

# **ZONING ORDINANCE**

## **TOWN OF STANARDSVILLE, VIRGINIA**

**Adopted May 12, 1986**

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## **ARTICLE I**

### **AUTHORITY, PURPOSE, GENERAL PROVISIONS**

#### **101.00 AUTHORITY TO ESTABLISH ZONING**

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Code of Virginia, 1950, as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

- 101.01 The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain and other specific uses;
- 101.02 The size, height, area, bulk, location, erection, construction reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- 101.03 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 spaces to be left unoccupied by uses and structures, including variation in the sizes of lots based on whether a public or community water supply or sewer system is available and in use;
- 101.04 The excavation or mining of soil or other natural resources.

#### **102.00 ENACTMENT**

Therefore, be it ordained by the Town Council, Town of Stanardsville, Virginia for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, of the Code of Virginia, as amended that the following be adopted as the Zoning Ordinance of the Town of Stanardsville, Virginia.

#### **103.00 PURPOSES**

The Town of Stanardsville Planning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of their citizens and the health, safety and general welfare of the public and accomplish the objectives of Title 15.2, Chapter 22, by reasonable restrictions on those property rights. The purposes of this ordinance are:

- 103.01 To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- 103.02 To reduce or prevent congestion in the public streets;
- 103.03 To facilitate the creation of a convenient, attractive and harmonious community;
- 103.04 To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- 103.05 To protect against destruction of or encroachment upon historic areas;
- 103.06 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 and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;
- 103.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.

104.00 NONEXCLUSIONARY INTENT

It is not the intent of this ordinance to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Stanardsville nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Stanardsville of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purposes outlined in Section 103, herein.

105.00 DIVISION OF THE TOWN OF STANARDSVILLE INTO DISTRICTS

105.01 For the purpose of this ordinance, the incorporated area of the Town of Stanardsville, Virginia, is hereby divided into the following districts:

- Low Density Residential—R-1
- Medium Density Residential—R-2
- High Density Residential—R-3
- Residential-Commercial—RC

105.02 Any real estate in a designated agricultural district as defined by Va. Code 15.1-1506, et. seq. at the time of the enactment of this ordinance shall not be given a zoning classification as stated in 105.-1 until such time as the real estate ceases to be a part of the agricultural district.

## 106.00 INCORPORATION OF THE ZONING MAP

The zoning map entitled the “Official Zoning Districts Map for the Town of Stanardsville, Virginia”, dated the effective date of this ordinance showing the locations and boundaries of districts, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

## 107.00 MAP AMENDMENT

If, in accordance with the provisions of Article X herein, changes are made in district boundaries or other information portrayed in the Official Zoning Map, within ten (10) days after the amendment has been approved by the governing body such changes shall be entered on the Official Zoning Map together with a numerical entry referring to the application for the amendment, submitted in accordance with Article X. Said numerical entry and application shall be kept as a public record by the Zoning Administrator and the date of the approval of the amendment shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

## 108.00 GENERAL DEFINITIONS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

## 109.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

109.01 Abattoir. A commercial slaughter house.

- 109.02 Accessory Use or Structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. Garages or other accessory structures, such as carports, porches and stoops if attached to the main building shall be considered part of the main building.
- 109.03 Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 109.04 Administrator, The. The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
- 109.05 Agriculture. The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl.
- 109.06 Alley. A platted service way providing a secondary means of access to abutting properties.
- 109.07 Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 109.08 Apartment. A unit in a multifamily dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance or structure.
- 109.09 Apartment Development. A development containing one or more multifamily dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 109.10 Automobile Service Station. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.
- 109.11 Basement. A story having part but not more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes.

- 109.12 Board. The Board of Zoning Appeals as established under this Ordinance.
- 109.13 Boarding House (Rooming House). A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to fifteen (15) unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 109.14 Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 109.15 Building, Accessory. A subordinate building located on the same lot as a main building, the use of which is incidental and accessory to that of the main building or use.
- 109.16 Building Code. The Virginia Uniform Statewide Building Code, as adopted by Greene County and the Town of Stanardsville and as amended.
- 109.17 Building, Height of. The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 109.18 Building Inspector. The building official appointed by the Board of Supervisors of Greene County and/or Town Council to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 109.19 Building, Main. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 109.20 Cellar. A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 109.21 Cemetery. A public, private or church-owned and/or operated place for burial of the dead where lots may be sold and perpetual care of the graves is furnished.
- 109.22 Child Care Center. Any facility operated for the purpose of providing child care, protection, and guidance to a group of children separated

from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950, as amended.

- 109.23 Clerk. The Clerk of the Circuit Court having jurisdiction in the Town of Stanardsville.
- 109.24 Cluster Development. A development pattern in which residential, commercial, industrial and institutional uses, or combinations thereof, are grouped together, leaving portions of the land undeveloped, and permitting smaller lot sizes if a specified portion of the land is kept in permanent open space.
- 109.25 Commission. The Town of Stanardsville Planning Commission.
- 109.26 Community Center. A public or private nonprofit community entertainment, recreation and meeting place.
- 109.27 Cul-de-Sac. A circular turning area at the end of a dead end street.
- 109.28 District. A section of the Town of Stanardsville within which the zoning regulations are uniform as referred to in the Code of Virginia, Section 15.2-2201.
- 109.29 Driveway. Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.
- 109.30 Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, motels, boarding houses, lodging houses, tourist cabins, or camping trailers.
- 109.31 Dwelling, Multifamily. A building designed for or occupied exclusively by three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- 109.32 Dwelling, Single-Family. A building designed for or occupied exclusively by one (1) family, the structure having only one (1) dwelling unit.
- 109.33 Dwelling, Two-Family (Duplex). A building designed for or occupied exclusively by two (2) families living independently of each other.
- 109.34 Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.



- 109.35 Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.
- 109.36 Engineer. An engineer registered by the Commonwealth of Virginia.
- 109.37 Facilities, Public. Any noncommercial public service structure or grounds, including the following: fire stations, rescue squads, parks, playgrounds.
- 109.38 Family. One or more person occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.
- 109.39 Family Day Care Home. Any private family home in which more than five (5) children are received for care, protection, and guidance during only part of the day, except children who are related by blood or marriage to the person who maintains the home, and meeting applicable licensing requirements for family day care homes of Section 63.1-196 of the Code of Virginia.
- 109.40 Family, Immediate Member of. Any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- 109.41 Flood. A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.
- 109.42 Flood Hazard Area. The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Developments Flood Hazard Mapping of Rate Study Mapping as appropriate.
- 109.43 Floodplain. An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past or can be reasonably expected in the future, to be covered temporarily by a flood.
- 109.44 Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.

- 109.45 Floodway. The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood.
- 109.46 Floor Area. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 109.47 Frontage. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
- 109.48 Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1/2) times as many automobiles as there area dwelling units.
- 109.49 Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 109.50 Gardening. Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption of the occupants of the premises, but not including accessory structures used for the same purpose.
- 109.51 Governing Body. The Town Council of the Town of Stanardsville, Virginia, as applicable.
- 109.52 Group Home. Any full-time institution operated by any person at any place other than in an individual's family home or residence, which does not care for more than twelve (12) children, and meeting the licensing requirements of Section 63.1-196 of the Code of Virginia, as amended.
- 109.53 Guest Room. A room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

- 109.54 Health Department. The Greene County Health Department or its designated agent or representative.
- 109.55 Highway Engineer. The official designated by the Virginia Department of Highways and Transportation to inspect subdivision streets and alleys, and other public ways.
- 109.56 Historic District. An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, and of such significance as to warrant conservation and preservation.
- 109.57 Home for Adults. Any place, establishment, or institution, including day-care centers for adults who are aged, infirm, or disabled, except any facility or portion of a facility licensed by the State Hospital Board or the State Board of Health, and the home of any individual who cares for only persons related to him by blood or marriage, and meeting applicable licensing requirements of Section 63.1-175 of the Code of Virginia.
- 109.58 Home Occupation. An accessory use carried on by an occupant of a dwelling unit for gain or support involving the manufacture, provision, or sale of goods and/or services, as a use secondary to that of a principal residence, in connection with which there is no displaying, and employing not more than one person not residing on the premises.
- 109.59 Hotel. A building designed or occupied as the more-or-less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
- 109.60 Kenel. Any location where raising, grooming, caring for or boarding of dogs, cats, or other small animals for commercial purposes is carried on.
- 109.61 Land Use Plan. Town of Stanardsville Comprehensive Plan Land Use Element.
- 109.62 Light Industry. Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors. Examples are lumber yards, warehouses, research laboratories, food preparation or processing, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, tobacco warehouses, steel or metal fabrication, and garment manufacturing.

