

**Zoning Ordinance  
of the  
County of Craig, Virginia**

**March 5, 2009**



**Chapter 58**

**ZONING\***

**Article I. In General**

Sec. 58-1. General usage. .... 1  
Sec. 58-2. Interpretation by the zoning administrator. .... 1  
Sec. 58-3. Definitions. .... 1  
Sec. 58-4. Title. .... 13  
Sec. 58-5. Authority. .... 13  
Sec. 58-6. Purpose and intent. .... 13  
Sec. 58-7. Matters considered in the drawing of this chapter. .... 14  
Sec. 58-8. Amendments. .... 15  
Sec. 58-9. Fees. .... 15  
Sec. 58-10. Violations and penalties. .... 15  
Sec. 58-11. Remedies not exclusive. .... 16  
Sec. 58-12. Complaints regarding violations. .... 16  
Secs. 58-13—58-35. Reserved. .... 16

**Article II. Administration**

**Division 1. Generally**

Sec. 58-36. Zoning administrator. .... 16  
Secs. 58-37—58-60. Reserved. .... 16

**Division 2. Board of Zoning Appeals**

Sec. 58-61. Provisions for appeal. .... 17  
Sec. 58-62. Powers. .... 17  
Sec. 58-63. Rules and regulations. .... 19  
Sec. 58-64. Appeal to the board of zoning appeals. .... 19  
Sec. 58-65. Appeal procedure. .... 19  
Sec. 58-66. Public hearing. .... 19  
Sec. 58-67. Decisions of board of zoning appeals. .... 20  
Secs. 58-68—58-90. Reserved. .... 20

**Division 3. Permits, Certificate of Occupancy**

Sec. 58-91. Building and zoning permits—Generally. .... 20  
Sec. 58-92. Same—Procedures. .... 21  
Sec. 58-93. Forms and information required. .... 21  
Sec. 58-94. Zoning permit. .... 22  
Sec. 58-95. Certificates of zoning compliance for new, altered, or nonconforming uses. .... 22  
Sec. 58-96. Conformance to plans. .... 22  
Secs. 58-97—58-120. Reserved. .... 22

Division 4. Special Exceptions

Sec. 58-121. Special exceptions. ....23  
Sec. 58-122. Uses not provided for. ....23  
Sec. 58-123. Special exception and special use procedures. ....23  
Secs. 58-124—58-145. Reserved. ....24

Division 5. Rezoning and Conditional Zoning

Sec. 58-146. Rezoning procedures. ....24  
Sec. 58-147. Conditional zoning. ....25  
Secs. 58-148—58-170. Reserved. ....25

**Article III. Nonconforming Uses**

Sec. 58-171. Continuation. ....25  
Sec. 58-172. Permits. ....25  
Sec. 58-173. Repairs and maintenance. ....25  
Sec. 58-174. Changes in district boundaries. ....26  
Sec. 58-175. Expansion or enlargement. ....26  
Sec. 58-176. Nonconforming lots. ....26  
Sec. 58-177. Restoration or replacement. ....26  
Sec. 58-178. Single-family homes. ....27  
Secs. 58-179—58-200. Reserved. ....27

**Article IV. Site Plans**

Sec. 58-201. Purpose. ....27  
Sec. 58-202. Required. ....27  
Sec. 58-203. Applicability. ....28  
Sec. 58-204. Form and content. ....28  
Sec. 58-205. Review procedures; appeals. ....29  
Sec. 58-206. Revisions. ....29  
Secs. 58-207—58-230. Reserved. ....29

**Article V. District Regulations**

Division 1. Generally

Sec. 58-231. Application of regulations. ....29  
Sec. 58-232. Districts. ....31  
Secs. 58-233—58-255. Reserved. ....31

Division 2. Agricultural, Limited District A-1

Sec. 58-256. Statement of intent. ....31

Sec. 58-257. Uses permitted by right. ....	31
Sec. 58-258. Uses permitted by conditional use permit. ....	31
Sec. 58-259. Area regulations. ....	32
Sec. 58-260. Setback regulations. ....	32
Sec. 58-261. Frontage regulations. ....	33
Sec. 58-262. Yard regulations. ....	33
Sec. 58-263. Height regulations. ....	33
Secs. 58-264—58-285. Reserved. ....	33

### Division 3. Rural Residential RR

Sec. 58-286. Statement of intent. ....	33
Sec. 58-287. Uses permitted by right. ....	33
Sec. 58-288. Uses permitted by conditional use permit. ....	34
Sec. 58-289. Area regulations. ....	35
Sec. 58-290. Setback regulations. ....	35
Sec. 58-291. Frontage regulations. ....	35
Sec. 58-292. Yard regulations. ....	35
Sec. 58-293. Height regulations. ....	35
Sec. 58-294. Special provisions for corner lots. ....	35
Secs. 58-295—58-320. Reserved. ....	36

### Division 4. Residential District R-1.

Sec. 58-321. Statement of intent. ....	36
Sec. 58-322. Permitted uses. ....	36
<u>Sec. 58-323. Uses Permitted by Conditional Use Permit. ....</u>	<u>37</u>
Sec. 58-323. Area regulations. ....	37
Sec. 58-324. Setback regulations. ....	37
Sec. 58-325. Frontage regulations. ....	37
Sec. 58-326. Yard regulations. ....	37
Sec. 58-327. Height regulations. ....	37
Sec. 58-328. Special provisions for corner lots. ....	38
Secs. 58-329—58-350. Reserved. ....	38

### Division 5. Residential District R-2

Sec. 58-351. Statement of intent. ....	38
Sec. 58-352. Permitted uses. ....	38
Sec. 58-353. Area regulations. ....	38
Sec. 58-354. Setback regulations. ....	39
Sec. 58-355. Frontage regulations. ....	39
Sec. 58-356. Yard regulations. ....	38
Sec. 58-357. Height regulations. ....	39
Sec. 58-358. Provisions for corner lots. ....	39
Sec. 58-359. Parking regulations. ....	40
Sec. 58-360. Sign regulations. ....	40
Sec. 58-361. Site plan. ....	40

Secs. 58-362—58-385. Reserved. ....	40
-------------------------------------	----

## Division 6. Residential District RM

### Subdivision I. In General

Sec. 58-386. Statement of intent. ....	40
Sec. 58-387. Permitted uses. ....	40
Sec. 58-388. General site requirements. ....	41
Sec. 58-389. Site plan. ....	41
Secs. 58-390—58-415. Reserved. ....	41

### Subdivision II. Manufactured Home Park and Subdivision Regulations

Sec. 58-416. Generally. ....	41
Sec. 58-417. Regulations. ....	41
Sec. 58-418. Additional regulations for manufactured home parks. ....	43
Sec. 58-419. Height regulations. ....	45
Secs. 58-420—58-440. Reserved. ....	45

### Subdivision III. Supplemental Regulations for Manufactured Homes

Sec. 58-441. Anchorage and tie-down. ....	45
Sec. 58-442. Water supply. ....	45
Sec. 58-443. Sewer system and sanitary facilities. ....	45
Sec. 58-444. Electrical equipment and systems. ....	46
Sec. 58-445. Gas supply. ....	46
Sec. 58-446. Service buildings. ....	46
Secs. 58-447—58-470. Reserved. ....	46

## Division 7. Business District B-1

Sec. 58-471. Statement of intent. ....	47
Sec. 58-472. Permitted uses. ....	47
Sec. 58-__ Uses Permitted by Special Use Permit. ....	48
Sec. 58-473. Area regulations. ....	48
Sec. 58-474. Setback regulations. ....	48
Sec. 58-475. Frontage and yard regulations. ....	48
Sec. 58-476. Height regulations. ....	48
Sec. 58-477. Site plan. ....	48
Secs. 58-478—58-500. Reserved. ....	48

## Division 8. Industrial District M-1

Sec. 58-501. Statement of intent. ....	49
Sec. 58-502. Permitted uses. ....	49
Sec. 58-__ Uses Permitted by Special Use Permit. ....	49

Sec. 58-503. Uses allowed by special exception.....	49
Sec. 58-504. Requirements for permitted uses. ....	50
Sec. 58-505. Area regulations.....	50
Sec. 58-506. Frontage and yard regulations. ....	50
Sec. 58-507. Height regulations. ....	50
Sec. 58-508. Coverage regulations.....	50
<del>Sec. 58-509. Sounds.....</del>	<del>50</del>
Secs. 58-510—58-530. Reserved. ....	51

Division 9. Historic District H

Sec. 58-531. Statement of intent.....	51
Sec. 58-532. Designation.....	51
Sec. 58-533. Design.....	51
Sec. 58-534. Demolition.....	51
Secs. 58-535—58-560. Reserved. ....	51

Division 10. Mining and Mineral Extraction District MME

Sec. 58-561. Statement of intent.....	52
Sec. 58-562. Permitted uses.....	52
Sec. 58-563. Requirements for permitted uses. ....	52
Sec. 58-564. Master plan. ....	52
Sec. 58-565. Plan for reuse.....	53
Sec. 58-566. Developmental requirements. ....	53
Secs. 58-567—58-590. Reserved. ....	53

**Article VI. Supplementary District Regulations**

Sec. 58-591. Widening of highways and streets.....	53
Sec. 58-592. Minimum off-street parking.....	54
Sec. 58-593. Temporary use of manufactured housing.....	54
Sec. 58-594. <u>Inoperable Vehicles</u> .....	55
Sec. 58-595. Automobile graveyards. ....	55
Sec. 58-596. <u>Recreational Vehicles</u> .....	55
Sec. 58-597. Public safety facilities. ....	56
<del>Sec. 58-598. Reserved. <u>Exterior Lighting</u>.....</del>	<del>56</del>
Sec. 58-599. Telecommunications facilities.....	56
<del>Sec. 58-600. <u>Cluster Development</u>.....</del>	<del>61</del>



## ARTICLE I. IN GENERAL

### Sec. 58-1. General Usage.

For the purpose of this chapter, certain words and terms are defined in this section as follows. Unless the obvious construction of the wording indicates otherwise, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number.

- (1) The term "shall" is mandatory.
- (2) The term "building" includes the term "structure"; the term "lot" includes the terms "plot" and "parcel."
- (3) The terms "land use" and "use of land" shall be deemed to also include the terms "building use" and "use of a building."
- (4) The term "used" shall be deemed also to include the terms "erected," "reconstructed," "altered," "placed," and "moved."
- (5) The term "state" means the Commonwealth of Virginia.
- (6) The term "county" means the County of Craig, Commonwealth of Virginia and the term "county boundary" means any exterior boundary of the county or any boundary of unincorporated territory within the county.
- (7) The term "construction standards" means those construction standards as approved by the board of supervisors and county building inspector and included in the Uniform Statewide Building Code.
- (8) The term "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (9) The term "Code of Virginia" shall include the term "as amended."
- (10) The term "adjacent" means the same as "nearby" and not necessarily the same as "contiguous."

(Ord. No. 095-08, art. 20, §1, 8-15-1995)

### Sec. 58-2. Interpretation by the zoning administrator.

In case of any dispute over the meaning of a word, phrase, or a sentence, whether defined in this chapter or not, the zoning administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this chapter as set forth in section 58-6; provided, however, that an appeal may be taken from any such determination as provided in section 58-61.

(Ord. No. 095-08, art. 20, §2, 8-15-1995)

### Sec. 58-3. Definitions

The following word, terms, and phrases, when used in this chapter, shall have the meanings scribed to them in this section, except where the context clearly indicates a different meaning:

*Abattoir* means a commercial slaughterhouse.

*Access* means a means of approach or admission.

*Accessory use or building* means a use or building customarily incidental and subordinate to the principal use of the main building or lot but located upon the same lot.

*Acreage* means a parcel of land, regardless of area, describing by metes and bounds which is not a numbered lot on any recorded subdivision plat.

*Active solar collector* means any device or combination of devices or other elements which rely upon sunshine as an energy source and is capable of collecting not less than 25,000 BTUs on a clear winter solstice day for use in:

1. The heating or cooling, or both, of a building or other structure;
2. The heating of water;
3. Use in industrial, commercial, or agricultural processes; or
4. The generation of electricity

In addition to such uses, the use of the solar collector may include other uses, such as, but not limited to, serving as part of a roof of a building or other structures or serving as a window or wall or otherwise serving as a structural member of a building or other structure.

*Administrator* means the official charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the board of supervisors. He may serve with or without compensation as determined by the board of supervisors and may be known as the "zoning administrator."

*Adult group home* means a dwelling unit occupied by not more than eight physically handicapped, mentally ill, mentally retarded, and other developmentally disabled persons not related by blood or marriage. The operation of the group home shall conform to all state requirements for such residences.

*Agriculture* means the tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, or similar use.

*Airport (including airpark, gliderport, flight strip, airfield, and heliport)* means a place where aircraft may take off and land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored.

*Airport, private*, means any airport licensed by the Commonwealth of Virginia as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.

*Airport, public*, means Any publicly or privately owned airport licensed by the Commonwealth of Virginia as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.

