ZONING ORDINANCE

GREENSVILLE COUNTY
VIRGINIA

Adopted by the
Greensville County Board of Supervisors
November 17, 1992

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ARTICLE 1
PURPOSE AND INTENT OF THIS ORDINANCE

1-1 Purpose and Intent

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.2-2280 through 15.2-2316, Code of Virginia and amendments thereto, the governing body of any county may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain and other specific uses;

(b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

(c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and

(d) The excavation or mining of soil or other natural resources.

Whereas, the governing body of Greensville County enacted on November 17, 1981, a zoning ordinance pursuant to the Authority of the above-cited Sections of the Code of Virginia, as amended, and from time to time has amended that ordinance.

Whereas, the governing body adopted an updated comprehensive plan on March 18, 1991, which plan was based on careful and comprehensive surveys and studies of the then existing conditions, trends of growth and probable future requirements of its territory and inhabitants.

Therefore, be it ordained by the governing body of Greensville County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.2-2283, that the Zoning Ordinance of Greensville County, Virginia, together with the accompanying map, or maps, be amended as set out below.

This Ordinance has been designed (a) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to facilitate the provision of adequate police and fire protection, disaster excavation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (e) to protect against destruction of or encroachment upon historic areas; (f) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or

loss of life, health, or property from fire, flood, panic or other dangers; (g) to encourage economic development activities that provide desirable employment and enlarge the tax base; (h) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (i) to promote affordable housing; and (j) to include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater.

(Amended August 17, 1998)

1-2 Conflicting Ordinances

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed. This Zoning Ordinance of Greensville County, Virginia, shall be effective at and after 12:01 a.m., November 18, 1992.

1-3 Severability

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

ARTICLE 2
ESTABLISHMENT OF ZONING DISTRICTS AND MAP

The purposes of this Article are: (a) to establish zoning district classifications of such size and shape as the Board of Supervisors of Greensville County deems the best suited to carry out the purposes of Title 15.1, Chapter 11, Article 8, Zoning, Code of Virginia, 1950, as amended; (b) to create the zoning district map showing the official boundaries of each zoning classification; and (c) to provide a statement of the purpose or purposes of each zoning district.

2-1 Zoning Districts Established

For the purpose of this Ordinance, the unincorporated area of Greensville County, Virginia, is hereby divided into districts, which are established as follows:

2-1-1 Primary Zoning Districts:

The entire territory under the jurisdiction of Greensville County is hereby classified into the following primary zoning districts to be known and cited as indicated in the following table.

NAME OF PRIMARY ZONING DISTRICT	ABBREVIATED
A-1 Agricultural District	A-1
R1-A Single Family Dwelling District	R1-A
R1-B Single Family Dwelling District	R1-B
R1-C Single Family Dwelling District	R1-C
R2-A Town House Dwelling District	R2-A
R2-B Multiple Family Dwelling District	R2-B
B-1 Retail Business District	B-1
B-2 General Commercial District	B-2
M-1 Industrial District	M-1

2-1-2 Floating Zoning Districts:

In addition to the primary zoning classifications, special floating zoning districts are established to be known and cited according to the following table:

NAME OF FLOATING ZONING DISTRICT	ABBREVIATED CODE
Planned Unit Development District	PUD
Manufactured Home Park District	MHP
Manufactured Home Subdivision District	MHS

Floating zoning districts apply only to the special categories of projects described in this subsection, and then only to the specific land upon which such developments are planned and approved pursuant to procedures set forth in this Ordinance.

Regulations established through the approval of a Floating Zone District by the Board of Supervisors shall have the following characteristics:

(a) They shall supplement and/or modify, but not replace, the regulations of the underlying primary zoning district to the extent approved by the Board of Supervisors at the time the Floating Zone is created.

(b) Each Floating Zone District shall be established for the purpose of approving a specific community development plan as an integral unit within the spirit and intent of the primary zoning district in which it is located and within the development goals in the County's Comprehensive Plan.

(c) Subsequently, should the project for which the floating zone district was established be terminated for any reason, the zoning or the affected property shall revert to the regulations of the primary zoning district in which it is located.

2-1-3 Overlay Zoning Districts:

In addition to the primary zoning classifications, special overlay districts are established to be known and cited according to the following table:

NAME OF OVERLAY ZONING DISTRICT	ABBREVIATED CODE
Airport Safety Overlay District	ASD
Floodplain Protective District	FPD
Natural Resource Overlay District	NROD
Highway Commercial Development Management Hub	HUB/C
Rural Community Development Management Hub	HUB/R

(a) An overlay zoning district shall apply only to specific territory within Greensville County which is or may be classified as being in the overlay district on the Zoning District Map.

(b) In cases where an overlay zoning district's boundaries are identified and adopted by reference to Federal or State maps and associated regulations, such maps and/or regulations adopted by reference shall be considered to be part of the Greensville County Zoning District Map.

(c) Overlay district regulations supplement the regulations of the primary or

floating zoning district(s) that otherwise apply to the same land.

2-2 Zoning District Map.

The location and boundaries of zoning districts established in Greensville County shall be shown on the Zoning District Map which consists of sixty-one (61) sections. This set of maps, together with all notations, dimensions, designations, references, and other data shown thereon, is hereby made a part of the ordinance. A certified official copy of the Zoning District Map, with all amendments indicated thereon, shall be on file in the office of the Director of Planning for Greensville County. [1]

2-2-1 Interpretation of District Boundaries

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(a) In cases where a zoning district line is, or appears to be, located within a street, road or highway right-of-way, it shall be deemed to be the center line of the right-of-way. In cases where a boundary line is indicated as following railroad lines, it shall be deemed as being midway between the main tracks.

(b) Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limits of the jurisdiction; and, in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

(c) In cases where a zoning district line approximately follows a lot line or a governmental boundary line, such lot line or governmental boundary line shall be construed to be the boundary of the zoning district.

(d) If the location of a zoning district line is shown on the Zoning District Map as a measurable dimension from a known physical feature such as a road, railroad, or governmental boundary line, then the dimension shown on the zoning district map shall be the principal factor in determining the location of the zoning district line.

(e) If no distance, angle, curvature, description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the official zoning map.

[1]The original zoning map that is approved by the Board of Supervisors should be filed in the office of the Clerk of Court with a certified copy used for administrative purposes.

(f) In case of subsequent dispute over the location of a zoning district line, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

2-2-2 Zoning Ordinance Text and Maps, Unified Document

The zoning district classifications identified in this Article and shown on a Zoning District Map, together with the written regulations set forth in this ordinance text, shall be considered and interpreted as a single-integrated document, and taken together they shall be known as the Zoning Ordinance of the County of Greensville, Virginia.

2-3 Purposes of Primary Zoning Districts and Floating Zoning Districts

The specific purposes for which the primary zoning districts are established are set forth below. For overlay zoning districts and floating zoning districts, the purpose of each zoning district is included with the district regulations for each district.

2-3-1 A-1 Agricultural District

This district covers the largest portion of the County which is presently occupied by farms, forests, conservation areas and other types of rural uses. It is designed to protect these existing conditions and to encourage only that future development which promotes the preservation of the rural qualities of the County. In addition, selected business and industrial uses may be permitted in the district but only when the governing body finds that such development not only enables the rural characteristics of the County to be maintained but is in harmony with the economic development objectives of the County. It is also an intent of this district to provide for low-density rural housing which is arranged: to minimize impact upon agricultural activities; to maximize open space which may be used for agriculture and forestry; and to be compatible with the rural qualities of the County.

2-3-2 R1-A Single Family Dwelling District

This district is established to provide areas for single-family detached housing at a transitional density (between urban and rural) near the fringe of the urban services district (as identified in the Comprehensive Plan). The intent of the district is to permit residential subdivisions in these transitional areas where public water and sewer are not likely to be provided within the foreseeable future. Accordingly, subdivision lots are required to be of sufficient size to accommodate the normal residential and accessory uses, plus space for a back-up septic tank drain field. In addition to single-family uses, public, and/or semi-public facilities which are compatible with low-density residential neighborhoods are envisioned as permitted uses within the district so long as such uses do not require public water or sewer.

2-3-3 R1-B Single Family Dwelling District

This district is for the purpose of providing single-family housing on individual lots at suburban densities within the urban services district as established in the Comprehensive

Plan. The district is intended to be used primarily in those areas within the urban services district where, although not available at the time of development, water and sewer may reasonably be expected to be provided eventually. It is intended that lots be large enough to accommodate a well and septic tank, although the requirement for a back-up drain field site does not apply in this district.

2-3-4 R1-C Single Family Dwelling District

This district is for the purpose of providing single-family housing on individual lots at urban densities within the urban services district in locations where public water and sewer are available at the time a subdivision is established.

2-3-5 R2-A Town House Dwelling District

The R-2 Town House Dwelling District is established to provide area with the urbanizing portions of the County where attached single-family housing can be established. This district is intended to be established only in locations where water and sewer are available. A variety of housing styles are permitted such as attached town houses, duplexes, cluster houses, patio houses, and zero lot line houses. The primary intent of this district is to promote the establishment within the County of a variety of housing styles designed for individual ownership at affordable prices.

2-3-6 R2-B Multiple Family Dwelling District

The R2-B Multiple Family District is established to provide appropriate locations for housing consisting primarily of rental apartments and other dwelling types preferring higher densities. This district is intended to be established only in locations where water and sewer are available. In addition, it is anticipated that areas developed at this density will require additional public, semipublic and private uses to support and enhance the neighborhood. The primary intent of this district is to promote the establishment within the County of a variety of higher density housing styles designed primarily for rental at affordable prices.