- 109.63 Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
- 109.64 Lot. A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development or not.
- 109.65 Lot, Corner. A lot abutting upon two (2) or more streets at their intersection. Of the two (2) sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- 109.66 Lot Coverage. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 109.67 Lot, Depth of. The average horizontal distance between the front and rear lot lines.
- 109.68 Lot, Double Frontage. An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 109.69 Lot, Interior. Any lot other than a corner lot.
- 109.70 Lot of Record. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Court of Greene County at the time of the adoption of this Ordinance.
- 109.71 Lot, Width. The average horizontal distance between side lot lines.
- 109.72 Main Use. The primary purpose for which land or a building is used.
- 109.73 Mobile Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and meets standards set by the U.S. Department of Housing and Urban Development in 1976.

- 109.74 Mobile Manufactured Home Park. Any development in which space is provided for three (3) or more mobile manufactured homes for a longer period of time than thirty (30) days.
- 109.75 Modular Home. A manufactured dwelling, hauled to a site and placed on a permanent foundation, with axles, wheels, and towing bar removed. A double-wide mobile manufactured home shall be considered as a modular home if the above characteristics apply.
- 109.76 Motel. One or more buildings containing individual sleeping rooms, designed for or used temporarily by transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 109.77 Multifamily Dwelling. A structure designed or used for residential occupancy by more than two families with separate kitchen/dining facilities including apartment housing, townhouses and similar housing types, but not including hotels, hospitals or nursing homes.
- 109.78 Nonconforming Use of Structures. The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendment to the Ordinance.
- 109.79 Nonconforming Structure. A structure existing at the time of enactment or amendment of this Ordinance which does not conform to the requirements of this Ordinance by reason of height or condition, or by reason of its impingement upon required yard areas.
- 109.80 Nonconforming Use of Land. A use of land existing at the time of the enactment of this Ordinance, or at the time of a zoning amendment, which does not conform to the regulations of the use district in which it is located.
- 109.81 Nursing Home. Any institution or facility required to be licensed under the provisions of Chapter 16 (32-97 et seq.) of Title 32 of the Code of Virginia as amended, and the rules and regulations promulgated pursuant to 32-301 thereof, as a nursing home.
- 109.82 Off-Street Parking Area. Space provided for vehicular parking outside the dedicated street right-of-way.
- 109.83 Open Space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space or refuse storage racks.

- 109.84 Parks, Playgrounds, and Outdoor Recreation Areas. Land publicly or privately owned which is devoted to recreational pursuits; usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 109.85 Professional Office. The office of a person engaged in any occupation, not purely commercial, mechanical or agricultural, in which a professed knowledge or skill is used in its practical application to the affairs of others, either advising or guiding them in serving their interests and welfare.
- 109.86 Public or Central Water and Sewer Systems. A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation.
- 109.87 Required Open Space. Any space required in any front, side, or rear yard.
- 109.88 Restaurant. Any building in which for compensation, food or beverages are dispensed.
- 109.89 Retail Store. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards.)
- 109.90 Service Station. A business whose primary function includes retail gasoline sales, lubrications, washing, tire sales, service, etc.
- 109.91 Setback. The minimum distance by which any building or structure must be separated from the front lot line.
- 109.92 Sign. Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 109.93 Sign Area. The smallest square, rectangular, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 109.94 Sign, Business. A sign, painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.

- 109.95 Sign, Outdoor Advertising. A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 109.96 Sign Structure. A structure composed of a single pole or multiple poles which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 109.97 Sign Structure Facing. The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 109.98 Sign, Temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.
- 109.99 Site Plan. The proposal for development or a subdivision, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this Ordinance.
- 109.100 Special Use Permit. See Article X of this Ordinance.
- 109.101 Story. That portion of a building, other than the basement, included between the surface of the floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.
- 109.102 Story, Half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
- 109.103 Street. Any public thoroughfare; or any private thoroughfare providing access to two (2) or more lots, or abutting properties, but not including driveways.
- 109.104 Street Centerline. A line generally parallel to the right-of-way width requirements set forth or referenced in the Ordinance.
- 109.105 Street, Internal. A street providing access to two or more lots within a development.

- 109.106 Street Line. The dividing line between a street or road right-of-way and the contiguous property.
- 109.107 Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 109.108 Surveyor. A land surveyor certified by the Commonwealth of Virginia.
- 109.109 Tourist Home. A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and which is open to transients.
- 109.110 Townhouse. A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal; or any condominium unit of similar physical character, appearance and structure.
- 109.111 Townhouse Development. One or more single-family dwellings containing townhouses, with accessory parking, open space and recreational and management facilities.
- 109.112 Use, Accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 109.113 Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for parking area height, 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 nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 109.114 Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from the ground to sky except where encroachments and accessory buildings are expressly permitted.
- 109.115 Yard, Front. An open unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and front line of the building projected to the side lines of the lot. On corner lots, the depth of the front yard shall



be considered as parallel to the street upon which the lot has its least dimension.

109.116 Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.

109.117 Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which lot has its greatest dimension.

## ARTICLE II

### RESIDENTIAL DISTRICT, R-1

#### 200.00 STATEMENT OF INTENT

This district is composed of quiet, low-density residential and open areas where similar residential development is planned and appears likely to occur. The regulations for this district are designed to stabilize and protect the basic characteristics and amenities 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.

#### 201.00 USES PERMITTED BY RIGHT

201.01 Single family dwellings

201.02 Two-family dwellings

201.03 Churches, public schools, cemeteries, libraries

201.04 Parks, playgrounds, tennis courts

201.05 Public utilities and facilities serving the neighborhood: poles, lines, transformers, pipes, meters, water and sewerage distribution lines, telephone booths

201.06 Accessory uses as defined

#### 202.00 USES PERMITTED BY SPECIAL USE PERMIT

202.01 Day care homes, child day care centers, nursery schools

202.02 Volunteer fire houses and rescue squads

202.03 Home occupations as defined

202.04 Agriculture

#### 203.00 AREA REQUIREMENTS

The minimum lot area for permitted uses shall be 10,000 square feet, except that the minimum lot for uses employing individual on-site disposal systems, such as septic tanks, and/or on-site wells for water supply shall be 20,000 square feet, unless, on the advice of the county hearth official, the town council may require a larger area.

203.01 Setback requirements. Structures, except signs, shall be thirty five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of

any street right-of-way less than fifty (50) in width. This shall be known as the "setback line."

203.02 Yard Requirements.

(1) Side. There shall be a minimum side yard for each main structure of ten (10) feet, with the total of the two side yards being twenty (20) feet.

(2) Rear. Each main structure shall have a rear yard of thirty-five (35) feet or more.

(3) Accessory buildings. Accessory buildings shall be located in the rear yard only; such structures shall be located ten (10) or more feet from the side and rear lot lines.

203.03 Height Requirements.

Buildings, except signs, may be erected up to thirty-five (35) feet in height, except that a public or semi-public building such as a school, church, or library may be erected to a length of sixty (60) feet from grade, provided that the required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

203.04 Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the heights of the building on which the walls rest.

203.05 No accessory building which is within ten (10) feet of any property lot line shall be more than one (1) story high. All accessory structures shall be less than the main building in height.

204.00 SPECIAL PROVISIONS FOR CORNER LOTS

Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of two (2) sides fronting on streets. The side yard on a side facing a side street shall be thirty (30) feet.

205.00 OFF-STREET PARKING

205.01 Off-street parking shall be provided as required in Article VII of this Ordinance.

206.00 SIGN REGULATIONS

206.01 Signs shall conform to Article VIII of this Ordinance.

**ARTICLE III**  
**RESIDENTIAL, R-2**

300.00 STATEMENT OF INTENT

This district is established to provide and protect residential areas of relatively low density. The uses are limited basically to single family attached and detached dwellings and limited commercial uses of a compatible character which are unlikely to develop general concentrations of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is limited and this district is protected against encroachment of general commercial or industrial uses.