*Alley* means a right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

*Alteration* means any change in the total floor area, use, adaptability, or external appearance of an existing structure.

*Antique shops and gift shops* mean a commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware, and other curios and collectibles, the value of which is derived from age, rarity, and materials of such

items and/or the workmanship of a particular historic period; flea markets and furniture stores shall not be included.

*Apartment house* means a building used or intended to be used as the residence of three or more families living independently of each other.

*Automobile graveyard* means any lot or place which is exposed to the weather upon which more than one motor vehicle of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. Allowed only as a conditional use.

*Automobile service station or garage.* Automobile service stations shall be considered as businesses having buildings, including accessory buildings, which are designed and used for the service and repair of automobile and fender repair, painting and engine overhaul. Noise, glare, fumes, and smoke are common characteristics of automobile service stations and garages.

*Basement* means a story having part but not more than one-half of its height above grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes

*Bed and Breakfast* means a residence occupied by an owner-operator providing accommodation for compensation with no more than five guest rooms. A bed and- breakfast establishment may serve meals to its guests. Meals shall be served only to overnight guests of a bed-and-breakfast establishment.

*Block* means that property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of the development.

*Board of Supervisors* means the county board of supervisors, the governing body.

*Board of Zoning Appeals* means the county board of zoning appeals.

*Buffering and screening* mean natural growth or fencing which shall serve as a barrier to vision and noise between adjoining properties, wherever required by this chapter. Natural growth shall be construed to mean coniferous trees, bushes, and shrubbery which shall be a minimum of four feet high when planted. Bushes and shrubbery shall be continuous. Trees shall be planted every ten to 15 feet depending on the circumstances. Such natural growth shall be maintained. Fencing shall be uniform in nature and construction.

*Building* means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

*Building, accessory,* means a subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.

***Building, height of,* means the vertical distance measured from the lowest point of the structure to the highest point of the structure.**

*Building inspector* means an appointed official of the county who is responsible for certifying building inspections.

*Building, main*, means the principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

*Business* means any wholesale, retail, or service activity established to carry on trade for a profit.

*Camp, day*, means a lot, tract, or parcel of land operated as either a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement devices, or permanent structures for housing of guests.

*Child care center* means a private or public facility operated for the purpose of providing care, protection, and guidance to more than five children separated from their parents or guardians during a part of a day and which is licensed or approved to operate as a child care center.

*Club* means an organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing they are not conducting any vending stands, merchandising, or commercial activities except as required generally for membership and purposes of such clubs.

*Cluster development* or *Clustering* means a land development technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open space being devoted by deed restrictions for one or more uses.

*Commission* means the planning commission of the county.

*Conditional use permit* means a permit granted by the board of supervisors which authorizes the construction or establishment of a conditional use, subject to conditions set forth in this chapter or set by the board of supervisors at the time the conditional use permit is granted.

*Convenience store* means a retail store designed and stocked to sell primarily food, beverages, and other household supplies to customers. Convenience stores may also sell gasoline, diesel fuel, propane and kerosene. It is designed to attract a large volume of stop-and-go traffic. Hours of operation of such stores may also be extended over other types of food stores.

*Dairy* means a commercial establishment for the manufacture and sale of dairy products.

*Districts* are referred to in Code of Virginia 15.2-2280, 15.2-2281.

*Drive-in eating establishment* means any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or

beverages in motor vehicles on the premises; a refreshment stand, a fast-food or primarily a carry-out establishment.

*Dwelling* means any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and travel trailers.

*Dwelling, multifamily*, means a structure arranged or designed to be occupied by three or more families. The term “dwelling, multifamily” may include apartment or townhouse-type units.

*Dwelling, portable*, means a modular unit having wheels or designed to be transported on wheels, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities. This type of dwelling is not a manufactured home (see the definition of manufactured home”). Such units include:

1. Double-wide or triple-wide portable dwelling. A portable dwelling consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
2. Expandable portable. A portable dwelling with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

*Dwelling, single-family*, means a structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

*Dwelling, two-family or duplex*, means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units. The units may be arranged one above the other or be semidetached.

*Dwelling, triplex*, means a building designed as a single structure, containing three separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

*Dwelling unit* means one or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

*Easement* means a grant by a property owner of the use of his land by another party for a specific purpose.

*Family* means one or more persons related by blood, adoption, or marriage living and cooking together as a single housekeeping unit as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home, or hotel. The term “family” also includes two persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage.

*Farm* means a contiguous parcel or tract of land of 5 or more acres not separated by property owned by another person which produces an agricultural product providing an income of at least \$1,000.00 annually to the owner and on which the owner has his principle place of residence.

*Forestry* means the use of land for the control and cultivation of trees, conservation, and management of the harvesting of trees and the operation of commercial sawmills, loading

equipment, and administrative offices to transfer the timber product from the field to wood products industries.

*Foundation*, permanent, means a continuous permanent masonry, wood or metal skirting around the perimeter of the structure, unpierced except for required ventilation and access shall be installed under all elements of the building. Footings for walls shall be below the frost line. The ground surface below the home shall be protected with a poly-vapor barrier. Installation shall include a positive surface water drainage away from the home.

*Frontage* means the minimum width of a lot measured from one side lot line to the other along the street upon which the lot fronts

*Funeral parlor* means an establishment used primarily for human funeral services, which may include such facilities on the premises as embalming, performance of autopsies or other surgical procedures, and cremation.

*Garage, private*, means accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is an accessory.

*General store, country*, means a single store, the ground floor area of which is 4,000 square feet or less and which offers for sale primarily groceries and general hardware articles. Gasoline, diesel fuel, propane and kerosene may also be offered for sale but only as a secondary activity of a country general store.

*Golf driving range* means a limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.

*Governing body* means the board of supervisors of the county.

*Guesthouse* means dwelling or lodging units for temporary nonpaying guests in an accessory building. No such quarters shall be occupied by the same guests, exclusive of family members, for a period of more than three months in any 12-month period, and no such quarters shall be rented, leased, or otherwise made available for compensation of any kind.

*Health official* means the director of the county department of health or his designated deputy; also the "health officer."

*Historical area* means as indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

*Hog farm* means a farm where hogs are kept as the primary agricultural enterprise. A permit from the Virginia Department of Environmental Quality is required for farms with 300 or more animal units. Additional EPA and Virginia DEQ requirements (Confined Animal Feeding Operation regulations) for farms with more than 750 swine must also be met.

*Home garden* means a garden in a residential district for the production of vegetables, fruits, and flowers generally for the use and/or consumption by the occupant of the premises.

*Home occupation* means an occupation conducted in a dwelling unit; provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the family and not more than 25 percent of the floor area of the accessory building shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding the sign regulation of this chapter.
4. There shall be no sales other than items handcrafted on the premises in connection with such home occupation.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the immediate neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. Boardinghouses and roominghouses, tourist homes, and private educational institutions shall not be deemed home occupations.

*Hospital, sanitarium, sanatorium* mean any institution receiving in-patients and rendering medical, surgical, and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease, and obstetrics. The term "hospital" shall include special care facilities such as sanitariums and sanatoriums wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics, and drug addicts are treated or cared for under the supervision of licensed medical personnel.

*Inoperable vehicle* means any motor vehicle which is not in operating condition or which for a period of 90 days or longer has been partially or totally disassembled by removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; and for which there is no valid inspection sticker.

*Junk yard and salvage yard* mean any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for abandonment, demolition, dismantling, storage, or salvaging of automobile or other vehicles not in running condition, machinery or parts thereof.

*Kennel* means a place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.

*Livestock market* means a commercial establishment wherein livestock is collected for sale and auctioned off.

*Lot* means a parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

*Lot area* means the total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated to public use, including off-street automobile parking area and other accessory uses.

*Lot, corner,* means a lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

*Lot, depth of,* means the average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

*Lot, double frontage,* means an interior lot having frontage on two streets which are parallel or approximately parallel.

*Lot, interior,* means any lot other than a corner lot, but including a through lot.

*Lot of record* means a lot, which has been recorded in the clerk's office of the circuit court.

*Lot, width of,* means the average distance between side lot lines.

*Manufacture and/or manufacturing* mean the processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character or for use for a different purpose.

*Manufactured home* means a structure subject to federal regulation which is transportable in one or more sections, is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site, is built on 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 system contained in the structure.

*Manufactured home park* means any area designed to accommodate two or more ~~mobile~~ manufactured homes intended for residential use on the same parcel.

*Manufactured home subdivision* means lots and parcels of land which have been planned and improved for the exclusive use of manufactured homes. These lots will be individually owned by the manufactured home dweller and the subdivision shall be planned, designed, and approved in accordance with chapter 54 of this Code.

*Motel, hotel, motor lodge* means any group of dwelling units, combined or separated, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom, and off-street parking facility.

*Nonconforming activity* means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either on the date of this chapter became effective or as a result of subsequent amendments to this chapter.

*Nonconforming lot* means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either on the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to this chapter.

*Nonconforming structure* means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located either on the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to this chapter.

*Nursing home* means a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illness, diseases, deformities, or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital. This facility shall meet applicable requirements of all state agencies for health services and sanitation.

*Off-street parking area* means space provided for vehicular parking outside the dedicated street right-of-way.

*Preserves and conservation areas* mean an area in which the renewable resources of soil, water, and wildlife forest are protected and managed in accordance with principles that ensure their optimum economic and social enjoyment.

*Public facilities* shall be considered for the purposes of this chapter to be any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to, public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

*Public utilities* means a group of uses which provide essential energy-related and communication services to the general public. These include, but are not limited to, electric, natural gas, water and sewer, and telephone companies; their distribution and transmission lines; poles and towers; and substations, pumping stations, and storage facilities. By definition some of these activities are industrial in nature although local distribution facilities usually are compatible uses in residential areas.

*Recreation area and park* mean any establishment operated as a public or private enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A private recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales, or rentals.

*Restaurant* means any building in which food or beverages are dispensed for consumption including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

*Retail stores and retail shops* means a commercial enterprise that provides merchandise directly to the consumer, where such merchandise is available for immediate purchase and removal from the premises by the purchaser.

*Sanitary landfill* means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a

layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary. Excludes hazardous waste landfills as defined by the state department of health. Sanitary landfills are regulated by the Virginia Department of Environmental Quality.

*Sawmill* means a portable sawmill located on a private property for the processing of timber cut only from that property or nearby. Not intended to be a commercial sawmill.

*Setback* means the minimum distance by which any building structure must be separated from the property lines.

*Sign* means any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface, or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

1. Business. A sign which directs attention to a product, commodity, or service available on the premises.
2. Home occupation or identification. A sign not exceeding four square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.
3. General advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
4. Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
5. Directional. A directional sign is one (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called, four square feet or less in area, giving the name only of the farm or business responsible for the erection of such sign.

*Sign structure* includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise, exhibiting a sign.

*Sign, temporary*, means a sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. Temporary signs shall conform in size and type to directional signs.

*Special exception permit* means a permit granted by the board of supervisors which authorizes the construction or establishment of a special exception use. A special exception permit runs with the land and is transferable to successive property owners.

*Special exception use* means a use permitted in a particular zoning district only upon authorization of a special exception permit granted by the board of supervisors.

*Stable, commercial*, means an establishment where animals are cared for, boarded, and/or let for hire.

*Storage, material and equipment yard* means any place, lot, shelter, or establishment, or part thereof, which is exposed to the weather and which contains machinery, equipment, building

materials, building furnishings, wire, cables, barrels, drums, other containers, culvert pipes, tires, appliances, or freight.

*Store* means a business use.

*Story, half*, means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use.

*Street, road*, means a public thoroughfare which affords principal means of access to abutting property.

*Street line* means the dividing line between a street and road right-of-way and the contiguous property.

*Structure* means anything constructed or erected the use of which requires permanent location on the grounds or attachment to something having a permanent location on the ground. The term "structure" includes, among other things, dwellings, buildings, signs, etc.

*Tourist court, auto court, autel, cabin* mean a building or buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

*Tourist home* means a dwelling where only lodging is provided for compensation for up to 14 persons, in contradiction to hotels and boardinghouses, and open to transients.

*Recreational Vehicle* means a vehicular unit mounted on wheels for use on roads propelled or drawn by its own or other motor power and designed and constructed to provide for temporary living and/or sleeping quarters for one or more persons.

*Use, accessory*, means a subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

*Variance* means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity's in the zoning district or adjoining districts.

*Wayside stand, roadside stand, wayside market* mean any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

*Wind generator* means wind-powered machines that deliver electricity for exclusive use for an individual structure. All such devices shall be approved by the zoning administrator before installation.

*Yard* means an open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this definition:

1. Front. An open space on the same lot as a building between the front line of the building, excluding steps, and the front lot or street line and extending across the full width of the lot.
2. Rear. An open, unoccupied space on the same lot as a building between the rear line of the building, excluding steps, and the rear line of the lot and extending the full width of the lot.
3. Side. An open, unoccupied space on the same lot as a building between the side line of the building, excluding steps, and the side line of the lot and extending from the front yard line to the rear yard line.

