

# CAMPBELL COUNTY CODE OF 1988

## CHAPTER 22

### ZONING

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## **ARTICLE I. GENERAL PROVISIONS.**

### **Sec. 22-1. Preamble.**

[THE FIRST 1989 AMENDMENT added subparagraph (9) in second paragraph.]

[THE SECOND 1989 AMENDMENT substituted “dangers” for “damage” in (1) in second paragraph, redesignated former (9) as new (10) and inserted new (9), and in third paragraph, deleted “and” following “transportation requirements of the community,” inserted “airports,” and deleted “and for” preceding “the conservation . . .” ]

[THE 1991 AMENDMENT added “and other lands of significance for the protection of the natural environment” in (8), “including United States government and military air facilities” in (9) and added (11).]

[THE 1993 AMENDMENT redesignated provisions, inserted “crime” in (i), inserted “the creation and preservation” preceding “affordable housing” in (x) and added “suitable for meeting . . .” at the end.]

[THE MARCH 17, 1997 AMENDMENT inserted “need for mineral resources and the” preceding “needs of agriculture” in the first paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “to improve” for “to encourage and improve” in the first paragraph.]

[THE JULY 6, 2004 AMENDMENT redesignated former (xi) as (xii) and added new (xi).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “impounding structure failure” into clauses (i) and (vi).]

[THE DECEMBER 5, 2017 AMENDMENT added “and working waterfront development areas” in (v).]

### **Sec. 22-2. Definitions.**

[THE 1986 AMENDMENT revised and renumbered definitions in B.]

[THE FIRST 1988 AMENDMENT added 90 new definitions and renumbered all definitions to provide alphabetical listing; former No. 17, “Single Family Dwelling” deleted and replaced by “Dwelling, Single Family.”)

[THE SECOND 1988 AMENDMENT inserted “firm” preceding “partnership” in subsection A, and, in subsection B, added parenthetical cross-references in definitions of “Automobile Graveyard,” “Junk,” and “Junkyard,” substituted “three” for “five” in the first sentence of definition of “Development” and added second sentence therein, inserted definitions of “Industrialized Building” and “Manufactured Home,” inserted “to” following “proposal” in definition of “Proffer,” inserted “street, alley, or any public way”

and substituted “within” for “with” in second sentence of definition of “Street,” and added the second sentence in “Variance.”]

[THE FIRST 1989 AMENDMENT, in subsection B, deleted examples from the definitions of “Accessory Building, Use or Structure” (1), “Agriculture” (2), and “Antique and Gift Shops” (3), deleted definitions of “Conditional Use” (20), “Development” (24), “Lot, Through” (53), “Natural Resources” (62), “Oil” (66), “Ramada” (73), “Residential Use” (75), “Sawmill, Temporary” (79), “Sign, Commercial” (87), “Sign, Directional” (88), “Sign, Outdoor Advertising” (91), and “Surveyor” (95), inserted new definitions of “Conditional Zoning” (19a), “Official Map” (65a), “Plat of Subdivision” (67a), “Retirement Home” (77a), “Site plan” (92a), “Special Exception” (92b), “Subdivision” (94a), and “Zoning or To Zone” (110a), revised definition of “Apartment” (4), amended definition of “Buffering or Screening” (10) to allow Zoning Administrator to establish minimum buffering/screening requirements on a case-by-case basis, inserted “enclosed” in definition of “Building” (12), substituted “Clubs” for “Clubs, Private” (17), deleted “a group of” preceding “children separated” in “Day Care Center” (23), revised definition of “Emergency Services” (29) to include any services necessary in time of emergency, added “or adoption” at end of definition of “Family” (31), deleted “a coop” at end of “Feed Lot” (32), revised definition of “Floor area” (33) to include usable floor space between interior walls, combined definitions of public and private garage, redefined “General Convenience Store” (36), deleted “do not walk, but onto which they” preceding “drive” in definition of “Golf Driving Range” (38), modified generally the requirements for “Home Occupations” (41(a)(2)), deleted “Hospital includes sanatorium, preventorium, clinic or rest home, and is deemed to mean” at beginning of “Hospital” (42), deleted “more or less temporary” preceding “abiding” and deleted “and in which provision is not generally made for cooking in individual rooms or suites” in definition of “Hotel” (43), excluded hazardous, infectious or toxic materials from definition of “Junk” (45), substituted “building or structure” for “location” and inserted “five (5) or more” and “private or” in definition of “Kennel” (47), deleted “except where otherwise defined herein” at end of “Lot Coverage” (50), substituted definition of “Lot, Front Line” (51) for “Lot Frontage Width,” deleted “horizontal” following “average” in “Lot Width” (56), deleted “raw, unfinished” preceding “materials” in “Manufacture and/or Manufacturing” (57), redefined “Mobile Home” (59) to cross-reference same to “Manufactured Home” (58), substituted “industrialized building as defined in this ordinance” for “house” in the first paragraph of “Modular Home” (60), rewrote definition of “Motel” (61) to eliminate distinction between hotel and motel, deleted “zoned” following “Any use of all in paragraph (a) of “Nonconforming Use” (65), substituted “or other legal entity having an ownership interest in property” for “having a legal or equitable interest in the property” in definition of “Owner” (67), revised definitions of “Professional Office” (68) and “Proffer” (69), deleted “Public” from definition of “Open Space” (70), substituted “including, but not limited to” for “such as” in definition of “Public Utilities” (71), deleted examples at end of “Restaurant” (76) and “Retail Stores and Shops” (77), rewrote definition of “Sanitary Landfill” (78) to conform to definition used by Department of Waste Management Regulations, rewrote definition of “Sawmill, Permanent” (80) to encompass both temporary and permanent operations, deleted language concerning potential nuisance factors and examples in “School Support Facilities” (82), inserted “or other property line,” “length or,” and “or property” in “Setback Line” (83) and deleted “and thus defining an area in which no building or structures or portions thereof may be constructed” at end thereof, rewrote definition of “Shopping Center” (84), rewrote



definition of “Sign” (85) to conform with state code definition, rewrote the definition of “Sign Area” (86), “Sign, Temporary” (92), and “Street” (93), substituted “to the front lot line” for “street upon which the lot has its least dimension” in the fourth sentence in “Yard, Front” (106), substituted “perpendicular to the front and rear yards” for “parallel to the street upon which the lot has its greatest dimension” in the second sentence of “Yard, Side” (108), and rewrote the definition of “Zoning Map” (110).]

[THE SECOND 1989 AMENDMENT substituted “secondary system of state highways” for “State System of Highways” in definition of “Lot, Front Line” (51), redesignated “Open Space” (former 70) as present (66a), substituted “Sawmill” for “Sawmill, Permanent” (80), and substituted “County subdivision ordinance” for “preceding chapter of this Code” in definition of “Site Plan” (92a).]

[THE 1991 AMENDMENT inserted second paragraph in the definition of “Manufactured Home” (58).]

[THE FIRST 1992 AMENDMENT, in subsection B, inserted new definitions of “Lot, Flag” (50a), “Lot, Lake Front” (53), “Mobile Home Lot” (59a), “Mobile Home Park” (59b), and “Surveyor, Land” (95), substituted the present definition of “Engineer, Professional” (30) for “Engineer,” added “including satellite dishes” in definition of “Accessory Building, Use or Structure” (1) and added second paragraph in definition of “Yard, Front” (106).]

[THE SECOND 1992 AMENDMENT, in subsection B, inserted “alleys, walkways” in definition of “Official Map” (65a).]

[THE APRIL 1993 AMENDMENT inserted definition of “Wholesale Business Establishments With or Without Retail Sales” (104a).]

[THE SECOND 1993 AMENDMENT inserted definitions of “Adult Care Residence” (1a) and “Adult Day Care Center” (1b).]

[THE APRIL 3, 1995 AMENDMENT, in subsection B, added definitions of “Bed and Breakfast, Rooming House, Boarding House or Tourist Home” (7a) and “Public Transportation Facilities” (70).]

[THE JULY 3, 1995 AMENDMENT inserted definition of “Public Park or Recreation Area” (70) in subsection B.]

[THE MAY 6, 1996 AMENDMENT, in “Lot, Front Line” (51), substituted “common to a road in the secondary system of state highways, dedicated right-of-way or easement that may provide” for “most nearly facing in the direction of the nearest road in the Secondary System of State Highways or nearest private easement serving,” inserted “two (2) or more dedicated rights-of-way or two (2) or more easements,” and substituted “shortest dimension” for “longest frontage,” all in first sentence; and, in second sentence, substituted “lot line dimensions are equal on the highways, rights-of-way or easements” for “frontage is equal on both State highways.”]

[THE JUNE 3, 1996 AMENDMENT in B., in definition of “Home Occupations” (41), added introductory paragraph, redesignated provisions, added proviso at the end of a.(2) and (c), inserted new a.(3), substituted “ground floor area” for “floor area” in a.(6), and added new e., imposing special requirements in R-1 districts.]

[THE OCTOBER 6, 1997 AMENDMENT, in subsection B., inserted “or structure” in “Dwelling, Single-Family” (27) and “Dwelling Unit” (28);and added “Family, Immediate” (31a).]

[THE MARCH 2, 1998 AMENDMENT added “Affordable housing” as (1c) in B.]

[THE MAY 17, 1999 AMENDMENT, in B., added introductory paragraph, substituted “educational, or recreational” for “education, or recreation” in “Clubs” (17), inserted “Certified Interior Designers” in “Engineer, Professional” (30) and “Surveyor, Land” (95), and inserted “future or” in “Official Map” (65a).]

[THE DECEMBER 20, 1999 AMENDMENT, in B., in definition of “Cemetery”(16), inserted “publicly-” preceding “privately-” in the first sentence and added the second sentence with subdivisions (a),(b),and (c).]

[THE AUGUST 7, 2000 AMENDMENT, in B., added “Antenna” (2a); inserted second sentence in “Industrialized Building” (44); inserted second sentence in “Manufactured Home” (58); substituted “Manufactured” for “Mobile” in the caption and text and redesignated “Mobile Home Lot” (59a) and “Mobile Home Park” (59b) as present (58a) and (58b).]

[THE NOVEMBER 6, 2000 AMENDMENT inserted definition of “Planned Unit Development” in paragraph 67 in B.]

[THE JULY 2, 2001 AMENDMENT, in B., inserted “or Assisted Living Facility” in caption of paragraph 1a. Adult Care Residence” and revised definition to conform to state code, and inserted definitions of “Architect” (4a), “Landscape Architect, Certified” (47a), and “Shooting Range or Sports Shooting Range” (83a).]

[THE OCTOBER 7, 2002 AMENDMENT inserted definitions of “Recycling and Remanufacturing” in paragraph 73 and “Solid Waste” in paragraph 87 in B.]

[THE DECEMBER 2, 2002 AMENDMENT, in B., added the last sentence in the definitions of “Adult Care Residence or Assisted Living Facility” (1a) and in “Adult Day Care Center” (1b), and made other minor changes therein.]

[THE DECEMBER 1, 2003 AMENDMENT, in B., inserted definitions pertaining to “Inoperable Motor Vehicle” at 44a, “Tire Pile or Tire Stockpile” at 98a, “Tire Storage/Disposal Convenience Center” at 98b, and “Tires or Waste Tires” at 98c, and added the last sentence at the end of “Manufactured Home” at paragraph 58.]

[THE DECEMBER 6, 2004 AMENDMENT, in B., revised language in the definition of “Inoperable Motor Vehicle” at 44a to conform to similarly revised language in §15-40 et

seq. of this Code and in the state code; and added the exception for certain events of a temporary nature at the end of the definition of “Use” (102).]

[THE AUGUST 1, 2005 AMENDMENT, in B., in the definition of “Automobile Graveyard” (6), inserted “that are” in the first sentence and added the second and third sentences; added the definition of “Church” at 16a; and inserted “or Child Day Care Center” in “Day Care Center” (#23).]

[THE AUGUST 15, 2005 AMENDMENT added the definition of “Logistics Center” (#47b)in subsection B.]

[THE JULY 31, 2006 AMENDMENT added the second sentence in the definition of “Dwelling, Single-Family” (27), added the definition of “Recreational Vehicle or Recreational Camper” (74a), and revised the definition of “Shopping Center” (84).]

[THE MARCH 5, 2007 AMENDMENT, in the definition of “Manufactured Home Park” (58b), substituted “two (2) or more” for “four (4) or more”; and also renumbered former definitions 96, 97, and 98 (“Theater, Indoor,” “Theater, Outdoor,” and “Timber Harvesting”) as present definitions 96a, 96b, and 97, and added the definitions of “Time-share” (98), “Time-share estate” (98.01) and “Time-share use”(98.02). In addition, internal references to “R-1” in (c) and (e) in the definition of “Home occupations” (41) were changed to “R-SF” editorially to reflect the change in the zoning district name.]

[THE JULY 2, 2007 AMENDMENT, in the definition of “Family” (#31) in B., deleted “or” preceding “adoption” and added “or under foster care placement or court-approved entrustment or other legally-recognized custodial agreement” in the first sentence, and added the second and third sentences.]

[THE DECEMBER 3, 2007 AMENDMENT added “unless otherwise specifically provided in a particular zoning district” at the end of the definition of “Manufactured Home Park” at subsection B.58b.]

[THE JULY 7, 2008 AMENDMENT added the last sentence to the definition of “Lot, Flag” at 50(a) for clarification and corrected a scrivener’s error in the definition of “Solid Waste at 87.]

[THE DECEMBER 1, 2008 AMENDMENT inserted the definition of “Children’s Residential Facility” at 16aa, inserted “stepchild” into the definition of “Family, immediate” at 31(a), inserted “and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes” into and slightly retitled the definition of “Plat or Plat of Subdivision” at 67(a), and added “or timeshare” to title of definition of “Time-share” at 98.]

[THE JULY 20, 2009 AMENDMENT added the definitions of “Crisis Center” at 21a and “Dock House” at 24a, deleted the definition of “Lot, Lake Front” at 53, substituted “front lot” for “right-of-way” twice in the first paragraph of the definition of “Yard, Front” at 106, and deleted the second paragraph of the definition of “Yard, Front” at 106 to remove references to lake front lots.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “Department of Behavioral Health and Developmental Services” for “Department of Mental Health, Mental Retardation and Substance Abuse Services” in the definition of “Adult Day Care Center, and substituted “licensure” for “certification” in the definition of “Landscape Architect,” and removed “Certified” after “Landscape Architect,” added “including institutions of higher learning, colleges and universities” to the definition of “Schools”, and added the definition of “Sand, Gravel and Extraction of Rock” at 80a.]