301.00 USES PERMITTED BY RIGHT

- 301.01 Single-family and two-family dwellings
- 301.02 Townhouses
- 301.03 Churches, public schools, cemeteries, libraries
- 301.04 Parks, playgrounds, tennis courts
- 301.05 Public utilities and facilities serving the neighborhood; poles, lines, transformers, pipes, meters, water and sewerage distribution lines, telephone booths
- 301.06 Accessory uses as defined

302.00 USES PERMITTED BY SPECIAL USE PERMIT

- 302.01 Cluster development of permitted residential uses
- 302.02 Group homes for elderly or physically handicapped, mentally ill, mentally retarded or developmentally disabled as provided in the Code of Virginia (15.2-2291).
- 302.03 Nursing and convalescent homes
- 302.04 Child day-care homes and centers, nursery schools
- 302.05 Boarding and rooming houses
- 302.06 Barber, beauty shops
- 302.07 Home occupations
- 302.08 Professional offices
- 302.09 Business offices if located immediately adjacent to a commercial district
- 302.10 Public and private educational institutions
- 302.11 Retail convenience stores not exceeding 3,000 square feet of retail sales area

- 302.12 Public offices and other public buildings and public facilities owned and/or operated by agencies of the national, state or local governments, if located immediately adjacent to a commercial district
- 302.13 Rescue squads and volunteer fire houses
- 302.14 Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations, electrical power transmission pipelines and pumping stations, microwave and radio wave transmission and relay towers and substations, unmanned telephone exchange centers
- 302.15 Agriculture
  
- 303.00 AREA REQUIREMENTS
- 303.01 The minimum gross site area for single-family detached dwellings, cluster alternative, and for single-family attached dwellings shall be one acre (43,560 square feet.)
- 303.02 Minimum Lot Size
  - 1) The minimum lot size for lots containing or intending to contain a single family detached permitted use shall be 8,000 square feet.
  - 2) For all other permitted uses a minimum lot size is not required but minimum frontage, yard, density, and all other requirements must be met.
  - 3) The maximum density for townhouses and other single-family attached dwellings units shall be eight (8) dwelling units per gross acre.
  
- 304.00 SETBACK REGULATIONS
- 304.01 A structure, except signs, shall have a setback of twenty-five (25) feet from the edge of the right-of-way when the road right-of-way is fifty (50) feet wide. This shall be known as the setback line (Amended July 13, 1992 Council Meeting.)
  
- 305.00 MINIMUM FRONT, REAR, SIDE COVERAGE REQUIREMENTS
- 305.01 Front, rear and side yards shall conform to the following minimum requirements:

Single-Family  
Detached/Attached

Two-Family

Front	25 Feet	25 Feet
Rear	25 Feet	20 Feet
Side	10 Feet	10 Feet

305.02 The minimum side and rear yards adjoining or adjacent to the Residential R-1 District for any structure shall be thirty (30) feet.

305.03 Accessory structures and parking areas shall be located five (5) or more feet from the side and rear property lines.

306.00 OPEN SPACE REQUIREMENTS

306.01 The site for single-family attached dwelling units shall provide twenty-five (25) percent of its gross site area as common open space. The area shall not include any building, parking area, or road coverage.

307.00 HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height except that:

307.01 Church spires, belfries, cupolas, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

307.02 No accessory building which is within five (5) feet of any lot line shall be more than one (1) story high. All accessory structures shall be less than the main building in height.

307.03 Special Provisions for Corner Lots. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

307.04 The side yard on the side facing a side street shall be twenty (20) feet or more.

308.00 GENERAL PROVISIONS

308.01 Screening, for example, an evergreen hedge, a uniformly painted fence, a masonry wall or a combination of these or other materials, may be required and must be approved by the administrator.

308.02 All roads and streets, for any permitted use in an R-2 district shall be built or improved to the standards of the Virginia Department of Highways and Transportation, including both construction and design specifications.

309.00 OFF-STREET PARKING

All off-street parking shall conform to Article VII of this ordinance.

310.00 SIGN REGULATIONS

All signs shall conform to Article VIII of this Ordinance.



**ARTICLE IV**  
**RESIDENTIAL, R-3**

400.00 STATEMENT OF INTENT

This district is intended primarily for multifamily housing development located close to commercial activities and services. The basic permitted use is medium density residential development, but higher densities of residential development may be permitted as long as they are harmonious with the surrounding area and provide relevant and necessary amenities for the additional residents generated by the allowed of the type that do not generate incompatible and intensive traffic, parking, lighting, noise and visual displays.

401.00 USES PERMITTED BY RIGHT

- 401.01 Single-family and two family dwellings
- 401.02 Townhouses, garden apartments up to twelve (12) dwelling units per gross acre
- 401.03 Parks, playgrounds, churches, schools, libraries
- 401.04 Boarding houses
- 401.05 Accessory uses as defined
- 401.06 Public utilities as defined.

402.00 USES PERMITTED BY SPECIAL USE PERMIT

- 402.01 Multifamily housing at densities of twelve (12) to sixteen (16) dwelling units per gross acre
- 402.02 Mobile manufactured housing
- 402.03 Group homes as defined
- 402.04 Home occupations
- 402.05 Professional offices
- 402.06 Public offices
- 402.07 Laundry, dry cleaners
- 402.08 Nursing and convalescent homes
- 402.09 Banks
- 402.10 Bakery, neighborhood grocery store
- 402.11 Hardware store
- 402.12 Bed and breakfast inns, motels
- 402.13 Rescue squads, volunteer fire departments

403.00 AREA REQUIREMENTS

403.01 The minimum gross site area for all residential uses in this district shall be one (1) acre, except for multifamily housing at densities over twelve (12) dwelling per acre where the minimum shall be three (3) acres.

(1) The minimum lot size for lots containing or intended to accommodate a single family detached permitted use shall be 6,000 square feet.

(2) For all other permitted uses a minimum lot size is not required but minimum frontage, yard, density and all other requirements must be met.

(3) The maximum density for multifamily dwelling units shall be twelve (12) units per acre, or sixteen (16) units per acre with a special use permit.

404.00 SETBACK REGULATIONS

404.01 Structures except signs shall be twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or forty (40) feet or more from the center line of any street right-of-way less than fifty feet (50) in width. This shall be known as the setback line.

405.00 MINIMUM FRONT, REAR, SIDE COVERAGE REQUIREMENTS

405.01 Front, rear and side yards shall conform to the following minimum requirements:

	<u>Single-Family Detached/Attached</u>	<u>Two-Family</u>	<u>Multifamily</u>
Front	25 Feet	25 Feet	25 Feet
Rear	25 Feet	20 Feet	25 Feet
Side	10 Feet	10 Feet	10 Feet

405.02 Accessory structures and parking areas shall be located five or more feet from the side and rear property lines.

406.00 OPEN SPACE REQUIREMENTS

406.01 The site for single-family attached dwelling units shall provide twenty-five (25) percent of its gross site area as common open space. This area shall not include any building, parking area, or road coverage.

406.02 The site for multiple family units shall provide twenty-five (25) percent of its gross site area as common open space. This area shall not include any building, parking area or road coverage.

406.03 All single-family attached development and multiple-family developments shall set aside four (4) percent of its gross site area for the active recreational use of its residents. This area may be part of the site's required open space but shall be physically suitable to accommodate activities for all age groups within the development, and appropriately located for use of all its residents.

407.00 HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height except that:

407.01 Church spires, belfries, cupolas, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

407.02 No accessory building which is within five (5) feet of any lot line shall be more than one (1) story high; accessory structures shall be less than the main building in height.

407.03 Special Provisions for Corner Lots. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

407.04 The side yard on the side facing a side street shall be twenty (20) feet or more for both main and accessory buildings.

408.00 GENERAL PROVISIONS

408.01 All permitted uses in an R-3 district shall be served by central water and sewerage facilities.

- 408.02 Screening, for example, an evergreen hedge, a uniformly painted fence, a masonry wall or a combination of these or other materials, may be required and must be approved by the administrator.
- 408.03 All residential developments in an R-3 district shall design and construct adequate recreation facilities and improvements for the use of its residents, based on the number of residents expected in the completed development.
- 408.04 All roads and streets, for any permitted use shall be built or improved to the specifications of the Virginia Department of Highways and Transportation, including both construction and design specifications.
- 409.00 SIGN REGULATIONS
- 409.01 Signs shall conform to Article VIII of this Ordinance.
- 410.00 OFF-STREET PARKING
- 410.01 Off-street parking shall be provided as required in Article VII of this ordinance.

## ARTICLE V

### RESIDENTIAL—COMMERCIAL, RC

#### 500.00 STATEMENT OF INTENT

This district is established as a mixed residential-commercial district in order to protect the existing commercial and residential already located in the district and to encourage, as well as control such activities already located here. This district is designed to accommodate various types of housing, adaptive conversion of housing to certain commercial uses, neighborhood business for the convenience shopping by the citizens of the area as well as certain highway-oriented businesses and general commercial uses.