2-3-7 B-1 Retail Business District

This district is intended to accommodate retail shopping and service establishments which can supply the daily convenience needs of families living in the area. At the same time, this district is intended to be relatively free of the nuisance effects which business can render on adjacent residential areas. For this reason, only limited types of retail business and services are permitted.

2-3-8 B-2 General Commercial District

The B-2 General Commercial District is intended to serve a mixture of retail and service commercial uses to which the public requires direct and frequent access. Businesses included in this district may have accompanying processes, activities, or storage needs which require special equipment, vehicles or which may require business activities to be conducted outside of enclosed buildings. The principal characteristics of businesses

permitted in the district are that they provide a product or service directly to the consumer and that the activity not be of an industrial or manufacturing nature.

2-3-9 M-1 Industrial District

The primary purpose of this district is to provide for areas within the County where light industrial uses which are compatible with County's economic development and rural development goals may be established. The general intent of the district is to accommodate limited industrial activities which may be expected to generate a moderate amount of vehicular traffic, and which may be expected to produce products that are shipped to outside markets without resulting in objectionable environmental impacts to the County.

Selected industrial uses of a more intensive nature which are not detrimental to the County's environment or general economic policies may be authorized by conditional use permits.

NOTE : [2]

[2]Statements of purpose for planned unit development districts, manufactured home park districts, and manufactured home subdivision districts are located in Article 7 along with the regulations for those districts.

ARTICLE 3
APPLICABLE GENERAL REGULATIONS
WITHOUT REFERENCE TO ZONING DISTRICTS

3-1 General, Application of District Regulations:

The regulations established within each district in this Ordinance shall be regarded as minimum regulations. They shall apply uniformly to each class or kind of structure or land, unless otherwise modified for unique conditions in this Article, or by the Board of Zoning Appeals as provided for in Article 17.

3-1-1 Conformity with Regulations, Generally

No building or land shall hereinafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations of this Ordinance. These regulations shall be construed to include any and all applicable supplementary regulations regardless of where the regulations are located in this Ordinance.

3-1-2 Conformity with Density and Building Dimensional Regulations

No building shall hereinafter be erected, constructed, or altered so as to: exceed the height or bulk limits; to accommodate, or house, a greater number of families than is specified for the district in which the building is located.

3-1-3 Conformity with Yard Regulations

No lot shall hereinafter be created nor shall any lot existing at the time of enactment of this Ordinance be altered so that the minimum frontage, width, depth, area, or yard requirements be reduced below the minimum dimensions established in this Ordinance, except when a portion of a lot may be acquired for an essential public use.

3-1-4 Encroachment on Existing Required Yard, Open Space, Parking, or Loading Space

No part of any yard, open space, off-street parking space or loading space required for any building or land use by this Ordinance shall be included as part of a yard, open space, parking or loading space, as the case may be, for another building or use unless specifically provided for by other provisions of this Ordinance.

3-1-5 Existing Building Permit Valid

Nothing contained in this Ordinance shall require any changes in the plans or construction of any building for which a valid building permit was granted prior to the effective date of this Ordinance; except, that if the construction of such building is not substantially commenced within six (6) months after the effective date of this Ordinance, future construction shall be in conformity with the provisions of this Ordinance.

3-1-6 Structures not subject to height regulations.

The following structures are not subject to the district height regulations:

(a) Farm buildings and structures, but not including dwellings.

(b) Steeples, belfries, cupolas, monuments, flag poles, smoke stakes, chimneys, flues, masts, and water tanks.

(c) Monitors and roof structures for stairways, elevators, tanks, ventilating fans, or similar equipment which are necessary for mechanical operation of a building or enclosed manufacturing process; provided, that all such structures above the height limit otherwise permitted in the district do not occupy more than twenty-five percent of the roof area of the building or structures.

(d) Parapet and fire walls no higher than 4' above the height of the building on which the walls rest. (Amended September 15, 1997)

3-2 Lot Requirements

3-2-1 Erection of Building

Every building hereafter erected shall be located on a lot or parcel of land which fronts on a public street or highway or on a dedicated public right-of-way, unless:

(a) permitted elsewhere in this ordinance for townhouses and planned development; or,

(b) the lot or parcel was created by a plat which was approved by the Subdivision agent prior to April 8, 1997. (Amended September 15, 1997)

3-2-2 Lot Required for Each Residential Use

Every residential building hereafter erected or structurally altered shall be located on a separate lot as defined herein and in no case shall there be more than one residential building on a lot used for dwelling purposes except for multiple-family dwellings not exceeding three (3) stories.

Any lot that legally existed prior to the adoption of this Ordinance may be used subject to the provisions and limitations of this Ordinance covering non-conforming lots of record.

3-2-3 Frontage on Public Street

Every lot established hereafter and used for single-family residential development shall

have a frontage on a public street. As a general rule, when both side lot lines are parallel to each other and perpendicular to the street upon which the lot has its major frontage, the minimum frontage shall be the same as the width otherwise required at the building setback line, except: (a) in the case where side lot lines converge as they approach the street, such as when they are radial to the street's curvature, the lot frontage may be reduced to not less than 75 percent of the lot width at the building line; and (b) where a lot fronts on the turn-around of a cul-de-sac street, the frontage may be reduced to fifty (50) percent of the required width at the building line.

3-2-4 Encroachment on Area of Existing Lot Prohibited

The area of an existing lot shall not be reduced or diminished so that the yards or other open spaces shall be smaller than the yards or open spaces required by the district in which the lot is located; nor shall any portion of a lot be used, sold, or otherwise separated from the main tract which is not in conformity with the area and dimensional regulations for lots in the district in which the tract is located.

3-2-5 Required Setback or Yard Cannot Be Reduced

The setback, yard, or any other open space required of any lot by this Ordinance shall not be reduced to less than the minimum required by the district regulations, except in cases where a variance is approved by the Board of Appeals based on a hardship.

No part of a setback or other open space which is necessary to comply with the requirements of this Ordinance shall be considered as part of the required setback or other open space for another building, structure or use.

3-3 Temporary Buildings

3-3-1 Temporary Construction Structure

A temporary building or structure, including a manufactured home, recreational vehicle, or other highway vehicle, may be erected or placed on a construction site in any district as an accessory structure if such building's structures or vehicle are incidental and reasonably necessary to construction work on the premises. Such temporary building, structure, or vehicle shall be placed on a construction site only after a building permit has been issued for the on-site construction work to be performed. When such construction work is completed or abandoned, when the building permit expires or is revoked, whichever comes first, such temporary building, structure, or vehicle shall be removed.

3-3-2 Temporary Emergency Housing

Nothing in the Ordinance shall prohibit the temporary placement of a manufactured home on a lot as an accessory structure strictly for the purpose of providing emergency housing for displaced occupants; provided, however:

(a) the emergency housing is necessitated because an occupied single-family

dwelling or manufactured home was substantially destroyed or rendered unlivable because of burning, flooding, or was otherwise damaged or destroyed by any cause to a degree so as to make it unsafe or unhealthy for human occupancy;

(b) the manufactured home is placed in the location on the property specified by the Director of Planning;

(c) the manufactured home is provided with a water supply and sewage disposal system approved by the Health Officer; and

(d) the manufactured home shall be removed from the site when the damaged dwelling is repaired or replaced or within twelve (12) months, whichever shall come first. The Director of Planning may, however, grant an extension not to exceed an additional six (6) months.

3-4 Accessory Uses

3-4-1 Front Yards

Accessory buildings or structures shall not be located in a front yard of any district.

3-4-2 Use of Accessory Buildings

No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises in residential districts, agricultural laborers employed on the premises in agricultural districts, and security personnel employed in commercial, industrial, or business zones (Amended August 17, 1998)

3-4-3 Not Permitted without Main Building

No accessory building shall be constructed upon a building site until the construction of a main building has actually been commenced; and no accessory building shall be occupied or used until the main building on a lot has been completed and is in use.

3-4-2 Part of Principal Use

For purposes of determining whether it is permitted in a zoning district, an accessory use is considered to be part of the principal or main use of the property.

3-5 Occupancy of Premises by Caretaker

The occupancy of a building or premises by a caretaker or watchman for sleeping quarters shall not constitute a residential use within the meaning of this Ordinance.

3-6 Final Plats

A final plat may be filed for any residential subdivision for which a preliminary plat, upon which the final plat is based, has been approved and is still valid on the date this Ordinance is adopted; provided, that such final plat is filed not later than twelve (12) months following the date of adoption of this provision.

3-7 Parking and Loading

All buildings or structures hereafter erected or enlarged shall conform to the off-street parking and loading regulation for specific uses as specified for the district in which such building or structure is located.

3-8 Use of Basement or Cellar for Dwellings

Any story having more than one-half (1/2) of its height below the average level of a street grade or ground nearest the building, and referred to in this Ordinance as a basement or cellar, shall not be used or designed to be used for dwelling purposes.

3-9 Drainage

No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Factors to be considered in determining substantial change shall include the adopted drainage standards of the Virginia Highway Commission and Greensville County soil erosion and sedimentation ordinance. In his administration of this requirement, the zoning administrator shall refer any application submitted to the resident engineer, Virginia Department of Highways and Transportation, for a determination in the matter.

3-10 Obstruction of Public Right-of-way

No building, structure, sign, merchandise, or other obstruction shall be located or constructed on any public right-of-way.