[THE JULY 19, 2010 AMENDMENT substituted “nine” for “four” in the definition of “Adult Care Facility or Assisted Living Facility” at 1a, added the definitions of “Collector Street”, “Common Area”, “Common Area Right-of-Way”, “Connector Street”, “Demolisher”, “Rebuilder”, “Salvage Dealer”, “Salvage Pool”, and “Vehicle Removal Operator”, and substituted “onsite unless inside” for “outside” and added “or another permitted enclosed structure” in the definition of “Home Occupations” at subsection 41(e)(6), and substituted “entire” for “geographic” and added “within a single continuous perimeter” in the definition of “Sign Area” at subsection 86.]

[THE DECEMBER 6, 2010 AMENDMENT added the definition of “Pallet Assembly operations” at 66c and added the last two sentences in the definition of “Sawmill” at 80.]

[THE DECEMBER 6, 2011 AMENDMENT added “including but not limited to” and the following text to the definition of “Accessory Building, Use or Structure;” separated the definition of “Adult Care Residence or Assisted Living Facility” into two definitions for “Adult Care Residence” and “Assisted Living Facility;” added the definition of “Bio-mass Conversion, Small-Scale;” revised the definition of “Buffering and Screening” to include language from elsewhere in the chapter; deleted the definition of “Commission;” added the second paragraph to the definition of “Family;” added the definitions of “Caregiver,” “Family Day Home,” “Group Home,” “Intensive Agricultural Facilities,” “Mentally or Physically Impaired Person,” and “Landscaping;” added the last sentence to the definition of “Recreational Vehicle or Recreational Camper;” added the definitions of “Sewage Sludge,” “Silviculture,” and “Temporary Family Health Care Structures;” and added the second sentence to the definition of “Sign Area” and the last sentence to the definition of “Time-share or timeshare.”]

[THE JULY 17, 2012 AMENDMENT revised the definition of “Cemetery” and added the definition of “Self-storage or Mini-storage Facilities.”]

[THE DECEMBER 4, 2012 AMENDMENT substituted “tract of land” for “property” in the second sentence of the definition of “Development,” revised the definition of “Building, Height of” and corrected the spelling of “facility” in the definition of “Group home.”]

[THE JULY 2, 2013 AMENDMENT added the second clause in part (ii) of the definition of “Temporary family health care structure.”]

[THE JULY 1, 2014 AMENDMENT revised the definitions of “Apartment” to differentiate non-transient intent and healthcare facilities, “Dwelling, Single-Family” to

include “similar temporary habitation”, “Family Day Home” by adding the last sentence, “Hotel” to clarify that it is different from a Rooming House or a Tourist House, “Kennel” to clarify that it need not be inside a building, “Lot Width” to delete the word “average” prior to “distance”, and deleted the definition of “Bed and Breakfast, Rooming House, Boarding House or Tourist Home” in order to break up the meaning into individual definitions, and added the definitions of “Dormitory,” “Pet Services,” “Rooming House,” and “Tourist House.”]

[THE JULY 7, 2015 AMENDMENT revised the definition of “Home occupation” at 41(e)(3) to clarify that issue with employees is their on-premises parking.]

[THE DECEMBER 1, 2015 AMENDMENT deleted a cross-reference at 41(d) and revised the definition of “Variance” at 103.]

[THE JULY 5, 2016 AMENDMENT, in the definition of “Assisted Living Facility” at 1a, changed the number of adults from “nine or more” to “four or more” twice, deleted the definition of “Adult Care Residence” and replaced it with “Adult Foster Care” at 1aa, added the definitions of “Composting Facility” at 19ac, “Convenience Center” at 31b, “Landfill” at 47.1, “Materials Recovery Facility” at 58c, “Solid Waste Incinerator” at 87a, “Solid Waste Management Facility” at 88, “Transfer Facility” at 100a, “Waste Water” at 104.1, “Waste Water Treatment Facility” at 104.2, “Waste to Energy Facility” at 104.3, “Water Treatment Plant” at 104.4, rewrote the definitions of “Child Day Center” at 23 and “Public Utilities” at 71, added “However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed” to the definition of “Family Day Home” at 31b, and at 41 (“Home Occupations”), clarified parking at 41(e)(1) and removed specific requirements for signs and referred to 22-17.2.]

[THE DECEMBER 6, 2016 AMENDMENT added the second sentence to “Floor Area” at 33 and clarified that floor area only includes interior space.]

[THE DECEMBER 5, 2017 AMENDMENT rewrote the space limitations for home occupations in accessory buildings at 41(a)(7) and added “or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2 of VA. CODE ANN. § 46.2-1602 (Cum. Supp. 2017)” at 77b.]

[THE JUNE 12, 2018 AMENDMENT added the definition of “Solar Energy Projects” at 86a.]

[THE DECEMBER 4, 2018 AMENDMENT added the definition of “Cemetery, Pet” at 16a, and renumbered former 16aa (Children’s Residential Facility) to 16b and former 16a (Church) to 16c.]

[THE DECEMBER 1, 2020 AMENDMENT substituted “100,000 square feet” for “50,000 square feet” in the definition of “Shopping Center” at 84.]

[THE JULY 20, 2021 AMENDMENT substituted “40” for “50” feet for the width of a collector street in the definition of “Common Area Right-of-Way.”]

[THE JULY 19, 2022 AMENDMENT added the last four sentences to the definition of “Subdivision” at 94a.]

[THE DECEMBER 6, 2022 AMENDMENT changed the number of individuals permitted in a group home and clarified the language of sections 1aa and 39a and amended section 74a to make clear that residence within an RV or camper for more than 10 consecutive days was a violation of this Code]

### **Sec. 22-3. Official Zoning Map.**

[THE JULY 20, 2009 AMENDMENT added “Community Development Department” preceding “Zoning Administrator.”]

### **Sec. 22-4. Rules for determining district boundary line locations; conflicts in ordinances.**

[THE MARCH 17, 1997 AMENDMENT added second, third, and fourth sentence in the third paragraph.]

[THE MAY 17, 1999 AMENDMENT, in third paragraph, substituted “the question” for “any such question” in the second sentence.]

[THE DECEMBER 4, 2018 AMENDMENT added the second sentence in the first paragraph that begins “District boundaries following railroad...”]

#### **Sec. 22-4.1. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.**

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT redesignated subsections, added new last sentence at the end of second paragraph of subsection A., which sentence had previously appeared as subsection (h); in subsection B., inserted “including those parcels which lie in other localities of the Commonwealth” in the first sentence in first paragraph; substituted “that have members” for “that has members” in the first sentence in the first paragraph of B.; redesignated former subsection (i) as last paragraph in B.; redesignated former (d) as present C.; and substituted “locality” for “county or municipality” twice therein; redesignated former (g) as present D.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “five days” for “six days” in the second sentence in the second paragraph in subsection A.]

[THE DECEMBER 2, 2002 AMENDMENT, in the second paragraph in subsection B., inserted “or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of more than twenty-five parcels of land” in first sentence and added the language beginning “provided, however, that written notice of such changes to zoning ordinance text regulations . . .” at the end of that sentence; and substituted “subsection” for “paragraph” in the last sentence of that paragraph.]

[THE JULY 6, 2004 AMENDMENT substituted “any parcel” for “more than twenty-five parcels” in the first sentence in second paragraph in B., redesignated former D. as present E., and added new D.]

[THE AUGUST 1, 2005 AMENDMENT, in D, deleted “or” preceding “military airport” twice, inserted “or licensed public-use airport,” “or owner of such public-use airport” twice, and substituted “and the notice shall advise the military commander” for “and shall advise the commander.”]

[THE DECEMBER 3, 2007 AMENDMENT added subsections F, reserved, and G.]

[THE JULY 5, 2011 AMENDMENT added subsection H.]

[THE JULY 17, 2012 AMENDMENT added the second sentence in the first paragraph in B.]

[THE DECEMBER 3, 2013 AMENDMENT substituted “thirty (30)” for “ten (10)” in clause iii of subsection D.]

**Sec. 22-4.2. Reserved.**

[None.]

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

**Sec. 22-5. Zoning Administrator appointed.**

[None.]

**Sec. 22-6. Duties of Zoning Administrator.**

[THE 1988 AMENDMENT substituted “remedying” for “remedy” in clause (a).]

[THE 1989 AMENDMENT substituted “(a) the ordering in writing” for “(a) ordering in writing” at beginning of clause (a); deleted “and” preceding “in an amount sufficient, substituted “construction of such improvements has” for “construction of all such improvements have,” in clause (C)(iii).]

[THE 1991 AMENDMENT substituted “Article XIII hereof” for “Article XII hereof” at the end of clause (f).]

[THE 1992 AMENDMENT substituted “official zoning map” for “official map” in clause (e).]

[THE 1993 AMENDMENT inserted clause beginning “including the authority to make conclusions of law and findings of fact . . .” and ending “rights accruing under VA. CODE

ANN. §15.1-492 (Repl. Vol. 1989), and further” preceding clause (a), and inserted “subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993)” at the end of clauses (b) and (c)(ii).]

[THE MARCH 17, 1997 AMENDMENT rewrote and redesignated provisions without substantive changes.]

[THE MAY 17, 1999 AMENDMENT substituted “insuring” for “to insure” in item (iii) in (a); in (b), substituted “is vested” for “shall be vested” in the introductory paragraph; substituted “Articles XII and XIII” for “Article XI” in (c); added new (e), and substituted references to Title 15.2 for references to former Title 15.1.]

[THE AUGUST 1, 2005 AMENDMENT inserted “and for modifications from certain requirements of this chapter pursuant to §22-26.1 of this Code” in (c).]

[THE JULY 20, 2009 AMENDMENT added the second clause in (a)(iii).]

[THE DECEMBER 6, 2011 AMENDMENT changed the title of the section from “Same – Duties” to “Duties of Zoning Administrator.”]

[THE JULY 21, 2020 AMENDMENT added the second sentence to (e).]

**Sec. 22-6.1. Petitions or applications required to include sworn statement disclosing any interest of member of Planning Commission or Board of Supervisors.**

[THE MARCH 17, 1997 ACT adopted this section, which is substantially similar to former §22-37 B.]

[THE JULY 2, 2001 AMENDMENT deleted “Articles XI, XII, or XIII of” preceding “this chapter.”]

**Sec. 22-6.2. Proof of payment of delinquent county real estate taxes on subject property required.**

[THE MARCH 17, 1997 ACT adopted this section.]

[THE DECEMBER 2, 2002 AMENDMENT substituted “land disturbing permit, including building permits and erosion and sediment control permits” for “land use permit.”]

[THE JULY 17, 2012 AMENDMENT added “by the owner of the subject property, the owner’s agent, or any entity in which the owner holds an ownership interest greater than 50 percent” and “nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property” to the section, and substituted “and” for “which” prior to “have been properly assessed”.]

[THE DECEMBER 5, 2017 AMENDMENT added “unless otherwise authorized by the Treasurer” at the end of the section.]



**Sec. 22-6.3. Disclosure of real parties in interest.**

[THE MAY 17, 1999 ACT adopted this section.]

[THE DECEMBER 4, 2006 AMENDMENT added the last sentence.]

**ARTICLE III. VESTED RIGHTS AND NONCONFORMING USES**

**Sec. 22-7. Vested rights not impaired.**

[THE MAY 17, 1999 AMENDMENT, in the second sentence, substituted “Land, buildings, or structures and the uses thereof” for “Uses of property,” “the zoning requirements prescribed for the district in which they are situated as such requirements were” for “those permitted by this chapter,” and “of this chapter, or subsequent amendments thereto” for “hereof, and inserted “Section 22-7.1 and.”]

[THE DECEMBER 5, 2017 AMENDMENT added the second paragraph.]

**Sec. 22-7.1. Factors to be considered in determining vesting of rights in a land use; definition of “significant affirmative governmental acts.”**

[THE MAY 17, 1999 ACT adopted this section.]

[THE JULY 19, 2010 AMENDMENT added subsection (b)(vii).]

**Sec. 22-8. Nonconforming lots of record, structures, uses of land, and uses of structures.**

[THE 1986 AMENDMENT rewrote this section.]

[THE 1988 AMENDMENT substituted “Article XII” for “Article XIII” at end of B and “reasons of restrictions” for “reasons or restrictions” in C.]

[THE 1989 AMENDMENT substituted “when enlarged, extended or altered” for “enlargement, extension or alteration” in the first sentence of E.1.]

[THE 1992 AMENDMENT substituted “access thereto, the structure and premises” for “access to the premises” in E.3.]

[THE AUGUST 7, 2000 AMENDMENT, in the second paragraph in B., substituted “original application or upon appeal to either the Zoning Administrator” for “an appeal” and substituted “manufactured” for “mobile” throughout C.]

[THE JANUARY 2, 2001 AMENDMENT substituted “two (2) years” for “twelve (12) months” in D.3., and “more than two (2) years” for “twelve consecutive months” in E.3.]

[THE JUNE 17, 2002 AMENDMENT inserted “setbacks not in conformity with the ordinance are maintained so that no portion of the new addition has a setback that is less than the original structure” in the middle of C.2.]

[THE DECEMBER 2, 2002 AMENDMENT rewrote C. 4. to allow removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another comparable manufactured housing unit that meets the current HUD manufactured housing code.]

[THE DECEMBER 1, 2003 AMENDMENT rewrote C.4., designating the former first sentence as paragraph (b) therein and rewriting its provisions, adding new paragraph (a), and designating the former second sentence as paragraph (c) and making minor changes therein; and added new C.5.]

[THE JULY 6, 2004 AMENDMENT added the third through sixth sentences in C.5.]

[THE AUGUST 1, 2005 AMENDMENT inserted “Modifications pursuant to §22-26.1 of this Code or” at the beginning of the last sentence in the second paragraph in B.]

[THE DECEMBER 4, 2006 AMENDMENT designated the provisions of C.1. as present C.1.(a) and added present (b) thereafter; and designated the provisions of E.4. as present E.4.(a) and added present (b) thereafter.]