(Ord. No. 095-08, art. 20, § 3, 8-15-1995; Ord. No. 04-09, 12-6-2004)

Cross reference—Definitions generally, § 1-2.

#### **Sec. 58-4. Title.**

This chapter is for regulating and restricting the use of buildings, structures, and the use of land and providing for the administration, enforcement, and amendment thereof in the County of Craig, Virginia and for such purposes of dividing the county into districts. This chapter shall be known as the Zoning Ordinance of the County of Craig, Virginia.

(Ord. No. 095-08, art. 1, § 1, 8-15-1995)

#### **Sec. 58-5. Authority.**

Whereas, by act of the General Assembly of Virginia, as provided in Code of Virginia, §15.2-2280, and amendments thereto, the governing body of any county may, by ordinance, classify territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, and size as it may deem best suited to carry out the purposes of the article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- (1) The use of land buildings, structures, and other premises for agricultural, business, industrial, floodplain, and other specific uses;
- (2) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (3) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open space to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- (4) The excavation or mining of soil or other natural resources.

(Ord. No. 095-08, art. 1, § 2, 8-15-1995)

#### **Sec. 58-6. Purpose and intent.**

- (a) It is ordained by the county board of supervisors upon the recommendation of the county planning commission and having given due notice of public hearings on this chapter and having held such hearings, that the zoning regulations and districts set forth in this chapter are for the purpose of promoting and improving the public health, safety, convenience, or welfare and to plan for the future development of the county and of further accomplishing the objectives of Code of Virginia, § 15.2-2280, as amended, and therefore, this chapter is hereby known as the Zoning Ordinance of Craig County, Virginia, together with the accompanying official zoning map on file in the offices of the county clerk.

- (b) This chapter has been designed to give reasonable consideration to each of the following purposes, where applicable:
- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
  - (2) To reduce or prevent congestion in the public streets;
  - (3) To facilitate the creation of a convenient, attractive, and harmonious community;
  - (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, flood protection, schools, parks, playgrounds, forests, recreational facilities, airports, and other public requirements;
  - (5) To protect against destruction of or encroachment upon historic areas;
  - (6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light or air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
  - (7) To encourage economic development activities that provide desirable employment and enlarge the tax base; and
  - (8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
  - (9) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
  - (10) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and
  - (11) To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.

Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § 62.1-255. (Ord. No. 095-08, art. 1, § 3, 8-15-1995)

**Sec. 58-7. Matters considered in the drawing of this chapter.**

This chapter, and the map referred to in section 58-6(a), have been drawn with reasonable consideration for the existing use and character of property, the existing land use plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the housing, schools, parks, playgrounds, recreation areas, and other public services, for the conservation of natural resources, the preservation of floodplains, for the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the county.

(Ord. No. 095-08, art. 1, § 4, 8-15-1995)

### **Sec. 58-8. Amendments.**

The regulations, restrictions, and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified, or repealed by the board of supervisors, provided:

- (1) The planning commission shall hold at least one public hearing on such proposed amendment after notice as required by Code of Virginia, § 15.2-2204 and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed amendment to the board of supervisors together with its recommendations and appropriate explanatory materials.
- (2) Before approving and adopting any amendments, the board of supervisors shall hold at least one public hearing thereon, pursuant to public notice as required by Code of Virginia, § 15.2-2204, after which the board of supervisors may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Code of Virginia, § 15.2-2204. An affirmative vote of at least a majority of the members of the board of supervisors shall be required to amend this chapter.

(Ord. No. 095-08, art. 18. § 1, 8-15-1995)

### **Sec. 58-9. Fees.**

Fees allowed by the Code of Virginia § 15.2-2286 A.6 for administrative review and processing of zoning permits, certificates of occupancy, site plans, rezoning requests, special exceptions, uses not provided for (special uses), amendments, public hearing advertising, variances, and nonconforming uses shall be published under a separate fee schedule and reviewed annually by the zoning administrator prior to approval by the board of supervisors.

(Ord. No. 095-08, art. 19, § 10, 8-15-1995)

### **Sec. 58-10. Violations and penalties.**

Any person, whether as owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements of this chapter or who erects any building on any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$10.00 nor more than \$1,000.00. Each day upon which such violation continues shall constitute a separate offense.

- (1) Violations. Any building erected contrary to any of the provisions of this chapter and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of this chapter shall be a violation of this chapter and the same is hereby declared to be unlawful. The zoning administrator may initiate injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this chapter.
- (2) Notice of violation. Upon becoming aware of any violation of any provision of this chapter, the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such

reasonable time as the zoning administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.  
(Ord. No. 095-08, art. 17, § 1, 8-15-1995)

**Sec. 58-11. Remedies not exclusive.**

The remedies provided for in this chapter are cumulative and not exclusive and shall be in addition to any other remedies provided by law.  
(Ord. No. 095-08, art. 17, § 1, 8-15-1995)

**Sec. 58-12. Complaints regarding violations.**

Whenever a violation of this chapter occurs or is alleged to have occurred any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the zoning administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.  
(Ord. No. 095-08, art. 17, § 3, 8-15-1995)

**Secs. 58-13 – 58-35. Reserved**

**ARTICLE II. ADMINISTRATION**

**DIVISION 1. GENERALLY**

**Sec. 58-36. Zoning administrator.**

- (a) General enforcement. This chapter shall be administered and enforced by an officer to be known as the zoning administrator who shall be appointed by the board of supervisors. The zoning administrator shall have all necessary authority on behalf of the board of supervisors to administer and enforce this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, and the bringing of legal action to ensure compliance with this chapter, including injunction, abatement, or other appropriate action or proceeding. The zoning administrator shall be guided in all of his actions pursuant to this chapter by the purposes, intent, and spirit of this chapter and the standards set forth in section 58-6. The zoning administrator may be assisted in the enforcement of this chapter by the health officer, sheriff, building inspector and all other officials of the county, pursuant to their respective fields.
- (b) Duties. The zoning administrator shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of this chapter.

(Ord. No. 095-08, art. 19, § 1, 8-15-1995)

**Secs. 58-37-58-60. Reserved.**

## DIVISION2. BOARD OF ZONING APPEALS

### **Sec. 58-61. Provisions for appeal.**

- (a) Number, appointment, compensation, and filling of vacancies. A board consisting of five residents of the county shall be appointed by the circuit court of the county. The board shall serve without pay other than for travel expense. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
  - (b) Term of office. The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, and one for two years, and one for one year. One of the five members may be an active member of the planning commission.
  - (c) Removal. Members may be removed for malfeasance, or nonfeasance in office, or for other just cause, by the appointing authority upon written charges and after a public hearing.
  - (d) Disqualification. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
  - (e) Officers. The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.
- (Ord. No. 095-08, art. 16, § 1, 8-15-1995)

### **Sec. 58-62. Powers.**

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- (2) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of these provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done, as follows:
  - (a) When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the application, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.
  - (b) No such variance shall be authorized by the board unless it finds that the strict application of this chapter would produce undue hardship, that such hardship is not shared generally by other properties in the same zoning district and the same vicinity, and that 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.
  - (c) No such variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204, as amended.

- (d) No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to be adopted as an amendment to this chapter.
  - (e) In authorizing a variance the board may impose such conditions regarding the location, character, and other features or the proposed structure for use as it may deem necessary in the public interest and may require guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
  - (4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
  - (5) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
  - (6) To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
  - (7) No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
  - (8) To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.
  - (9) The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and

other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Ord. No. 095-08, art. 16, § 2, 8-15-1995)

**Sec. 58-63. Rules and regulations.**

The following shall apply to the rules and regulations of the board:

- (1) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
- (2) The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.
- (3) The chairman or, in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- (4) The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. It shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be public record.
- (5) All meetings of the board shall be open to the public.
- (6) A quorum shall be at least three members.
- (7) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

(Ord. No. 095-08, art. 16, § 3, 8-15-1995)

**Sec. 58-64. Appeal to the board of zoning appeals.**

An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. 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 opinion, cause immanent peril to life or property, in which case proceedings shall not be stayed otherwise than by an restraining order granted by the board or by a court of record on application and on notice to the zoning administrator and for good cause shown.

(Ord. No. 095-08, art. 16, § 4, 8-15-1995)

**Sec. 58-65. Appeal procedure.**

Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department, or agency concerned, if any.

(Ord. No. 095-08, art. 16, § 5, 8-15-1995)

**Sec. 58-66. Public hearing.**

The board 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 60

days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter. The board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the board and shall be public record. The chairman of the board, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. (Ord. No. 095-08, art. 16, § 6, 8-15-1995).

**Sec. 58-67. Decisions of board of zoning appeals.**

- (a) Petition to circuit court. Any person or person jointly or severally aggrieved by a decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the county, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.
  - (b) Writ of certiorari. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.
  - (c) Return of papers and facts. The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
  - (d) Taking of evidence. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may modify the decision brought up for review.
  - (e) Costs. Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.
- (Ord. No. 095-08, art. 16, § 7, 8-15-1995)

**Sec. 58-68 – 58-90. Reserved.**

DIVISION 3. PERMITS, CERTIFICATES OF OCCUPANCY

**Sec. 58-91. Building and zoning permits – Generally.**

- (a) No principal or accessory building, structure, or use or buildings, structures, or uses permissible shall be constructed, reconstructed, moved, added to, or structurally altered or otherwise allowed without a permit therefrom issued by the county building inspector and approved by the zoning administrator.

- (b) No permitted principal or accessory building, structure, or use of buildings, structures, and uses permissible by special exemption or special use shall be constructed, reconstructed, moved, added to, or structurally altered or otherwise allowed without a permit therefor issued by the building inspector and approved by the zoning administrator. No building and zoning permit shall be issued except in conformity with the provisions of this chapter, unless the building inspector receives a written order from the board of zoning appeals and zoning administrator in the form of an administrative review, special exception, or variance as provided by this chapter.

(Ord. No. 095-08, art. 19, § 2(2-1), 8-15-1995)

#### **Sec. 58-92. Same – Procedures.**

All applications for building permits shall be in accordance with the procedures of the Virginia Uniform Statewide Building Code; however, additional information will be required for the zoning permit as described on the application form provided by the zoning administrator.

(Ord. No. 095-08, art. 19, § 2(2-2.1), 8-15-1995)

#### **Sec. 58-93. Forms and information required.**

An application for a rezoning permit shall be made to the zoning administrator who shall require and be furnished with all such plans and documents as may be required to determine whether the proposed structure and facilities will be in compliance with the provisions of this chapter. Each such application for a zoning permit shall be accompanied by the following items or as much thereof as the zoning administrator may require as being pertinent:

- (1) Certificate from the health official that the proposed location meets the requirements of the health department from the standpoint of water supply and sewage disposal, or where a public water and/or sewage system is involved, a statement from the county public service authority that all applicable regulations and requirements have been complied with;
- (2) A building permit, as required;
- (3) The intended use;
- (4) If a dwelling, the number of families or housekeeping units;
- (5) A plot plan signed by the applicant drawn to scale showing dimensions of the structure with respect to property lines and public highways, provided no part of which is to be located less than the setback distance from any property line or public highway;
- (6) Number, size, location, and lighting of signs, if any; or
- (7) Off-street parking and other facilities.

(Ord. No. 095-08, art. 19, § 2(2-2.2), 8-15-1995)

#### **Sec. 58-94. Zoning permit.**

- (a) Required. A zoning permit is required in all cases where a building permit is required.
- (b) Structure in violation. No zoning permit shall be issued where it appears that the structure to be constructed or the use contemplated would be in violation of the provisions of this chapter or any other applicable law, ordinance, or regulation. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this chapter or any other applicable law, ordinance, or regulation.
- (c) Issuance. If it appears that the proposed structure and use of land or structure is in conformity with the provisions of this chapter, the zoning administrator shall issue a zoning permit to the applicant.

- (1) Certificate. Whenever a zoning permit is issued, the zoning administrator shall also furnish the building inspector with a certificate indicating that the zoning permit has been issued and is valid for the period stipulated in this section.
- (2) Time limits. Any zoning permit issued shall conform to the time limits set forth by the building inspector in the building permit.
- (3) Violations. Failure to obtain a zoning approval permit shall be a violation of this chapter and punishable under section 58-10.