3-11 Temporary manufactured home permitted in certain handicapped cases; handicap defined; conditions under which issued

A handicapped case shall be defined as a situation to which a person is physically, emotionally or mentally handicapped or is affected by old age and requires constant care, yet residence by the person in a dwelling constructed upon the lot is not practical or desirable under the circumstances. If, after analysis by the Zoning Administrator and upon finding by the Board of Supervisors, a handicap, as defined, exists, a temporary special use permit for the placement of a manufactured home on a temporary basis may be issued under the following conditions:

(a) The lot upon which the manufactured home is proposed to be placed contains at least twenty thousand (20,000) square feet;

(b) The county health department has approved provisions well, septic tank, and drain field;

(c) The manufactured home is anchored and skirted with materials approved by the county building and planning departments; and

(d) The unit is so located upon the parcel so that all requirements regarding accessory uses are met.

Permits issued under this subsection shall be reviewed in January of each year. If the handicap no longer exists, the manufactured home shall be removed from the premises within sixty (60) days. The zoning administrator shall be immediately notified if and when the handicap no longer exists. (Ord. of 8-10-82)

3-12 Use and Storage of Recreational Equipment

No major recreational equipment shall be used for permanent living, sleeping, or other occupancy when parked or stored on a residential lot, or in any other location not approved for such use.

3-13 Access to a Use

Access to a use across land which is not zoned so as to permit the use served by such access is not permitted.

3-14 Electric, Telephone, Television Service Lines

House service lines and cables for electric power utilities, telephone and cable television service to residential uses shall not be considered to be a business or commercial use under this Ordinance.

3-15 Repair and Restoration of Buildings

Nothing in this Ordinance shall prevent the strengthening, repair or restoration to a safe and lawful condition any part of a building or structure declared unsafe or unlawful by order of an authorized county or state official; provided, such building or structure lawfully existed prior to the issuance of the order.

3-16 Lot of Record

No regulation in this Ordinance shall prevent the erection of a building on a "non-conforming" lot of record; provided, however:

(a) if two or more contiguous lots are held in the same ownership, the lot of record shall be interpreted to be the tract held in common ownership;

(b) not more than one dwelling unit shall be constructed on a non-conforming lot of

record which does not meet the area and dimensional requirements of the district in which the lot is located; and

(c) no lot of record shall be resubdivided unless all new lots are in conformity with the requirements of the district in which the resubdivision is located.

3-17 Public Facilities Lots:

Lots may be created in any zoning district which do not meet the requirements of this Ordinance regarding yards, area, width and road frontage when such lot is held by a public entity or unit of local government and the purpose of the lot is clearly expressed on such plat which, when recorded, creates the lot.

(Amended August 17, 1998)

ARTICLE 4
PERMITTED USES IN PRIMARY ZONING DISTRICTS

4-1 Permitted Use Table Established

The purpose of this Article is to establish permitted uses in primary zoning districts. To accomplish this purpose, Table 4.1 Permitted Use Table is hereby created as a part of this Article, and likewise as part of the Zoning Ordinance of Greensville County. The "Permitted Use Table" establishes the uses of land, buildings, or structures that are permitted in Greensville County under this Ordinance, and stipulates the zoning district, or districts, in which each use is permitted.

4-2 Explanation of Symbols in Table

The Primary Zoning Districts are shown in the heading of the Table of Permitted Uses by their abbreviations as previously established and shown in the following table:

NAME OF ZONING DISTRICT	ABBREVIATED CODE
A-1 Agricultural District	A-1
R1-A Single Family Dwelling District	R1-A
R1-B Single Family Dwelling District	R1-B
R1-C Single Family Dwelling District	R1-C
R2-A Town House Dwelling District	R2-A
R2-B Multiple Family Dwelling District	R2-B
B-1 Retail Business District	B-1
B-2 General Commercial District	B-2
M-1 Industrial District	M-1

Within the boxes corresponding to a specific use (row) and under a specific zoning district (column), a use is marked with either an "R" or a "U".

"R" indicates that a use is permitted as a matter of right in the district. Uses that are permitted by right may be approved by the Zoning Administrator when all applicable provisions of this Ordinance have been complied with.

"U" indicates that a use is a special use, permitted in the indicated zoning district only after it is approved as a "special use permit". Uses that require a special use permit must be approved by the governing body following appropriate notice and review by the Planning Commission as required in Article 16 of this Ordinance.

4-3 Interpretation of the Table

The Table of Permitted Uses by Zoning District is to be interpreted as follows:

(a) If a use is not specifically listed in the table then that use may not be established within Greensville County.

(b) A use may, however, be implied through a listing of a category which contains a family of uses although the use itself may not be specifically listed as a separate use. In such case, the use may be permitted in a district only if it can be clearly demonstrated that the use is customarily accepted as being within the meaning of the category identified in the table.

(c) If, however, a specific use is listed in the table as permitted in any district by right or by special use permit, then that use may not be implied as belonging to a general category. In such cases a specific use definition shall take precedence over a general category definition.

(d) Regulations of an overlay zoning district which place limitations on or modify uses otherwise permitted in a primary zoning district shall prevail over the regulations of the primary zoning district.

4-4 General Conditions Applicable to Special Use Permits

Pursuant to Section 15.2-2286.3 of the Code of Virginia, this Ordinance provides for the granting of special exceptions under suitable regulations and safeguards; and unless otherwise listed in Article 17 as a special exception to be authorized by the Board of Zoning Appeals, all special exceptions shall be issued by the Board of Supervisors. For purposes of distinguishing between special exceptions issued by the Board of Supervisors and those issued by the Board of Zoning Appeals, those issued by the Board of Supervisors shall be known as "Special Use Permits" and those issued by the Board of Zoning Appeals shall be known as "Special Exceptions".

The "special uses" that are to be authorized by the Board of Supervisors are identified in Table 4.1. General conditions that apply to all such uses are as follows:

(a) The use shall be designed or arranged on the land in such a way as to cause no more adverse impact on the adjacent property, and/or the neighborhood than might be caused by the least restrictive use otherwise permitted by right in the district.

(b) The use shall comply with all licensing requirements, if any, of any County, State or Federal government or agency.

(c) The use shall not be operated as to cause a nuisance to the neighborhood in which it is located.

(d) In granting a special use permit, the Board of Supervisors shall consider the public convenience, necessity, and general welfare, and its action shall also be consistent with good zoning practices.

(e) It is the intent of this Ordinance that a special use permit shall be automatically issued administratively upon application and without payment of any fees for any qualifying use that existed prior to the adoption of this Ordinance.

(Amended August 17, 1998)

TABLE 4.1
PERMITTED USE TABLE
FOR ZONING DISTRICTS IN GREENSVILLE COUNTY, VA.

DESCRIPTION OF USES (** indicates a use that is mandated by Virginia Code)	ZONING DISTRICTS IN WHICH USES ARE PERMITTED ("R" - permitted by right; "U" - requires use permit)								
	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
AGRICULTURAL									
Agriculture, not to include keeping of livestock fowl, pigeons, rabbits	R	R							
Animal keeping and raising for farm and agriculturally related purposes, excluding Livestock and Fowl Production Farms	R								
Aquaculture, as part of a farming operation raising stock for sale	R								
Aquaculture, as part of an industrial operation supplying stock for raising and resale									U
Confined, Intensive animal and fowl production facility/farm which requires a development plan, Nutrient Management Plan (NMP) and local zoning approval	R								
Farm building and accessory use, including residence and home occupation	R								
Farm machinery sales and service enterprise	U								
Farmers' market	U							U	
Feed and seed supply store, wholesale or retail	U							U	
Forestry operations utilizing Best Management Practices (BMP's) on lands	R	R	R	R	R	R	R	R	R
General agricultural uses, excluding livestock market & Livestock & Fowl Production Farms	R								
Greenhouse, commercial (wholesale or retail)	U						U	R	
Kennel, commercial	U								
Livestock market facility and feedlot	U							U	
Produce farm	U								
Roadside Stand for farm products (grown on site)	R								
Roadside stand for farm products (not grown on site)	U						U	U	
Stable (commercial) for boarding horses, riding and equestrian shows	U								
Veterinary hospital	U							U	

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
RESIDENTIAL									
Accessory building, structure or use as herein permitted	R	R	R	R	R	R	R	R	R
Adjunct living suite within a single-family dwelling occupying no more than two rooms plus a kitchenette and bathroom the use of which is limited to a member of the principal occupant's immediate family	U	U	U	U					
Apartment unit within predominantly commercial building	U						U	U	
Bed and breakfast facility in a private home but without full dining service or commercial food preparation	U	U	U	U					
Bed and breakfast facility with full dining service	U			U	U	U			
Boarders in single-family dwelling not to exceed 2	R	R	R	R	R	R			
Cabin, seasonal camp, RV park, or campground	U								
Dwelling, Modular Unit	R	R	R	R	R	R			
Group home for up to eight mentally ill, mentally retarded, or developmentally disabled persons	R	R	R	R	R				
Home for Adults licensed by the Virginia Department of Social Services and operated or maintained for the maintenance or care of four (4) or more, but not exceeding twenty (20) adults as defined in Section 63.1-172 of the Code of Virginia	U					R			
Home Business	U	U	U	U					
Home Occupation	R	R	R	R	R	R			
Manufactured home	R								
Multiple-family dwelling					R	R			
Quarters for live-in domestic servants	R	R	R	R					
Quarters for live-in security personnel								U	U
Rooming and boarding house					R	R			
Single-family detached dwelling	R	R	R	R	R	R			
Townhouse dwelling (attached single-family)					R	R			
Two-family dwelling (attached single-family)	R				R	R			
(Amended September, 2002)									