[THE JULY 20, 2009 AMENDMENT added “is damaged greater than 50 percent and” to the second sentence in C.1.(b), deleted “within two (2) years of the date of the natural disaster” in the fourth sentence of C.1.(b), and added the sixth, seventh and eighth sentences in C.1.(b).]

[THE JULY 19, 2010 AMENDMENT added subsection (C)(1)(c).]

[THE JULY 5, 2016 AMENDMENT added the third paragraph in (A).]

[THE DECEMBER 6, 2016 AMENDMENT added “to the floor area” to (C)(2) and replaced former language at (C)(5) with cross-reference to sign ordinance.]

## **ARTICLE IV. RESIDENTIAL ZONING DISTRICTS**

### **Sec. 22-9. Residential – Single Family Zoning District (R-SF).**

[THE 1986 AMENDMENT revised A and B; added C, and D.]

(THE 1988 AMENDMENT revised B.3., C.2., and D.3.)

[THE 1989 AMENDMENT substituted “(Permitted Uses Requiring Special Use Permit)” for “(Permitted Uses Requiring Conditional Use Permit)” following paragraph 6 in A, and, in B, inserted new subparagraphs (a), (b), and (c) in paragraph 1 and substituted “building” for “setback” in paragraph 2.]

[THE 1991 AMENDMENT redesignated former paragraphs 3 through 11 in A. as present paragraphs 4 through 12 and inserted new paragraph 3.]

[THE 1992 AMENDMENT substituted “(Sec. 22-9 A.7.)” for “Sec. 22-9 A.6.)” in paragraph 8 in subsection A.]

[THE JULY 3, 1995 AMENDMENT added “Public Park or Recreation Area” as a use requiring a Special Use Permit in A.]

[THE JUNE 3, 1996 AMENDMENT inserted new paragraph 7.A. in A. to allow home occupations as a permitted use of right in R-1.]

[THE MARCH 17, 1997 AMENDMENT, in A, redesignated former paragraph 3 as present paragraph 3.A. and inserted new paragraph 3.B.]

[THE OCTOBER 6, 1997 AMENDMENT, in A.1., inserted “No more than one (1)” twice, and added “on each lot”; and added new paragraph 14. in A.]

[THE AUGUST 3, 1998 AMENDMENT added “And specifically excluding transmitting or receiving stations or towers for communication” as language limiting “public utility structures and facilities” in paragraph A.8.]

[THE JULY 2, 2001 AMENDMENT, in paragraph 2. in A., deleted “schools, day care centers;” and added paragraph 15 “Schools, public, private or parochial,” paragraph 16 “Nursery schools or preschools, private or parochial,” and paragraph 17 “Day care centers” as uses requiring a special use permit.]

[THE DECEMBER 2, 2002 AMENDMENT updated the reference for definition of “Family day home” in paragraph 3B. in A. and added paragraph 18 in A. (*requiring a special use permit*), allowing the keeping of a prescribed number of horses as an accessory use to an R-1 permitted use on contiguous property under the same ownership, subject to acreage requirements and other prescribed conditions.]

[THE DECEMBER 6, 2004 AMENDMENT, in paragraph 10., [uses requiring a special use permit], in A., deleted “Fair, circus, carnival, sideshow, tent meeting and similar,” at the beginning and added the language “that are neither subject . . . otherwise exempt under applicable law”; in subparagraphs (a), (b), and (c) in B.1., substituted “front lot line” for “building line”; and in B.2., substituted “front lot line” for “front building line.”]

[THE AUGUST 1, 2005 AMENDMENT, in A.2., substituted “Churches built on a permanent foundation” for “Church buildings of a permanent construction.”]

[THE MARCH 5, 2007 AMENDMENT revised this section, changing the name from “Residential zoning district R-1” to “Residential – Single Family Zoning District (R-SF)”;

relocated the “Legislative Intent” section and substituted “medium to high-density single family residential development” for “low density residential development within urban development areas” therein; and substituted “R-SF” for “R-1” throughout the section.]

[THE DECEMBER 1, 2008 AMENDMENT added “Children’s residential facilities” as a special use.]

[THE JULY 20, 2009 AMENDMENT added “docks and dock houses” to D.1.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “individuals with mental illness, mental retardation, or developmental disabilities” for “mentally ill, mentally retarded, or developmentally disabled persons” and “Department of Behavioral Health and Developmental Services” for “Department of Mental Health, Mental Retardation and Substance Abuse Services” in subsection A.3A].

[THE JULY 19, 2010 AMENDMENT added “or residential facilities in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff members” in A.3A, added “Temporary family health care structures” as a permitted use at A.7.B., added “(site plan and sign requirements are exempted)” in A.14, and “The front and exterior side setback shall be increased by ten (10) feet for any corner lot” in subsection C.2 and D.3.]

[THE DECEMBER 6, 2010 AMENDMENT added subsection A.20.]

[THE DECEMBER 6, 2011 AMENDMENT substituted “Adult care residences or group homes” for a longer description that is now found in the definition section at A.3A, substituted “Family day homes” for a longer description that is now found in the definition section at A.3B, added “and structures” at A.5, deleted “Accessory structures” at A.7 because the definition was moved to 22-2, and deleted “as defined and permitted under Section 22-11.4” in A.7B.]

[THE DECEMBER 4, 2012 AMENDMENT revised the language at B.4, requiring the Building Official to approve heights higher than 35 feet.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.5.]

[THE JULY 1, 2014 AMENDMENT added “serving no more than five children” to A.3B, deleted “and specifically excluding transmitting or receiving stations or towers for communications” in A.8, deleted “administrative service” from A.9, added A.21, A.22, and A.23, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c.]

[THE JULY 7, 2015 AMENDMENT added subsection A.24.]

[THE JULY 5, 2016 AMENDMENT added at A.7C “wastewater treatment facility” serving fewer than 10 connections as a use by right, and “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.25 and A.26, respectively, added “or wastewater” to A.8, and rewrote A.18 to allow agricultural animals on a three acre lot where previously only horses were allowed on a five acre lot.]

[THE DECEMBER 6, 2016 AMENDMENT substituted “Adult foster care” for “Adult care residences” in A.3A and added “and child care” in A.17.]

[THE DECEMBER 4, 2018 AMENDMENT added at A.7D “Transmitting or receiving stations or towers for communication” as a use by right.]

### **Sec. 22-9.1. Zoning provisions for temporary family health care structures.**

[THE JULY 19, 2010 ACT enacted this section.]

[THE DECEMBER 6, 2011 AMENDMENT moved this section, previously numbered 22-11.4, and renumbered it, and deleted former subsection (b) by moving all definitions to Section 22-2, and renumbered the remaining subsections.]

[THE JULY 2, 2013 AMENDMENT increased the period by which the structure must be removed from 30 to 60 days after the last date it was occupied.]

### **Sec. 22-10. Residential – Multi Family Zoning District (R-MF).**

[THE DECEMBER 1985 AMENDMENTS substituted “dwelling” for “building” in the last line of B.1. and changed the distance from five (5) to six (6) feet in the last line of D.4.]

[THE 1986 AMENDMENT added A.9. and 10; changed language in B.1., D.8. and 16; and added E and F.]

[THE 1988 AMENDMENT inserted “except as excluded herein” after “twenty (20) feet” in B.2.; rewrote E.2. and F.]

[THE FIRST 1989 AMENDMENT added “11. Retirement homes” as a permitted use requiring Special Use Permit in A, inserted new subparagraphs (a), (b), and (c) in paragraph 1 of B, and substituted “all zoning districts permitting manufactured home parks” for “a district zoned R-2” at end of the introductory language of D, and “Uniform Statewide Building Code and National Electrical Code” for “BOCA” in paragraph 13.]

[THE SECOND 1989 AMENDMENT added new last sentence at the end of paragraphs 1 and 2 in B.]

[THE 1992 AMENDMENT, in A, inserted “area, yard setbacks, and building or structure height” in paragraph 1, substituted “except for R-1 uses which shall be governed by all yard provisions of §22-9 of this Code” for “except as excluded herein” at end of the first sentence in paragraph 2 of B and at the end of C, and added new clause 3 to the end of E and F.]

[THE 1993 AMENDMENT added “subject to the provisions of §22-10.1 of this Code” at the end of subsection A.5., added “A.12. Adult care residence” as a permitted use requiring special use permit, and deleted former D.]

[THE AUGUST 7, 2000 AMENDMENT substituted “manufactured” for “mobile.”]

[THE NOVEMBER 6, 2000 AMENDMENT, in A., added Planned Unit Development as a permitted use requiring a special use permit in district R-2.]

[THE JULY 2, 2001 AMENDMENT added “or assisted living facility” following “Adult care residence” in paragraph 12 in A., and added paragraph 14 “Schools, public, private or parochial,” paragraph 15 “Nursery schools or preschool, private or parochial,” and paragraph 16 “Day care centers” in A. as permitted uses requiring a special use permit.]

[THE DECEMBER 1, 2003 AMENDMENT added the proviso at the end of paragraphs 5, 6, 9, and 10 in A. that no manufactured home shall be used for storage or as an accessory use.]

[THE DECEMBER 6, 2004 AMENDMENT, in subparagraphs (a), (b), and (c) in B.1., substituted “front lot line” for “building line.”]

[THE MARCH 5, 2007 AMENDMENT revised the section; changing the name from “Residential zoning district R-2” to “Residential – Multi Family Zoning District (R-MF)”;

inserted the “Legislative Intent” section, substituted “R-MF” for “R-2” and “R-SF” for “R-1” throughout the section; in subsection A, deleted former item 5 (manufactured home parks), former item 6 (manufactured homes separately sited), and former item 8 (modular homes), added new item 6 (time-share or similar use) and renumbered remaining items; and, at the end of E. 2., deleted the former parenthetical language regarding accessory buildings in manufactured home parks, which provisions are now contained in §22-11 and §22-11.01 of this Code. In addition, “or modular home” was substituted editorially for “modular or manufactured home” in the first sentence in B.1. in order to conform these provisions to the current amendment which deleted “manufactured homes” as a permitted use in an R-MF zone. In accordance with subsection A.1. of this section, a modular home, being a principal use permitted in an R-SF zone, is allowed in an R-MF zone as long as pertinent R-SF regulations and minimum R-SF lot area, yard setbacks, etc. are utilized.]

[THE JULY 7, 2008 AMENDMENT changed the height limitation of buildings in this zone from fifty to seventy feet in C.]

[THE DECEMBER 1, 2008 AMENDMENT added “children’s residential facilities” at A.15.]

[THE JULY 20, 2009 AMENDMENT added “Crisis Centers” as a permitted use and added “docks and dock houses” to F.1.]

[THE JULY 19, 2010 AMENDMENT added “Temporary family health care structures” as a permitted use at A.8.B., substituted “1,300 square feet. The minimum lot width for each unit within a townhouse development shall be 16 feet for interior and 26 feet for end lots measured at the building location” for “as set forth in §21-28 C of this Code” in subsection B.1, substituted the current second paragraph for “However, yard requirements for each townhouse unit shall be as set forth in §21-28 (C-1) of this Code” in subsection B.2, retitled subsection B.3 “Open space” from the earlier “Floor Area Ratio”, and reworded subsection B.3 for clarity, and added subsections G, G-1, G-2, and G-3.]

[THE DECEMBER 6, 2010 AMENDMENT added subsection A.16.]

[THE DECEMBER 6, 2011 AMENDMENT deleted a citation from the listing of “Time-share or similar use” at A.6, added “and structures” and deleted “No manufactured home shall be used for storage or as an accessory use” at A.7, deleted “Accessory structures” at A.8, deleted “Adult care residence” from A.10, and deleted subsection G, related to parking and moved it to 22-17.]

[THE DECEMBER 4, 2012 AMENDMENT added “that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Fire Marshal and Building Official prior to construction” to C, and deleted “measured from the natural grade, exclusive of chimneys and antennae” from C.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.7.]

[THE JULY 1, 2014 AMENDMENT deleted “boarding” from A.3, added A.8C, deleted “this minimum lot area shall be increased in increments of 5,000 square feet of land suitable for septic tank and drainfield system per additional dwelling unit” from B.1, “deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c, added B.1a, and added “and side” to E.2.]

[THE JULY 5, 2016 AMENDMENT added at A.8D “wastewater treatment facility” serving fewer than 10 connections as a use by right, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.17 and A.18, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT added “and child care” to A.14, substituted “area” for “size” in B.1, moved language regarding minimum lot widths for units in townhouse developments from B.1 to B.1a, added “except for townhouse lots” to B.2, and added last sentence in B.3.]

[THE JULY 21, 2020 AMENDMENT deleted “rooming and tourist houses” from principal uses by right and added “Rooming houses” and “Tourist houses” as special uses at A.19 and A.20, respectively.]

### **Sec. 22-10.1. Reserved.**

Editor’s note: The March 5, 2007 amendment renumbered the provisions of this section as present §22-11.01 of this Code, and made revisions therein.

### **Sec. 22-11. Residential–Manufactured Housing Zoning District (R-MH).**

[THE MARCH 5, 2007 ACT adopted this section, the provisions of which are similar in some regards to those in former §22-10 (R-2 zone). However, because multi family dwellings are not a permitted use in the R-MH zone as they had previously been in the former R-2 zone, the words “or multi family” have been deleted editorially in the first

sentence in B.1. of this section in order to conform to the March 5, 2007 amendment. It should also be noted that, in accordance with subsection A.1. of this section, a modular home, being a principal use permitted in an R-SF zone, is allowed in an R-MH zone as long as pertinent R-SF regulations and minimum R-SF lot area, yard setbacks, etc. are utilized.]

[THE JULY 19, 2010 AMENDMENT added “Temporary family health care structures” as a permitted use at A.6.A.]

[THE DECEMBER 6, 2010 added subsection A.9.]

[THE DECEMBER 6, 2011 AMENDMENT deleted “and provided also that no manufactured home shall be used for storage or as an accessory use” from A.2, A.3, and A.5, added “and structures” to A.5, deleted A.6, and deleted a citation from A.6A.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in C.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.5.]