(Ord. No. 095-08, art. 19, § 2(2-2.3), 8-15-1995)

#### **Sec. 58-95. Certificates of zoning compliance for new, altered, or nonconforming uses.**

- (a) Generally. A certificate of zoning compliance is issued for the purpose of controlling nonconforming uses. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part, thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure that is in nonconformance with the regulations of the district in which located until a certificate of zoning compliance shall have been issued therefor by the zoning administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.
- (b) Nonconforming structures and uses. No nonconforming structure shall be maintained, renewed, changed, or extended until the zoning administrator shall have issued a certificate of zoning compliance. This certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of the chapter, provided, that upon enactment or amendment of this chapter, owners or occupants of nonconforming uses or structures have three months to apply for certificates of zoning compliance. Failure to make such application within one year shall be presumptive evidence that the property was a conforming use at the time of enactment or amendment of this chapter. Therefore, the continuance of a nonconforming use shall subject the owner or operator to the penalties specified in Sec. 58-10. This subsection shall be administered in conformity with and governed by the provisions of Code of Virginia § 15.2-2307.
- (c) Relation to building permits. No permit for erecting, altering, moving, or repairing any building shall be issued until an application has been made for a certificate of zoning compliance.
- (d) Records to be kept. The zoning administrator shall maintain a record of all certificates of zoning compliance and a copy shall be furnished upon request to any person.

(Ord. No. 095-08, art. 19, § 3, 8-15-1995)

#### **Sec. 58-96. Conformance to Plans.**

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorized only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Use, arrangement, and construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided under section 58-10.

#### **Sec. 58-97 – 58-120. Reserved.**

## DIVISION 4. SPECIAL EXCEPTIONS

### **Sec. 58-121. Special exceptions.**

- (a) Generally. A special exception is a conditional use that is permitted within a use district after review and recommendation by the commission and approved by the board of supervisors. The board of supervisors hereby reserves unto itself the right to issue such special exception permits.
- (b) Procedure. Wherever a use of a structure is listed either as a permissible use or structure or is listed as a special exception, application shall be made to the zoning administrator who shall refer such application to the planning commission. Procedures and standards for determination affecting permissible uses or structures and special exceptions shall be as provided in the district regulations and section 58-123 of this division.

### **Sec. 58-122. Uses not provided for.**

A use not provided for is a use that is not included within the text of the permitted district uses. Because of their nature and anticipated county impact, these uses require review by the commission and board of supervisors before approval is granted. Uses not provided for can be treated either as special uses which require a special use permit or as zoning amendments. Conditions specified for approval shall be defined by the board of supervisors as necessary elements to carry out the intent of this chapter. The board of supervisors hereby reserves unto itself the right to approve or disapprove uses not provided for.

(Ord. No. 095-08, art. 19, § 6, 8-15-1995)

### **Sec. 58-123. Special exception and special use procedures.**

- (a) Special exceptions and special use (use not provided for) requests will be reviewed by the commission upon referral by the zoning administrator. The final determination on the request will be made by the board of supervisors after the following procedure is completed:
  - (1) A written application for a special exception or use not provided for shall be submitted indicating the section of this chapter under which the special exception or use not provided for is sought and stating the grounds on which it is requested.
  - (2) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which the special exception or use not provided for is sought or his agent shall be notified by mail. Notice of such hearings shall be printed in a newspaper of general circulation, in accordance with Code of Virginia, § 15.2-2204.
  - (3) A public hearing shall be held. Any party may appear in person or by agent or attorney.
  - (4) The commission shall make a recommendation on the subject use after a public hearing is held.
- (b) Before any special exception shall be allowed and any special use permit issued the board of supervisors shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has made concerning the following where applicable:
  - (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- (2) Off-street parking and loading areas where required, with particular attention to the items in subsection (1) of this subsection (b) and the economic, noise, glare, or odor effects of the special exception or special use on adjoining properties and properties generally in that district.
- (3) Refuse and service areas, with particular reference to the items in subsections (1) and (2) of this subsection (b).
- (4) Utilities, with reference to locations, availability, and compatibility.
- (5) Buffering and screening with reference to the type, dimensions, and characters.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in that district.
- (7) Required yards and other open space.
- (8) General compatibility with adjacent properties and other property in the district.

(Ord. No. 095-08, art. 19, § 7, 8-15-1995)

**Sec. 58-124 – 58-145. Reserved.**

DIVISION 5. REZONING AND CONDITIONAL ZONING

**Sec. 58-146. Rezoning procedures.**

Rezoning requests will be submitted to the zoning administrator on the required form and referred to the planning commission for its review and recommendation. The final determination on the rezoning request will be made by the board of supervisors after the following procedures are completed:

- (1) The written request for rezoning shall be submitted to the planning commission by the zoning administrator.
- (2) Notice shall be given of the required public hearing in accordance with the requirements of Code of Virginia, § 15.2-2204. Adjacent property owners and the applicant shall be notified in writing as to the rezoning request and public hearing date.
- (3) A public hearing shall be held by the planning commission. If requested, the zoning administrator may make a report and recommendation to the planning commission on the subject request. Other parties may appear in person and present their views.
- (4) The commission shall make a recommendation to the board of supervisors on the zoning request after the public hearing is held.
- (5) The board of supervisors shall then hold its own public hearing in conformity with all notice requirements under Code of Virginia, § 15.2-2204 and make final determination on the zoning request.
- (6) Upon the denial of any application filed to change a zoning district, no further application concerning any or all of the same property shall be filed for rezoning to the same use in less than 12 months from the time denied by the board of supervisors.
- (7) An application for an amendment may be withdrawn at any time; provided, that if the request for withdrawal is made after publication of the notice of the public hearing, no application for the reclassification of all or any part of the same property shall be filed within three months of the withdrawal date. There shall be no refund of rezoning fees in the case of withdrawal either before or after advertising.
- (8) Tabling an application for an amendment may be requested by the applicant or by the commission on the grounds of inadequate data. All cost involved in readvertisement must be paid by the applicant.

(Ord. No. 095-08, art. 19, § 8, 8-15-1995)

**Sec. 58-147. Conditional zoning.**

As part of a petition to rezone property and amend the official zoning map, the property owner may include a voluntary proffering in writing placing certain conditions and restrictions on the use and development of such property, and the administrator shall be vested with all necessary authority to administer and enforce such conditions and restrictions, all in accordance with Code of Virginia, §§ 15.2-2296 – 15.2-2302, as amended, and such sections are incorporated in this section as a part thereof to the same extent and purpose as though such sections were fully set out at length in this section.

(Ord. No. 095-08, art. 19, § 9, 8-15-1995)

**Secs. 58-148 – 58-170. Reserved.**

**ARTICLE III. NONCONFORMING USES**

**Sec. 58-171. Continuation.**

The following provision shall apply to continuation of nonconforming uses:

- (1) If, at the time of enactment of the ordinance from which this chapter is derived, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as provided in this article.
- (2) If any change in title or possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- (3) If any nonconforming use, structure, or activity is discontinued for a period exceeding two years after the enactment of the ordinance from which this chapter is derived, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.
- (4) Whenever a nonconforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- (5) Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of the ordinance from which this chapter is derived are excluded.
- (6) (Ord. No. 095-08, art. 13, § 1, 8-15-1995)

**Sec. 58-172. Permits.**

Permits of nonconforming uses will be issued within 60 days of adoption of this chapter. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of the ordinance from which this chapter is derived may proceed, provided such building is completed within one year or such use of land established within 30 days after the date this chapter becomes effective.

(Ord. No. 095-08, art. 13, § 2, 8-15-1995)

**Sec. 58-173 Repairs and maintenance.**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive month on ordinary repairs or on repair or replacement of nonbearing

walls, fixtures, wiring, or plumbing to an extent not exceeding ten percent of the current replacement value of the structure; provided, that the cubic content of the structure as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

(Ord. No. 095-08, art. 13, § 3, 8-15-1995)

#### **Sec. 58-174. Changes in district boundaries.**

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

(Ord. No. 095-08, art. 13, § 4, 8-15-1995)

#### **Sec. 58-175. Expansion or enlargement.**

- (a) A nonconforming structure, use, or building shall not be extended, enlarged, reconstructed, or replaced.
- (b) A nonconforming activity may be extended within any part of a structure which was arranged or designed for such activity at the time of enactment of this chapter.

(Ord. No. 095-08, art. 13, § 6, 8-15-1995)

#### **Sec. 58-176. Nonconforming Lots**

Any lot of record which conformed in all respects with the ordinances of the County of Craig in effect at the time of recordation of such lot and which is less in area or width than the minimum required by this chapter or any amendment thereto may be used as permitted by this chapter when the requirements regarding setbacks, side and rear yards are met.

#### **Sec. 58-177. Restoration or replacement.**

- (a) If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 50 percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this chapter.
- (b) If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75 percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this chapter.
- (c) Where a conforming structure devoted to nonconforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75 percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.
- (d) The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

(Ord. No. 095-08, art. 13, § 7, 8-15-1995)

#### **Sec. 58-178. Single-family homes.**

Single-family homes existing at the time of the adoption of this chapter shall be considered for purposes of repair, maintenance, alteration, or expansion to be a conforming use in all zoning districts.

(Ord. No. 095-08, art. 13, § 8, 8-15-1995)

**Secs. 58-179 – 58-200. Reserved.**

## ARTICLE IV. SITE PLANS

### Sec. 58-201. Purpose.

Due to the unique rural nature of the county and the proximity to the Roanoke urban area, certain review measures are necessary to ensure and encourage the most appropriate development and wise use of land in harmony with both the neighborhood and local environment. Therefore, a site plan shall be required in certain use districts in which the scale and type of development requires local review and concern.

(Ord. No. 095-08, art. 15, § 1, 8-15-1995)

### Sec. 58-202. Required.

- (a) No person shall commence any use or erect any structure without first obtaining the approval of a site plan by the zoning administrator as set forth in this section, and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan. No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith; provided, that upon a finding by the zoning administrator that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, he may instruct the building inspector to issue a temporary certificate of occupancy bearing an expiration date, which date shall allow reasonable time for completion.
- (b) The lawful construction, alteration, and occupancy of a single- or two-family dwelling or manufactured home, with or without a garage, on a lot on which there exists no other building or use; any lawful use, alteration, or construction in district A-1; and any lawful use, alteration, or construction for agricultural or residential uses in district RR are exempt from the site plan requirements of this article. Any alteration of any use or structure upon less than ten percent of the lot area is also exempt from the site plan requirements of this article. Exemption from site plan requirements does not authorize violation of any other provision of this chapter.

(Ord. No. 095-08, art. 15, § 2, 8-15-1995)

### Sec. 58-203. Applicability.

A site plan shall be required in the following situations

	<i>Use</i>	<i>District</i>
(1)	Multifamily dwellings, and manufactured home Subdivisions and parks	R-2 and RM
(2)	All uses	B-1

- |     |  |                  |
|-----|--|------------------|
| (3) | All uses   | M-1              |
| (4) | For all special exceptions wherein Zoning Administrator's judgment, the Proposed land use will conflict with Existing land uses.<br>(Ord. No. 095-08, art. 15, § 3, 8-15-1995) | In all districts |

**Sec. 58-204. Form and content.**

Every site plan shall be submitted to the zoning administrator in three identical copies on one or more sheets of paper measuring not more than 24 inches by 36 inches drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer, and the site plan shall show the following:

- (1) The boundary lines of the area included in the site plan, including angles, dimensions, and reference to a section corner, quarter corner or point in a recorded plat, an arrow pointing north and the lot area of the land included in the site plan.
  - (2) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
  - (3) The shape, size, location, height, and floor area of all structures and the finished ground and basement floor grades.
  - (4) Natural features such as woodlots, streams and lakes or ponds, and manmade features such as existing roads and structures, with indication as to which are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
  - (5) Proposed streets, driveways, parking spaces, loading spaces, and sidewalks with indication of direction of travel for one-way streets and drives and inside radius of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
  - (6) The size and location of all existing and proposed public and private utilities and required landscaping.
  - (7) A vicinity sketch showing the location of the site in relation to the surrounding street system.
  - (8) A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
  - (9) Any other information necessary to establish compliance with this article and other ordinances or the availability of adequate utility capacity.
- (Ord. No. 095-08, art. 15, § 4, 8-15-1995)

**Sec. 58-205. Review procedures; appeals.**

Upon receipt of any site plan, the zoning administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this chapter and all other ordinances of the county, and demonstrates the adequacy of utility service. Upon demand by the proposers of the site plan, the zoning administrator shall within 20 days approve it in writing or deny approval in writing, setting forth in detail his reasons, which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any

changes which would make the plan acceptable. The proposers may appeal any denial to the board of zoning appeals.

(Ord. No. 095-08, art. 15, § 5, 8-15-1995)

#### **Sec. 58-206. Revisions.**

After a site plan has been approved by the zoning administrator, minor adjustments of the site plan, which comply with the spirit of this article and other provisions of this chapter, may be approved by the administrator. Deviation from an approved site plan without the written approval of the zoning administrator shall void the plan and the zoning administrator shall require the applicant to resubmit a new site plan for consideration. Any major revision of an approved site plan shall be made in the same manner as originally approved.