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
INSTITUTIONAL AND COMMUNITY SERVICES									
Airport	U								U
Athletic courts (tennis, basketball, etc.) or sportsfield		U	U	U	R	R			
Golf course	U	U	U						
Civic owned and operated recreational facility	U						U	U	
Club or lodge	U	U	U	U	U	U	R	R	
Country club	U	U	U						
Child Day Center	U	U	U	U	U	U	R	R	
Church, or other place of worship, and related ministries (no cemetery)	U	U	U	U	U	U	U	U	
Church, or other place of worship, and related ministries (including cemetery on same site)	U	U	U	U	U	U	U	U	
College or university	U	U	U	U	U	U			
Correctional Facility							R	R	
Family Day Home for five (5) or fewer Children	R	R	R	R	R				
Family Day Home for more than five (5) Children	U	U	U	U	U				
Fire, police or rescue squad stations	U	U	U	U	U	U	R	R	R
Heliport	U						U	U	U
Hospital, general	U	U	U	U	U	U	R	R	R
Lodge, hunting	U								
Library	U	U	U	U	U	U	R	R	
Mini-Storage Facility								R	
Museum	U	U	U	U	U	U	R	R	
Nursing home, or convalescent home		U	U	U	U	U	R	R	
Park or playground, unlighted	U	U	U	U	U	U			
Park or playground with lighted sports field	U	U	U	U	U	U	U	U	
Public utility	U	U	U	U	U	U	U	U	U
Public utility service yard	U						U	U	U
School, public	U	U	U	U	U	U		U	
School, private	U			U	U	U			
Telephone exchange or switching station	R	R	R	R	R	R	R	R	R

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
INSTITUTIONAL AND COMMUNITY SERVICES, continued									
Wastewater treatment facility operated by GCWSA	R	R	R	R	R	R	R	R	R
Water supply treatment facility operated by GCWSA	R	R	R	R	R	R	R	R	R

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
BUSINESS AND PROFESSIONAL SERVICES									
Barber and/or beauty shop							R	R	
Accountant or CPA's office							R	R	
Business or commercial trade school							R	R	
Dry cleaning and laundry pick-up station							R	R	
Funeral home	U						R	R	
Health club	U						R	R	
Medical office or clinic	U					U	R	R	
Office, or office building for professional or business services, unlimited size							R	R	
Office, or office building for professional or business services, not to exceed 2,000 sq ft						U	R	R	
Optician's office							R	R	
Printing and copying shop, retail							R	R	
Pharmacy or apothecary's shop							R	R	
Repair shop for television, VCR, stereo and related equipment							R	R	
Sign shop								R	
Television or radio broadcasting studio (no antenna)							R	R	

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
RETAIL COMMERCIAL AND SERVICES									
Agricultural machinery, sales and service	U						R	R	
Antique shop	U						R	R	
Auction building or gallery	U							U	
Auto parts from enclosed store, but not used parts requiring dismantling of motor vehicles.							R	R	
Automobile sales and service (indoor)								R	
Automobile sales (outdoor)	U							R	
Bakery							R	R	
Boat dealer							R	R	
Department Store							R	R	
Drugstore							R	R	
Home appliance sales and service							R	R	
Hotel or motel	U						R	R	
Restaurant, providing only inside seated service							R	R	
Restaurant-drive thru, carry out, or "fast food"								R	
Retail food store							R	R	
Pet Store							R	R	
Wearing apparel store							R	R	
Neighborhood store	U						R	R	
Shopping center							R	R	
Video rental store							R	R	

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
COMMERCIAL RECREATION									
Bowling alley								R	
Campground, including recreational vehicle site	U								
Special Events	U							R	
Dance hall								U	
Golf driving range or miniature golf course							R	R	
Hunting reserve without shooting range	R								
Public billiard parlor								R	
Retreat, or convention center								R	
Skating rink								R	
Swimming pool as principal use of property		U	U	U	U	U		R	
Target range, outdoor	U								
Target range, indoor								U	
Theater, assembly hall	U							R	
Travel trailer park	U					U		U	

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
COMMERCIAL BUSINESS AND SERVICES									
Aircraft service, maintenance and charter service	U							R	R
Automobile laundering (carwash)							U	R	
Automobile/truck repair within enclosed building	U						R	R	
Automobile and truck repair business, with outside storage of vehicles								R	
Bottling works								U	R
Building trades services, including electrical, plumbing and/or heating contractor's office and yard								R	R
Contractor's equipment storage yard or rental equipment								R	R
Boat service, repair or storage								R	
Building material sales yard, plumbing supplies storage								R	
Carpenter's shop									R
Dry cleaning and/or laundry plant								U	
Radio and TV station	U							R	
Service station (with minor repair work enclosed)	U						R	R	
Machinery sales and service								R	R
Manufactured home dealer								R	
Radio/TV/cable transmitting and receiving facility and Cellular Communication Towers	U							U	U
Plumbing and electrical supply (storage under cover)								R	
Temporary construction uses	R	R	R	R	R	R	R	R	R
Taxidermist's shop	R						R	R	
Upholstery shop								R	
Wholesale, retail and processing (no dust, noise. odors)								U	R
Wholesale business, storage warehouse								R	R
Truck terminal								U	R
Repair service or business								R	
Truck or travel stop								U	

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	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
INDUSTRIAL									
Asphalt plant									U
Assembly: electrical appliances, instruments, radios and their parts									R
Aquaculture, as part of a farming operation raising stock for sale	R								
Aquaculture, as part of an industrial operation supplying stock for raising and resale									U
Automotive/truck: assembly, painting, repairing or overhauling									R
Automotive Assembly/Original Equipment Manufacturer									R
Battery manufacturing									U
Boat building									R
Building supply (with storage under cover)								R	
Bulk storage, including fuel yard or tank farm								U	R
Carpet laundering, cleaning and dyeing									U
Coal yard, wood yard	U								U
Commercial vehicle & equipment sales									R
Compounding, processing, packaging, distribution: except asbestos									U
Concrete manufacture									R
Cotton ginning	U								R
Distribution plant: parcel delivery, ice, coal, food, catering									R
Electric generating facility	U								U
Exterminating establishment									R
Foundry: lightweight non-ferrous metal (no fumes, odors, noise)									R
Junkyard, or auto salvage yard									U
Laboratory: pharmaceutical and/or medical									U
Lumberyard, retail								R	
Manufacture of musical instruments and novelties									R

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DESCRIPTION OF USES (** indicates a use that is mandated by Virginia Code)	ZONING DISTRICTS IN WHICH USES ARE PERMITTED ("R" - permitted by right; "U" - requires use permit)								
	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
INDUSTRIAL, continued									
Manufacture of pottery and ceramic products using previously pulverized clay									R
Manufacture/maintenance: electric and neon signs; billboards and commercial advertising structures									R
Monumental stone works									R
Manufacture/processing of foods, cosmetics, pharmaceutical, etc.									U
Manufacture/processing of merchandise from previously prepared materials									R
Paper and paper products manufacture									U
Peanut and fertilizer warehouse	R								R
Preparation, drying & pelletizing of wood and wood byproducts									R
Processing: meats, poultry, fish									U
Sand, gravel, clay, stone, or other extractions not exceeding an area of 25 acres	U								
Sawmill, as a commercial operation									U
Sawmill, as part of private family forestry operation	U								
Shop, machine, and metal fabrication (allows punch presses & drop hammers greater than 40 tons)									U
Shop: blacksmith, welding, machine (excludes punch presses or drop hammers greater than 40 tons)									R
Shop: cabinet, furniture, and upholstery fabrication								U	R
Storage, or bailing of scrap iron, bottles, rags or junk									U
Tire recapping									R
Well drilling contractor									R
Wood preserving operations									U
(Amended August 2013)									

TABLE 4.1
PERMITTED USE TABLE
FOR ZONING DISTRICTS IN GREENSVILLE COUNTY, VA.

DESCRIPTION OF USES (** indicates a use that is mandated by Virginia Code)	ZONING DISTRICTS IN WHICH USES ARE PERMITTED ("R" - permitted by right; "U" - requires use permit)								
	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
UNCLASSIFIED									
Animal Shelter								R	
Flea market	U							U	
Keeping of pleasure animals including horses and/or ponies for personal use on no less than three acres	R	U	U						
Landfill (industrial waste) (publicly owned)	U								U
Landfill (inert waste and debris) less than .25 acres	U								U
Landfill (inert waste and debris) greater than .25 acres	U								U
Cemetery, family or private	R								
Cemetery Commercial	U								
Borrow pits	U	U	U	U	U				
Off street parking as required	R	R	R	R	R	R	R	R	R
Preserve and conservation area with small boat docks	R								
Signs as permitted 16-4	R	R	R	R	R	R	R	R	R
(Amended November, 2008)									

(Amended November, 2001)

ARTICLE 5
DENSITY AND SITE DIMENSIONAL REGULATIONS

5-1 Purpose of This Article

The purpose and intent of this Article is to establish the maximum density regulations and the minimum site dimensional regulations for all zoning districts.

5-2 Format of Article

The Article is comprised of two tables with narrative supplements to the table data.

Table 5.1 establishes the minimum lot size and/or the maximum residential density permitted in each primary zoning district.