[THE JULY 1, 2014 AMENDMENT substituted “No more than one (1) manufactured home on each parcel of land” for “Manufactured homes separately sited, such that only one manufactured home may occupy each lot in a R-MH district” in A.2, added A.10 and A.11, deleted “this minimum lot area shall be increased in increments of 5,000 square feet of land suitable for septic tank and drainfield system per additional dwelling unit” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added B.1a, and inserted “and side” in E.2.]

[THE JULY 5, 2016 AMENDMENT substituted “manufactured home(s)” for “no more than one (1) manufactured home on each parcel of land” in A.2, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.6B, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special uses at A.12 and A.13, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT added “and child care” to A.7.]

### **Sec. 22-11.01. Manufactured home parks—Permitted use in R-MH district; site development requirements.**

[THE 1993 ACT adopted this section, containing some provisions of former §22-10 D. of this Code.]

[THE AUGUST 7, 2000 AMENDMENT added “in accordance with the provisions of §22-26.1 of this Code” in paragraph 3 and substituted “manufactured” for “mobile.”]

[THE DECEMBER 1, 2003 AMENDMENT added paragraph 17.]



[THE AUGUST 1, 2005 AMENDMENT inserted “or modification” in the second sentence in paragraph 3.]

[THE MARCH 5, 2007 AMENDMENT revised and renumbered the provisions of former §22-10.1 as new §22-11.01; and substituted “R-MH” for “R-2” throughout the section, deleted former item 1 and added a new second paragraph, renumbered former items 2 through 9 as present items 1 through 8; and renumbered former item 10 as present 15, former 11 as present 9, former 12 as present 16, former 13 as present 10, former 14 as present 17, former items 15, 16, and 17 as present items 11, 12, and 13, added new item 14, specified additional requirements applicable to manufactured home parks providing 11 or more approved spaces in items 16, 17, and added new item 18; in present item 7, divided the first sentence into first and second sentences, adding “except that streets . . . home spaces” and substituting “Streets shall” for “and,” and also added the last sentence; in item 15, inserted “Virginia” and added “unless another source . . . regulations”; in item 16, inserted “and maintain defined” and “of at least . . . site plan”; and in item 17, substituted “three hundred (300)” for “six hundred (600).”]

[THE JULY 1, 2014 AMENDMENT deleted “*Manufactured home parks providing two (2) to ten (10) approved manufactured home spaces shall meet the following requirements:*” immediately prior to the numbered paragraphs.]

#### **Sec. 22-11.1. Reserved.**

[None.]

#### **Sec. 22-11.2. Reserved.**

[None.]

#### **Sec. 22-11.3. Use of recreational vehicle or recreational camper for temporary residence permitted while constructing primary residence in R-MF or R-MH zone; limitations.**

[THE DECEMBER 4, 2006 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT added “or be marked as a rental unit from a rental agency, insurance company or governmental entity” after “licenses” in (iii).]

### **ARTICLE V. BUSINESS ZONING DISTRICTS.**

#### **Sec. 22-12. Business-Limited Commercial Zoning District (B-LC).**

Editor’s note: The August 15, 2005 amendment completely revised this section, utilizing provisions in the new business zoning districts set out in this section and in new §22-12.1 and new §22-12.2. The uses formerly permitted either by right or with a special use permit in former §22-12 have been revised and reenacted in the above-noted sections, with the exception of “Coal ash fills” which have

been deleted as a permitted use in any business district. Where existing amendment notes to former §22-12 relate to the provisions of revised §22-12, they have been retained.

[THE 1986 AMENDMENT added C and D.]

[THE 1989 AMENDMENT inserted subparagraphs (a), (b), and (c) in paragraph 1 of B.]

[THE JULY 2, 2001 AMENDMENT added new E. and F [now present G].]

[THE DECEMBER 6, 2004 AMENDMENT, in subparagraphs (a), (b), and (c) in B.1., substituted “front lot line” for “building line.”]

[THE AUGUST 15, 2005 AMENDMENTS completely revised this section, utilizing some provisions from the former Business (B-1) district in the present Business-Limited Commercial (B-LC) district and changing some of the uses permitted therein; other changes in the provisions include: renumbering former B.3. as present B.5. and changing maximum height limitation from 50 feet to 35 feet in height, inserting new B.3. (road frontage requirements), B.4. (yard requirements), and B.6. (maximum building size), redesignating former F. as present G., adding present F. and H., and changing internal references from “B-1” to “B-LC.” Other provisions of former §22-12 have been revised and are now found in new business zoning districts at §22-12.1 (Business-General Commercial) and §22-12.2 (Business-Heavy Commercial).]

[THE DECEMBER 6, 2011 AMENDMENT deleted “as defined in §22-2 of this Code” twice, from A.2 and A.3.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in B.5.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.13.]

[THE JULY 1, 2014 AMENDMENT deleted “boarding” and “bed and breakfast establishments” from A.6, deleted “administrative services” from A.10 and A.17, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.14A, “Community centers and similar places of non-profit organizations” at a use by right at A.14B, added “wastewater treatment facility”

serving 10 or more connections and as an accessory use as special uses at A.22 and A.23, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT revised “child day care centers” to “child care centers” at A.2.]

[THE DECEMBER 4, 2018 AMENDMENT added “Pet cemeteries” as a use by right at A.14.C and “Transmitting or receiving stations or towers for communication not more than 50 feet in height” as a use by right at A.14.D.]

### **Sec. 22-12.1. Business-General Commercial Zoning District (B-GC).**

[THE AUGUST 15, 2005 ACT adopted this section, creating a new Business-General Commercial district, by utilizing some provisions formerly set out in former §22-12 (B-1 district) of this Code and inserting additional provisions.]

[THE JULY 7, 2008 AMENDMENT changed the height limitation of buildings in this zone from fifty to seventy feet in B.5.]

[THE JULY 19, 2010 AMENDMENT added “Blacksmith shop, welding or machine shop, and metal fabrication in a building the total area of which is less than 5,000 square feet” as a permitted use at 22a, and “Recreation, amusement, and entertainment enterprises, outside a building, for profit, and not otherwise listed” as a use permitted with a special use permit at A.33.]

[THE DECEMBER 6, 2011 AMENDMENT added, at A.22b and A.22c as uses by right, “Self-storage or mini-storage facilities” and “Assisted living facilities.”]

[THE JULY 17, 2012 AMENDMENT added “Laboratories” as a use permitted with a special use permit at A.34.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “except that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in B.5.]

[THE JULY 1, 2014 AMENDMENT substituted “dry cleaners” for “dyeing and cleaning works” in A.12, deleted “administrative services” from A.17, added A.22d, A.22e, A.22f, A.22g and A.35, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” in B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added A.22h and “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “to include general convenience stores” in A.21, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.22i, rewrote “public utility structures and facilities” as a special use at A.26, and added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.36 and A.37, respectively.]

[THE JULY 19, 2022 AMENDMENT added “Recreation resorts, campgrounds, and similar uses,” etc. as a special use at A.38.]

### **Sec. 22-12.2. Business-Heavy Commercial Zoning District (B-HC).**

[THE AUGUST 15, 2005 ACT adopted this section, creating a new Business-Heavy Commercial district, by utilizing some provisions formerly set out in former §22-12 (B-1 district) of this Code and inserting additional provisions.]

[THE DECEMBER 4, 2006 AMENDMENT added “whichever is earliest” at the end of A.16. regarding shooting ranges or sport shooting ranges.]

[THE DECEMBER 3, 2007 AMENDMENT added sections A.19.]

[THE JULY 19, 2010 AMENDMENT added sections A.20, A.21 and A.22.]

[THE DECEMBER 6, 2010 AMENDMENT moved “Transmitting or receiving stations or towers for communications” from special use at A.15 to by right at A.7A, added additional language at A.7A, and added “Pallet Assembly operations” at A.7B.]

[THE DECEMBER 6, 2011 AMENDMENT deleted “repairing” from subsection A.2.]

[THE JULY 1, 2014 AMENDMENT deleted “wholesale business” from A.5, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c, and added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added under special uses, “Transmitting or receiving stations or towers for communication exceeding 199 feet in height “ at A.15, “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.23 and A.24, respectively, and “water treatment plant, publicly owned” as a special use at A.25.]

[THE JULY 6, 2017 AMENDMENT added A.26.]

[THE JUNE 12, 2018 AMENDMENT added “solar energy projects” at A.26 and renumbered former A.26 to A.27.]

**Sec. 22-13. Shopping Centers Special Use Permits.**

[THE 1986 AMENDMENT revised paragraph A and B.4.]

[THE 1988 AMENDMENT substituted “Virginia Department of Transportation” For “Virginia Department of Highways and Transportation” in paragraph B.3.]

[THE 1989 AMENDMENT substituted “special use” for “conditional use” in the undesignated introductory paragraph, in A, and in the first sentence of B.]

[THE AUGUST 15, 2005 AMENDMENT, in the introductory paragraph, rearranged language and substituted “Business-General Commercial (B-GC) or Business-Heavy Commercial (B-HC) or Industrial-General (I-G)” for “B-1”; and, in subsection B.1., deleted former subparagraphs a. and b. which had specified screening by construction of walls of specified height and materials, and rewrote screening provisions in B.1.]

[THE DECEMBER 6, 2011 AMENDMENT deleted generalized language by deleting the introductory paragraph and subsection A, substituted “Shopping centers shall be buffered and screened, as defined in Section 22-2, along the boundary line(s) adjoining any Residential or Agricultural zoning districts” for the previous language in B.1, which was moved to 22-2 to comprise the definition of “Buffering and screening”, and deleted the first and last two sentences in B.3.]

**ARTICLE VI. INDUSTRIAL ZONING DISTRICTS.**

**Sec. 22-14. Industrial-General Zoning District (I-G).**

[THE 1986 AMENDMENT added D and E [now present C. and D].]

[THE JULY 2, 2001 AMENDMENT added new F. and G [now present E. and G.].]

[THE OCTOBER 7, 2002 AMENDMENT added H.[now subsection H. in new §22-15.]]

[THE AUGUST 15, 2005 AMENDMENT completely revised this section, utilizing some provisions from the former Industrial (M-1) district in the present Industrial-General (I-G) and Industrial-Heavy (I-H) zoning districts and revising some of the uses permitted therein; other changes in the provisions include: revising B. to specify that there is no minimum acreage requirement and there is no maximum height limitation (except airport district height limitations), and changing requirements for lot width, road frontage, and yard requirements, redesignating former F. and G. as present E. and G, deleting former H. which is now set out as subsection H. in §22-15, and adding present F., and changing internal references from “M-1” to I-G.” Other provisions of former §22-14 have been revised and are now found in the new industrial zoning district at §22-15 (Industrial-Heavy).]

[THE JULY 17, 2012 AMENDMENT added “Towing and recovery of automobiles” at A.4a as a use by right.]

[THE JULY 1, 2014 AMENDMENT added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

### **Sec. 22-15. Industrial-Heavy Zoning District (I-H).**

[THE AUGUST 15, 2005 ACT adopted the provisions of this section [formerly a reserved section], creating a new Industrial-Heavy district, by utilizing some provisions formerly set out in former §22-14 (M-1) district of this Code and inserting additional provisions.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on tracts of land that are greater than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” for “crushed stone operations” at A.16.]

[THE JULY 19, 2010 AMENDMENT added subsection A.25a.]

[THE JULY 1, 2014 AMENDMENT substituted “Extraction of sand” for “Sand, gravel and rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” in A.16, deleted A.26 which related to signs, addressed elsewhere, and added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “wastewater treatment facility as an accessory to a permitted use” as a use by right at A.15.]

[THE DECEMBER 6, 2016 AMENDMENT substituted “Solid waste management facility, transfer facility, solid waste incinerator, and landfills” for “Solid waste processing or transfer facilities and landfills” at A.24.]

[THE JULY 6, 2017 AMENDMENT added “and any combination of the foregoing or addition of one of the foregoing uses to another of the foregoing uses” to A.24.]

## **ARTICLE VII. AGRICULTURAL ZONING DISTRICTS.**

### **Sec. 22-16. Agricultural zoning district A-1.**

[THE 1986 AMENDMENT revised A.1. through 41; added to the first paragraph of B; and added C and D.]

[THE 1988 AMENDMENT added “except as excluded herein” to B; inserted “front” between “the” and “setback” and added “and have rear and side lot line setbacks of not less than ten (10) feet” to C; and “and have rear and side lot lines setbacks of not less than ten (10) feet” to D.]

[THE 1989 AMENDMENT substituted “(Permitted Uses Requiring Special Use Permit)” for “(Permitted Uses Requiring Conditional Use Permit)” following paragraph 23 in A and added “42. Outdoor theaters” and “43. Truck stops.”]

[THE 1991 AMENDMENT redesignated former paragraphs 2 through 43 of A. as present paragraphs 3 through 44, and added new paragraph 2.]

[THE 1992 AMENDMENT, in A, deleted “mobile homes” following “Single family dwellings” in paragraph 1, inserted paragraph 2.B., added “subject to the provisions of §22-10.1 of this Code” in paragraph 42, and, in B, added new third sentence.]

[THE FIRST 1993 AMENDMENT added second sentence in paragraph 2.A. in A.]

[THE SECOND 1993 AMENDMENT, in A., inserted “office” in paragraph 4, inserted paragraph 4A “Horticultural nursery sales office,” and added paragraphs 45 and 46 “Adult day care center” and “Adult care residence,” respectively.]

[THE APRIL 3, 1995 AMENDMENT added “Bed and breakfast establishments” as a permitted use requiring a Special Use Permit in A.]

[THE MARCH 17, 1997 AMENDMENT, in A., deleted “nineteen or more feet in width,” preceding “on a permanent foundation,” inserted “and” preceding “on individual lots,” and deleted “conventional” preceding “site-built” in first sentence in paragraph 2.A.; and added new E.)