#### **Secs. 58-207 – 58.230. Reserved.**

### **ARTICLE V. DISTRICT REGULATIONS**

#### **DIVISION 1. GENERALLY**

#### **Sec. 58-231. Application of regulations.**

The regulations set forth by this chapter within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, and except particularly as hereinafter provided:

- (1) *Use, occupancy, and construction.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed except in conformity with all of the regulations specified in this section for the district in which it is located. Every building hereafter erected, reconstructed, invested, moved, or structurally altered and every manufactured home shall be located on a lot of record and in no case shall there be more than one principal building, manufactured home, or use on one lot unless specifically provided in this article.
- (2) *Height, bulk, density, lot coverage, yards and open spaces.* No building or other structure shall hereafter be erected or altered:
  - (a) To exceed the height or bulk;
  - (b) To accommodate or house a greater number of families;
  - (c) To occupy a greater percentage of lot area;
  - (d) To have narrower or smaller rear yards, front yards, side yards, or other open space than required in this section; or in any other manner contrary to the provisions of this chapter.
- (3) *Required yard, open space, area, parking, or loading space for one structure or use not to be used to meet requirements for another.* No part of a yard, other open space, area, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, area, or off-street parking or loading space similarly required for any other building.
- (4) *Reduction of lots or areas below minimum prohibited.* No lot or area existing at the time of passage of this chapter shall be reduced in dimensions or area below the minimum requirements set forth in this section except for the purposes of meeting or exceeding the standards set forth in this section. Lots or areas created after the effective date of the

ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.

- (5) *Reduction of yards below minimum.* No yards existing at the time of passage of this chapter shall be reduced in dimensions below the minimum requirements set forth in this section unless such yard restrictions reduce the buildable area to unreasonable dimensions. In such cases, the planning commission shall determine the minimum requirements consistent with provisions of adequate light and air, prevention of loss of life, health, or property from fire or other dangers, and prevention of danger in travel. Yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (6) *Reduction of off-street parking or loading space.* No existing off-street parking or loading space, and no off-street parking or loading space hereafter provided, which means all or part of the requirements for off-street parking or loading set forth in these regulations, shall be reduced or eliminated so that resulting reduction results in area not meeting requirements or standards contained in this section. Reductions may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.
- (7) *Interpretation.* Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- (a) Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys, or railroad main tracks, such centerline or lines at right angle to such centerlines shall be construed to be such boundaries, as the case may be.
  - (b) Where a district boundary is indicated to follow a river, creek, or branch or other body of water, such boundary shall be construed to follow the centerline of low water or at the limit or jurisdiction of the county.
  - (c) If no distance, angle, curvature description, or other means is given to determine a boundary line accurately, the same shall be determined by the use of the scale shown on such zoning map, and in case of dispute in the use thereof, the determination of the zoning administrator shall be final.
  - (d) Such determination of district boundaries shall be made by the zoning administrator, and if uncertainty still exists as to the location of such boundaries, the matter shall be referred to the board of zoning appeals. (See section 58-61.)

(Ord. No. 095-08, art. 2, § 1, 8-15-1995)

**Sec. 58-232. Districts.**

For the purpose of this chapter, the unincorporated areas of the county, are hereby divided into the following districts:

Agricultural, Limited A-1

Rural Residential RR

Residential R-1

Residential R-2

Residential RM

Business, B-1

Industrial, M-1

Historic H

Mining and Mineral Extraction MME  
(Ord. No. 095-08, art. 3, § 1, 8-15-1995)

**Secs. 58-233—58-255. Reserved.**

**DIVISION 2. AGRICULTURAL, LIMITED DISTRICT A-1**

**Sec. 58-256. Statement of intent.**

The agricultural, limited district A-1 is established for the specific purpose of facilitating existing and future farming operations, conservation of water and other natural resources, conservation of open space, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. Other more intensive land uses, i.e., industrial, commercial and higher density residential uses, shall be regulated and examined on an individual basis in respect to their physical, social, and environmental effects on agricultural or forest areas. Uses not consistent with the existing character of this district are not permitted.  
(Ord. No. 095-08, art. 4, § 1, 8-15-1995).

**Sec. 58-257. Uses permitted by right.**

In the agricultural district A-1, structures to be erected or land to be used by right shall be for one or more of the following uses:

- (1) Single-family dwellings on individual lots;
- (2) Manufactured houses that are on a permanent foundation, except single wide, and on individual lots;
- (3) General farming, agriculture, dairying and forestry;
- (4) Churches;
- (5) Hunting clubs, provided club owns at least 100 acres; with no more than one dwelling

- (6) Preservation and conservation areas;
  - (7) Cemeteries;
  - (8) Home occupations as defined in section 58-3;
  - (9) Accessory uses as defined in section 58-3;
  - (10) Church bulletin boards, provided it is only one and no larger than 20 square feet in size;
  - (11) Church identification sign, provided it is not greater than 16 square feet in size;
  - (12) Signs to advertise the sale or rent of the premises, not larger than ten square feet in size;
  - (13) Schools; and
  - (14) School identification sign, provided it is not greater than 32 square feet in size.
- (Ord. No. 095-08, art. 4, § 2(2-1), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-258. Uses permitted by conditional use permit.**

In the agricultural district A-1, structures to be erected or land to be used by conditional use permit shall be for one or more of the following:

- (1) Parks and playgrounds;
  - (2) Lodges;
  - (3) Boating clubs;
  - (4) General stores;
  - (5) Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, water and sewerage installations, extra high electric transmission lines and ultra high electric transmission lines;
  - (6) Business signs, not larger than 16 square feet;
  - (7) General office/professional;
  - (8) Commercial uses, provided that there is no outside storage;
  - (9) Saw mills and planing mills; temporary; and
  - (10) Hunting clubs with multiple dwelling units and/or facilities with camping sites.
  - (11) Kennel
- (Ord. No. 095-08, art. 4, § 2(2-2), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-259. Area regulations.**

The minimum lot area for permitted uses shall be five acres or more.  
(Ord. No. 095-08, art. 4, § 3, 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-260. Setback regulations.**

- (a) Front. Structure shall be located 50 feet or more from the front property line or easement line. This shall be known as the "setback line."
- (b) Side. The minimum side yard for each main structure shall be 25 feet.
- (c) Rear. Each main structure shall have a rear yard of 50 feet or more.

(Ord. No. 095-08, art. 4, § 4, 8-15-1995)

**Sec. 58-261. Frontage regulations.**

The minimum road frontage for permitted uses shall be 200 feet

(Ord. No. 095-08, art. 4, § 5, 8-15-1995)

**Sec. 58-263. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.

(Ord. No. 05-07, § 1, 8-9-2005)

**Secs. 58-264—58-285. Reserved.**

**DIVISION 3. RURAL RESIDENTIAL RR**

**Sec. 58-286. Statement of intent.**

Generally, the Rural Residential RR covers the portion of the county into which urban-type development could logically expand as the need occurs. As a general rule, it surrounds residential sections. Domestic water and sewerage facilities, police and fire protection, and other services necessary to accommodate urban-type development can be economically extended as development takes place. This district is established for the specific purpose of:

- (1) Providing for the orderly expansion of urban development into territory surrounding incorporated areas within the county;
- (2) Confining such development to such locations as can feasibly be supplied urban-type facilities; and
- (3) Discouraging the random scattering of residential, commercial, and industrial uses into the area.

(Ord. No. 095-08, art. 5, § 1, 8-15-1995)

**Sec. 58-287. Uses permitted by right.**

In the Rural Residential RR, structures to be erected or land to be used by right shall be for one or more of the following:

- (1) Single-family dwellings on individual lots
- (2) Manufactured houses that are on a permanent foundation, except single wide, and on individual lots;
- (3) General farming, agriculture, dairying, and forestry;
- (4) Churches;
- (5) Hunting clubs, provided the club owns at least 100 acres; with no more than one dwelling.
- (6) Preservation and conservation areas;
- (7) Cemeteries;
- (8) Home occupations as defined in section 58-3;
- (9) Accessory uses as defined in section 58-3;
- (10) Church bulletin boards, provided it is only one and not larger than 20 square feet in size;
- (11) Church identification sign, provided it is not greater than 16 square feet in size;

- (12) Signs to advertise the sale or rent of the premises, not larger than ten square feet in size;
  - (13) Two-family dwellings (duplex);
  - (14) Schools; and
  - (15) School identification sign, provided it is not greater than 32 square feet in size.
- (Ord. No. 095-08, art. 5, § 2(2-1), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-288. Uses permitted by conditional use permit.**

In the Rural Residential RR, structures to be erected or land to be used by conditional use permit shall be for one or more of the following:

- (1) Parks and playgrounds;
  - (2) Lodges;
  - (3) Boating clubs;
  - (4) General stores;
  - (5) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, water and sewerage installations, extra high electric transmission lines and ultra high electric transmission lines;
  - (6) Business signs not larger than 16 square feet;
  - (7) General office/professional;
  - (8) Commercial uses, provided that there is no outside storage;
  - (9) Saw mills and planing mills; temporary
  - (10) Antique and gift shops;
  - (11) Beauty shops and barber shops;
  - (12) Hotels and motels;
  - (13) Airports;
  - (14) General hospitals;
  - (15) Medical clinics;
  - (16) Commercial recreation areas;
  - (17) Nursing homes/congregate living facilities; and
  - (18) Adult group homes.
  - (19) Kennel
- (Ord. No. 095-08, art. 5, § 2(2-2), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-289. Area regulations.**

The minimum lot area for permitted uses shall be one acre or more with the exception of two-family dwellings which will require a lot size of 1 1/2 acres or more. The zoning administrator and health official may require a greater area if considered necessary by soil and site conditions.

(Ord. No. 095-08, art. 5, § 3, 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-290. Setback regulations.**

- (a) Front. Structure shall be located 50 feet or more from the front property line or easement line. This shall be known as the "setback line."
- (b) Side. The minimum side yard for each main structure shall be 15 feet.
- (c) Rear. Each main structure shall have a rear yard of 35 feet or more.

(Ord. No. 095-08, art. 5, § 6, 8-15-1995)

**Sec. 58-291. Frontage regulations.**

The minimum frontage for permitted uses shall be 125 feet at the setback line.  
(Ord. No. 095-08, art. 5, § 5, 8-15-1995)

**Sec. 58-293. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.  
(Ord. No. 095-08, art. 5, § 7, 8-15-1995; Ord. No. 05-07, § 2, 8-9-2005)

**Sec. 58-294. Special provisions for corner lots.**

The following provisions shall apply to corner lots:

- (1) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The minimum side yard on the side facing the side street shall be 35 feet or more for both the main and accessory building.
- (3) For subdivisions platted after the enactment of the ordinance from which this chapter is derived, each corner lot shall have a minimum width at the setback line of 125 feet or more.

(Ord. No. 095-08, art. 5, § 8, 8-15-1995)

**Secs. 58-295—58-320. Reserved.**

**DIVISION 4. RESIDENTIAL DISTRICT R-1**

**Sec. 58-321. Statement of intent.**

The residential district R-1 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low-density residential uses plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.  
(Ord. No. 095-08, art. 6, § 1, 8-15-1995)

**Sec. 58-322. Permitted uses.**

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

- (1) Single-family dwellings on individual lots; not including manufactured housing except as herein provided;
  - (2) Two-family dwellings on individual lots; not including manufactured housing except as herein provided;
  - (3) Manufactured house of greater width than 19 feet on a permanent foundation and on individual lots;
  - (4) Schools and churches;
  - (5) Home occupations as defined in section 58-3;
  - (6) Off-street parking, as required in article VI of this chapter;
  - (7) Parks and playgrounds;
  - (8) Accessory buildings as defined in section 58-3; however, garages or other accessory buildings, such as carports, porches, and stoops attached to the main building, shall be considered part of the main building. No accessory building may be closer than five feet to any property line. Accessory buildings may abut a public alleyway;
  - (9) Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewage facilities;
  - (10) Business signs only to advertise the sale or rent of the premises upon which erected, no larger than ten square feet in area;
  - (11) Directional signs, church bulletin boards, and identification signs;
  - (12) Home occupation signs;
  - (13) Schools; and
  - (14) School identification sign, provided it is not greater than 32 square feet in size.
- (Ord. No. 095-08, art. 6, § 2, 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. \_\_\_\_\_ . Uses Permitted by Conditional Use Permit**

In the Residential District R-1, structures to be erected or land to be used by conditional use permit shall be for one or more of the following:

- (1) Multiple family dwellings; not including manufactured housing except as herein provided;
- (2) Clubs and lodges
- (3) Rest homes, retirement homes, assisted living centers

**Sec. 58-323. Area regulations.**

The minimum lot area for permitted uses shall be 20,000 square feet or more, with the following exceptions: Two-family dwellings will have a minimum lot area of 30,000 square feet or more. The zoning administrator and health official may require a greater area if considered necessary by soil and site conditions.

(Ord. No. 095-08, art. 6, § 3, 8-15-1995)

**Sec. 58-324. Setback regulations.**

- (a) Front. Structures shall be located 30 feet or more from the front property line or easement line. This shall be known as the "setback line."
- (b) Side. The minimum side yard for each main structure shall be 15 feet.
- (c) Rear. Each main structure shall have a rear yard of 30 feet or more.

