevations of the finished grades immediately adjacent to a building to the highest point of a flat roof, mansard roof or parapet, or to the midpoint of a gable, hip or shed roof, or to the highest point of any structure having no roof.
- (28) **Home business.** An occupation, profession, enterprise

or business activity conducted within a single-family dwelling which is the residence of the principal practitioner, or conducted within an accessory building located on the same lot and clearly accessory to the dwelling. In order to qualify as a home business, an activity as described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the following criteria, which are intended to distinguish such activity from a home occupation as defined in this article and from other business uses:

- a. Not more than twenty-five (25) percent of the floor area of the main building shall be devoted to such activity;
- b. Not more than one (1) person who does not reside on the premises shall be employed on the premises in the conduct of the activity;
- c. There shall be no signs, other than one (1) sign not to exceed six (6) square feet in area, and no displays or alterations to the exterior of the building that would distinguish it as being devoted to any non dwelling use; and
- d. There shall be no group instruction or assembly, no housing of persons for compensation, and no product offered for sale or stored other than that which is produced on the premises or which may be incidental to the primary service rendered.

(29) **Home occupation.** An occupation, profession, enterprise or similar activity conducted within a dwelling unit which is the residence of the practitioner, or conducted within an accessory building located on the same lot and clearly incidental to the dwelling unit. In order to qualify as a home occupation, an activity as described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the following criteria, which are intended to distinguish such activity from a home business as defined in this article and from other business uses:

- a. Not more than twenty-five (25) percent of the floor area of the main building shall be devoted to such activity;
- b. No one other than a member of the family residing on the premises shall be employed on the premises

in the conduct of the activity;

- c. There shall be no signs, displays or alterations to the exterior of the building that would distinguish it as being devoted to any non dwelling use;
 - d. There shall be no group instruction or assembly, no housing of persons for compensation, no product offered for sale or stored on the premises, and no service rendered directly to persons on the premises; and
 - e. No mechanical equipment or machinery shall be used or maintained on the premises, other than that which is customarily used for domestic or household purposes and might normally be found on residential premises.
- (30) **Hospital.** A facility in which the primary function is the provision of diagnostic, treatment, medical and nursing services, surgical or nonsurgical, for two (2) or more nonrelated individuals, and which provides inpatient beds, but not including a facility exclusively or primarily for the care and treatment of psychiatric patients or persons suffering from substance abuse.
- (31) **Hotel.** A building or group of buildings on the same lot containing lodging units for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each lodging unit has a separate entrance through a common lobby. The term "hotel" is intended to apply to motor inns, motor lodges and similar facilities, except when such conform to the definition of motel or tourist home as set forth in this article.
- (32) **Junkyard.** An outdoor area used for the depositing, keeping, storing, buying or selling of discarded materials no longer usable in their present form, including but not necessarily limited to: Scrap metals, building materials, machinery, household appliances, plumbing supplies, furnishings, fixtures, or motor vehicles or parts thereof. The term "junkyard" shall include automobile graveyards, but shall not include garbage dumps, landfills or similar uses.
- (33) **Kennel.** Any lot, structure or enclosure used for the keeping, boarding, raising or breeding of dogs or cats

for commercial or noncommercial purposes, and involving four (4) or more such animals over the age of four (4) months. A noncommercial facility housing a fewer number of such animals as household pets on the same lot as a dwelling use shall not be construed to be a kennel, but shall be considered an accessory use or structure.

- (34) **Landfill.** A sanitary landfill, an industrial waste landfill, or a construction, demolition or debris landfill, as defined under the solid waste management regulations promulgated by the Virginia Waste Management Board, and which in no event shall accept or be used for the disposal of any hazardous or infectious wastes, materials or substances as defined under said regulations.
- (35) **Livestock.** Animals, other than dogs, cats and household pets, which are kept or raised for use, profit or enjoyment, including horses, cattle, sheep, goats, pigs, poultry and similar domesticated animals and fowl.
- (36) **Lodging unit.** A room or group of rooms within a building, constituting living quarters for one (1) or more persons, and not containing kitchen facilities. A room or group of rooms within a hotel, motel or tourist home constituting living quarters for transient guests shall be considered a lodging unit even though it may contain kitchen facilities.
- (37) **Lodging house.** A building containing lodging units for more than two (2), but not more than ten (10) persons, with or without board, and where such lodging units are not available for occupancy for periods of less than one (1) week, as distinguished from a hotel, motel or tourist home where occupancy is available to transient guests on a daily basis. The term "lodging house" shall include homes for adults when licensed by the state, but shall not include residential facilities which also have as their purpose incarceration, detention, treatment, counselling, training or diagnostic services or programs intended for a specific client population.
- (38) **Lot.** A parcel of land occupied or intended for occupancy by buildings, or uses permitted by the provisions of this Ordinance, together with such area, yards and other open spaces as are required by this Ordinance. The term "lot" includes the terms "tract" and "parcel" and may consist of a single lot of

record, a combination of contiguous lots of record, or a unit of land described by metes and bounds.