#### 501.00 USES PERMITTED BY RIGHT

- 501.01 Single-family detached dwellings
- 501.02 Two-family dwellings
- 501.03 Group homes
- 501.04 Boarding houses
- 501.05 Parks, playgrounds
- 501.06 Churches, schools, libraries, museums (Revised 10/14/13)
- 501.07 Professional offices
- 501.08 Child daycare homes and centers
- 501.09 Retail stores and shops; grocery, hardware, drug, furniture and appliances, feed and seed, wearing apparel, antiques and crafts
- 501.10 Cabinet making and upholstery shops
- 501.11 Health clinics
- 501.12 Rescue squads, volunteer fire stations
- 501.13 Clubs, lodges
- 501.14 Barber, beauty shops
- 501.15 Banks
- 501.16 Restaurants, taverns, bakeries
- 501.17 Laundry, dry cleaners
- 501.18 Motels, bed and breakfast inns
- 501.19 Funeral homes
- 501.20 Theaters, community centers
- 501.21 Public utilities

#### 502.00 USES PERMITTED BY SPECIAL USE PERMIT

- 502.01 Multifamily apartments
- 502.02 Gas stations
- 502.03 Public offices

- 502.04 Fast food restaurants
- 502.05 Bus terminal
- 502.06 Light manufacturing plants
- 502.07 Swimming pool
- 502.08 Auto repair and sales, car wash
- 502.09 Building and lumber supply, with storage under cover
- 502.10 Plumbing electrical supply, with storage under cover
- 502.11 Animal hospitals and clinics
- 502.12 Pool rooms, bowling alleys, dance halls, video parlors only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest.
- 502.13 Agriculture

503.00 AREA REGULATIONS  
There are no lot area requirements.

504.00 SETBACK REGULATIONS  
There shall be no setback requirements.

505.00 FRONTAGE AND YARD REGULATIONS, OFF-STREET  
PARKING REQUIREMENTS

For permitted uses, minimum side yard, adjoining or adjacent to a residential district, shall be twenty-five (25) feet or more and off-street parking shall be in accordance with the provisions contained herein.

506.00 HEIGHT REGULATIONS

Structures may be erected up to thirty-five (35) feet in height from grade, except that:

- 506.01 A public or semipublic building such as a school, church, library or general hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

506.02 Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up four (4) feet above the height of the building on which the walls rest.

507.00 SPECIAL REQUIREMENTS

Before a zoning or building permit shall be issued or construction commenced on a permitted use in this district, a site plan shall be submitted to the zoning administrator for study and shall be approved by the zoning administrator in accordance with applicable regulations. The administrator may refer such plan to the planning commission for their recommendation to the governing body.

(Revised 5/14/12)

## ARTICLE VI

### NONCONFORMING USES

600.00 CONTINUATION

600.01 If, on the effective date of this ordinance any legal activity is being pursued or any lot or structure is 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 herein provided.

600.02 If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

600.03 Except as otherwise provided herein, if any nonconforming use, structure or activity is discontinued for a period exceeding one (1) year after the effective date of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to requirements of this chapter.

600.04 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.

601.00 RESERVED

602.00 REPAIRS AND MAINTENANCE PERMITTED

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement on nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure, provided, that the cubic content of the structure as it existed on the effective date of this ordinance or the date of subsequent amendment hereto, shall not be increased. Nothing in this section 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.



603.00 NONCONFORMING USES, ETC., RESULTING FROM 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.

604.00 EXPANSION OR ENLARGEMENT

604.01 A nonconforming structure to be extended or enlarged shall conform to the provisions of this chapter.

604.02 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity as of the effective date of this ordinance.

605.00 NONCONFORMING LOTS

Any undeveloped lot of record as of the effective date of this ordinance which is less in area or with than the minimum required by this ordinance may be used when the requirements regarding setbacks, side and rear yards of the district in which such lot is located are met.

606.00 RESTORATION OR REPLACEMENT

606.01 If a nonconforming structure is destroyed or damaged through fire, flood, act of God, and through no intent of the owner or operator, the nonconforming structure may be replaced so long as the repair or rebuilding is started within twelve (12) months of the date of destruction and completed within twenty-four (24) months of the date of destruction. The administrator may extend the completion date and additional six (6) months for good cause based upon hardship arising from severe weather delays; labor problems not caused by the owner or operator; illness; or other reasons beyond the control of the owner or operator. The replacement structure shall include no more than a ten (10) percent increase in the square footage size of the destroyed or damaged structure. The plans for the repaired or rebuilt structure shall be compatible in design to those buildings in the same general area. Any person aggrieved by any decision of the Administrator under this paragraph may appeal the decision tot the Board of Zoning Appeals in accord with 903.00.

## ARTICLE VII

### OFF-STREET PARKING

#### 700.00 OFF-STREET PARKING

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this ordinance.

700.01 General Requirements. For the purpose of this ordinance, the following general requirements are specified:

- (1) The term "off-street parking space shall mean a space at least ten (10) feet wide and twenty (20) feet in length with a minimum net area of 200 square feet, excluding area for egress and ingress and maneuvering of vehicles;
- (2) Parking spaces for all dwellings shall be located shall be located on the same lot with the main buildings to be served;
- (3) If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within 600 feet of the property line of such main use;
- (4) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;
- (5) Area reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in the area, encroached upon or changed to any other use unless that use which it serves is discontinued or modified;
- (6) Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

700.02 Site Requirements. All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

- (1) All such parking areas except those serving one- and two-family dwellings, shall be surfaced with gravel, stone, concrete or plant bituminous material; all parking areas shall maintained in a dustproof condition. A good stand of vegetative cover shall be maintained on the remainder of the lot, and appropriate vegetative or other screening may be required if adjacent to residential uses;
- (2) Lighting facilities shall be so arranged that light is reflected away from adjacent properties;
- (3) The parking lot shall be adequately drained.

700.03 Parking Space Requirements for All Districts. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirements for the specific land use set forth.

700.04	<u>Land Use</u>	<u>Parking Requirements</u>
	<u>Dwelling</u>	
	(1) One and two families	Two (2) spaces for each dwelling unit. One-and-a-half spaces per dwelling unit except for efficiency apartments or units intended for elderly for which one (1) space per dwelling unit shall be provided.
	(2) Multifamily	
	(3) Motels, boarding and rooming houses, bed and breakfast inns	One (1) space for each bedroom

700.05

Public Assembly

- |   |   |
|---|---|
| (1) Churches and other places of worship, theaters, community centers   | One (1) space for each five (5) seats in the main auditorium or sanctuary.  |
| (2) Private clubs, lodges and fraternal or sorority buildings not providing overnight accommodations                                      | At least twenty-five (25) parking spaces shall be provided.   |
| (3) Libraries, museums  | One (1) space for each 500 square feet of gross floor area.   |
| (4) Schools, including kindergartens, play-schools and daycare centers  | One (1) space for each five (5) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five spaces per classroom for high school and colleges. |
| (5) Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements | One (1) space for each 100 square feet of floor area.   |
| (6) Bowling alleys  | Four (4) spaces for each alley.   |

700.06

Health Facilities

- |   |  |
|---|--|
| (1) Hospitals, homes for adults and similar uses    | One (1) space for each two (2) beds, plus one space for each staff or visiting doctor, plus one (1) space for each other four (4) employees, on the maximum working shift. |
| (2) Kennels and animal hospitals                    | A net parking area equal to thirty (30) percent of the total enclosed or covered area.   |
| (3) Medical, dental, and health offices and clinics | One (1) space for each 200 square feet floor area used for offices and similar purposes.   |
| (4) Mortuaries and funeral parlors                  | Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats, whichever greater.   |

700.07

Business. Off-street parking for uses listed in 700.07 (2), (3), (4) and (5) below may be shared in accordance with requirements of

subsections 700.01 (3) and (4) and subject to approval of the administrator.