Table 5.2 establishes the minimum site dimensional regulations for residential lots in all primary zoning districts. These include:

- minimum lot width at the building setback line for interior lots
- minimum lot width at the building setback line for corner lots
- minimum lot frontage at the street line
- minimum setback from street lines
- minimum width of side and rear yards
- maximum height of buildings

(Amended September 15, 1997)

5-3 Maximum Residential Density Regulations

Table 5.1, entitled Table of Maximum Residential Densities for Primary Zoning Districts, is hereby created for the purpose of establishing minimum lot area requirements for residential uses in all zoning districts. Unless modified by general regulations in Article 3 and/or modifications to primary zoning district regulations in Article 6, or other specific provisions of this Ordinance, the dimensions given in this table shall determine the minimum lot area that shall be provided for all new residential uses established in Greensville County after the effective date of this Ordinance, or amendment hereof.

TABLE 5.1
TABLE OF MAXIMUM RESIDENTIAL DENSITIES FOR PRIMARY ZONING DISTRICTS

ZONING DISTRICT	Type of Dwelling	MINIMUM		
		Project Area Required	Average Area for all Dwellings	Area for One Dwelling
A-1 Agricultural	Single Family	1.5 Acres	1.5 Acres	1.5 Acres
R1-A Single Family Residential	Single Family	30,000 s/f	30,000 s/f	30,000 s/f
R1-B Single Family Residential	Single Family	20,000 s/f	20,000 s/f	20,000 s/f
R1-C Single Family Residential	Single Family	12,500 s/f	12,500 s/f	12,500 s/f
R2-A Town House Residential	Single Family	12,500 s/f	12,500 s/f	12,500 s/f
	Two-Family	12,500 s/f	6,250 s/f	NA
	Town House	40,000 s/f	5,000 s/f	1,250 s/f
R2-B Multiple-Family Residential	Town House	40,000 s/f	5,000 s/f	2,500 s/f
	Multiple-Family	40,000 s/f	2,500 s/f	NA
B-1 Retail Business	NA	NA	NA	NA
B-2 General Commercial	NA	NA	NA	NA
M-1 Industrial	NA	NA	NA	NA

(Amended September, 2002)

5-4 Minimum Site Dimensional Regulations

Table 5.2, entitled Table of Minimum Site Dimensional Regulations for Primary Zoning Districts, is hereby created for the purpose of establishing minimum dimensions for lots in all zoning districts including: width at the building setback line for both interior and corner lots, frontage at the street line, setback from the street line or street centerline, side yards and rear yards. The table also establishes the maximum height for buildings in all zoning districts. Unless modified by Article 3 and/or Article 6, or other specific provisions of this Ordinance, the dimensions given in this table shall govern the placement of buildings and structures established in Greensville County after the effective date of this Ordinance, or amendment hereof.

TABLE 5.2
TABLE OF MINIMUM SITE DIMENSIONAL REGULATIONS FOR PRIMARY ZONING DISTRICTS

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
ZONING DISTRICT	Minimum Lot Width at the Building Setback Line for Interior Lot	Minimum Lot Width at the Building Setback Line for Corner Lot	Minimum Lot Frontage at the Street Line	Min. Set-back from **Street Line** if Street width is 50 feet or more	Min. Set-back from **Street Centerline** if Street is less than 50 feet wide	Minimum Width of Yards				Maximum Height of Buildings In Feet
						Side Yard			Rear Yard (feet)	
						Minimum Yard, One Side	Total, Both Sides	Corner add		
A-1	150 ft	165 ft	150 ft	75 ft	100 ft	25 ft	60	10	35	50
R1-A	100	110	100	50	75	10	30	10	35	40
R1-B	90	100	90	35	60	10	20	10	25	35
R1-C	80	90	80	25	50	10	20	10	20	35
R2-A SINGLE FAMILY	80	90	80	25	50	10	20	10	20	35
R2-A TWO FAMILY	80	90	80	25	50	10	20	10	20	40
R2-A MULTI FAMILY	100	110	100	25	50	10	20	5	20	50
R2-B TOWN HOUSE	100	110	100	25	50	10	20	5	20	40
R2-B MULTI FAMILY	100	110	100	25	50	10	20	5	20	50
B-1	N/M	N/M	50	30	55	10*	V	10	10*	45
B-2	N/M	N/M	50	40	60	25*	V	10	25*	45
M-1	N/M	N/M	50	50	75	15**	V	10	15**	60***

Notes:
The above requirements relate to main buildings; and may be altered by dimensional regulations applicable to accessory buildings and certain lots found in Article 3 & 6.
* Only when abutting a district or use which requires, without exception, a side/rear yard.
** When abutting an agricultural district, then 30 feet.
*** Unlimited when fire suppression equipment in place and area above height specified is not occupied.
N/M - No minimum
V- Variable
(Amended August 17, 1998)

ARTICLE 6
MODIFICATIONS TO PRIMARY ZONING DISTRICT REGULATIONS

6-1 Purpose of Article

The purpose of this Article is to modify, extend, supplement, clarify and/or qualify in specific cases the zoning district regulations which appear elsewhere in this Ordinance. Specific provisions given in this Article shall apply to the specific conditions enumerated herein and shall supersede general regulations for the zoning districts.

6-2 General Modifications to Yard Regulations

6-2-1 Yards to be Open

When yards are required in a district, every part of a required yard shall be unobstructed by a building, structure or use, except that:

(a) Off-street parking spaces are permitted in a front, side or rear yard, provided that no parking space shall be located within a triangle composed of two (2) twenty (20)-foot legs of intersecting streets.

(b) Accessory buildings are not permitted in rear or side yards within five (5) feet of a property line in all residential districts. In the A-1, Agricultural District accessory buildings are required to be at least ten (10) feet from a side or rear yard line.
(Amended August 17, 1998)

(c) Unenclosed porches or terraces not over three (3) feet above the ground, except for railings and roof structure, may extend five (5) feet into a required front yard, ten (10) feet into a required rear yard, and three (3) feet into a required side yard, provided that any such structure having a roof shall not extend into any required yard area to a greater distance than one-half the required yard depth or width. [16-5-2 (2)]

(d) An open, unenclosed paved terrace may project into the required front yard for a distance not exceeding ten (10) feet. [16-5-2 (3)]

(e) Chimneys, fireplaces, or pilasters may not project over two (2) feet into a required yard. [16-5-2 (4)1

(f) Open or lattice enclosed fire escapes shall not project over five (5) feet into a required yard. [16-5-2 (5)]

(g) An unenclosed carport, attached to a dwelling, may extend into any required side yard a distance of not more than five (5) feet but not nearer to any side lot line than a distance of five (5) feet. [16-5-2 (6)]

6-2-2 Yards for Multiple Buildings on Same Lot

(a) Where a lot is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot but only when each separate building is provided with open space equivalent to the yard requirements of the district in which the lot is located.

(b) Where a lot is to be used for multi-family residential or institutional purposes, more than one (1) main building may be located on the lot, but only when there is provided between buildings that are parallel, or within forty-five (45°) degrees of being parallel, a minimum of:

20 feet for one-story buildings,
30 feet for two-story buildings, and 40 feet for three-story buildings.

No dimension between any two (2) buildings shall be less than fifteen (15) feet. When such buildings are of varying height, the buildings with the greater height shall be used for application of height regulations.

6-2-3 Walls and Fences

(a) In consideration of the prohibition of visual obstructions contained in Section 6-2-4, the setback and yard requirements of this Ordinance shall not be deemed to prohibit any fence, wall, or hedge which is less than four (4) feet high; however, a fence or wall along the rear lot line or along a side lot line or along the corner side setback line to the required front setback line may be erected to a height not exceeding eight (8) feet in the Residential Districts or twelve (12) feet in the Business, Commercial, and Industrial Districts.

(b) Yard requirements shall not apply to any retaining wall erected in conformity with other applicable county ordinances.

(c) Uses located in Business, Commercial, and Industrial Districts which utilize outside areas for the storage of material or product must erect a solid wood fence or plant vegetation to effectively screen the storage area.
(Amended August 17, 1998)

6-2-4 Visual Obstruction

On a corner lot in any district requiring a front yard, no obstruction shall be permitted which exceeds a height of two and one-half (2-1/2) feet nor be any lower than twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersections. [16-8]

6-3 Modifications to Front Yard Regulations

6-3-1 Redefinition of Front Yards in Partially Built-up Block

The following applies to partially built-up blocks in subdivisions for which no front building set-back line was established on the subdivision plat nor has been established by a previous determination of the Zoning Administrator:

(a) Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed a front yard greater in depth than the front yard herein required, new buildings shall observe the front yard so established by existing buildings.

(b) Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard, the average setback of the existing buildings shall be taken in lieu of the front yard otherwise required, but provided that no residential or non-residential building shall be located on a lot so that the rear line of the new building is located closer to the street than the front line of an existing residential building on an adjacent lot.

(c) After lots comprising fifty (50) percent of the frontage of a block are developed and the average setback of the existing buildings has been determined, the average shall not be altered or changed by reason of the erection of new buildings in that block.

(d) Where a legally-recorded subdivision plat establishes a building set-back line, such setback line shall be used in lieu of the setback or front yard otherwise established by this Ordinance.

6-3-2 Projections into Front Yards

(a) An enclosed vestibule or bay window containing not more than forty (40) square feet of floor space may project into the required front yard for a distance not exceeding four (4) feet.

(b) Awnings may project into the required front yard for a distance not exceeding three (3) feet.

6-3-3 Corner Lot

Table 5.2 (Amended August 17, 1998)

6-3-4 Double Frontage Lots

In case a lot extends through a block from street to street and where a front yard is required from such streets, front yards shall be provided along each street frontage.