(Ord. No. 095-08, art. 6, § 4, 8-15-1995)

**Sec. 58-325. Frontage regulations.**

The minimum lot width at the setback line shall be 100 feet or more.  
(Ord. No. 095-08, art. 6, § 5, 8-15-1995)

**Sec. 58-327. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.  
(Ord. No. 095-08, art. 6, § 7, 8-15-1995; Ord. No. 05-07, § 3, 8-9-2005)

**Sec. 58-328. Special provisions for corner lots.**

The following provisions shall apply to corner lots:

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard on the side facing the side street shall be 25 feet or more for both the main and accessory building.
- (3) For subdivisions platted after the enactment of the ordinance from which this chapter is derived, each corner lot shall have a minimum width at the setback line of 100 feet or more.

(Ord. No. 095-08, art. 6, § 8, 8-15-1995)

**Secs. 58-329—58-350. Reserved.**

**DIVISION 5. RESIDENTIAL DISTRICT R-2**

**Sec. 58-351. Statement of intent.**

The residential district R-2 is designed for more intensive development than is allowed in district R-1. The availability of public water and sewer is the deciding factor in granting any request for an R-2 district.

(Ord. No. 095-08, art. 7, § 1, 8-15-1995)

**Sec. 58-352. Permitted uses.**

In the residential district R-2, any building to be erected or land to be used shall be for one or more of the following uses:

- (1) Any use permitted in the residential district R-1;
- (2) Roominghouses, boardinghouses, and tourist homes;
- (3) Multifamily dwellings

(Ord. No. 095-08, art. 7, § 2, 8-15-1995)

**Sec. 58-353. Area regulations.**

(a) For residential lots containing or intended to contain a dwelling served by both public water and sewer, the minimum lot dimensions shall be for:

	<i>Lot Area In Square Feet</i>	<i>Lot Width Feet</i>
Single-family dwellings	10,000	70
Duplex dwellings	12,500	70
Multifamily dwellings	20,000 plus an additional 2,500 Square feet for each dwelling unit	100

(b) For residential lots containing or intended to contain residential dwellings served by either public water or public sewer the minimum lot area shall be increased to, subject to approval of the health official:

- (1) Single-family dwellings—20,000 square feet;
- (2) Two-family dwellings—30,000 square feet; and
- (3) Multifamily dwellings—One acre (43,560 square feet) plus an additional 2,500 square feet for each dwelling unit.

(Ord. No. 095-08, art. 7, § 3, 8-15-1995)

**Sec. 58-354. Setback regulations.**

Structures shall be located 30 feet or more from any street right-of-way.

(Ord. No. 095-08, art. 7, § 4, 8-15-1995)

**Sec. 58-355. Frontage regulations.**

The minimum lot width at the setback line shall be the same as that stated in section 58-353.

(Ord. No. 095-08, art. 7, § 5, 8-15-1995)

**Sec. 58-356. Yard regulations.**

- (1) Side. The minimum side yards shall be ten feet and the total width of the two required side yards shall be 25 feet or more.
- (2) Rear. Each main structure shall have a rear yard of 25 feet or more.

(Ord. No. 095-08, art. 7, § 6, 8-15-1995)

**Sec. 58-357. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.

(Ord. No. 095-08, art. 7, § 7, 8-15-1995; Ord. No. 05-07, § 3, 8-9-2005)

**Sec. 58-358. Provisions for corner lots.**

The following provisions shall apply to corner lots:

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side setback on the side facing the side street shall be 25 feet or more for both main and accessory building.
- (3) For subdivisions platted after the enactment of the ordinance from which this chapter is derived, each corner lot of a single-family dwelling shall have a minimum width at the setback line of 100 feet or more. For two-family dwellings the minimum width at the setback line shall be 120 feet or more.

(Ord. No. 095-08, art. 7, § 8, 8-15-1995)

**Sec. 58-359. Parking regulations.**

Parking regulations shall conform to Article VI of this chapter.

(Ord. No. 095-08, art. 7, § 9, 8-15-1995)

**Sec. 58-360. Sign regulations.**

Sign regulations shall be the same as those contained in the residential district R-1.

(Ord. No. 095-08, art. 7, § 10, 8-15-1995)

**Sec. 58-361. Site plan.**

A detailed site plan for multifamily dwelling ~~of~~ uses for the residential district R-2 shall be required by the administrator prior to the issuance of a zoning permit. Article IV of this chapter outlines the site plan requirements.

(Ord. No. 095-08, art. 7, § 11, 8-15-1995)

**Secs. 58-362—58-385. Reserved.**

**DIVISION 6. RESIDENTIAL DISTRICT RM**

**Subdivision I. In General**

**Sec. 58-386. Statement of intent.**

The intent of this subdivision is to describe standards and conditions for the placement of manufactured home parks in the county. Manufactured home parks are to be developed at appropriate locations in relation to community facilities to encourage a proper setting for such uses and to maintain a proper relation to other land uses.

(Ord. No. 095-08, art. 8, § 1, 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-387. Permitted uses.**

In a residential district RM any building to be erected or land to be used shall be one or more of the following uses:

- (1) Manufactured home parks.

- (2) Any accessory building and uses customarily incident thereto. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.

(Ord. No. 095-08, art. 8, § 2, 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-388. General site requirements.**

The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences, and no portion subject to predictable sudden flooding, or erosion and shall not be used for any purpose which would expose persons or property to hazards. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.

(Ord. No. 095-08, art. 8, § 3(3-1), 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-389. Site plan.**

A detailed site plan will be required by the administrator for all uses prior to the issuance of a zoning permit. Article IV of this chapter outlines the site plan requirements.

(Ord. No. 095-08, art. 8, § 5, 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Secs. 58-390—58-415. Reserved.**

### **Subdivision II. Manufactured Home Park Regulations**

#### **Sec. 58-416. Generally.**

Lots and parcels of land designed for the temporary or permanent parking and occupancy of two or more manufactured homes used for human habitation may be located in areas zoned to permit such use and shall be of adequate area to provide parking spaces, access lanes, utilities, and accessory buildings as required in this subdivision. Swimming pools, structures, and accessory buildings provided for any such park shall comply with the applicable requirements of the Virginia Uniform Statewide Building Code and the rules and regulations of the building official and health official.

(Ord. No. 095-08, art. 8, § 3(3-2.1), 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-417. Regulations.**

The following regulations shall apply to manufactured home parks:

- (1) Area. A minimum of 5,000 square feet shall be provided for each manufactured home lot. This lot shall have frontage on streets, land, or a driveway.
- (2) Width and yard requirements. Each mobile lot shall have a minimum width of 60 feet. Manufactured home lots shall be so designed that no manufactured home is closer than 25 feet to another manufactured home.

- (3) Setback. The setback distance for manufactured homes is 35 feet from all public streets. Setback distance for private streets shall be no less than 25 feet.
- (4) Frontage. The minimum lot width shall be 50 feet at the setback line or any lot fronting on a public street or highway.
- (5) Parking. Parking spaces shall be provided at the rate of 1.5 spaces per manufactured home lot. Each parking space shall be at least ten feet wide by 22 feet deep and be surfaced with a durable, hard material suitable for all-weather use.
- (6) Permanent markers. Every manufactured home lot shall be clearly defined on the ground by permanent markers.
- (7) Water supply. An adequate supply of potable water approved by the health department shall be furnished from a public or private water system and supply faucets located at each manufactured home lot.
- (8) Sewerage. In each manufactured home park all domestic waste or wastewater from a faucet, toilet, tub, shower, sink, slop sink, drain, washing machine, garbage disposal unit or laundry shall empty into a sewer system approved and constructed in accordance with the regulations of the state health department.
- (9) Garbage storage and disposal. Garbage storage disposal shall be in accordance with the regulations of the state health department.
- (10) Playgrounds. At least 200 square feet of playground space shall be provided and maintained for each manufactured home lot. Each manufactured home park shall provide not less than one playground, and no playground shall be less than 500 square feet in area. Such playground areas shall be used exclusively for playground purposes.
- (11) Additions. No permanent or semi-permanent structure shall be affixed to any manufactured home as an addition to such manufactured home lot. The prohibition in this subsection does not apply to a canopy or awning designed for use with a manufactured home nor to any expansion unit or accessory structure specifically manufactured for manufactured homes.
- (12) Electrical permit required. It shall be unlawful for any electric company to furnish electricity to any manufactured home that is to be used as a dwelling or living quarters unless an electrical permit has been issued therefor.
- (13) Streets. Streets and driveways shall be provided within the park area to afford easy access to all parking spaces. They shall be constructed with a hard, dustless road surface and shall provide ready means of entrance and exit to the street in an approved manner using the following guidelines:
  - a. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile lot. Such access shall be provided by streets, driveways, or other means.
  - b. Entrance to manufactured home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.

- c. Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten feet minimum moving lanes for collector streets, nine feet minimum moving lanes for minor streets, seven feet minimum lane for parallel parking, and in all cases shall meet the following minimum requirements:

- |                    |         |
|--------------------|---------|
| 1. One-way streets | 14 feet |
| 2. Two-way streets | 24 feet |

Satisfactory means of drainage shall be provided with all streets and lanes draining into catch basins properly connected to the sewer system in accordance with applicable requirements for such facilities. Walkways may be provided as necessary to all accessory buildings and service buildings of the park. Walks shall have a non-slip impervious surface and shall comply with applicable requirements for public sidewalks. Streets and walkways shall be illuminated as required for streets.

(14) Signs. Business signs are permitted only to advertise the sale or rent of the premises upon which erected. These signs shall be no larger than six square feet in area. Directional signs and identification signs are permitted.

(Ord. No. 095-08, art. 8, § 3(3-2.2), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-418. Additional regulations for manufactured home parks.**

(a) Manufactured home parks. Manufactured home parks legally in existence prior to the enactment of this chapter may be continued so long as the use remains otherwise lawful; provided, that:

- (1) No such manufactured home park use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (2) No such manufactured home in the park shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (3) If any such use of land for the manufactured home park ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) The requirements specified in the original Craig County Zoning Ordinance of 1972, as amended, are as followed. These include:
  - a. Minimum size, number of spaces. The minimum area for each manufactured home park shall be five acres. Minimum number of spaces completed and ready for

occupancy before first occupancy is permitted shall be eight.

- b. Maximum density of units per acre. The total density of any manufactured home park shall not exceed six units per gross acre.
- c. Minimum lot size. The minimum lot size for an individual manufactured home shall be as specified in districts A-1, RR, R-1 and R-2.
- d. Area. The minimum area for an individual manufactured home space shall be 5,000 square feet.
- e. Width. The minimum average width for each manufactured home lot shall be 50 feet except that for any manufactured home unit greater than 12 feet in width the minimum average lot width shall be 60 feet. This average shall be maintained between points ten feet in front of the manufactured home stand and ten feet to the rear of the stand.
- f. Minimum distance between manufactured homes. No manufactured home shall be placed within 25 feet of another.
- g. Yards abutting common areas. The distance from the line or corner of the manufactured home stand to a private access drive, a common parking area, a common walk, or other common area shall be 20 feet minimum. Patios, carports, and individual storage facilities shall be disregarded in determining yard widths.
- h. Distance manufactured homes to be located from park boundary and public streets. No manufactured home shall be placed a lesser distance from the manufactured home park boundary than the side yard width required in the zoning district in which the property adjoining each such boundary lies. In no case shall any manufactured home park be placed less than 15 feet from the manufactured home park boundary. The distance from the line or corner of the manufactured home stand to a public street shall be as designated on the setback map or, if the setback is not designated on such map, shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."
- i. Markers for manufactured home lots. Every manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan submitted as required so that each lot may be easily identified.

(b) Special cases.

- (1) Emergency use of individual manufactured homes will be allowed in all residential districts where a natural disaster or fire has destroyed or

damaged normal dwellings. This emergency use would alleviate the hardships inflicted on the people involved.

- (2) Manufactured homes are permitted as temporary offices or storage structures, not for permanent residential use, in business, industrial, or residential districts in the construction phase of buildings in these districts.

(Ord. No. 095-08, art. 8, § 3(3-2.3), 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-419. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.

(Ord. No. 05-07, § 1, 8-9-2005)

#### **Secs. 58-420—58-440. Reserved.**

### **Subdivision III. Supplemental Regulations for Manufactured Homes**

#### **Sec. 58-441. Anchorage and tie-down.**

Every parking space for manufactured homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of the units, anchorage may be by eyelets imbedded in the concrete with adequate anchor plates or hooks; or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required in article VII of the Basic Code (Virginia Uniform Statewide Building Code) for buildings and structures, based upon the size and weight of the units.

(Ord. No. 095-08, art. 8, § 4(4-1), 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-442. Water supply.**

An approved water supply system shall be installed with adequate water taps and connections for each travel trailer or manufactured home parking space to supply running water for all sanitary and washing fixtures, drinking and domestic purposes are required by the plumbing code (Virginia Uniform Statewide Building Code). Connections to individual units shall be arranged to prevent back siphoning into the main system.