[THE OCTOBER 6, 1997 AMENDMENT, in paragraphs 1, 2.A, and 2.B of A, added “but provided, however, that no more than two (2) dwelling units shall be allowed per minimum lot area” at end of first sentences therein and inserted identical second sentences herein; deleted paragraph 42. in A. “Mobile Home Parks, subject to provisions of §22-16.01 of this Code” as a permitted use by special exception; redesignated B as paragraphs 1, 2, and 3 thereof, adding introductory language; and, in paragraph 1 thereof, divided former first sentence into present first and second sentences, substituting “three (3) acres, except for family single lot divisions for which the minimum lot area shall be one (1) acre” for “one (1) acre” in present first sentence and substituting “However” for “except that” in present second sentence; added new paragraph 2 defining minimum lot width requirements; and in paragraph 3, increased minimum front setback requirement for all uses from twenty-five (25) feet to one hundred (100) feet, and, in second sentence, substituted “each dwelling unit and/or mobile home shall be so situated . . .” for “minimum separation between each dwelling unit and/or mobile home shall be thirty (30) feet from the side of one dwelling unit or mobile home to the side of the other dwelling unit or mobile home and such front and rear separation between each dwelling unit or mobile home shall be no less than fifty (50) feet.”]

[THE MAY 17, 1999 AMENDMENT added last sentence in paragraph 2.B. in A.]

[THE DECEMBER 6, 1999 AMENDMENT, in paragraph 4 in A., added the proviso language following “farm supply sales and service office” in order to specify that intensive agricultural activities shall comply with the setback requirements, minimum area requirements, and other requirements set out in Article VII-A.]

[THE DECEMBER 20, 1999 AMENDMENT, in paragraph 33 in A., deleted “if adjunctive to a church” following “Cemeteries.”]

[THE AUGUST 7, 2000 AMENDMENT, in paragraph 2.B. in A., substituted “Manufactured” for “Mobile” and inserted “that are not on a permanent foundation” in first sentence; substituted “manufactured” for “mobile” in third sentence in paragraph 3. in B.; and redesignated provisions of D as paragraphs 1 and 2 and inserted “general” preceding “agricultural uses” in paragraph 1.]

[THE JULY 2, 2001 AMENDMENT added “or assisted living facility” in paragraph 46., and added paragraph 48 “Shooting ranges or sports shooting ranges . . .” in A. as a use requiring a special use permit, and in B.3., inserted language beginning “however, *for flag lots* . . .” and ending “of a flag lot” at the end of the first sentence.]

[THE JUNE 17, 2002 AMENDMENT, in B.3., inserted “new” following “requirement for all” in first clause of first sentence, and inserted a new second sentence.]

[THE DECEMBER 1, 2003 AMENDMENT, in A., at the ends of paragraphs 1., 2A., 2B., 23, and 24, added the proviso that no manufactured home shall be used for storage or as an accessory use; and added paragraph 24.A. “Existing cemeteries adjacent to an operating church” as a permitted use of right, subject to stated conditions.]

[THE DECEMBER 6, 2004 AMENDMENT, in paragraph 28., [uses requiring a special use permit], in A., deleted “Fair, circus, carnival, sideshow, tent meeting and similar,” at the beginning and added the language “that are neither subject . . . otherwise exempt under applicable law.”]

[THE AUGUST 1, 2005 AMENDMENT, in A., moved “Churches built on a permanent foundation” from paragraph 32 (requiring SUP) to paragraph 14A (principal use of right); deleted “Schools and” in paragraph 34; inserted new paragraph 32 “Schools, public, private, or parochial” as a use requiring a SUP; added “if screened from view as required by §15-48 *et seq.* of this Code” in paragraph 37 (“Automobile graveyard or junkyard”); and, in paragraph 48 (“Shooting ranges or sport shooting ranges . . .,” substituted “10:00 p.m. to 6:00 a.m.” for “8:00 p.m. to 8:00 a.m.” in item (2) and, in item (3), inserted “initially” and added “or at the time any application was submitted for the construction or operation of the range.”]

[THE DECEMBER 4, 2006 AMENDMENT, in A.48., substituted “sport” for “sports” near the beginning and added “whichever is earliest” at the end; and added new F. and G.]



[THE MARCH 5, 2007 AMENDMENT, in A., added new paragraph 49 “Time-share or similar use” as a use requiring a special use permit.]

[THE JULY 2, 2007 AMENDMENT, in A., added new paragraph 50 “Storage of sewage sludge” as a use requiring a special use permit.]

[THE DECEMBER 3, 2007 AMENDMENT added the third sentences in subsections A.2.A and A.2.B, added subsection A.51 and substituted “restrict the usual and customary activities and events at farm wineries unless there is a substantial impact on the health, safety, or welfare of the public” at section F for “require that a special exception or special use permit be obtained for the processing of wine by licensed farm wineries”]

[THE JULY 7, 2008 AMENDMENT added “or be marked as a rental unit from a rental agency, insurance company or governmental entity” at the end of subsection G(iii).]

[THE DECEMBER 1, 2008 AMENDMENT added “Children’s residential facilities” at A.52.]

[THE JULY 20, 2009 AMENDMENT added “Crisis Centers” as a special use and added “docks and dock houses” at D.1.]

[THE DECEMBER 7, 2009 AMENDMENT deleted “Colleges, public or private” from the list of entities allowed as a special use and substituted “extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on tracts of land that are greater than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” for “crushed stone operations” at A.16.]

[THE JULY 19, 2010 AMENDMENT consolidated the language of subsection A.2(A) and A.2(B) into a single subsection A.2 without changing the meaning, added “family day homes” to subsection A.13, substituted “structures” for “new uses” in the first sentence of subsection B.3, and added “new additions or modifications to” to the second sentence of subsection B.3.]

[THE DECEMBER 6, 2010 AMENDMENT moved “Museums, art galleries, cultural centers” from use by right to special use permit at A.54, and added “Commercial sawmills” at A.55 and “Pallet assembly operations” at A.56.]

[THE JULY 5, 2011 AMENDMENT added “or slaughterhouses” as a special use at A.41.]

[THE DECEMBER 6, 2011 AMENDMENT added “Cabinet or woodworking shops, not to include retail sales, contained within a structure less than 5,000 square feet in total area” at A.8, added “Off-site school athletic practice and training facilities, not open to the public and not intended to accommodate spectators” at A.18, deleted language providing examples of accessory structures at A.24 and moved it to the definitions section at 22-2, moved “Automobile repair” and “Automobile service stations” from uses by right to uses by special use permit at A.57 and A.58, deleted “repairing” from A.38, deleted a citation in A.49 and corrected the form of a citation in A.50.]

[THE JULY 17, 2012 AMENDMENT inserted “or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act” into the second sentence of E.]

[THE JULY 2, 2013 AMENDMENT added “and structures” and “an existing” to A.23.]

[THE DECEMBER 3, 2013 AMENDMENT revised section A.1 for clarity, added A.59, and added “and nonconforming due to the front setback requirement” to the second sentence of B.3.]

[THE JULY 1, 2014 AMENDMENT added “and manufactured homes” and substituted “per minimum lot area” for “per lot” in the first sentence in A.1, deleted “No manufactured home shall be used for storage or as an accessory use” from A.1, deleted “Manufactured homes, provided, however, that no more than two (2) dwelling units shall be allowed per minimum lot area. The second dwelling unit on the minimum lot area shall be allowed only for use by a member of the immediate family as defined in §22-2 of this Code, and shall be allowed only on a lot where sufficient lot size and setbacks are available and adequate separation requirements are met such that if the lot or parcel of land is ever divided, no substandard lots, deficient setbacks, or non-conforming buildings are created. Such an” from A.2, deleted “units” after “dwellings” in A.2, and deleted “Such zoning classification shall not relieve lots or parcels from the obligations relating to manufactured housing units imposed by the terms of a restrictive covenant. No manufactured home shall be used for storage or as an accessory use” from A.2, deleted “and/or production of livestock and poultry products, including dairy products, eggs, meat, fur, and honey” from A.4, deleted “office” from A.4A, added A.4B and A.4C, substituted “pet” for “veterinary” in A.7, added A.7A, added “convenience” to A.9 and “day” to A.13, deleted “administrative, services” from A.27, substituted “Extraction of sand, gravel and rock” for “Sand, gravel and extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” in A.31, deleted “Adult care residence” from A.46, deleted “Bed and breakfast establishments” from A.47, substituted “Automobile and equipment repair” for “Auto repair” in A.57, added A.60, A.61, A.62 and A.63, deleted “However, the required area for permitted uses utilizing individual water supply and sewage disposal systems shall be approved by the local health department and additional area shall be required if considered necessary for conditions encountered” from B.1, and added “products as defined in VA. CODE ANN. §3.2-6400, including” in E.]

[THE JULY 7, 2015 AMENDMENT deleted “day care centers” from A.13 and “and” from A.23, and added A.64; deleted “unit” from the last sentence of B.3, and added B.4.]

[THE JULY 5, 2016 AMENDMENT added “kennels incidental to a veterinary hospital or veterinary clinic, and” to A.7, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.24b, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.65 and A.66, respectively, and “water treatment plant, publicly owned” at A.67, and substituted “fifty (50) feet” for “one hundred (100) feet” for the overall setback within this zone in B.3.]

[THE DECEMBER 6, 2016 AMENDMENT deleted “day” from “child care center” and added “adult foster care” at A.13, deleted A.25, and revised F to add limited breweries and limited distilleries to permitted activities.]

[THE JUNE 12, 2018 AMENDMENT added “solar energy projects” as a special use at A.68.]

[THE DECEMBER 4, 2018 AMENDMENT added “Transmitting or receiving stations or towers for communications not more than 50 feet in height” as a use by right at A.24.c and “Pet cemeteries” as a special use at A.69.]

[THE JULY 16, 2019 AMENDMENT added “Bulk storage and sale of mulch, gravel, rock, sand, soil, and other similar landscaping materials” as a special use at A.70, at B.1, changed the minimum lot area from three acres to two and a half, and at B.2, changed the minimum lot width from 200 feet to 150 feet.]

[THE DECEMBER 3, 2019 AMENDMENT added “Salvage dealers” as a special use at A.71 and “Vehicle removal operators” as a special use at A.72.]

[THE JULY 21, 2020 AMENDMENT added “Landscape service business” as a use by right at A.24.d.]

[THE DECEMBER 6, 2022 AMENDMENT clarified that adult foster homes or group homes may be allowed to the same extent as any other residential use pursuant to the terms of Va. Code 15.2-2291.]

## **ARTICLE VII-A. DEVELOPMENT STANDARDS FOR INTENSIVE AGRICULTURAL FACILITIES.**

### **Sec. 22-16.01. Purpose of article; findings.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

### **Sec. 22-16.02. Applicability.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

[THE JULY 20, 2009 AMENDMENT added subsection (c).]

### **Sec. 22-16.03 Definitions.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

[THE JULY 17, 2012 AMENDMENT added “or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not

generated on the farm, subject to the provisions of the Virginia Waste Management Act” to the definition of “General agriculture”.]

[THE DECEMBER 1, 2020 AMENDMENT added “or Vicugna” to the definition of “Livestock.”]

**Sec. 22-16.04. Acreage requirements.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.05. Setback requirements.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.06. Buffering or screening requirements.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.07. Strict compliance required.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.08. Replacement and reconfiguration of non-conforming dairy, livestock, poultry, or swine facilities.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.09. Plat required.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.010. Intensive dairy, livestock, poultry, or swine facility development plans to be filed; contents; effects of approval.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.010:1. Agreement for long term maintenance of facilities**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.011. Nutrient management plan required.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

**Sec. 22-16.012. Severability.**

[THE DECEMBER 6, 1999 ACT adopted this section.]

## **ARTICLE VIII. AIRPORT ZONING DISTRICT**

### **Sec. 22-16.1. Legislative Intent.**

[THE 1988 AMENDMENT combined former first and second sentences of paragraph C.1. into one sentence by substituting “openings; and also include replacement” for “openings. Replacement,” substituted “may include” for “including” in present second sentence of that paragraph; in introductory language of paragraph D, inserted “certain height zones” preceding “are hereby created” and deleted “certain height zones” preceding “which include” in first sentence thereof, substituted “paragraph D.3.a. of this section” for “Paragraph 1 of this Article” in the first sentence of paragraph D.2.a., substituted “paragraph D.1 of this section” for “Paragraph 1 of this Article” at end of paragraph D.2.b., substituted “paragraph D.3. of this section” for “Paragraph 3 of this Article” at end of paragraph D.2.h., substituted “paragraph D.1.a. of this section” for “Paragraph 1 of this Article” at end of third sentence therein, and substituted “paragraph D.10. of this section” for “paragraph 8 of this Article” at end of paragraph D.7.a.]

[THE FIRST 1989 AMENDMENT added a new first sentence in the undesignated introductory paragraph, substituted “special use permit” for “conditional use permit” in proviso language in paragraph 2 of A, and added “residential uses excluded” at the end of paragraph 3 in A.]

[THE SECOND 1989 AMENDMENT, in the definition of “Structure” in paragraph D.2.1., substituted “erected” for “installed,” but not limited to” for “but without limitation,” and “formations,” for “formation, and” and added “flag poles and ship masts.”]

[THE 1992 AMENDMENT inserted “that” following “unnecessary hardship and” and in third sentence in paragraph 10 of D.]

[THE MARCH 17, 1997 AMENDMENT updated references to the current land use plan governing Lynchburg Regional Airport in introductory paragraph and to maps showing vertical and horizontal clearances in and around airport in first undesignated paragraph in D.]

[THE JUNE 5, 2006 AMENDMENT, in paragraph A.1., deleted “of those areas shown as Districts R-1, R-2, B-1, M-1, and A-1” following “official zoning map” and substituted “those uses permitted in the underlying zoning designation” for “according to that designation and shall be those uses permitted in those districts as heretofore set out in this ordinance”; in paragraph A.2., substituted “and the uses shall be those permitted in the underlying zoning designation” for “of those areas shown as Districts R-1, R-2, B-1, M-1, and A-1” and substituted “that residential uses” for “the uses for single family dwelling, modular home, mobile home”; and in paragraph A.3., substituted “except that residential uses are not permitted” for “of those areas shown as Districts B-1, A-1, and M-1, residential uses excluded.”]

[THE DECEMBER 3, 2013 AMENDMENT made some changes to the reference documents in the first paragraph under “Legislative Intent”, added subsections D.1.b and D.1.c and renumbered the other subsections of D.1 and made related reference changes, added definitions at D.2.h and D.2.k and renumbered the other subsections of D.2, added subsections D.3.b and D.3.c. and renumbered the other subsections of D.3, added the third, fourth, and fifth sentences in D.7.a, and added the second and third sentences of D.10.]

## **ARTICLE VIII-A. OVERLAY DISTRICTS.**

### **Sec. 22-16.2. Overlay districts in general.**

[THE DECEMBER 4, 2006 ACT adopted this section.]