6-3-5 Minimum Lot Depth Preserved

In addition to the area and width requirements for lots, lots shall be arranged in order to provide satisfactory and desirable sites for buildings which meet the required set-backs. (Amended September, 2002)

6-3-6 Signs and Poles

When permitted in a district, signs or poles, except "advertising signs", may be erected in a required front yard.

6-3-7 Motor Fuel Pump Islands

Motor fuel pumps and pump islands, including accompanying unenclosed canopies, may be located within a front yard in a district that permits motor fuel service stations as an accessory or subordinate use to such motor fuel service station or to a retail convenience store; provided they are located not less than twenty-five (25) feet from the street R/W line; and provided further, that in no district shall these accessory uses be located less than fifty (50) feet from the boundary line of any dwelling district.

6-4 Modifications to Side Yard Regulations

The side yard regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows:

6-4-1 Corner Lot Exceptions

When one of the streets abutting a corner lot is a major U.S highway, the side adjacent shall be determined to be the front regardless of length.
(Amended August 17, 1998)

6-4-2 Side Yards to Duplexes and Town Houses, Etc.

For the purpose of the side yard regulations, a two-family dwelling, town house cluster, or a multiple-dwelling building shall be considered as one building occupying one lot.

6-4-3 Dwelling Above Commercial

Unless otherwise provided for in this Ordinance by a specific regulation, where dwellings are permitted to be erected above an existing predominate commercial establishment, the required side yard shall be the same as required for the commercial buildings.

6-4-4 Commercial in Predominantly Residential Building

Commercial uses in a predominately residential building: Unless otherwise provided for in this Ordinance by a specific regulation and where commercial uses are erected in the same building, the side yard requirements for dwellings in the district in which the use is located shall apply to both residential and commercial uses.

6-5 Modifications to Rear Yard Regulations

The rear yard regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows:

6-5-1 Lots Abutting an Alley

Where the rear line of a lot abuts an alley, up to one-half (1/2) of the width of such alley may be counted toward the required rear yard, but in no case shall the rear yard be reduced to less than ten (10) feet.

6-6 Transitional Area Required Between Zoning Districts

A special transitional area shall be provided between certain non-residential zoning districts and between residential districts permitting different densities. The transitional area shall be provided in the less restrictive of the two districts, or the district permitting the greatest density. The minimum distance to be established as a transitional area shall be as established in the following table:

TABLE 6-1
TRANSITIONAL AREA REQUIREMENTS BETWEEN ZONING DISTRICTS

ABUTTING DISTRICT (RIG HER INTENSITY)						ABUTTED DISTRICT OF LOWER INTENSITY			
	A-1	R1-A	R1-B	R1-C	R2-A	R2-B	B-1	B-2	M-1
A-1									
R1-A					25	25	35	35	40
R1-B					25	25	35	35	40
R1-C					25	25	35	35	40
R2-A						15	25	25	40
R2-B							15	15	25
B-1									
B-2									
M-1									

Note: If additional transitional area is not indicated in this table for abutting zoning districts, the requirement is the same as the yards required in the zoning district dimensional regulations (Article 5).

The term "transitional area", as used in this section, shall apply to the area in the higher intensity district between the principal use and the zoning district line. The transitional area created by the above table shall be maintained in a wooded or landscaped condition and shall contain no structure or improvements that promote or encourage the concentration of people, vehicles or noise or otherwise produce conditions not compatible

with the intensity of uses permitted in the abutted lower intensity district.

The yard requirements otherwise required in Article 5 may be considered as meeting part of the transitional area, provided that no yard dimension is reduced below that required in Article 5, and provided that the above transitional area requirements are met.

6-7 Modification to Height and Bulk Regulations

The height and bulk regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows:

6-7-1 Public/quasi-public Building Height

A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased three (3) feet for each foot in height over thirty-five (35) feet. [3-6-1] [4-6-1]

6-7-2 Reserved

(Amended September 15, 1997)

6-7-3 Non-Cellular Communications Towers

(a) In all industrial and business districts, radio (except amateur), microwave, television, and similar towers or structures may be erected to a height not exceeding one hundred fifty (150) feet above ground level. (Amended September, 2002)

(b) In all residential districts, amateur radio towers shall not exceed 200 feet in height above ground level. (Amended September, 2002)

6-7-4 Reserved. (Amended August 17, 1998)

6-7-5 Accessory Buildings

All accessory buildings shall conform to the height limitation imposed on the main building. However, when greater in height than the main building, accessory buildings shall observe main building side and rear setbacks established in Table 5.2, as well as the prohibition contained in §3-4-1, but when located closer than ten (10) feet to a main dwelling, accessory buildings shall be construed to be part of the main building and such accessory buildings shall observe all regulations applicable to main buildings. (Amended August 17, 1998)

6-8 Miscellaneous

6-8-1 Tents

Tents or tent-like structures shall not be erected as main buildings on any lot or tract in any district, temporarily or permanently, unless specifically provided for in the district regulations.

6-8-2 Open Space Partially Surrounded by Buildings

Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three-story buildings.

6-8-3 Permitted Lot Frontage Adjustment

The minimum lot frontage of a lot shall be not less than the lot width at the building line; except, that where lot lines are established radially from a curved street so as to increase the width of the lot with the distance from the street line, the frontage of such lots thus created may be reduced to not less than seventy (70) percent of the lot width at the building line; and provided further, that the frontage of any lot located on the turn-around of a cul-de-sac (dead-end street) may be reduced to not less than fifty (50) percent of the lot width.

6-8-4 Subordinate Retail Sales in M-1 Zoning District

This provision is intended to permit retail sales as a subordinate use to a main manufacturing or industrial use and to this end the following shall apply:

(a) The retail sales area, including but not limited to showroom and outdoor display area, shall not occupy more than fifteen (15) percent of the floor area of the main industrial use.

(b) Retail sales shall be permitted only after or simultaneously with the establishment of the main use and shall not be continued in use after the discontinuation of the main use.

6-9 BACKUP SEWAGE DRAINFIELD

6-9-1 The construction upon any parcel of land of a septic tank and drainfield area shall be permitted only if the Health Department has approved the soils within a designated area of such parcel as adequate to serve as a septic drainfield for the improvements constructed, or to be constructed upon such parcel, and in addition the Health Department has approved the soils within a second area of such parcel as adequate to serve as a septic drainfield for the improvements constructed, or to be constructed, upon such parcel, which second area shall be utilized as a septic drainfield in the event that the primary drainfield area "fails" (i.e., for some reason ceases to function for the purpose intended).

6-9-2 The above requirement does not apply to lots shown on plats if:

(a) The plat was recorded prior to November 17, 1992; or

(b) The plat is of property located in any zone other than A-1, Agricultural or R1-A, Residential. (Amended September 15, 1997)

6-10 (Amended November, 2001)

6-11 (Amended November, 2001)

6-11-1 (Amended November, 2001)

ARTICLE 7
PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS

7-1 Purpose and Intent of This Article

The purpose and intent of this Article is to provide for the establishment of residential planned development districts for (a) planned unit developments; (b) planned manufactured home parks; and (c) planned manufactured home subdivisions, wherein residential projects may be planned, approved and developed under the control of a master plan of development and site plan requirements.

A planned residential district shall supplement, but shall not replace, the regulations of the principal zoning district or districts which otherwise apply to the same property. Should a project approved as a planned residential district be terminated for any reason, prior to the commencement of substantial construction pursuant to such plan, it is the intent of this Article that the zoning district established for the project shall be automatically terminated.

It is the further intent of this Article that each Planned Residential Development type covered by this Article shall be considered on a case-by-case basis using the process required for a change of zoning. Although this Article indicates certain zoning districts in which each type of use may be appropriate, no Planned Unit Development, Planned Mobile Home Park or Planned Mobile Home Subdivision shall be established unless it first shall have been submitted, reviewed, advertised, heard and acted upon in the same manner as required for zoning amendments in Article 16.

7-2 General Requirements

7-2-1 Amendment to Zoning Map Required

Any Planned Unit Development district, Manufactured Home Park district or Manufactured Home Subdivision shall be established by amendment to the official zoning map and in accordance with the provisions of Article 16 and the site plan requirements of Article 12.

7-2-2 Submission Requirements

In addition to other submission requirements for a zoning map amendment, a concept plan shall be submitted which shall contain the following data, together with supplementary data for a particular development, as reasonably deemed necessary by the director of planning or his agent:

(a) Vicinity map at a scale of not less than one inch equals two thousand (2,000) feet.

(b) Boundary map including the area of the tract related to true meridian or United States Geological Survey grid north.

(c) Attorney's certificate showing the owners of the subject property,

marketable title to the subject property in such owner's or owners' names, the source of applicant's title or interest in the subject property, and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.

(d) Total area of the tract.

(e) Abutting street names, width, and route numbers.

(f) Owners, zoning districts, and uses of each adjoining tract.

(g) Topographic map with minimum contour intervals and scale acceptable to the planning director.

(h) A concept plan, illustrating the location and functional relationship between all proposed land uses.

(i) Land use plan or plans showing the location and arrangement of all proposed land uses, including the height and number of floors of all buildings (other than one-family and two-family dwellings) both above and below finished grade; the building setbacks from the development boundaries and adjacent streets, roads, alleys, and ways; the proposed traffic circulation pattern including the location and width of all streets, driveways, walkways, and entrances to parking areas; all off-street parking and loading areas; all proposed open space areas including common open space, dedicated open space, and developed recreational open space; and the approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone, cable television and gas lines.