(Ord. No. 095-08, art. 8, § 4(4-2), 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-443. Sewer system and sanitary facilities.**

Faucets for community use of provided shall be installed in accessible locations in a manner so as to be safe and sanitary. Sanitary facilities consisting of water closets, urinals, showers, or baths may be provided for community use in accordance with the fixture requirements of the plumbing code (Virginia Uniform Statewide Building Code). In addition, not less than one laundry tub and one slop sink may be installed for each ten travel trailer units. Such facilities shall be located so as to be connected to the public sewer system or to the other approved disposal plant. Provisions shall be made for the receipt, collection, and disposal of all garbage and rubbish from each unit in accordance with requirements for dwelling occupancies. Garbage and waste receptacles shall be kept clean and in sanitary condition.

(Ord. No. 095-08, art. 8, § 4(4-3), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-444. Electrical equipment and systems.**

The main electric service to the park shall be of adequate capacity to serve the maximum connected load. Main service, fusing, switching, and distribution shall comply with the applicable requirements of the electrical code (Virginia Uniform Statewide Building Code) and shall be installed and maintained in accordance with applicable laws and ordinances governing such systems. Each travel trailer or manufactured home shall be provided with electric service having a grounded-type supply receptacle with appropriate fuse or circuit breakers. The minimum service for each manufactured home unit shall comply with all electrical codes (Virginia Uniform Statewide Building Code). Service shall be mounted in an approved manner adjacent to each mobile unit space in accordance with the electrical code (Virginia Uniform Statewide Building Code).

(Ord. No. 095-08, art. 8, § 4(4-4), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-445. Gas supply.**

Installations for use of natural gas or liquefied petroleum gas shall comply with all laws and ordinances of the community applicable to the use of such systems for dwellings.

(Ord. No. 095-08, art. 8, § 4(4-5), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Sec. 58-446. Service buildings.**

Office buildings and structures housing sanitary or similar equipment shall be constructed to meet the applicable requirements of the Basic Code (Virginia Uniform Statewide Building Code). Motor fuel service stations shall be located adjacent to a public street and shall be not less than 30 feet from spaces for parking of travel trailers or manufactured homes or other buildings. Mobile units, as defined in the Basic Code (Virginia Uniform Statewide Building Code), may not be used for accessory uses in connection with any park except upon special permission in writing from the building official. Such units may be mounted in permanent foundations for accessory uses when specifically permitted by the special permit.

(Ord. No. 095-08, art. 8, § 4(4-6), 8-15-1995; Ord. No. 04-09, 12-6-2004)

**Secs. 58-447—58-470. Reserved.**

## DIVISION 7. BUSINESS DISTRICT B-1

### Sec. 58-471. Statement of intent.

Generally, the business district B-1 covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than occasioned by incidental light and noise of congregations of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants, and service stations. The intent of this division is not to limit business development but to encourage it by rezoning as the specific need arises.

(Ord. No. 095-08, art. 9, § 1, 8-15-1995)

### Sec. 58-472. Permitted uses.

In the business district B-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Retail stores and shops;
- (2) Bakeries;
- (3) Dry cleaners and laundries;
- (4) Wearing apparel stores;
- (5) Drugstores;
- (6) Barbershops and beauty shops;
- (7) Auto and home appliance services;
- (8) Theaters and assembly halls;
- (9) Hotels and motels;
- (10) Office buildings;
- (11) Churches;
- (12) Libraries;
- (13) Hospitals, general;
- (14) Funeral homes;
- (15) Service stations with major repair under cover;
- (16) Clubs and lodges;
- (17) Auto sales and service;
- (18) Lumber and building supply with storage under cover;
- (19) Plumbing and electrical supply with storage under cover;
- (20) Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit;
- (21) Machinery sales and service;
- (22) Laundromats;
- (23) Public utilities;
- (24) Off-street parking, as required in article VI of this chapter;
- (25) Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement with conditional use permit;
- (26) Business signs, no larger than 50 square feet in area;
- (27) General advertising signs, no larger than 50 square feet in area; and
- (28) Directional signs.
- (29) Restaurants
- (30) Convenience Stores with or without petroleum sales
- (31) Flea Markets

(Ord. No. 095-08, art. 9, § 2, 8-15-1995)

**Sec. 58- \_\_\_\_ . Uses Permitted by Conditional Use Permit.**

In the Business District B-1, structures to be erected or land to be used by conditional use permit shall be for one or more of the following:

- (1) Festivals
- (2) Fairs
- (3) Circus
- (4) Outdoor Concerts
- (5) Kennel

**Sec. 58-473. Area regulations.**

There is no minimum lot area requirement for this district. Businesses will comply with setback and yard regulations as well as off-street parking. The required area for individual sewage disposal systems shall be approved by the health officer. The administrator may require a greater area if considered necessary by the health officer.

(Ord. No. 095-08, art. 9, § 3, 8-15-1995)

**Sec. 58-474. Setback regulations.**

Structures shall be located 35 feet or more from any street right-of-way.

(Ord. No. 095-08, art. 9, § 4, 8-15-1995)

**Sec. 58-475. Frontage and yard regulations.**

For permitted uses, the minimum side yard shall be ten feet.

(Ord. No. 095-08, art. 9, § 5, 8-15-1995)

**Sec. 58-476. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and non-commercial television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.

(Ord. No. 095-08, art. 9, § 6, 8-15-1995; Ord. No. 05-07, § 2, 8-9-2005)

**Sec. 58-477. Site plan.**

A detailed site plan will be required by the administrator for all uses prior to the issuance of a zoning permit. Article IV of this chapter outlines the site plan requirements.

(Ord. No. 095-08, art. 9, § 7, 8-15-1995)

**Secs. 58-478—58-500. Reserved.**

## DIVISION 8. INDUSTRIAL DISTRICT M-1

### Sec. 58-501. Statement of intent.

The primary purpose of the industrial district M-1 is to promote industrial growth and expansion in a county that is at present essentially rural in character. The regulations imposed are intended to provide flexible guidelines on the expansion of the industry within the county as it becomes more urbanized. The intent is not to discourage industry but to ensure that future industrial growth will be compatible with existing county development.

(Ord. No. 095-08, art. 10, § 1, 8-15-1995)

### Sec. 58-502. Permitted uses.

In the industrial district M-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Assembly;
- (2) Manufacturing;
- (3) Coal and wood yards;
- (4) Cabinet, furniture, and upholstery shops;
- (5) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including water and sewer installations;
- (6) Sawmills;
- (7) Building supply sales and storage;
- (8) Wholesale business and storage warehouses;
- (9) Laboratories, pharmaceutical, and/or medical uses;
- (10) Business signs;
- (11) Outlet store in conjunction with sewing/cutting assembly operations.

(Ord. No. 095-08, art. 10, § 2, 8-15-1995)

### Sec. 58- \_\_\_\_ . Uses Permitted by Conditional Use Permit.

In the Industrial District M-1, structures to be erected or land to be used by conditional use permit shall be for one or more of the following:

- (1) Automobile Graveyard
- (2) Junkyard
- (3) Salvage Yard
- (4) Kennel

### Sec. 58-503. Uses allowed by special exception.

In the industrial district M-1, other structures to be erected or land to be used will be subject to the review of the planning commission and board of supervisors as specified in section 58-123 of this chapter.

(Ord. No. 095-08, art. 10, § 3, 8-15-1995)

### Sec. 58-504. Requirements for permitted uses.

- (a) Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study.

The administrator shall refer these plans to the planning commission for recommendation. Modifications of the plans may be required. A site plan of the development shall be submitted to the zoning administrator. See article IV of this chapter for an outline of the site plan requirements.

- (b) The administrator shall act on any application received within 30 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 20-day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

(Ord. No. 095-08, art. 10, § 4, 8-15-1995)

**Sec. 58-505. Area regulations.**

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

(Ord. No. 095-08, art. 10, § 5, 8-15-1995)

**Sec. 58-506. Frontage and yard regulations.**

For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 25 feet. The side yard of corner lots shall be 30 feet or more. Off-street parking shall be in accordance with the provisions contained in this chapter. If the use is within 200 feet of a residential or agricultural district, the use must meet buffer requirements for light and sound.

(Ord. No. 095-08, art. 10, § 6, 8-15-1995)

**Sec. 58-507. Height regulations.**

Buildings and structures may be erected up to a height of 45 feet. Churches belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, active solar generators, and **non-commercial** television and radio antennas and aerials are exempt from this height regulation. Telecommunications facilities shall be permitted only by special exception pursuant to Division 4, Special Exceptions, of Article II, Administration, of this chapter, and section 58-599, Telecommunications Facilities.

(Ord. No. 095-08, art. 10, § 7, 8-15-1995; Ord. No. 05-07, § 2, 8-9-2005)

**Sec. 58-508. Coverage regulations.**

Buildings or groups of buildings with their accessory buildings may cover up to 50 percent of the area of the lot and total impervious coverage shall not exceed 70 percent of the lot.

(Ord. No. 095-08, art. 10, § 8, 8-15-1995)

**Secs. 58-510—58-530. Reserved.**

**DIVISION 9. HISTORIC DISTRICT H**

**Sec. 58-531. Statement of intent.**

The historic district H is designed to protect historic landmarks within the county by adopting overlay zones delineating historic districts adjacent to specified landmarks, buildings, and structures. The district covers portions of the county in which are located historic landmarks, buildings, or structures having significant historic interest. Buildings and structures constructed within the designated historic districts shall be architecturally compatible with the historic landmark, buildings, or structure therein.

(Ord. No. 095-08, art. 11, § 1, 8-15-1995)

**Sec. 58-532. Designation.**

A historic district shall be designated and zoned by the board of supervisors. The district shall encompass an area no greater than one-quarter mile from the property line of the land pertaining to any such historic landmark, building, or structure.

(Ord. No. 095-08, art. 11, § 2, 8-15-1995)

**Sec. 58-533. Design.**

No building or structure, including signs, shall be erected, reconstructed, substantially altered, or restored within a historic district unless the same is approved by the board of supervisors as being architecturally compatible with the historic landmark, building, or structure therein. The board of supervisors will consider the recommendations of the planning commission and may employ an architect or architects for additional assistance as they see fit prior to approving the architectural design of any building or structure.

(Ord. No. 095-08, art. 11, § 3, 8-15-1995)

**Sec. 58-534. Demolition.**

No historic landmark, building, or structure within any historic district shall be razed or demolished until the razing or demolition thereof is approved by the board of supervisors after receiving the recommendations of the planning commission and, if deemed necessary, consultation with any architect or architects of the state historic landmarks commission.

(Ord. No. 095-08, art. 11, § 4, 8-15-1995)

**Secs. 58-535—58-560. Reserved.**

## **DIVISION 10. MINING AND MINERAL EXTRACTION DISTRICT MME**

### **Sec. 58-561. Statement of intent.**

- (a) The mining and mineral extraction district MME is designed solely to govern areas of the county where mining and mineral extraction are approved by the board of supervisors. This district shall set forth the minimum regulations for these activities.
- (b) Additional requirements may be set by the board of supervisors on an individual basis if the board determines further requirements are needed to protect the public health, safety, or welfare.
- (c) Each use on the site including accessory uses must be specifically approved by the board of supervisors.

(Ord. No. 095-08, art. 12, § 1, 8-15-1995)

### **Sec. 58-562. Permitted uses.**

The following uses are permitted in this district:

- (1) Surface mining;
- (2) Subsurface mining;
- (3) Subsurface mineral extraction to include the exploration of and drilling for oil, natural gas, or petroleum; and
- (4) Quarrying.

(Ord. No. 095-08, art. 12, § 2, 8-15-1995)

### **Sec. 58-563. Requirements for permitted uses.**

- (a) Noise, dust, vibrations. All equipment, buildings, and premises used for such purposes shall be constructed, maintained, and operated in such a manner as to reduce to the maximum extent possible noise, dust, or vibrations which could be injurious to persons living in the vicinity.
- (b) Excavations. The excavations shall be confined to areas a distance at least 100 feet from any and all adjoining property lines in any residential, business, or agricultural district and distance at least 200 feet from any dwelling or any and all property lines of any platted subdivision.
- (c) Power-driven or power-producing machinery. Any building containing power-driven or power-producing machinery or equipment shall be distant at least 600 feet from all adjacent property in any residential, business, or agricultural district or the right-of-way lines of any existing or platted street, road, or highway.
- (d) Roadways. All roadways on, and all vehicular entrances and exits from, the private properties on which such operations are conducted to any public roads shall be located to secure safety, to lessen congestion, and to facilitate transportation and shall be so maintained as to eliminate any nuisance from dust to neighboring properties.
- (e) Authority of board. The board may designate location of roadways, require fencing for the areas, establish hours of operation, and other appropriate conditions.

(Ord. No. 095-08, art. 12, § 3, 8-15-1995)

### **Sec. 58-564. Master plan.**

- (a) A detailed master plan of the proposed site to include all physical changes or improvements to the property must be presented at the time the formal application is filed with the county. Twelve copies of this plan are required to be furnished by the

applicant. The master plan must be drawn to scale, show all property lines, and adjoining property owners.