### **Sec. 22-16.3. Landfill Area Overlay District (LAO)**

[THE DECEMBER 6, 2011 AMENDMENT retitled subsection (a) and deleted the first sentence of (a), and deleted (b).

### **Sec. 22-16.4. Transportation Corridor Overlay District (TCO).**

[THE MARCH 20, 2006 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT moved this section within the chapter and renumbered it from Section 22-17.23 to 22-16.4.]

[THE DECEMBER 6, 2011 AMENDMENT retitled the section, combined former sections 22-16.5, 22-16.6, 22-16.7, and 22-16.8, with this section and renumbered them, respectively, subsections (b), (c), (d), and (e), created the designation of (a), and deleted the first sentence of (a).]

[THE DECEMBER 1, 2015 AMENDMENT, in (e)(6), changed the size of the signs to be allowed within fifty feet of the right of way from 32 square feet to 100 square feet, and the height from 15 to 20 feet.]

[THE JULY 16, 2019 AMENDMENT changed the southern boundary from “State Route 699 (Gladys Road)” to “State Route 685 (Calohan Road)” at (b)(1).]

## **ARTICLE IX. ADDITIONAL REGULATIONS IN ALL ZONES**

### **Division A. Parking.**

#### **Sec. 22-17. Parking.**

[THE 1986 AMENDMENT revised and expanded this section.]

[THE FIRST 1988 AMENDMENT deleted “gross leasing” in C and added “area designated for retail sales” and, in H, changed size of parking space from nine feet by “twenty” feet to “eighteen.”]

[THE SECOND 1988 AMENDMENT inserted “are” preceding “exempt” in the second sentence in A.2. and substituted “for” for “or” preceding “each employee” in the indented language in subsection F.5.]

[THE 1989 AMENDMENT inserted “so” following “arranged” in paragraph 5 of A and added the second sentence in J.]

[THE 1992 AMENDMENT substituted “an R-1 or R-2 district” for “a residential district” in I., and rewrote J. to encompass requirements of the Americans with Disabilities Act of 1990.]

[THE MAY 6, 1996 AMENDMENT substituted “two and one-half (2 1/2) spaces” for “two (2) spaces” in paragraph 2. of D.]

[THE MARCH 17, 1997 AMENDMENT inserted “(i.e. parking for persons with disabilities that limit or impair their ability to walk)” in introductory paragraph of J; and inserted “or persons with disabilities that limit or impair their ability to walk” in first sentence in paragraph 3(a) and in paragraph 3(c), also in J.]

[THE MARCH 2, 1998 AMENDMENT, in J, inserted “at least” three times in paragraph 1, added “which is part of an accessible route to the facility entrance” at the end of first sentence in paragraph 1 and added new second sentence; substituted “accessible” for “handicapped-accessible” in paragraph 2.; in paragraph 3.(a), deleted “handicapped persons or” preceding “persons with disabilities that limit or impair . . .” and substituted “persons with disabilities” for “handicapped persons” in first sentence, and substituted “disabled” for “handicapped” in last sentence, and also in first sentence in paragraph 3.(b); deleted “handicapped persons or” following “use of” in paragraph 3.(c); and added new paragraph 3.(d).]

[THE JULY 2, 2001 AMENDMENT added the second sentence at the end of paragraph 1. in subsection A.]

[THE DECEMBER 1, 2003 AMENDMENT, in J., inserted “or that creates a concern for their safety while walking” in the parenthetical in the introductory language, and deleted “that limit or impair their ability to walk” following “disabilities” in paragraphs 3(a) and 3(c).]

[THE AUGUST 1, 2005 AMENDMENT, in I., substituted “4,000 pounds maximum payload” for “two (2) tons,” inserted “or one panel van, panel truck or step van of 7,000 pounds maximum payload or less,” and added “in an R-1 or R-2 district” at the end.]

[THE JULY 7, 2008 AMENDMENT rewrote the last sentence in J to clarify that handicapped parking spaces are required in all zones, but that single-family residences are exempt in all zones.]

[THE JULY 20, 2009 AMENDMENT deleted “offstreet” prior to “parking” in the subtitle of subsection A and in the first sentence of subsection A and “on the premises to be served” at the end of the first sentence of subsection A; added the third, fourth, fifth and sixth sentences of subsection A, and added subsection A.6.]

[THE JULY 19, 2010 AMENDMENT deleted “overnight” from the first line and added “off-street” to the last line of subsection I, and substituted “with a gross vehicle weight rating as defined in VA. CODE ANN. §46.2-341.4 (Cum. Supp. 2009) of less than 10,000 pounds” for “of 4,000 pounds maximum payload or less” and “each with a cargo area length of less than 14 feet” for “of 7,000 pounds maximum payload or less” in subsection I.]

[THE DECEMBER 6, 2011 AMENDMENT separated the first paragraph in (A) into several subsections, and renumbered the existing subsections in (A); added “including apartments” to subsection (D)(1); and added three subsections to subsection (D)(2) related to townhouses and condominiums, which were deleted from and moved from Section 22-10.]

[THE JULY 1, 2014 AMENDMENT substituted “Motels, rooming houses and tourist houses” for “Motels, boarding, rooming and tourist homes” in D.3.]

[THE DECEMBER 1, 2015 AMENDMENT added “or paving blocks” in A.3, substituted “unless a specific exception is granted” for “with concrete or asphalt” in A.3, added A.3.a, added “except for legal on-street parking” to A.7, and added A.9.]

[THE DECEMBER 6, 2016 AMENDMENT added “or similar unless a specific exception is granted in section 22-17.A.3a” in the first sentence of A.3, deleted “Any newly constructed parking areas required to contain ten (10) or more” and “unless a specific exception is granted” from the second sentence of A.3, added “Accessible parking spaces, access aisles, and lanes within the parking area” to the second sentence of A.3, deleted subsections B through G and renumbered the following subsections, and deleted former subsection K.]

[THE JULY 6, 2017 AMENDMENT deleted accessible parking space requirements at subsection (D) and replaced it with “Handicapped-accessible parking spaces shall be provided in accordance with the provisions of the Americans with Disabilities Act of 1990 (42 USCS §§12101 et seq., as amended.) and the Virginia Uniform Statewide Building Code.”]

## **Division B. Temporary Buildings.**

### **Sec. 22-17.1. Temporary buildings.**



[THE 1986 ACT adopted this section.]

**Sec. 22-17.1:1. Certain temporary structures; limitations.**

[THE DECEMBER 4, 2006 ACT adopted this section.]

**Division C. Signs.**

**Sec. 22-17.2. Preamble.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “in a content-neutral manner” and “public or” to the section.]

**Sec. 22-17.3. Signs, definitions.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “structure” to the definition of “Nonconforming sign,” added definition of “Sign structure,” substituted “for display” for “that contains a special design or color(s) that is used as a symbol or signal” in the definition of “Flag,” added “or that is debossed or incised to a depth no greater than one (1) inch” to the definition of “Flat sign,” added “-mounted” to the definition of “Minor sign” and deleted the definitions of “Monument,” “Off-premises sign,” and “Pennant.”]

[THE APRIL 4, 2017 AMENDMENT deleted the time requirement at the end of the definition of “Temporary sign.”]

[THE JULY 6, 2017 AMENDMENT, in the definition of Temporary sign, added “or signs that do not require a building permit under the Virginia Uniform Statewide Building Code” and “and may be in place for an indefinite period of time” and substituted “zoning permit” for “permit.”]

**Sec. 22-17.4. Signs, general requirements.**

[THE 1986 AMENDMENT added G.]

[THE FIRST 1988 AMENDMENT added H.]

[THE SECOND 1988 AMENDMENT substituted “Commonwealth Transportation Board” for “State Highway and Transportation Commission” in A.]

[THE JULY 19, 2010 AMENDMENT added subsection I.]

[THE DECEMBER 6, 2011 AMENDMENT deleted subsection I.]

[THE JULY 7, 2015 AMENDMENT added the subsection titles in (a) through (f), added the second sentence of (c), deleted “side yard and” from (d), added the third sentence of (h), and added (i) and (j).]

[THE JULY 5, 2016 AMENDMENT rewrote this section in its entirety.]

[THE DECEMBER 6, 2016 AMENDMENT added “and back” to (b) and substituted “accessory” for “other buildings or” in (b).]

[THE JULY 6, 2017 AMENDMENT deleted “whether permanent or temporary” from (a), substituted “Virginia Uniform Statewide” for “County” in (a), added “requiring a permit” and “applicable” to (b), and substituted “rear” for “back” in (b).]

**Sec. 22-17.5. Off-premises signs.**

[THE JULY 5, 2016 ACT adopted this section.]

**Sec. 22-17.6. Non-conforming signs.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “regardless of the content of the sign” to (a).]

**Sec. 22-17.7. Sign types allowed per zoning district.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added flat sign area limits to each zone and limited the number of flat signs to two per parcel in residential zones.]

**Sec. 22-17.8. Permits.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT corrected a cross-reference in (a), substituted “Gravestones and cemetery markers” for “Monuments” in (b)(6), and added (b)(7) and (b)(8).]

[THE DECEMBER 4, 2018 AMENDMENT added “Wayfinding signs” at (b)(9).]

**Sec. 22-17.9. Prohibited signs.**

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT deleted (c), which had prohibited “Signs erected on public land other than those approved by an authorized official in writing, required by law without such approval, or permitted under Title 24.2, Elections, of the Virginia Code.”]

[THE JULY 6, 2017 AMENDMENT added “requiring a permit shall not be” to (a) and “are prohibited” to (b).]

#### **Division D. Reserved.**

#### **Division E. Standards for Telecommunication Antennas and Towers**

##### **Sec. 22-17.10. Telecommunication Antennas and Towers.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “order to maximize the benefits of telecommunications services while also minimizing” for “nonresidential areas and minimize” in clause (i).]

##### **Sec. 22-17.11. Definitions.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

##### **Sec. 22-17.12. Applicability of this division; exceptions.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “by right” and “and shall not violate any specific conditions of an existing special use permit on the structure or tower” in the first sentence of subsection (c)(1).]

[THE JULY 5, 2016 AMENDMENT added the second sentence in the introductory paragraph.]

##### **Sec. 22-17.13. General guidelines and requirements.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “a permit under this division” for “an antenna or for a tower” in the first sentence of (b), and substituted “staff” twice for “Zoning Administrator” in that subsection, deleted “lighting” from the title of subsection (c), deleted “maximum” and added “at least” and the last sentence to (c)(6), added the last sentence to (c)(7), renumbered former subsections (d) and (e) to (c)(8) and (c)(9) respectively, and substantially reorganized and rewrote the remainder of the section.]

[THE DECEMBER 5, 2017 AMENDMENT renumbered former subsections of (d)(5) into (d)(5), (d)(6), and (d)(7) and added the last sentence to (d)(5) and (d)(6).]

##### **Sec. 22-17.14. Factors considered in granting special use permits for new towers.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “and other applicable sections of this Chapter” in the first sentence.]

**Sec. 22-17.15. Availability of suitable existing towers or other structures.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “by special use permit” to the first sentence.”]

**Sec. 22-17.16. Setbacks.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “110 percent of the height of the tower at the time of the construction or any subsequent extension” for “four hundred (400) feet” in (a).]

**Sec. 22-17.17. Security fencing.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

**Sec. 22-17.18. Landscaping.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “required ancillary components” and substituted “access” for “installation of access for vehicle utilities” in (c).]

[THE DECEMBER 5, 2017 AMENDMENT added “or property zoned for industrial uses” to subsection (b).]

**Sec. 22-17.19. Local government access.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “at fair market rates” and deleted “radio” immediately prior to “communication.”]

**Sec. 22-17.20. Removal of abandoned antennas and towers.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

**Sec. 22-17.21. Required report.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT deleted “yearly” from the catchline, added “upon written request” to the first sentence, combined the first two sentences eliminating a requirement that the report be submitted automatically once per year, and added the last two sentences.]

**Sec. 22-17.22. Review fees.**

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE OCTOBER 2, 2000, AMENDMENT substituted “whichever amount is more” for “whichever amount is less” in the second sentence.]

[THE JUNE 17, 2002 AMENDMENT substituted “or actual cost to the County, which may include necessary outside consulting services, *whichever amount is greater*” for “or an amount commensurate with the services rendered taking into consideration the time, skill, and expense involved in the review of such engineering studies, etc., *whichever amount is more*” and inserted a new third sentence substantially similar to the language deleted from the second sentence.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “reimburse the County for” for “provide” in the first sentence.]

[THE DECEMBER 5, 2017 AMENDMENT deleted “special use” prior to “application” in the first sentence.]

**ARTICLE X. AIRPORT REGULATIONS**

**Sec. 22-18. Preston Glenn Airport and Brookneal/Campbell County Airport.**

[None.]

**ARTICLE XI. CONDITIONAL ZONING**

**Sec. 22-19. Conditional zoning; declaration of policy and findings; purpose.**

[THE 1988 AMENDMENT inserted “of this Code” in the fourth sentence.]

[THE 1989 AMENDMENT inserted “in accordance with the provisions of §22-35 of this Code” in the fourth sentence.]

[THE MAY 17, 1999 AMENDMENT inserted “this section and” in fourth sentence.]

**Sec. 22-20. Conditions as part of rezoning or amendment to zoning map.**

[THE 12/85 AMENDMENT substituted “zoning” for “use” in the first sentence.]

[THE 1988 AMENDMENT inserted “or zone by this chapter” following “zoning district” preceding the proviso in the first sentence, substituted “include” for “constitute” in clause (iii) in first sentence and “mandatory” for “mandated” in clause (iv).]

[THE 1991 AMENDMENT, in the introductory language, substituted “in effect” for “in full force and effect” and “however, such” for “provided, however, that such.”]

[THE 1992 AMENDMENT added the designation (a) and added new (b), (c) and (d).]

[THE MAY 17, 1999 AMENDMENT substituted “provision 3 of VA. CODE ANN. §15.2-2286 A. (Cum. Supp. 1998)” for “subsection (c) of VA. CODE ANN. §15.1-491 (Interim Supp.1997)” in item 2. following last undesignated paragraph.]