(j) A plan or statement showing the location and design of all screening, and indicating the type and height of such screening.

(k) A plan or statement detailing the exact number of improved developed recreational open spaces, and all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of common spaces, and the percentage of the tract to be used as open space.

(l) For a PUD district a statement in tabular form of the anticipated residential density and the total number of dwelling units, the percentage of the tract which is to be occupied by structures, and the total floor area (commercial) of all commercial uses.

(m) Architectural sketches, where applicable, of typical proposed structures, including lighting fixtures and signs, and landscaping.

(n) When the development is to be constructed in stages or units, a sequence of the development schedule showing the order of construction of each principal functional element of such stages or units, and the approximate

completion date for each stage or unit.

(o) A plan or report indicating the extent, timing, and estimated cost of all off-site improvements, such as road, sewer, and drainage facilities, necessary to construct the proposed development, which plan or report shall relate to the sequence of development schedule if the development is to be constructed in stages or units.

(p) A statement showing the relationship of the planned development to the comprehensive plan of the County.

(q) Where required by the planning commission, a traffic, economic, and other such impact analysis, showing the effect of traffic generated by the project on surrounding roads.

7-2-3 Failure to Comply with Approved Conditions

All terms, conditions, safeguards, and stipulations made at the time of the rezoning to planned development status, including the approval of the concept plan, with or without specified modifications, shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.

7-2-4 Site Plan and Plat Required

The granting of the planned development rezoning, and the approval of the concept plan, with or without specified modifications, shall not constitute the recording of a plat nor shall it authorize the issuance of building permits. Approval of the concept plan and the application for rezoning shall constitute authority for the applicant to prepare site plans in accordance with Article 12 of this Ordinance, and in conformity with the approved development plan.

(a) The site plans shall be for the entire project, unless the project is staged, in which case the site plans for the first stage shall be submitted.

(b) A site plan for a particular development stage, other than the first, shall not be approved until construction has been initiated on the immediately preceding stage or unit.

(c) Minor deviations from the concept plan shall be permitted in the site plan when the director of planning determines that such are necessary due to requirements of topography, drainage, structural safety, or vehicular circulation; and such deviations will not materially alter the character of the approved concept plan, including the proposed development sequence. In no way shall such deviations include the addition or elimination of any building shown on the approved concept plan, increase the density of a planned development or increase the floor area. Any changes not authorized by this paragraph shall require resubmission of the concept plan in accordance with the procedures contained in this Article.

(d) The first site plan shall be submitted within one year after the date of approval of the concept plan. If a site plan is not submitted within said period, approval of the concept plan, and subsequent authority to submit a site plan, shall terminate any development by the applicant in accordance with these regulations, and shall require a resubmission of a concept plan in accordance with the procedures set forth in this section. Within thirty (30) days prior to the expiration of said one-year period, the applicant may apply to the county administrator for the extension of time within which to submit a site plan in conformity with the approved concept plan. The zoning administrator may grant such extension, upon good cause shown by the applicant, but such extension shall not under any circumstances exceed an additional one-year period; and no more than two (2) such extensions may be granted. If an application for extension is denied, approval of the concept plan, and subsequent authority to submit a site plan, shall terminate at the end of said one-year period, or an approved extension thereof. Upon termination of authority to develop as herein provided, the director of planning shall notify the property owner(s) or their agent(s) in writing to the effect that the approved planned development, together with all related plans and documents, has been terminated. Thereafter, the property affected by such planned development plan shall be subject only to the regulations of the principal zoning district(s) in which it is located.

(e) No building permit shall be issued for any building or structure not indicated on the approved site plan.

PART A
PLANNED UNIT DEVELOPMENT (PUD)

7-3 Statement of Intent Regarding the Planned Unit Development District

This district is intended to permit development in accordance with a master plan of cluster-type communities under one ownership or control. Within such communities, the location of all improvements shall be controlled in such a manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features. A planned unit development may include light commercial facilities to the extent necessary to serve the needs of the particular planned unit development.

7-4 Development Regulations for Planned Unit Developments

7-4-1 Where Permitted

Planned Unit Developments (PUDs) may be authorized within any A-1, R1-A, R1-B, R1-C, R2-A or R2-B zoning district that are located within the urban services area as established in the Comprehensive Plan subject to the development standards set out below or in other applicable provisions of this Ordinance and the approval by the Board of Supervisors as a zoning change.

7-4-2 Permitted Uses

Notwithstanding the uses permitted in zoning districts as set forth in Article 4, uses of structures or land within a Manufactured Home Park District shall be limited to the following uses:

(a) Single-family detached dwellings.

(b) Two-family detached dwellings.

(c) Multifamily detached dwellings.

(d) Town houses.

(e) Child care center.

(f) Neighborhood commercial uses intended to serve the needs of the residents of the planned unit development. Not more than five (5) percent of the gross area of the PUD project shall be devoted to commercial uses.

(g) Recreational uses, including clubhouses, golf courses, pools, tennis courts, and similar recreational improvements and facilities.

(h) Accessory uses as defined in this Ordinance, except no accessory use shall be located any closer than fifty (50) feet to the project property line.

(i) Public utilities, such as poles, lines, distribution transformers, meters, water and sewer lines.

(j) Off-street parking as required in Section 16-3 of this Ordinance.

(k) Signs in accordance with Section 16-4 of this Ordinance.

7-4-3 Area regulations

(a) The minimum permitted size of any PUD district shall be twenty (20) contiguous acres within a single family zoning district or five (5) acres within a town house or multiple family district.

(b) Additional land area may be added to an existing PUD if it is adjacent (except for public roads) thereto and forms a logical addition to the existing PUD and is under the same ownership. The procedure for adding additional land shall be the same as if an original application were filed.

7-4-4 Density

The permitted densities within planned unit developments for different types of dwelling units within each zoning district are established in the following table:

TABLE 7.1

ZONING DISTRICT	MINIMUM LOT SIZE FOR ZONING DISTRICT	ALLOWANCE FOR ROADS	TOTAL AREA LOT & ROADS	EFFECTIVE DENSITY 43,560/ Minimum lot	PERMITTED DENSITY IN PUD*
R1-A	30,000	2,500	32,500	1.34	2.7
R1-B	20,000	2,250	22,250	1.95	4.0
R1-C	12,500	12,500	14,375	3.03	6.0
R2-A	NA			8	10
R2-B	NA			16	20

*Twice the nominal density of single family districts and 1.25 times town house and apartment densities

7-4-5 Required open space

(a) Open space shall be defined for the purpose of this section as the total land or water within the boundaries of a planned unit development, designed and intended for use and enjoyment as open areas, and not improved with a building, structure, street, road parking area, or any type of sidewalk except for recreational structures. The open space includes developed recreational space, and shall be accessible and available to all occupants of dwelling units for whose use the space is intended.

(b) Developed recreational space shall be defined for the purpose of this

Article as that portion of the open space within the boundaries of the PUD which is improved for recreational purposes. Such improvements may include, but shall not be limited to, pedestrian ways, bicycle paths, playlots and playgrounds, tennis courts, and swimming and boating areas.

(c) The required open space shall not be less than fifty (50) percent of the total gross area of the planned unit development. Of the required open space, not more than twenty-five (25) percent shall have serious development limitations because of excessive slopes (more than 20 percent); submersion; lying within public utility easements; or similar limitations.

(d) The required developed recreational space shall not be less than ten (10) percent of the total gross area of the planned unit development, but in no case less than one (1) acre.

(e) All open space, including developed open space, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

7-4-6 Management of open space.

(a) There shall be established a nonprofit association, corporation, trust, or foundation of all individuals or corporations owning residential property within the planned development to insure the maintenance of open spaces.

(b) When the open space is to be maintained through a non-profit association, corporation, trust, or foundation, said organization shall conform to the following requirements:

1) The developer must establish the organization prior to the sale of any lots.

2) The membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.

3) The organization shall manage all open spaces and recreational and cultural facilities; shall provide for the maintenance, administration, and operation of said land and improvements and any other land within the planned community; and shall secure adequate liability insurance on the land.

4) The organization shall conform to the Condominium Act, Sections 55-79.39 through 55-79.103, Code of Virginia (1950), as amended.

7-4-7 Maximum height of buildings

(a) The maximum height of any building or structure in a POD district shall be the same as required in the primary zoning district in which the PUD is located.

7-4-8 Streets

Private streets may be permitted in a PUD upon the approval of the governing body, provided that their construction standards are equal to the subdivision standards of the County, and upon the approval of the resident VDOT engineer, and provided that there are adequate provisions made for the maintenance of said private streets.

7-4-9 Utilities

Within a PUD, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Appurtenances to these systems which require above-ground installations must be effectively screened.

PART B
MANUFACTURED HOME PARK DISTRICT (MHP)

7-5 Statement of Intent Regarding Manufactured Home Park District

This district is intended to encourage the establishment of residential parks where owners of manufactured homes may lease or make other arrangements to establish privately-owned manufactured homes on sites which are properly designed and equipped with adequate infrastructure and amenities. The purpose of the district is to promote quality design and layout of sites for manufactured homes to assure that they provide adequate support facilities and open space needed to serve the needs of the park's residents.

7-6 Designation of Areas as Manufactured Home Park District

Within any A-1, R1-A, R1-B, R1-C, R2-A or R2-B zoning district, property may be rezoned as a Manufactured Home Park District. Any area proposed for such rezoning shall be located within the urban services area as established in the Comprehensive Plan. Every new Manufactured Home Park District, and every expansion of the number of Manufactured Home sites within an existing Manufactured Home Park (MHP) District, shall be subject to the development standards set out below or elsewhere within the Zoning Ordinance.