- |   |  |
|---|--|
| (1) Automobile repair establishments  | One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area.   |
| (2) Food stores   | One (1) space for each regular employee plus one (1) space for each 200 square feet of floor area designated for retail sales only.  |
| (3) Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments.      | One (1) space for each four (4) seats provided for patron use, plus one (1) space for each seventy-five (75) square feet of floor area provided for patron use but not containing seats.   |
| (4) Office buildings, including banks, business, commercial and professional offices and medical, dental and health offices and clinics.  | One (1) space for each 400 square feet of ground floor area, plus one (1) space for each 500 square feet of upper floor space.   |
| (5) General business, commercial or personal service establishments catering to the retail trade but excluding stores.                    | One (1) space for each 300 square feet of floor area designated for retail sales only.   |
| (6) Government offices  | One (1) space for each 300 square feet of ground floor area plus one (1) space for each 500 square feet of upper floor area and one (1) space for each government vehicle.   |
| (7) Shopping centers  | Ten (10) spaces for each 1,000 square feet of floor area designated for retail sales in size and eight (8) spaces for each 1,000 square feet of floor area designed for retail sales only for centers of fifteen (15) or more acres in size. |
| (8) Furniture stores  | One (1) space for each 1,000 square feet of gross floor area.  |
| (9) Public utilities, such as telephone exchanges and substations, radio and television stations, and electric power and gas substations. | A parking area equal to twenty-five (25) percent of gross floor area.  |

700.08

Off-Street Loading and Unloading Space. Off-street loading and unloading spaces shall be provided as hereinafter required by this ordinance.

(1) Floor area over 10,000 square feet. There shall be provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet, at least one (1) off-street loading space for each 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley;

(2) Floor area less than 10,000 square feet. There shall be provided for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road or alley.

(3) Connection to road or alley. Each required off-street loading space shall have direct access to a road or alley or have a driveway which offers satisfactory ingress and egress for trucks;

(4) Permanent reservation. Area reserved for off-street loading in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is first provided that meets the requirements herein.

700.09

Variance from Parking Requirements:

The Administrator is empowered to grant a variance from the specific parking requirements contained elsewhere in Article XII upon proof that the proposed use:

1) Would not significantly increase vehicular traffic in the general vicinity of the proposed use and further would not unfairly pose an adverse traffic or parking impact for other uses in the general area;

2) In the event of the repair or rebuilding of an existing structure, would not result in an increase in square footage floor space of more than ten (10) percent;

3) Has sufficient alternative parking available within one thousand (1,000) feet,

It shall be the responsibility of the applicant to show by a preponderance of the evidence that a variance should be granted by the Administrator. Any person aggrieved by any decision of the Administrator. Any person aggrieved by any decision of the Administrator under this paragraph may appeal the decision to the Board of Zoning Appeals in accord with 903.00.

It is the intent of this paragraph to recognize the importance of not discouraging development otherwise consistent with this ordinance even where strict adherence to the parking requirements is not possible.

## ARTICLE VIII

### SIGNS (Revised 12/9/13)

800.00

#### **Purpose and Intent**

The purpose of this article is to establish reasonable and effective regulations pertaining to the time, place and manner in which signs may be erected and maintained in order to:

- Foster business growth and vitality and to provide flexibility to respond to market and economic trends;
- Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform customers so that businesses can thrive and thereby help provide revenue necessary for a well-balanced tax base;
- Provide a responsive and efficient administrative sign permit approval process for business owners;
- Provide clear and effective standards that permit reasonable signage for businesses and institutions;
- Provide for signage that is constructed and maintained in a structurally sound and attractive manner;
- Provide compatible signage with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structures;
- Ensure the effectiveness of public traffic signs and signals;
- Create legible and appropriate signs related to the activity to which they pertain; and
- Improve the public health, safety, and general welfare of the community.

801.00

#### **Applicability**

These sign regulations shall apply to all signs erected within the Town of Stanardsville.

802.00

#### **Permit Requirements**

Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a Sign Permit has been issued by the Zoning Administrator or his agent. For the purpose of this Zoning Ordinance, all signs are considered



accessory uses and, unless specifically qualified, shall be located on the same lot with the principal use to which they pertain.

803.00

**General Regulations**

The following regulations shall apply to all signs, regardless of the zoning district in which they are located, unless otherwise specified. All signs that are erected, altered, expanded, reconstructed, replaced or relocated shall require a valid permit unless otherwise exempted by this ordinance:

No sign shall be erected, altered, expanded, reconstructed, replaced or relocated on any property except in conformance with the provisions of this ordinance and all other applicable ordinances and regulations of the Town. Signs shall be in compliance with all state and federal regulations as well. Repainting or making minor non-structural repairs shall not require a permit. Where a sign consists of two identical parallel faces which are back to back and located not more than twenty-four inches (24") or more than 45 degrees from each other, only one side of such sign shall be used in computing the area. The area of signs with more than two (2) faces or with faces which are not parallel or in the same plane with each other shall be the sum of the areas of all the sign faces.

The height of free-standing signs shall be the vertical distance measured from the finished grade ground elevation where the sign is located to the highest point of the sign or sign structure. The maximum allowable height of signs shall be as specified by the regulations established herein.

Sign area shall be measured as the area of a sign face within the smallest square, circle, rectangle, triangle or combination thereof, within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless the combined width of such supports or uprights exceeds 25% of the width of the sign face being supported or unless such supports of any width are designed as an integral part of the display for the purpose of illustration or attraction. (Note: the provisions concerning support measurement shall not apply to monument signs.)

Where individual letters, characters or figures are mounted so as to use a building facade as a background, the area of such sign shall be determined by computing the sum of the

area within the outer perimeter of each individual character or figures comprising the total message, symbol or advertisement. (See Figure 1 below)

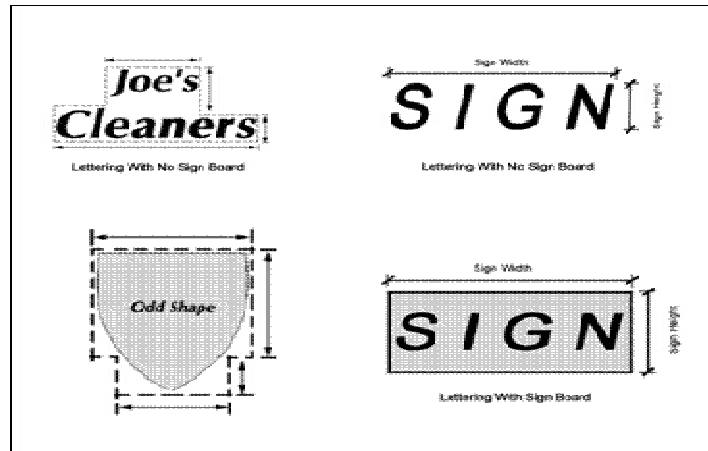


Figure 1

Unless otherwise specified, the maximum allowable aggregate area shall be based on the length of the principal building/store frontage(s). The maximum allowable aggregate area does not include freestanding, freestanding directory, multi-tenant signs or shopping center signs, area of one face of all double-faced signs, non-commercial flags, and banners.

Business occupancies having no exterior wall parallel to a fronting street shall be permitted signage based on 1 ½ square feet of sign area for each lineal foot of interior wall of the front of such occupancy.

Occupancies having an exterior building wall parallel to more than one (1) fronting street shall be permitted signage based on the longer parallel wall. Signage placed on the shorter parallel exterior wall shall not exceed 1 ½ square feet of area per front foot of building occupancy of such shorter parallel wall, and this area shall be subtracted from the total allowable sign area for the building frontage.

Corner and multi frontage lots shall be entitled to two (2) free-standing, shopping center or multi-tenant signs and shall be limited to one sign per street frontage.

Home Occupations shall not have advertising other than a non-illuminated identification sign of not more than two square feet in area.

No sign shall extend more than 4 feet from the side of a building.

No sign, whether permanent or temporary, shall be attached to trees, utility poles or other supporting structures, unless specifically authorized by the Zoning Administrator.

All signs must meet the sight distance requirements, except for traffic control signs. A sight distance triangle area must contain no signs between 42 inches and eight feet above the existing street grade. The site distance applies to all intersections and site access points.

No sign, other than a sign approved or installed by the Virginia Department of Transportation, shall be located within or over any public right-of-way.

Murals within the Town boundaries that are to be located on buildings or structures shall require a special use permit that is approved by Town Council.

804.00

**Exemptions**

The following signs may be erected, altered or maintained in any zoning district, unless otherwise indicated, when in accordance with the general provisions established in this ordinance, provided however, that permits shall not be required unless specifically noted.

Signs erected and maintained pursuant to and in discharge of any federal, state or county governmental function, or as may be required by law, ordinance or governmental regulation including official traffic signs and signals, warning devices and other similar signs.

**Flags:** The term "flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of this article (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 et seq.). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, or service, and do not represent the official symbol of a

national, state or local government. Flag poles are exempt from height regulations

**Commercial flag:** A commercial flag is subject to the following: not more than one (1) flag may be flown on a lot and the flag shall not exceed twenty-four (24) square feet in size.