[THE DECEMBER 3, 2001 AMENDMENT, in the first sentence in (a), redesignated clauses and inserted a new clause (v).]

[THE JUNE 17, 2002 AMENDMENT added subsection (e).]

[THE DECEMBER 4, 2006 AMENDMENT inserted the third-to-last sentence in (a), which sentence begins “The Board of Supervisors may also accept amended proffers...”]

[THE JULY 5, 2016 AMENDMENT increased the fee for zoning permits from \$300 to \$500.]

#### **Sec. 22-21. Enforcement and guarantees.**

[THE 1988 AMENDMENT substituted “improvements” for “improvement” following “physical,” “contractor’s” for “contractors,” and “guarantee” for “guarantees” preceding “shall be reduced,” in clause (iii) in the first sentence.]

[THE 1993 AMENDMENT, in the first sentence, inserted the clause “including the authority to make conclusions of law . . .” and ending “and further” preceding clause (i) and added “subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993)” at the end of clause (ii).]

[THE MARCH 17, 1997 AMENDMENT rewrote the section without substantive change.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; substituted “insuring” for “to insure” in (a)(ii) and “is vested” for “shall be vested” in the introductory paragraph of (b).]

[THE JULY 20, 2009 AMENDMENT added the last clause of subsection (a)(iii).]

#### **Sec. 22-22. Records.**

[THE 1988 AMENDMENT added “or zone” at the end of the third sentence.]

[THE DECEMBER 6, 2004 AMENDMENT added the last sentence.]

**Sec. 22-23. Petition for review of decision.**

[THE 1988 AMENDMENT inserted “or any other person” and “made pursuant to the provisions of Section 22-21 of this Code” in the first sentence, and deleted “pursuant to the provisions of Section 22-21 hereof” following “Zoning Administrator” at end of first sentence, and added second sentence.]

[THE MAY 17, 1999 AMENDMENT, in the second sentence, deleted “such” following “All” and “such petitions” preceding “shall specify.”]

[THE JULY 5, 2011 AMENDMENT added the last sentence of the first paragraph.]

[THE JULY 17, 2012 AMENDMENT added the second paragraph.]

**Sec. 22-24. Amendments and variations of conditions.**

[THE MAY 17, 1999 AMENDMENT substituted §§15.2-2204 “(Repl. Vol. 1997)” for §§15.1-431 “(Cum. Supp. 1996).”]

[THE JULY 20, 2009 AMENDMENT added the second and third sentences.]

[THE DECEMBER 7, 2009 AMENDMENT corrected a misspelling.]

[THE JULY 17, 2012 AMENDMENT added subsections (a) and (d), renumbered the existing language under (b) and (c), slightly revised (b) for clarity, and added “pursuant to this section” to (c).]

[THE JULY 2, 2013 AMENDMENT added subsection (e).]

[THE JULY 6, 2017 AMENDMENT substituted “B” for “H” in (a) and deleted “to any landowner subject to such existing proffered conditions” from the end of the first sentence in (a),]

**Sec. 22-24.01. Recorded plat or final site plan; conflicting zoning conditions.**

[THE DECEMBER 2, 2002 ACT adopted this section.]

**ARTICLE XI.A. PLANNED UNIT DEVELOPMENT**

**Sec. 22-24.1. Purpose and intent.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.2. General requirements for Planned Unit Developments.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.3 Permitted uses in Planned Unit Developments.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.4. Residential density in Planned Unit Developments.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.5. Planned Unit Development application procedure.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

[THE JULY 20, 2009 AMENDMENT added “County Planner” to subsection (b) and (c).]

**Sec. 22-24.6. Other requirements.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.7 Guarantee of completion.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.8 Financial responsibility.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.9. Schedule of construction.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.10. Right of developer to continue project.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**Sec. 22-24.11. Review of abandoned projects.**

[THE NOVEMBER 6, 2000 ACT adopted this section.]

**ARTICLE XII. BOARD OF ZONING APPEALS**

**Sec. 22-25. Board of Zoning Appeals created; membership; organization, etc.**

[THE 1988 AMENDMENT substituted “may be a member” for “shall be a member” in the next to last sentence in the first paragraph.]



[THE APRIL 3, 1995 AMENDMENT deleted “and for a maximum of two years” preceding “except that original appointments” in second sentence in first paragraph.]

[THE DECEMBER 2, 2002 AMENDMENT substituted “that” for “which” in the first sentence in the first paragraph.]

[THE JULY 20, 2009 AMENDMENT added “No action of the Board shall be valid unless authorized by a majority vote of those present and voting” to the second paragraph and deleted “and the taking of any action” after “the conduct of any hearing” in the sentence immediately preceding.]

[THE JULY 19, 2010 AMENDMENT added “Except for matters governed by § [15.2-2312](#)” at the beginning of the fifth sentence in the second paragraph.]

[THE JULY 7, 2015 AMENDMENT added “Notwithstanding any other provision of law, general or special” and “and the Board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under §15.2-2314, and the staff of the local governing body” into the fourth sentence of the second paragraph.]

[THE JULY 21, 2020 AMENDMENT added “and any member may be appointed to serve as an officer of election as defined in §24.2-101” in the first paragraph.]

[THE JULY 20, 2021 AMENDMENT added “, and any elected official of the Town of Altavista or the Town of Brookneal may serve” to the first paragraph.]

[THE JULY 19, 2022 AMENDMENT rewrote the first sentence of the last paragraph, and added the second sentence of the last paragraph.]

### **Sec. 22-25.1. Board of Zoning Appeals, ex parte communications, proceedings.**

[THE JULY 7, 2015 ACT adopted this section.]

### **Sec. 22-26. Powers and duties of Board of Zoning Appeals.**

[THE DECEMBER 1985 AMENDMENT substituted “as required” for “is required” in the paragraph immediately following item c. in subdivision 2. and substituted “impose” for “oppose” and “imposed” for “opposed” in paragraph immediately preceding subdivision 3.]

[THE 1988 AMENDMENT added “or of VA. CODE ANN. §15.1-486 et seq. (Repl. Vol. 1981 and Cum. Supp. 1988)” at the end of subdivision 1, inserted “as defined in VA. CODE ANN. §15.1-430 (p) (Cum. Supp. 1988)” in first paragraph of subdivision 2, substituted “condition, situation or development” for “use or development” and “utilization” for “use” following “unreasonably restrict the” in the second paragraph of subdivision 2, deleted “or the intended use of the property” following “property concerned” in second to the last undesignated paragraph in subdivision 2, substituted “ensure” for “insure” in last undesignated paragraph in subdivision 2, substituted “or the district in question” for “with

the district in question” in second sentence in subdivision 4, combined provisions in subdivision 6, and inserted “provided for in the authorized special exceptions.”]

[THE 1989 AMENDMENT substituted “to the owners” for “the owners” in the second sentence in subdivision 4 and inserted “or of this section” in subdivision 5.]

[THE 1991 AMENDMENT, in subdivision 6, deleted “such” preceding “special” in first sentence, deleted “provided for in the authorized special exceptions” preceding “for which a permit,” and inserted “including limiting the duration of a permit” and added subdivision 8.]

[THE 1992 AMENDMENT substituted “practicable” for “predictable” in the second undesignated paragraph following item c of subdivision 2.]

[THE MARCH 17, 1997 AMENDMENT inserted “However, when giving any required notice to the owners, their agents or occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail” at the end of paragraph following item c. in subdivision 2, at the end of subdivision 3, near the end of subdivision 4, and at the ends of subdivisions 7 and 8.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; substituted “hardship” for “hardships” in subdivision 2; and deleted “No such appeals shall be heard except” preceding “after notice and hearing” in the first sentence in subdivision 3.]

[THE JULY 2, 2001 AMENDMENT added second and third sentences in subdivision 1; in third undesignated paragraph of subdivision 2, added “or to base Board decisions . . . by the governing body” at end of subdivision 5.]

[THE DECEMBER 2, 2002 AMENDMENT deleted subdivision “7” designation from the now undesignated second paragraph in subdivision 6, italicized “*as may now or hereafter be authorized in this chapter*” in the first sentence in the first paragraph of subdivision 6, redesignated former subdivision 8 as present subdivision 7, and therein inserted “*previously granted by the Board of Zoning Appeals*” in the first sentence and added the last sentence.]

[THE DECEMBER 1, 2003 AMENDMENT added new subdivision 8.]

[THE DECEMBER 4, 2006 AMENDMENT added “relating to the property” at the end of subdivision 2 a., and added the last sentence in the last paragraph in subdivision 2.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required” at the end of the last paragraph of subsection 2.]

[THE JULY 20, 2009 AMENDMENT deleted “approaching confiscation” after “clearly demonstrable hardship” in the second paragraph of 2.]

[THE JULY 7, 2015 AMENDMENT added the third and fourth sentences in subsection 1, deleted “the purpose and intent of” in the new fifth sentence of 1, and added the sixth and seventh sentences in 1, and completely rewrote subsection 2, substantially changing the standard for the granting of variances.]

[THE JULY 3, 2018 AMENDMENT added “or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability” to the second paragraph of subsection 2, and added the third paragraph to subsection 2.]

### **Sec. 22-26.1. Application to Zoning Administrator for modifications from certain requirements; fee.**

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE AUGUST 1, 2005 AMENDMENT, in A. substituted “modifications from certain requirements of this chapter” for “variances” in the first sentence; substituted “modification from any provision” for “variance from any building setback requirement,” inserted “with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvement,” and substituted “modification” for “variance” twice in the second sentence; designated the provisions of B. as paragraph 1. therein, substituting “modification” for “variance” twice and deleting the former second sentence which read “If any adjoining property owner objects to the request in writing within the time specified above, the request shall be transferred to the Board of Zoning Appeals for decision.”; added new paragraphs 2. and 3. in B.; and substituted “modification” for “variance” in D. and E.]

### **Sec. 22-27. Applications for variances – Board of Zoning Appeals.**

[THE FIRST 1989 AMENDMENT deleted “special exceptions and” preceding “variances” in first sentence, “in accordance with rules adopted by the Board” at end of second sentence, and “special exceptions or” preceding “variance” in fourth sentence.]

[THE SECOND 1989 AMENDMENT added subsection B.]

[THE MAY 17, 1999 AMENDMENT, in A., substituted “Applications” for “Such applications” and added “in accordance with rules adopted by the Board of Zoning Appeals” in second sentence and substituted “No variance” for “No such variance” and “§15.2-2204” for “§15.1-431” in fourth sentence.]

[THE JUNE 17, 2002 AMENDMENT added subsection C.]

### **Sec. 22-28. Appeals to Board.**

[THE 1988 AMENDMENT added “or of VA. CODE ANN. §§15.1-486 et seq. (Repl. Vol. 1981 and Cum. Supp. 1988)” at end of first sentence, substituted “shall be” for “must be,” inserted “appealed from” and “and with the Board,” in second sentence, and substituted “otherwise than” for “except” in fourth sentence.]

[THE 1989 AMENDMENT substituted “shall transmit forthwith” for “shall within ten (10) days transmit” in the third sentence.]

[THE 1993 AMENDMENT divided the section into two paragraphs and added the present second and third sentences in first paragraph.]

[THE MARCH 17, 1997 AMENDMENT redesignated all of the first paragraph and the former first and second sentences of the former second paragraph as A. and designated remainder of second paragraph as B. and substituted “An appeal shall stay” for “An appeal will stay” at beginning thereof, and added new C.]

[THE MAY 17, 1999 AMENDMENT, in A., substituted references to Title 15.2 for references to former Title 15.1.]

[THE AUGUST 1, 2005 AMENDMENT inserted “or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2005)” in the first sentence in A.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section” into subsection A.]

[THE JULY 19, 2010 AMENDMENT added the third sentence in A and the last sentence in A.]

[THE JULY 5, 2011 AMENDMENT added the last two sentences in A.]

[THE JULY 17, 2012 AMENDMENT deleted “or other nondiscretionary” from the second sentence in C, and added subsection D.]

[THE JULY 6, 2017 AMENDMENT substituted “and the Zoning Administrator’s written order is sent by registered mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner’s last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission” for “A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax

assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section” in A.]

[THE JULY 16, 2019 AMENDMENT added “or certified” to the fourth sentence in A.]

**Sec. 22-29. Procedure on appeal; costs.**

[THE FIRST 1988 AMENDMENT substituted “ninety (90) days” for “sixty (60) days” in the first sentence, and added “of the filing of the application of appeal.”]

[THE SECOND 1988 AMENDMENT substituted “application or appeal” for “application of appeal” in the first sentence.]

[THE 1989 AMENDMENT designated existing provisions as (a) and rewrote the former last sentence as present (b).]

[THE 1992 AMENDMENT substituted “one hundred fifty dollars (\$150.00)” for “fifty-five dollars (\$55.00)” in (b).]

[THE MARCH 16, 1998 AMENDMENT increased the fee specified in (b) from one hundred fifty dollars (\$150.00) to two hundred dollars (\$200.00).]

[THE MAY 17, 1999 AMENDMENT, in (a), substituted “make its decision” for “decide the same” in the first sentence, substituted “powers” for “power” in the second sentence, and substituted “a majority” for “the majority” in the third sentence.]

**Sec. 22-30. Certiorari (a means of appeal) to review decisions of Board.**

[THE 1988 AMENDMENT added the last sentence in the last paragraph.]

[THE MARCH 17, 1997 AMENDMENT inserted “aggrieved” preceding “taxpayer or any officer” in first paragraph, substituted “the return” for “a return” in second sentence of last paragraph and added last sentence therein.]

[THE MAY 17, 1999 AMENDMENT substituted “evidence as it may direct and report the evidence” for “such evidence as it may direct and report the same” in the first sentence in the fourth paragraph.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “file with the clerk of” for “present to” and substituted “final decision” for “filing of the decision in the office.”]

[THE DECEMBER 1, 2003 AMENDMENT added the fifth and sixth paragraphs.]

[THE AUGUST 1, 2005 AMENDMENT inserted “or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2005)” in the first sentence in the fifth paragraph.]

[THE DECEMBER 4, 2006 AMENDMENT, in the fifth paragraph, substituted “findings and conclusions” for “decision” and inserted “on questions of fact” in the first sentence; and added the last sentence therein.]