(b) The master plan must be drawn by and bear the seal of a certified land surveyor or engineer.

(c) Failure to comply with the requirements of this section shall be grounds for county refusal to accept applications for zoning or rezoning to this district.

(Ord. No. 095-08, art. 12, § 4, 8-15-1995)

#### **Sec. 58-565. Plan for reuse.**

A plan for reuse of the site is required. The plan for reuse shall show the property, in its entirety, returned to a state suitable for reuse for purposes permissible in this district, relating such reuses to uses existing or probable for surrounding property. Among items to be included in such plans are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil, including measures to be taken to replace topsoil and/or establish vegetation in excavated areas, in order to make the property suitable for the proposed reuse, treatment of slopes to prevent erosion and delineation of floodways and floodplains, if any, to be maintained in open usage. In such plans for reuse, where conditions are suitable, permanent lakes may be permitted, but intermittent lakes and marshes shall not be allowed except within either flood plain areas or agricultural districts.

(Ord. No. 095-08, art. 12, § 5, 8-15-1995)

#### **Sec. 58-566. Developmental requirements.**

(a) This article represents a good faith effort on the part of the county to allow the activities set forth in section 58-562 while ensuring no adverse impact on the health, safety, welfare of the citizens of the county.

(b) Due to the wide variation of activity necessary to conduct one type of mining or mineral extraction as opposed to another (i.e., quarrying versus an oil well), it would be unreasonable to adopt one strict set of criteria for all activities to function under. Reasonableness dictates that development requirements be based on the activity proposed; therefore, the county reserves the right to place special conditions upon any action sanctioned under this article as a condition of zoning to this classification.

(Ord. No. 095-08, art. 12, § 6, 8-15-1995)

#### **Secs. 58-567—58-590. Reserved.**

### **ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS**

#### **Sec. 58-591. Widening of highways and streets.**

Whenever there shall be plans in existence, approved by either the state department of highways or by the board of supervisors for the widening of any street or highway, the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

(Ord. No. 095-08, art. 14, § 1, 8-15-1995)

**Sec. 58-592. Minimum off-street parking.**

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard size automobiles as follows:

Use	Spaces Required
Single- and two-family dwellings	One space per dwelling unit.
Roominghouses, boardinghouse	One space for each accommodation.
Hotels, motels, tourist homes	One space per room in addition to spaces required for restaurant facilities.
Apartments and townhouses	1.5 spaces per dwelling unit.
Manufactured home subdivisions and parks	1.5 spaces per manufactured home.
Churches, high schools, theaters, facilities	0.20 spaces times the seating capacity for spectator sports
Hospitals and nursing homes	One for each two bed capacity.
Fast food establishments and drive-in restaurants	0.05 spaces times the floor area in square feet.
Other restaurants	2 spaces per 100 square feet of floor space.
Retail stores, personal service establishments	One per 200 square feet of floor area.
Funeral homes and parlors, alcoholic beverage stores	One per fifty square feet of floor sales area.
Automobile service stations and garages	Two per lift plus one per 300 square feet of floor area.
Laundromats	One per washing machine.
Doctor and dentist offices	Two per 100 square feet of waiting room area and one per doctor or dentist and one per examining room.
Banks and other professional offices	One per 200 square feet of floor space.
Warehouses and wholesale stores	One per 500 square feet of floor area.
Industrial uses	0.75 times the maximum number of employees on the premises at any one time.

(Ord. No. 095-08, art. 14, § 2, 8-15-1995)

**Sec. 58-593. Temporary use of manufactured housing.**

(a) Emergency uses of individual manufactured homes will be allowed following official declaration of a disaster or emergency by the Craig County Board of Supervisors or the Governor of Virginia in all residential districts where a disaster or fire has destroyed or damaged normal dwellings. This emergency use would alleviate the hardships inflicted on the people involved.

(b) Manufactured homes are permitted as temporary offices or storage structures, not for permanent residential use, in business or industrial districts in the construction phase or buildings in these districts.

(c) Manufactured homes are permitted as temporary public school classrooms.

(Ord. No. 095-08, art. 14, § 3, 8-15-1995; Ord. No. 04-09, 12-6-2004)

#### **Sec. 58-594. Inoperable automobiles.**

No inoperable automobile shall be kept, except within a fully enclosed building or structure, or an eight (8) foot high privacy fence, on any property zoned for any purpose. As used in this section, the term "inoperable automobile" shall mean any motor vehicle which is not in operating condition or which for a period of 90 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, and for which there is no valid Virginia Vehicle Safety Inspection inspection sticker.

(Ord. No. 095-08, art. 14, § 4, 8-15-1995)

#### **Sec. 58-595. Automobile graveyards.**

Automobile graveyards and junkyards in existence at the time of the adoption of the ordinance from which this chapter is derived are to be considered as nonconforming uses. They shall be allowed one year after adoption of the ordinance from which this chapter is derived in which to dispose of or to completely screen on any side open to view the operation or use by an 8 foot high masonry wall, a uniformly painted or stained 8 foot high solid board fence, or an evergreen hedge six four feet in height. The hedge shall be composed of evergreen trees. These trees shall be good sound nursery stock not less than four feet in height and planted not more than ten feet on centers. Trees shall be properly cared for and maintained, and any dead trees are to be immediately replaced. New automobile graveyards established after the adoption of the ordinance from which this chapter is derived must also meet the requirements in this section regarding screening, fencing and walls.

(Ord. No. 095-08, art. 14, § 5, 8-15-1995)

#### **Sec. 58-596. Recreational Vehicle.**

- (a) The permanent parking of a Recreational Vehicle in any district is hereby prohibited; except that one Recreational Vehicle may be parked or stored at the owner's primary residence, provided that no living quarters shall be maintained or any business practice in the trailer while such trailer is parked or stored.
- (b) The zoning administrator may permit the temporary occupancy or use of a fully self-contained recreational vehicle in a location outside of an approved and licensed trailer or manufactured home park for a period of not more than 120 days, provided such use shall not create a health, traffic, or other hazard. Each Recreational Vehicle shall have a "Recreational Vehicle Parking Permit" permit issued by Craig County and renewable, at the County's discretion, every 30 days.
- (c) Travel trailers may be occupied for more than 120 days when parked in an approved and licensed trailer or manufactured home park, but no individual unit shall be continuously occupied in any location for a period of more than 60 days within the period of one year from the date it was first brought into the community. When a travel trailer is occupied for more than 24 hours in an approved and licensed trailer or manufactured home park, it shall be properly connected to the utility services provided and shall be anchored as required. Each Recreational Vehicle shall have a "Recreational Vehicle

Parking Permit” permit issued by Craig County and renewable, at the County’s discretion, every 30 days.  
(Ord. No. 095-08, art. 14, § 6, 8-15-1995)

**Sec. 58-597. Public safety facilities.**

Public safety facilities, including county and public buildings including police, fire, and rescue and emergency service buildings and other necessary structures, are hereby permitted uses in all zoning districts, subject to the regulations for other structures as provided in the district regulations.  
(Ord. of 1-16-2001)

**Sec. 58-599. Telecommunications facilities.**

(a) Use regulations for telecommunications towers. The purpose of this section is to establish requirements for the siting of towers and antennas. The goals of this section are to:

- (1) Restrict the location of towers to nonresidential areas and minimize the total number of towers and tower sites throughout the community;
- (2) Encourage strongly the joint use of new and existing tower sites;
- (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (4) Encourage users of towers and antennas to configure or camouflage them in a way that minimizes adverse visual impact of the towers and antennas; and
- (5) To determine adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the county.

(b) Applicability.

- (1) District height limitations. The requirements set forth in this section shall govern the location and height of all telecommunications towers and antennas within Craig County. Any such tower or antennas shall also comply with all applicable federal and state regulations. Amateur radio towers and antennas shall be regulated by the county under existing state law and applicable county regulations.
- (2) Existing structures and towers. The placement of an antenna on an existing structure such as a building, sign, light pole, water tank, or other free-standing nonresidential structure or existing municipal, utility or commercially owned tower or pole shall be permitted so long as the height of the tower or structure is not increased and the addition of said antenna shall not add more than 15 feet in height to said structure or tower. If such permitted use shall include the placement of additional buildings or other supporting equipment used in connection with said antennas, such building or equipment shall be placed within the existing structure or property and shall be properly screened. Existing or proposed structures shall not be intentionally altered to circumvent this section.

(c) General requirements.

- (1) Zoning districts. Telecommunications towers and antennas shall be located in the agricultural, limited (A-1), Rural Residential RR, business (B-1) and industrial (M-1) districts of the county only and by special exception permit only.
- (2) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses when considering area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing and potential future facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower and/or antenna. Such information submitted to the county is public information, and thus the zoning administrator may share such information with other applicants applying for approvals or special exception permits under this section or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (4) Time limits. The planning commission shall adhere to the time limits established by Code of Virginia, § 15.2-2232.F., in acting on applications for telecommunications facilities.

(d) Appearance, lighting. The guidelines set forth in this subsection shall govern the location of all towers and the installation of all antennas governed by this section; provided, however, that the governing authority may waive any of these requirements if it determines that the goals of this section are better served thereby.

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas and covers will be of a neutral, nonreflective color with no logos or other markings.
- (2) At a facility site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the surrounding built environment to the maximum extent possible.
- (3) 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.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable governing authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views and properties.
- (5) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting a pre-existing sign structure.
- (6) Federal and state requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state

governments with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. All towers and antennas constructed on property owned or leased by the federal or state government must also meet all Craig County tower requirements of the Craig County Zoning Ordinance.

(f) Building codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state and local buildings codes and regulations.

(g) Information required. Each applicant requesting a special exception permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals in the Commonwealth of Virginia, showing the location and dimensions of all improvements, including information concerning topography, existing vegetation, proposed clearing and grading, radio frequency coverage, tower height and antenna location requirements, setbacks, ingress/egress, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this section. Additionally, the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower and antennas. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

- (1) An engineering report, certifying that the proposed tower is compatible for co-location when more than one user is proposed for the same tower, must be submitted by the applicant.
- (2) The applicant shall pay all costs associated with notifying adjoining property owners and other nearby residents by certified letter concerning the project prior to public hearings before the planning commission and board of supervisors.
- (3) The applicant shall provide copies of their co-location policy. The applicant shall provide copies of propagation maps using proposed antenna tilt demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary to serve the intended area.

(h) Factors to be considered in granting special exception permits for new towers or poles. The governing authority shall consider the following factors, in addition to section 58-123, in determining whether to issue a special exception permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the goals of this section are better served thereby.

- (1) Height of the proposed tower (towers shall not exceed 199 feet).
- (2) Proximity of the tower or pole to residential structures and residential district boundaries, historic structures and districts, Appalachian Trail, or other manmade or unique natural areas within the county.
- (3) Nature of the adjacent uses and nearby properties.
- (4) Surrounding topography.
- (5) Impact on surrounding tree coverage and foliage; such impact shall be kept to the minimum for the installation of the facility.
- (6) Design of tower or pole, 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. A written policy for permitting future co-locations of telecommunications facilities shall be provided and maintained to the satisfaction of the zoning administrator.
- (9) Language of the lease agreement.
- (10) Consistency with the comprehensive plan and the purposes to be served by zoning; and
- (11) Availability of suitable existing towers and other structures as provided for in subsection (i) below.

(i) Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority 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 applicant's engineering requirements.
- (2) Existing towers or 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 applicant's proposed antenna and related equipment and cannot be made or reconstructed to support additional antennas.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share or to adapt an existing tower or structure are unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(j) Setbacks. The following setback requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the governing authority may reduce the standard setback requirements if the goals of this section would be better served thereby.

- (1) Towers must be set back a distance equal to 200 percent of the height of the tower from any off-site residential structure. Towers must be set back 100 percent of the height of the tower from the boundaries of the property on which the tower is located.

(k) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

(l) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided, however, that the governing body may waive such requirements if the goals of this section would be better served thereby.

- (1) Tower facilities shall be landscaped with a mix of deciduous and evergreen trees that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip of at least ten feet wide outside the perimeter of the compound.
- (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(m) Local government access. Owners of towers shall provide the county co-location opportunities without compensation as a community benefit to improve radio communications for county departments and emergency services provided it does not conflict with the co-location requirements of this section.

(n) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with the property owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed. A written agreement assuring prompt removal of the tower upon abandonment, at the responsibility and cost of the tower owner or landowner shall be provided to the county at the time of approval and shall be maintained to the satisfaction of the zoning administrator. The county may, at its discretion, require a bond to cover potential future costs of timely removal of such tower or antenna.

(o) Special review fees. Any costs associated with the review of the special exception permit for the county by a licensed engineer shall be paid by the applicant. Any payment of such fees would in no way be a substitute of payment for any other application review fees otherwise required by this chapter.

(Ord. No. 05-07, § 4, 8-9-2005)