**Commercial Flags or banners that are displayed on public light poles** shall be in compliance with the Virginia Department of Transportation and all other state and federal regulations.

**Noncommercial flag:** A noncommercial flag, is subject to the following: the flag shall not exceed twenty-four (24) square feet in size; on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it remains taut and flapping and movement is minimized; on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable.

**Non-illuminated construction signs,** that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district and limited to one sign for each street frontage for each principal use being constructed on the premises to which such sign refers. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development has been submitted to the Town for official review. Such signs shall be removed at the completion of construction.

**Non-illuminated realty signs,** that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.

**Non-illuminated signs identifying official state automobile inspection stations** and the inspection number which is then due, provided that such signs shall not exceed sixteen (16) square feet in area and shall be limited to one

sign for each street frontage. "A-frame" designs shall be considered as a single sign for the purposes of this section.

**Political signs and posters** that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district provided that all such signs shall be removed within seven (7) days following the election, canvass, or primary.

**Signs attached to machinery or equipment** which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that such signs refer exclusively to products or services offered on the premises.

**On-premises directional signs**, not exceeding three (3) square feet in area and three feet (3') in height and not containing any advertising material or discernible business logo. A permit shall be secured for any illuminated signs.

**Non-illuminated signs displayed in the windows of establishments** permitted in commercial districts, however, that such signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed.

**Menu boards** which are either free-standing or wall signs providing information and offered for drive-in sales on the premises, located and designed to be read from the drive-thru lane and does not exceed an aggregate or individual area of thirty-two (32) square feet.

**Signs or scoreboards** within a ball park or other similar public or private recreational use which are located and designed to be read from within the park boundaries.

**Non-illuminated signs warning trespassers** or announcing property as posted, not to exceed four (4) square feet per sign.

**Special notice placards**, not to exceed a total of four (4) square feet in area for all such placards of any establishment, attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend,

inspect or approve the business for use by its members. A permit shall be secured for any illuminated signs.

**Identification and directional boards**, which are either free-standing or wall signs, designed as an outdoor means of providing information concerning the location of individual establishments or offices within the town, provided that such signs do not exceed thirty-two (32) square feet and provided further that only one such sign shall be permitted for each lot or for each major sub-area of such complex. A permit shall be secured for any free-standing or illuminated sign.

**Residence Signs not exceeding six (6) square feet.**

**Sidewalk or A-frame sign** which is located on-site and that does not impede pedestrian or automobile traffic and is in compliance with all state and federal regulations. A maximum of 6 square feet are allowed and must be removed daily, at the close of the business.

**Plaques, tablets, historical markers or inscriptions**

indicating the name of a building, date of erection, or other commemorative information, if they meet the following criteria:

- They are an integral part of the building structure or are attached flat to the face of the building.
- They are non-illuminated.
- They do not exceed four square feet in surface area.

**Auxiliary Offsite Advertising sign**-A sign which directs attention to a business, profession, product, service, activity or entertainment which is not conducted, sold or offered on the premises upon which such sign is located. The auxiliary offsite advertising sign is limited to the Residential-Commercial zoning district only and the parcel would be allowed four auxiliary signs that shall not be greater than 6 feet in height and 6 square feet in area. The auxiliary offsite advertising signs do not include the freestanding signage which is allowed per parcel.

805.00

**Prohibited signs**

Unless specifically stated otherwise, the following signs shall not be permitted in the Town:

- Any sign which by reason of position, shape or color may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.

- Any signs which flashes, rotates, visually moves, is physically agitate. This excludes barber shop poles.
- Moored balloons or other floating signs that are tethered to a structure or the ground.
- Offsite advertising signs excluding temporary signs and auxiliary offsite advertising signs.
- Roof Signs
- Pennants
- Electronic Message Center
- Advertising Vehicles
- Billboards

806.00 **Temporary Signs**

The Zoning Administrator, upon application, may issue permits for the following temporary signs.

With the approval of the Virginia Department of Transportation, the Zoning Administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed twenty-one (21) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

Such signs shall not count against the normal sign area allowances for the property on which located.

Signs shall not exceed thirty-two (32) square feet in area and the duration of such permit shall not exceed thirty (30) days.

Banners when used to announce special events such as new home shows, grand openings, sales, etc. The aggregate area of all such banners erected for any single event shall not exceed thirty-two (32) square feet. Banners shall not be illuminated. Such signs shall not be erected more than twenty-one (21) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and removal of the banner. Permitted uses shall not exceed 6 banners in a given year.

Placement of temporary signs is subject to permission by the owner of the site on which the temporary sign is placed and shall be in compliance of all state and federal regulations.

807.00 **Amnesty of Existing Signs**

At the time of enactment of this ordinance, December 9, 2013, businesses with existing signs without the proper sign permits are

eligible for the amnesty program. The program allows staff to assist existing businesses that are lacking permits for their existing signs, canopies, awnings, marquees or banners. The program would allow businesses to apply for all permits at no cost. The amnesty will last for 6 months after the enactment of this ordinance.

808.00

**Non-Conforming Signs**

A nonconforming sign may continue, subject to the provisions, conditions and prohibitions set forth herein:

**Alteration of copy:** The copy of a nonconforming sign may be altered by refacing the sign by or for the current owner of the establishment to which the sign pertains.

**Alteration of sign structure:** A nonconforming sign shall not be structurally altered; provided that the Zoning Administrator may authorize a nonconforming sign to be structurally altered so that it is less nonconforming and further provided that each time the nonconforming sign is structurally altered, the sign area and sign height shall be reduced by at least twenty-five (25) percent of its current area and height until the sign area and the sign height are conforming.

**Replacement or restoration:**

A nonconforming sign may be replaced or restored only as provided below:

1. A nonconforming sign that is destroyed or damaged by the owner of the sign or the owner of the lot on which the sign is located shall not be replaced or restored unless it complies with this ordinance.
2. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage exceeds fifty (50) percent of its appraised value, shall not be replaced or restored unless it complies with this ordinance.
3. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage is fifty (50) percent or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within two (2) years after



the date of the destruction or damage, and the sign is not enlarged or extended.

**809.00 Maintenance and removal of signs**

All signs shall be maintained in good condition and appearance and shall be removed from the premises when they can no longer be repaired.

**810.00 Abandoned signs**

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. In the event a nonconforming sign refers to a business that has not been in operation for a period of at least two (2) years, such sign shall be considered abandoned and shall be considered to be in violation of this ordinance. After reasonable efforts to provide notice to the property owner of the need to remove the violation, and failure of the property owner to do so, the Zoning Administrator may cause the abandoned sign to be removed at the owner's expense.

**Signs Allowed By District:**

<b>Table 1: R-1, R2 and R-3</b>	Number Allowed	Max Area Allowed (ft <sup>2</sup> )	Max Height Allowed (ft)	Setback from edge of ROW (ft)
Freestanding per parcel	1	32 ft <sup>2</sup>	10ft	5 ft
Maximum aggregate sign area for building/store frontage (s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	N/A	1 ½ ft <sup>2</sup> signage per 1 linear foot of building/store frontage(s). Maximum of 50 ft <sup>2</sup>	N/A	Same as structure
Subdivision	2 per entrance per subdivision	32 square feet aggregated, per entrance	10	5
Temporary Signs	6 per calendar year	32 square feet	N/A	5

<b>Table 2: RC</b>	Number Allowed	Max Area Allowed (ft <sup>2</sup> )	Max Height Allowed (ft)	Setback from edge of ROW (ft)
Freestanding	1	Freestanding: 50 ft <sup>2</sup>	17	0
Shopping Center or multi-tenant	1, see definition	75 ft <sup>2</sup>	17	0
Maximum aggregate sign area for building/store frontage(s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	N/A	1 ½ ft <sup>2</sup> signage per 1 linear foot of building/building or store frontage(s) sign shall not exceed 70% of the aggregate sign area.	N/A	Same as structure
Business Center Sign	2 per entrance per business center	32 square feet aggregated, per entrance	10	0
Temporary Signs	6 per calendar year	32 square feet	N/A	0

811.00

**Standards for increases in sign area and height**

The Board of Zoning Appeals may authorize, by special exception, issued in accordance with all applicable procedural requirements, increase in sign area and sign height.

812.00

**Notice of Violation**

Property owner's, permit applicants, and/or establishment owners/managers, as applicable, shall be notified in writing of violations of the provisions of this article. The Zoning Administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or

remedies necessary to correct the violation. The Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation.