[THE JULY 19, 2010 AMENDMENT added “that shall be styled “In Re: [date] Decision of the Board of Zoning Appeals of Campbell County”” in the first paragraph, substituted “secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals” for “relator’s attorney” in the second paragraph, added the third paragraph, substituted “County” for “Board” twice in the last paragraph, and deleted “in making the decision appealed from” in the first sentence of the last paragraph.]

[THE JULY 7, 2015 AMENDMENT deleted “If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence 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” from the fifth paragraph, substituted “proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision” for “showing to the satisfaction of the Court that the Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the Board of Zoning Appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance” in the seventh paragraph, and added the eighth paragraph.]

[THE JULY 6, 2017 AMENDMENT added “or its governing body” three times in the ninth paragraph.]

[THE JULY 21, 2020 AMENDMENT added the second sentence in the second paragraph.]

### **ARTICLE XIII. ZONING PERMITS AND CHANGES**

#### **Sec. 22-31. Procedure for issuance of zoning permits; exceptions; approval of site plan or plan of development required prior to issuance of building permit.**

[THE 1992 AMENDMENT added the designation “A” and added new B.]

[THE MAY 17, 1999 AMENDMENT substituted “§21-7, §21-8, and §21-8.1” for “§21-8 and §21-8.1” in B.]

[THE DECEMBER 6, 1999 AMENDMENT, in paragraph 1. in A., substituted “General agriculture uses” for “Agriculture uses” and inserted exclusionary language following “permitted” in order to specify that a zoning permit shall be required for intensive agricultural activities and such activities shall comply with setback requirements, minimum area requirements, etc. specified in Article VII-A of this chapter.]

[THE JULY 2, 2001 AMENDMENT inserted “and shall include all drawings, plans . . . use conforms with the provisions of this chapter” at the end of the first sentence in A.]

[THE AUGUST 1, 2005 AMENDMENT added subsection C.]

[THE JULY 2, 2007 AMENDMENT, in paragraph 2. in A., substituted “Gardens, incidental agriculture, or incidental silviculture” for “Gardens and incidental agriculture”; inserted the comma following “district” and deleted “that allows residential use” thereafter; and substituted “such use” for “such agriculture.”]

[THE JULY 1, 2014 AMENDMENT added the second, third and fourth sentences in A.2, and added A.3, A.4, and A.5.]

[THE JULY 5, 2016 AMENDMENT added “or as part of an approved home occupation” and deleted the last sentence in A.2.]

[THE DECEMBER 6, 2016 AMENDMENT added subsection A.6.]

[THE DECEMBER 4, 2018 AMENDMENT substituted “256 square feet” for “200 square feet” twice, in A.3 and A.4.]

[THE DECEMBER 1, 2020 AMENDMENT added subsection A.7.]

**Sec. 22-31.1. Site plan review fees.**

[THE JUNE 17, 2002 ACT adopted this section.]

[THE DECEMBER 4, 2018 AMENDMENT substituted \$200 for \$100 for intensive review fees.]

**Sec. 22-32. Application Procedures.**

[THE 1985 AMENDMENT rewrote the section.]

[THE 1988 AMENDMENT added “in A-1 Districts . . . created” at the end of A.3.]

[THE 1989 AMENDMENT substituted “Copies of an acceptable site plan, the number required to be submitted shall be determined by the Zoning Administrator” for “Two copies of an acceptable site plan as required by this ordinance” in A.]

[THE 1991 AMENDMENT added new items 10, 11 and 12 in B.]

[THE OCTOBER 6, 1997 AMENDMENT, in paragraph 3. of A., redesignated former first clause therein as subparagraph (i) thereof, and redesignated former second clause as subparagraph (ii), also amending its language to require a site plan for residential developments in A-1 districts involving *more than two (2)* dwelling units in one building or on one lot.” ]

[THE MAY 17, 1999 AMENDMENT, in C., substituted “may be established or modified by ordinance adopted by the Board of Supervisors following public hearing” for “may be established by resolution of the Board of Supervisors.”]

[THE AUGUST 7, 2000 AMENDMENT substituted “manufactured” for “mobile” in A.4.]

[THE JULY 2, 2001 AMENDMENT, in the introductory language of A., inserted “Virginia-licensed Architect,” and substituted “Certified Landscape Architect, or” for “or Class A or Class B,” and added paragraphs 13 and 14 in B.]

[THE JUNE 17, 2002 AMENDMENT added the second sentence in C.]

[THE DECEMBER 1, 2003 AMENDMENT, in A.5., deleted “or” following “zoning” and added “or special use permit applications” at the end of that paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT inserted (b)(15), effective July 1, 2009.]

[THE JULY 20, 2009 AMENDMENT added “County Planner” in subsection (a).]

[THE DECEMBER 6, 2011 AMENDMENT added subsection (b)(16).]

[THE JULY 1, 2014 AMENDMENT added “for zoning permits and rezoning requests” in the first line.]

[THE JUNE 12, 2018 AMENDMENT added subsection (a)(6), added “or qualifies as a solar energy project” in (b)(16), and added subsections (b)(17) and (b)(18).]

[THE DECEMBER 4, 2018 AMENDMENT substituted “Zoning and Subdivision Administrator” for “Zoning Administrator or County Planner” in (a), and added the last paragraph after (a)(6) in (a).]

[THE JULY 16, 2019 AMENDMENT deleted the second sentence in the first paragraph of (b)(18), and added the second paragraph with subsections (i) and (ii) to (b)(18).]

### **Sec. 22-33. Review of application; fees.**

[THE 1989 AMENDMENT added subsection C.].

[THE 1992 AMENDMENT substituted “one hundred fifty dollars (\$150.00)” for “fifty-five dollars (\$55.00)” in C.].

[THE MARCH 16, 1998 AMENDMENT increased the fee in C. from one hundred fifty dollars (\$150.00) to two hundred dollars (\$200.00)].

[THE MAY 17, 1999 AMENDMENT added subsection D].

[THE JUNE 17, 2002 AMENDMENT increased the fee in C. from two hundred dollars (\$200.00) to three hundred dollars (\$300.00).]



[THE JULY 5, 2016 AMENDMENT increased the fee in C. from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

**Sec. 22-34. Certificate of Occupancy.**

[The MAY 17, 1999 AMENDMENT inserted “§22-7.1,” in item 2 in B.]

**Sec. 22-35. Application procedures for special use permits; revocation for noncompliance with terms and conditions of permit.**

[THE 1985 AMENDMENT redesignated former subsections C through H as paragraphs 2 through 7 under B and redesignated subsection I. as present C.]

[THE 1989 AMENDMENT substituted “special use” for “conditional use” in A, substituted “Reasonably required copies” for “Two (2) copies” in paragraph 1 of B, and added “shall be paid when the application is filed” at end of paragraph 2 thereof, and, in paragraph 4 of B, substituted present third sentence for former third sentence which read: “Failure by the Commission to submit a report within thirty (30) days shall constitute recommendation for the approval of the proposed conditional use.”]

[THE MARCH 17, 1997 AMENDMENT inserted third and fourth sentences in B.6.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; in subsection C., substituted “Substantially the same application” for “Application” and “will not be considered by the Board” for “may not be made.”]

[THE AUGUST 7, 2000 AMENDMENT inserted “may be made by any property owner, tenant, government official, department, board or bureau. An application” in A. and added the last two sentences in B.4.]

[THE JUNE 17, 2002 AMENDMENT inserted “of three hundred dollars (\$300.00)” in subsection B.2.]

[THE DECEMBER 2, 2002 AMENDMENT added subsection D.]

[THE AUGUST 1, 2005 AMENDMENT, in B.3., inserted “first” and “(1)” and substituted “the applicant to post” for “to be posted” and “four (4) feet by eight (8) feet in size” for “not less than eight (8) square feet in area” in the first sentence; substituted “as determined by the Zoning Administrator . . . the nature of the special use” for “time and date of the public hearing” in the second sentence; added the new third sentence; substituted “at the applicant’s expense” for “paid by the applicant prior to the public hearing” in the fourth sentence; and added the new fifth sentence; and substituted “six (6) months” for “twelve (12) months” in C.]

[THE JULY 2, 2007 AMENDMENT, in the second sentence in B.4., substituted “within ninety (90) days of the submission of the application” for “within thirty (30) days from the date of the public hearing.”]

[THE JULY 20, 2009 AMENDMENT deleted former subsection B.3, requiring applicants to post signs.]

[THE JULY 17, 2012 AMENDMENT in the first sentence in B.6., substituted “within ninety (90) days from the date of the public hearing” for “within thirty (30) days from the date of the public hearing.”]

[THE JULY 5, 2016 AMENDMENT increased the fee in B.2 from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

#### **Sec. 22-36. Stale zoning permits.**

[THE AUGUST 3, 1998 AMENDMENT substituted “one (1) year” for “six (6) months” in the first sentence.]

[THE JULY 2, 2001 AMENDMENT inserted “more than” near the end of the second sentence.]

[THE JULY 20, 2009 AMENDMENT added the second paragraph.]

#### **Sec. 22-37. Requests for change in zoning.**

[THE 1988 AMENDMENT inserted “therefor” and substituted “the subject of” for “subject to” in the second sentence of A, inserted “either” preceding “individually” in B, redesignated former C, D, and E as present D, E, and F, added new C, inserted “as” preceding “may be prescribed” in the second sentence of D and, in F, inserted “or granting or failing to grant a special exception,” and substituted “thirty (30) days” for “sixty (60) days” in the first sentence and substituted “subsection” for “paragraph” in the second sentence.]

[THE 1989 AMENDMENT added “or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both” at the end of first sentence in C and added the second sentence therein, added “unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period” at the end of the second sentence in D, and added the present third sentence therein.]

[THE 1991 AMENDMENT, in B, substituted “sworn to under oath” for “sworn under oath,” “local planning commission” for “local commission” and “Planning Commission” for “Commission,” deleted “or” preceding “partnership,” and inserted “as the beneficiary of a trust or the settlor of a revocable trust,” and, in E, inserted a new second sentence.]

[THE 1993 AMENDMENT, in A, deleted “or” preceding clause (ii) and substituted “however” for “provided, that” preceding “substantially the same petition” in the second sentence.]

[THE MARCH 17, 1997 AMENDMENT deleted former B. which required petitions or applications to include a sworn statement disclosing any interest of a member of the Planning Commission or Board of Supervisors in the subject property; substituted “100 days” for “ninety (90) days” in the first sentence of D.; redesignated provisions of F. as present paragraph 1. thereof, and added new paragraph 2.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1 and substituted “Zoning ordinances and amendments thereto” for “Such amendments” in the last sentence in E.]

[THE DECEMBER 20, 1999 AMENDMENT redesignated provisions of E. as paragraph 1. thereof and added E.2.]

[THE JUNE 17, 2002 AMENDMENT added the last sentence in subsection A.]

[THE AUGUST 1, 2005 AMENDMENT, substituted “six (6) months” for “one year” at the end of the second sentence in A.; and, in E.2., inserted “first” and substituted “the applicant to post” for “to be posted” and “be four (4) feet by eight (8) feet in size” for “not be not less than eight (8) square feet in area” in the first sentence; substituted “as determined by the Zoning Administrator . . . the proposed use of the property” for “time and date of the public hearing” in the second sentence; added the new third sentence; substituted “at the applicant’s expense” for “paid by the applicant prior to the public hearing” in the fourth sentence; and added the new fifth sentence.]

[THE JULY 20, 2009 AMENDMENT deleted former subsection E.2, requiring the posting of signs by the applicant, and renumbered former subsection E.1 accordingly.]

[THE JULY 1, 2014 AMENDMENT added the fifth sentence in A.]

[THE JULY 5, 2016 AMENDMENT increased the fee in A. from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

[THE JULY 16, 2019 AMENDMENT added the third sentence in D.]

## **ARTICLE XIV. PENALTIES AND OTHER REMEDIES**

### **Sec. 22-38. Violations as misdemeanor.**

[THE 1989 AMENDMENT substituted “of” for “or” preceding “not less than.”]

[THE MARCH 2, 1998 AMENDMENT added the second and third sentences.]

[THE AUGUST 7, 2000 AMENDMENT substituted “ten-day” for “thirty-day” twice and substituted “one hundred dollars (\$100.00)” for “ten dollars (\$10.00)” and “one thousand, five hundred dollars (\$1,500.00)” for “one thousand dollars (\$1,000.00)” in the last sentence.]

[THE DECEMBER 3, 2007 AMENDMENT added the last paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “\$5,000” for “\$2,000” prior to “and any such failure”, substituted “\$7,500” for “\$2,500” at the end of the second sentence in the last paragraph, and inserted the third sentence in the last paragraph.]

[THE JULY 3, 2018 AMENDMENT clarified that, after conviction and the initial period for removing and abating an uncorrected violation, the violator may be convicted of separate misdemeanor offenses and fined for the first 10-day period up to \$1,500 and then up to \$2,000 for each succeeding 10-day period in which the violation continues unabated.]

### **Sec. 22-39. Other remedies.**

[THE 1993 AMENDMENT inserted the clause beginning “including the authority to make conclusions . . .” and ending “rights accruing under VA. CODE ANN. §15.1-492 (Repl. Vol.1989), and further” and added “subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993).”]

[THE MARCH 17, 1997 AMENDMENT rewrote provisions, making no substantive changes.]

[THE MAY 17, 1999 AMENDMENT designated existing provisions as (a) and added (b); substituted references to Title 15.2 for references to former Title 15.1 and substituted “insuring” for “to insure” in clause (ii) in (a).]

[THE DECEMBER 1, 2008 AMENDMENT added subsections (c) and (d).]

[THE JULY 20, 2009 AMENDMENT added the last clause in subsection (a)(iii).]

[THE DECEMBER 2, 2014 AMENDMENT substituted “make an affidavit under oath before” for “present sworn testimony to” and “affidavit” for “sworn testimony” in the first sentence and added the third and fourth sentences to (c).]

### **Sec. 22-39.1. Proceedings to prevent construction of building in violation of zoning ordinance.**

[THE 1989 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted “the permit was issued” for “such permit was issued.”]

## **ARTICLE XV. SEVERABILITY AND EFFECTIVE DATES.**

### **Sec. 22-40. Severability.**

[None.]

**Sec. 22-41. Effective date.**

[THE AUGUST 7, 2000 AMENDMENT added the second paragraph.]