- (39) **Lot, corner.** A lot abutting upon two (2) or more streets at their intersection, or a lot bounded entirely by streets.
- (40) **Lot line.** Any boundary of a lot, including a boundary which constitutes a street right-of-way line.
- (41) **Lot of record.** A lot which is part of a subdivision recorded in the office of the clerk of the circuit court, or a lot or parcel which is described by metes and bounds and is similarly recorded.
- (42) **Lot, through.** A lot other than a corner lot having frontage along more than one (1) street.
- (43) **Lot width.** The minimum horizontal distance between the side lines of a lot measured between the points where the minimum required front yard line intersects the side lines of the lot. On a corner lot or through lot on which more than one (1) front yard is required, the lot width shall be measured adjacent to the frontage with the least dimension.
- (44) **Main building.** A building in which is conducted the principal or main use of the property on which the building is located.
- (45) **Manufactured home.** Any structure complying with the Federal Manufactured Housing Construction and Safety Standards, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
- (46) **Manufactured home park.** A lot or parcel on which are located, or which is arranged or equipped for the accommodation of, two (2) or more manufactured homes for dwelling use with spaces for such available for rent or lease for periods of not less than six (6) months, and including such open spaces and other facilities as may be provided for the use of or service to residents of manufactured homes located on

such lot or parcel. A manufactured home park may include uses and structures accessory to the manufactured home park and individual manufactured home units, including awnings, porches, patios, garages, carports, storage buildings, parking areas, service buildings, laundries, management and maintenance facilities, utilities, recreational facilities, community buildings and similar facilities for the use of or service to residents of the manufactured home park.

- (47) **Manufactured home space.** An area within a manufactured home park devoted to the site of an individual manufactured home and set aside for the private use of residents of such manufactured home, shown on a plat or site plan of the manufactured home park, and which includes such yards, open spaces and other contiguous areas necessary to support such individual manufactured home, as distinguished from common areas, peripheral buffers, roadways and other facilities of the manufactured home park.
- (48) **Motel.** A building or group of buildings on the same lot containing lodging units for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each lodging unit has a separate entrance from the outside as opposed to through a common lobby. The term "motel" is intended to apply to motor inns, motor lodges, motor courts, tourist courts and similar facilities, except when such conform to the definition of hotel or tourist home as set forth in this article.
- (49) **Nonconforming building.** A building having one (1) or more nonconforming features.
- (50) **Nonconforming feature.** A feature of a use, as distinguished from the use itself, or a feature of a building, which feature was lawfully existing at the effective date of this article or subsequent amendment thereto, and does not conform with the requirements established by this article or any amendment thereto. Features of uses or buildings shall be construed to include density, lot area, lot dimensions, yards, open spaces, height, bulk, number of occupants, screening, landscaping, lighting and off-street parking requirements. A building having any such nonconforming features may be referred to as a "nonconforming building."
- (52) **Nonconforming sign.** A sign which was lawfully existing

at the effective date of this Ordinance or subsequent amendment thereto, which sign does not conform with the area, height, location, placement, type, number, or other regulation pertaining to signs established by this Ordinance or any amendment thereto.

- (52) **Nonconforming use.** A principal or accessory use of land or of a building, which use was lawfully existing at the effective date of this Ordinance or subsequent amendment thereto and is not a permitted use under the provisions of this Ordinance or any amendment thereto.
- (53) **Nursing home.** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two (2) or more nonrelated individuals. A nursing home shall include facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries, except for such exclusions as may be provided under applicable state law.
- (54) **Off-street parking space.** An area for the parking of one (1) motor vehicle located other than within a public street or public alley right-of-way and having such dimensions as set forth in section 5-3 of this Ordinance and having a permanent means of access to a public street or a public alley without requiring passage through another parking space.
- (55) **Parking area.** A parcel of land or a portion thereof used for the parking of motor vehicles, and including off-street parking spaces as defined herein as well as the access aisles and maneuvering space directly serving such off-street parking spaces.
- (56) **Party wall.** A wall separating and common to two (2) buildings on individual lots and being of noncombustible material with a fire resistance rating and other characteristics as required by the Virginia Uniform Statewide Building Code.
- (57) **Plan of development.** The proposal for a development, including all plans, drawings, and information as required by the provisions of Article 7 of this Ordinance, and subject to the requirements, reviews and approval procedures set forth in that article.

- (58) **Planning commission.** The Planning Commission of Wise County, Virginia.
- (59) **Principal use.** The main or primary use of a lot or of a building.
- (60) **Public sewer or water system.** A sewer or water system owned and operated by Wise County or by such other authority as may be authorized by the laws of the Commonwealth of Virginia.
- (61) **Retail stores and shops.** Buildings wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. For purposes of illustration, the following shall be considered retail stores and shops: Drug stores; newsstands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops, hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores. Establishments for the sale in bulk of coal, wood, fuel, building materials and lumber, and establishments for the sale of vehicles, farm implements, boats, trailers, machinery and similar items shall not be considered retail stores and shops.
- (62) **Shopping center.** A group of three (3) or more commercial establishments on a site of two (2) acres or more planned, developed, owned and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve, and which is provided with off-street parking on the premises.
- (63) **Signs.** A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof which can be viewed from a public right-of-way, private road or another property, and which is displayed for the purpose of information, direction, or identification or to advertise or promote a business, service, activity, interest or product or any otherwise lawful noncommercial message that does not attract attention to a business operated for profit or to a commodity or service offered for sale, provided that the following shall not be considered signs for the purposes of this Ordinance:

- a. The flag, emblem or insignia of a nation or other governmental unit, except when displayed in connection with a commercial promotion or as part of a presentation otherwise considered to be a sign;
 - b. Legal notices and identification, informational or directional presentations erected or required to be erected by a governmental body;
 - c. Presentations not exceeding one (1) square foot in area identifying property numbers or addresses or occupants of premises.
- (64) **Sign, animated.** Any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts. A time and/or temperature display which changes its messages not more than once every five (5) seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign.
- (65) **Sign area.** The area of the smallest individual rectangle, triangle or circle or combination of not more than two (2) contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double-faced sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two (2) faces does not exceed thirty (30) degrees. A pole, post, upright or similar structural support for a freestanding sign, including pole covers, shall be considered as part of the sign area if such pole, post, upright, structural support or pole cover exceeds twenty-four (24) inches in width.
- (66) **Sign, billboard.** A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.
- (67) **Sign, directional.** A sign located on private property and intended for the purpose of directing or guiding traffic or persons or identifying parking spaces, when such sign contains no advertising matter and does not exceed an area of four (4) square feet.
- (68) **Sign, freestanding.** Any sign supported by uprights,

poles, posts or braces which are situated upon or anchored within the ground. A freestanding sign shall be considered a structure.

- (69) **Sign, portable.** A sign consisting of a fixed message or a changeable message panel, which is not attached to a building or anchored within the ground and which is capable of being moved easily from one (1) location to another on its own chassis or by other means. A portable sign shall not be construed as a temporary sign as defined herein or as specifically permitted by the provisions of section 5-2 of this Ordinance.
- (70) **Sign, temporary.** Any sign denoting a sale or special product promotion or announcing a grand opening, new management or similar event or activity occurring on the premises; when such sign is attached flat against a building wall or located within a window, and when such sign does not remain on the premises for a period exceeding thirty (30) days. A permanently installed changeable message panel shall not be considered a temporary sign.
- (71) **Solar energy system.** An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements. (Amended to add 5-9-2019)
- (72) **Solar panel.** The cells of a photovoltaic module combined in a panel configuration for the purpose of collecting and storing solar energy. (Amended to add 5-9-2019)
- (73) **Solar panel associated equipment.** The equipment associated with the use of solar panels including but not limited to; batteries, transfer switches, stands, cabling, and mounting devices. (Amended to add 5-9-2019)
- (74) **Special exception.** A use or feature permitted in a particular district or under specified circumstances only by approval of the board of zoning appeals pursuant to the provisions of Article 9 of this Ordinance.
- (75) **Special use.** A use permitted in a particular district only upon approval of a special use permit by the board of supervisors in accordance with the provisions of Article 8 of this Ordinance.

- (76) **Street.** The right-of-way within which lies a public or private thoroughfare which affords or is intended for the purpose of affording the principal means of vehicular access to abutting property.
- (77) **Street line.** The right-of-way line of a street.
- (78) **Structural alteration.** Any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of the roof of a structure or in the means of egress of a structure.
- (79) **Structure.** An assembly of materials forming a construction for use, including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharfs, swimming pools, amusement devices, storage bins, and other structures of this general nature.
- (80) **Tourist home.** A building containing lodging units for more than two (2), but not more than ten (10) persons, with or without board, and where such lodging units are available for occupancy by transient guests on a daily basis, and in which access to each lodging unit is provided exclusively from within the building. A tourist home may include a dwelling unit which constitutes the residence of the owner or manager of the facility.
- (81) **Usable open space.** The area of a lot which is not covered by buildings and is not devoted to parking areas, driveways or other vehicular maneuvering area. Usable open space includes all yard areas, as well as other outdoor space available for active or passive use by occupants of the premises.
- (82) **Variance.** A departure from the strict application of the provisions of this Ordinance when authorized by the board of zoning appeals pursuant to and in accordance with the provisions of section 15.1-495 of the Code of Virginia, 1950, as amended, and the applicable provisions of Article 9 of this Ordinance.
- (83) **Yard.** An open space on a lot, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the ground level upward, except as otherwise provided in Article 5 of this Ordinance.

- (84) **Yard, front.** A yard extending the full width of a lot and being adjacent and parallel to the street frontage of the lot.
- (85) **Yard, rear.** A yard adjacent and parallel to the rear lot line of a lot and extending between the minimum required side yards on the lot.
- (86) **Yard, side.** A yard adjacent and parallel to the side lot line of a lot and extending from the minimum required front yard to the rear lot line. On irregular shaped lots, any yard adjacent to a lot line to which the yard definitions of this article do not clearly apply shall be considered a side yard.
- (87) **Yard, street side.** A side yard adjacent to a street.
- (88) **Zoning administrator.** The officer appointed by the board of supervisors to administer and enforce the provisions of this Ordinance