813.00 **Civil Enforcement Procedures**

The Zoning Administrator or his designee is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the administrator.

814.00 **Civil Penalties**

The penalty for any one violation shall be a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00. The Zoning Administrator or his deputy may issue a civil summons as provided by law for a violation of this article. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

815.00

### **Definitions**

Signs, as defined, shall be classified according to one or more of the following definitions:

**Abandoned Sign**-A sign structure that has ceased to be used and the owner intends no longer to have used, for the display of sign copy.

**Advertising vehicle**-The term “advertising vehicle” means a motor vehicle, trailer or semi-trailer (collectively, “vehicle”) having a permanent or temporary sign affixed, painted on or placed upon it, and its primary purpose is advertising, including a sign that alters the vehicle’s manufacturer’s profile; provided that a temporary sign affixed to an employee’s private vehicle during his or her working hours is not an advertising vehicle.

**Aggregate Sign Area**-The combined sign surface area of all signs on a lot, excluding freestanding, freestanding directory signs, area of one face of all double-faced signs, non-commercial flags, and banners.

**Auxiliary Offsite Advertising sign**-A sign which directs attention to a business, profession, product, service, activity or entertainment which is not conducted, sold or offered on the premises upon which such sign is located. The auxiliary offsite advertising sign is limited to the Residential-Commercial zoning district only and the parcel would be allowed four auxiliary signs that shall not be greater than 6 feet in height and 6 square feet in area. The auxiliary offsite advertising signs does not include the freestanding signage which is allowed per parcel.

**Awning Sign**-A sign that is mounted, painted or attached to an awning or other window or door canopy.

**Banner**-A piece of cloth, plastic or other flexible material on which words, letters, figures, colors, designs or symbols are inscribed or affixed for the purposes of advertisement, identification, display or direction and which is suspended for display, typically from buildings or poles.

**Billboard**-A panel for the display of off-site advertisements in public places, such as alongside highways or on the sides of buildings that exceeds 32 square feet.

**Building Frontage**-The front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators.

**Business Center:** A development of three (3) or more principal structures with common characteristics as determined by the Zoning Admin. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.

**Business Center Identification Sign:** A freestanding sign stating the name of a business center. The business center identification sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development. It shall comply with freestanding sign regulations to include height, area and setbacks for the zoning district.

**Canopy Sign**-A sign affixed to the visible surface(s) of an attached or free standing canopy.

**Construction sign**-A temporary sign which identifies facilities being actively constructed or altered, the anticipated sale, lease or rental of those facilities, or the identity of the persons or firms engaged in the promotion, financing, design, construction or alteration of such facilities.

**Directional Sign**-Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Electronic Message Center**-A message center or reader board composed of a series of lights that is electronically or electrically controlled which displays on a single sign cabinet, a wide variety of messages in words, digits, or symbols.

**Flag**-The term "flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole,

except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of this article (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 et seq.). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, or service, and does not represent the official symbol of a national, state or local government.

**Commercial flag** A commercial flag, is subject to the following: not more than one (1) flag may be flown on a lot and the flag shall not exceed twenty-four (24) square feet in size.

**Commercial Flags or banners that are displayed on public light poles** shall be in compliance with the Virginia Department of Transportation.

**Noncommercial flag** A noncommercial flag, is subject to the following: the flag shall not exceed twenty-four (24) square feet in size; on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it remains taut and flapping and movement is minimized; on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable.

**Free-standing sign**-A sign, supported by one or more columns, uprights or braces, in or upon the ground, and not attached to any building. Free-standing signs include, but are not limited to, pole signs, monument signs, and signs attached to a flat surface such as a fence or wall not a part of a building. One (1) freestanding sign is allowed per parcel. Individual free-standing signs for individual tenants shall not be permitted if a shopping center-or multi-tenant sign is utilized.

**Marquee or canopy sign**-A sign which is painted on, attached to, or hung from a marquee or canopy which

projects from and is totally or partially supported by a building.

**Menu Board**-Free-standing or wall signs, offered for drive-thru sales, located and designed to be read from the drive-thru lane.

**Monument sign**-A type of free-standing sign, other than a pole sign, with sides parallel to or nearly parallel to each other, with the supporting structure as wide or wider than the sign face itself, and with the entire supporting structure in contact with the ground or within twelve inches (12") of the ground.

**Mural**- A painting or pictorial representation applied to or incorporated into a structure or wall, which can be viewed from public places, alleys, rights-of-way that does not contain a discernible logo or business name.

**Nonconforming Sign**-A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

**Offsite Advertising sign**-A sign which directs attention to a business, profession, product, service, activity or entertainment which is not conducted, sold or offered on the premises upon which such sign is located.

**On-Premises directional sign**-A sign which is intended to provide directional information for the premises on which it is located. Such sign may pertain to traffic movement, pedestrian movement, parking or loading space, or similar types of information, but shall not consist of advertising matter.

**Pennants**-Pieces of cloth, plastic or flexible material, generally triangular or rectangular in shape, and which typically are strung together in a series on lines which are hung from poles, between buildings or in other arrangements for the purpose of decoration or attracting attention.

**Political sign**-A temporary sign, which pertains to an issue of public concern or to an issue or candidate in a pending election, that does not exceed the maximum sign area or

height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.

**Portable changeable letter board**-A portable sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols and other similar character of changeable pictorial panes.

**Portable sign**-Any sign not permanently attached to a structure or permanently mounted in the ground which can be transported to other locations, including portable changeable letter boards. Portable signs shall include, but not be limited to, signs which are trailer-mounted or otherwise designed to be relocated, or are constructed on a chassis or carriage with permanent or removable wheels whose primary purpose is to advertise.

**Projecting sign**-A sign which is attached perpendicularly, or nearly perpendicularly, to a building wall or roof line and which extends from such wall or roof line not more than forty-eight inches (48").

**Realty sign**-A temporary sign which advertises the sale, lease, rental or display of the lot or building upon which such sign is displayed.

**Residence sign**-A sign erected on a lot containing a private dwelling that identifies the name of the occupant and/or the street address of the residence. The sign shall not exceed six (6) square feet.

**Roof sign**-A sign which is an integral part of the building design and is attached to, painted on, or supported by the roof of a building.

**Shopping center or multi-tenant**-A sign listing the tenants of a building or group of buildings, supported by one or more columns, uprights or braces, in or upon the ground, and not attached to any building. Shopping Center or multi-tenant signs include, but are not limited to, pole signs, monument signs, and signs attached to a flat surface such as a fence or wall not a part of a building. The shopping center or multi-tenant sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development. The sign shall be allowed for a minimum of four (4) individual tenants. The sign shall be freestanding and shall be



encased in a structure architecturally similar to that of the main building and located at the entrance to the development. The shopping center or multi-tenant sign may only display the development name and a list of the tenants. Individual shops may only have building mounted signs not to exceed one and half square foot per linear foot of building length. Individual free-standing signs for individual tenants shall not be permitted if a shopping center or multi-tenant sign is utilized. Where a shopping center or multi-tenant sign is used, no other frontage signs will be allowed.

**Sign-**A display, object, device or structure used to identify a location or advertise a place of business or a product, using words, letters, figures, designs, symbols, fixtures, or projected images.

**Store Frontage-**The facade of an individual store or business. The front of a store shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a store shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select store frontage on the basis of interior layout of the store, traffic on adjacent streets or other indicators. Buildings with multiple tenants shall be calculated using store frontage of each tenant.

**Subdivision Sign-**Signs for the purpose of advertising or identifying a housing development or subdivision.

**Temporary sign-**A sign, banner, poster, or advertising display constructed of cloth, plastic, sheet, cardboard, wallboard, or other like materials, intended to be displayed for a limited period of time, and not permanently attached to a building or the ground. A temporary sign shall not be considered offsite advertising signage.

**Wall sign-**A sign which is painted on or attached parallel to a wall of a building and which extends not more than eighteen inches (18") from such wall.

**Window Sign-**A permanent sign that is painted or mounted into a window, or is hung directly inside a window solely for the purpose of identifying any premises, products, or events.

## **ARTICLE IX**

### **BOARD OF ZONING APPEALS**

- 900.00        CREATING A BOARD OF ZONING APPEALS
- 900.01        A board consisting of five members shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 900.02        The term of office shall be for five years; except, that of the first five members appointed, on shall serve for five years, one for four years, one for three years, one for two years and one for one year. One of the five appointed members shall be an active member of the planning commission.
- 900.03        Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 900.04        Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which a member has an interest.
- 900.05        The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.
- 901.00        POWERS AND DUTIES OF BOARD  
The Board of Zoning Appeals shall have the following powers and duties:
- 901.01        To hear and decide appeals from any order, requirements, decision, determination made by an administrative officer in the administration of enforcement of this ordinance or of any ordinance adopted pursuant thereto.
- 901.02        To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of this ordinance shall be observed and substantial justice done, as follows:

(1) 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 as of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the 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 applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

(2) No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) 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.

(3) No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia. The required application fee shall be determined by the Town Council. (Amended 3/14/11)

(4) 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 make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

(5) In authorizing a variance the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

902.00 RULES AND REGULATIONS

902.01 The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

- 902.02 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.
- 902.03 The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 902.04 The board shall keep minutes of its proceedings showing the vote of each member upon each question, or it absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 902.05 All meetings of the board shall be open to the public.
- 902.06 A quorum shall be at least three (3) members.
- 902.07 A favorable vote of three (3) 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.

#### 903.00 APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the board may be taken by any person aggrieved or by an officer, department board or bureau of the county or municipality affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the 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 imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and good cause shown.

#### 904.00 APPEAL PROCEDURE

- 904.01 Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator and 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.

904.02 Appeals requiring an advertised public hearing shall be accompanied by the required application fee as determined by the Town Council. (Amended 3/14/11)

#### 905.00 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 of interest and decide the same within sixty (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.

#### 906.00 DECISION OF BOARD OF ZONING APPEALS

906.01 Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau may present to the circuit court of Greene County a petition specifying the grounds on which aggrieved within thirty days after filing of the decision in the office of the board.

906.02 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 (10) 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.

906.03 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 or sworn copies thereof or of such portions thereof as may be called for by such writ. The returned copies shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decisions appealed from and shall be verified.

906.04 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 of 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 reverse or affirm, wholly or partly, or may modify the decision brought up for review.

906.05 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.

## ARTICLE X

### ADMINISTRATION, INTERPRETATION, AMENDMENTS, VIOLATIONS, AND PENALTIES

- 1000.0 ADMINISTRATION, INTERPRETATION, AMENDMENTS, VIOLATIONS AND PENALTIES
- 1001.00 ADMINISTRATION
- 1001.01 The ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 1001.02 Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

1002.00 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:

- 1002.01 Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- 1002.02 Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

1002.03 If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In the case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.

#### 1003.00 SEVERABILITY

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

#### 1004.00 EFFECTIVE DATE

This zoning ordinance of the Town of Stanardsville, Virginia, shall be effective at and after 8:00 p.m., May 12, 1986.

#### 1005.0 AMENDMENTS AND REZONING

1005.01 The regulations, restrictions and boundaries established in this ordinance may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to Section 15.2-2285 of the Code, as follows: (Amended 1/6/05)

1005.02 By the filing with the zoning administrator of a petition by owners or contract owners of land proposed to be rezoned, which petition shall be accompanied by the required application fee as determined by the Town Council; or, (Amended 3/14/11)

1005.03 By the adoption of the Town Council of a resolution of intent to amend which resolution, upon adoption shall be referred to the planning commission; or

1005.04 By the adoption by the planning commission of a resolution of intent to propose an amendment.

1005.05 The planning commission shall hold at least one public hearing on such proposed amendment after notice as required by Section 15.2-2204 of the Code, 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 governing body together with its recommendations and appropriate explanatory materials.  
(Amended 1/6/05)

1005.06 Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by Section 15.2-2204 of the Code, after which the governing body may make appropriate changes or corrections in the proposed amendment, provided, however, that not 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 Section 15.2-2204 of the Code. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.  
(Amended 1/6/05)

1005.07 In the event that the governing body shall deny the petition of any property owner or other petitioner to amend this ordinance, substantially the same petition shall not be reconsidered for a period of one (1) year from the date of the original denial by the governing body.

#### 1006.00 VIOLATIONS AND PENALTIES

1006.01 All departments, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.

1006.02 Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to two hundred and fifty dollars (\$250.00). Each day upon which violation continues shall constitute a separate offense.

#### 1007.00 APPLICATION PROCEDURE FOR PERMITTED USES

Applications for a zoning permit shall be submitted to the zoning administrator according to the following provisions:

- 1007.01 An application for a zoning permit for permitted use shall be accompanied by two copies of an acceptable site plan with such reasonable information shown thereon as shall be required by the zoning administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
- 1007.02 Each application for a zoning permit shall be accompanied by the required application fee as determined by the Town Council.  
(Amended 3/14/11)
- 1007.03 If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Stanardsville then in effect, the zoning administrator shall sign and return one copy of the site plan to the applicant and shall issue a zoning permit. The zoning administrator shall retain the application and one copy of the site plan for his records.
- 1007.04 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the zoning administrator shall not issue a zoning permit, but shall return one copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this ordinance with which the submitted plan does not comply. The zoning administrator shall retain one copy of the site plan and one copy of the refusal.

1008.00 APPLICATION PROCEDURES FOR SPECIAL USES

Applications for a zoning permit for a special use shall be submitted to the zoning administrator, who shall refer the application to the governing body for a public hearing. Applications for zoning permits for special uses must be submitted in accordance with the following procedures.

- 1008.01 An application shall be accompanied by two copies of an acceptable site plan providing such reasonable information shown thereon as may be required by the zoning administrator. Such site plan shall include, at a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structure; yard dimensions and the use of

structures; easements (private and public); water courses, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

- 1008.02 Each application for a zoning permit for a special use or other special exception shall be accompanied by the required application fee as determined by the Town Council in order to help defray the cost of public advertising and conducting the public hearing. (Amended 3/14/11)
- 1008.03 The application shall be sent to the commission for review and recommendation, and said commission shall have sixty (60) days within which to submit a report. If the commission fails to submit a report within a sixty day (60) period, it shall be deemed to have recommended approval of the proposed special use.
- 1008.04 The governing body shall consider the proposed special use or other special exception after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special use within sixty (60) days from the date of the public hearing. (Amended 1/6/05)
- 1008.05 In evaluating the proposed special use or other special exception, the governing body shall address the following concerns:
- (1) The effect of the proposed use or special exception on existing and projected traffic volumes in the neighborhood;
  - (2) The current and future need for the proposed use in the Town of Stanardsville; and
  - (3) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.
- 1008.06 In approving a proposed special use or other special exception, the governing body may stipulate such additional requirements as are necessary to protect the public interest. The governing body require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the governing body.
- 1008.07 If the governing approves the application for a zoning permit for a proposed special use, the zoning administrator shall issue a zoning permit, indicating the special nature of the use.

- 1008.08 If the governing body disapproves the application for a zoning permit for a proposed use or other special exception, the governing body shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval. The zoning administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal, and shall keep them as a public record.
- 1008.09 A property owner, or his appointed agent, shall not initiate action for a zoning permit relating to the same special use affecting the same parcel of land more often than once every twelve (12) months.
- 1008.10 A special use permit must be put into effect six (6) months after the date the permit is issued, unless otherwise provided in the permit itself.
- 1009.00 PROCEDURES FOR PROFERRING CONDITIONS TO ZONING DISTRICT REGULATIONS
- 1009.01 Intent. The intent of the section is to provide (pursuant to Section 15.2-2303 in the Code of Virginia) a more flexible and adaptable zoning method to cope with situations found in such zones whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.
- 1009.02 Proffer of conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this ordinance, as part of an amendment to the zoning district regulations or the zoning district map.
- The proffered conditions shall be in writing and shall be made prior to the public hearing before the Town Council. In addition:
- (1) The rezoning itself must give rise to the need of the conditions;
  - (2) The conditions proffered shall have a reasonable relation to the rezoning;
  - (3) The conditions proffered shall not include a cash contribution to the Town.
- 1009.03 Expiration. Any zoning permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation

to which the permit has been issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of six (6) months.

## 1010.0 CERTIFICATE OF OCCUPANCY

Certificates of occupancy shall be issued by the zoning administrator in accordance with the following provisions:

1010.01 Certificate of occupancy required. A certificate of occupancy shall be required in advance of occupancy or use of:

(1) A building hereafter erected;

(2) A building hereafter altered so as to affect height, or the side, front or rear yard dimensions;

(3) A change of type of occupancy or use of any building or premises;

1010.02 Issuance of certificate of occupancy. The zoning administrator shall sign and issue a certificate of occupancy, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, if it is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted for the zoning permit.

1010.03 Denial of certificate of occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision set forth herein.