7-7 Permitted Uses Within Manufactured Home Park

7-7-1 Uses of structures or land within a Manufactured Home Park District shall be limited to the following uses:

(a) Manufactured homes.

(b) Family Day Home for five (5) or fewer children.

(c) Home occupation carried out by immediate family members living on the premises, within a main dwelling not to exceed twenty-five (25) percent of the floor area of the residence.

(d) Accessory uses as defined in this Ordinance. Any permitted accessory building shall be a minimum of ten (10) feet from any site line of the MHP.

(e) Public utilities.

(f) Off-street parking as required by Section 16-3 of this Ordinance.

(g) Signs which comply with the requirements of Section 16-4 of this Ordinance.

7-8 Accessory uses and structures (Further defined)

7-8-1 Each manufactured home site shall provide an appropriate outdoor living space (patio) constructed of wood or concrete.

(a) Size. The minimum size of each manufactured home patio shall be one hundred (100) square feet.

(b) Location. Each patio shall be convenient to the entrance of the manufactured home, appropriately related to open areas of the site and other accessory facilities.

7-8-2 Exterior Storage. Each manufactured home site shall have a minimum area of one hundred (100) square feet available for the location/placement of a utility/storage building. Any such building shall be located in the side or rear portion of the site.

7-8-3 Other Yard Uses/Structures

(a) Each manufactured home site shall provide a specific location for an outside clothesline.

(b) Owners of pets who wish to house them outside the manufactured home shall provide adequate housing and confinement areas, which shall be located at the rear portion of the site.

7-9 Development regulations for manufactured home park

7-9-1 Area regulations

The minimum permitted area for any MHP district shall be ten (10) contiguous acres. Additional land may be added to an existing MHP district if all of the following conditions are satisfied:

(a) The necessary Zoning Ordinance Amendment is enacted;

(b) The additional land is adjacent to the Manufactured Park; and,

(c) The resulting configuration of the Manufactured Home Park District is logical.

7-9-2 Density

No more than six (6) manufactured homes per gross acre shall be permitted, unless the development conforms to Section 7-6-19.

7-9-3 Site and yard regulations

(a) The minimum site size per manufactured home shall be six thousand, (6,000) square feet. Manufactured units greater than fourteen (14) feet in width require a minimum site size of seventy-five hundred (7,500) square feet.

(b) The minimum width for each manufactured home site shall be fifty (50) feet wide. Manufactured homes greater than fourteen (14) feet in width shall require a minimum site width of sixty (60) feet.

(c) No manufactured home shall be placed within twenty-five (25) feet of another. Exception: with respect to manufactured homes arranged end to end, the distance between such "ends" (not sides) shall not be less than fifteen (15) feet.

(d) No manufactured home shall be placed less than twenty-five (25) feet from the MHP district boundary, nor less than fifty (50) feet from any public right-of-way.

(e) No manufactured home shall be placed less than twenty-five (25) feet from any interior streets, walks, or common areas, except for manufactured homes located on corner sites, in which case the corner side yard set back shall be twenty (20) feet.

(f) Each manufactured home site shall abut upon an interior street located within the boundaries of the Manufactured Home Park.

(g) No manufactured home or any appurtenance thereto (including porches) shall be located within ten (10) feet of the manufactured home site line.

7-9-4 Manufactured home stand

Each manufactured home shall be placed on a manufactured home stand, defined for the purpose of this Article as an area which has been reserved for the placement of a manufactured home.

(a) The size of the manufactured home stand shall be suitable for the general market which is to be served and suitable to fit the dimensions of the anticipated manufactured homes, including their appurtenant structures or appendages, and shall be located at such elevation, distance, and angle that placement and removal of the manufactured home is practical.

(b) There shall be a zero (0) to five (5) percent longitudinal and adequate crown or cross gradient for surface drainage.

7-9-5 Markers for manufactured home sites

Every manufactured home site shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each site a number corresponding to the number of each site as shown on the site plan required by Article 12 of this Ordinance.

7-9-6 Height regulations

(a) The maximum height of any manufactured home shall be eighteen (18)

feet from grade.

(b) No accessory use or building shall be more than ten (10) feet high.

7-9-7 Storage tanks

(a) Separate tanks shall be utilized for storage of gasoline, liquefied petroleum, gas, or heating oil. Each such storage tank shall be installed in compliance with all county, state and national fire prevention code regulations.

(b) No storage tank shall have a storage capacity in excess of 250 gallons.

7-9-8 Solid waste disposal.

The storage of solid waste in the Manufactured Home Park shall not create any health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All solid waste shall be stored in containers, which shall be located in reasonable proximity to the manufactured home sites they serve. Containers shall be provided in sufficient number and capacity to properly store all solid waste.

7-9-9 Skirting

Appropriate skirting shall be installed, and properly maintained, around the perimeter of each manufactured home to screen its wheels and undercarriage. As used herein, "appropriate skirting" shall mean skirting which complies with the Uniform Statewide Building Code.

7-9-10 Outside Landings

Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed and/or constructed in accordance with the standards set forth in the Virginia Uniform Statewide Building Code and Section 7-6-6c through 7-6-6f.

7-9-11 Required Recreational Open Space.

(a) Not less than ten (10) percent of the gross area of the MHP districts shall be reserved as common open space for recreational facilities. Of the required open space, not more than twenty-five (25) percent shall have development limitations because of excessive slopes (more than twenty (20) percent); submersion; lying within public utility easements; or similar limitations.

(b) Each Manufactured Home Park must provide not less than one (1) multiple purpose developed recreational area of 10,000 square feet. Any park containing more than one hundred (100) manufactured home sites shall provide an additional one hundred (100) square feet of recreational area per manufactured home site in excess of one hundred (100) sites.

The additional area shall be contiguous to the existing area. The resulting total area shall be considered as part of the open space required by Section 7-9-11 (a).

(c) The required open space shall not include manufactured home sites, any area covered by a structure, parking areas, or accessory structures (except recreational structures which may be regarded as ten (10) percent of the required open space), and shall not include proposed street rights-of-way.

(d) All open space shall be preserved for its intended purpose as identified in the approved site plan.

7-9-12 Streets

Private streets may be permitted in a MHP development, provided that the streets are approved by the County, and provided that adequate provisions are made for the maintenance of said streets. Before construction of any road shall commence, notice shall be given to the authorized agent of the Board of Supervisors so that proper inspections can be made. All roadways shall have unobstructed access to the public street or highway. Roadway entrances to manufactured home parks from any public street/road shall conform to the current construction standards of the Virginia Department of Transportation.

(a) Each street right-of-way shall be a minimum of fifty (50) feet in width and shall have suitable alignment and gradient for traffic safety and satisfactory surface drainage. A two (2) inch surface of bituminous prime and h=double seal treatment a minimum of twenty-four (24) feet in width shall be applied on a base of no less than six (6) inches of compacted gravel. The full width of the street shall be properly graded to provide suitable grades for pavement, adequate surface drainage, and convenient access to the manufactured home sites.

(c) Street intersections shall be at right angles whenever possible and any deviation thereof shall be minimum.

(d) Streets shall be named and signs (of a uniform design) posted at all intersections.

(e) In cases were roads dead-end, a cul-de-sac with a minimum turning radius of forty-five (45) feet shall be constructed.

7-9-13 Vehicle parking

(a) Off street parking shall be provided for the use of occupants of each manufactured home at the minimum ratio of two (2) car spaces for each manufactured home.

(b) Space for one (1) vehicle of the required two (2) spaces must be provided upon the site. Where the second space is not provided upon the site, such

space shall be provided in parking bays located no more than three hundred (300) feet from the site which it serves.

7-9-14 Water and sewerage systems

All manufactured home parks shall be served by public water and sewer systems, or by central systems where public systems are not available. These systems must meet the regulations of the Virginia Department of Health, the State Water Control Board and the County Water and Sewer Authority.(Or. No. 84-04, 6-21-84)

7-9-15 Site plan requirements

Prior to the commencement of any type of construction work pertaining to a Manufactured Home Park, the owner or developer of that property shall satisfy the requirements of Article 12 of this Ordinance.

7-9-16 Lighting

Not less than one (1) Fourteen Thousand (14,000) lumen electric light shall be provided for each two hundred (200) lineal feet on internal streets at each entrance and exit to the manufactured home park, and at cul-de-sacs.

7-9-17 911 Resident Numbering

There shall be posted and maintained in a conspicuous place on each manufactured home the 911 address number assigned by the County Building Official. The number shall be so located as to be clearly visible from the roadway.

7-9-18 Storm Water Management

(a) Each roadway located within the park shall be provided with a drainage ditch or piping to provide for stormwater runoff. The information shall be provided on the site plan.

(b) A culvert pipe shall be installed at the entrance to each manufactured home site driveway/parking area. Sizing of the pipe should be adequate to accommodate the roadway drainage. The site plan shall identify the location and size of each such culvert pipe.

7-9-19 Landscaping

Trees may be planted, or retained, in a ratio of one (1) tree for every three (3) manufactured home sites. Landscaping shall include the following features:

(a) Trees shall consist of fifty percent (50%) evergreen trees and fifty percent (50%) deciduous trees, or as close to that ratio as possible given the types and quantities of trees being retained.

(b) The location of trees shall be depicted on the Site Plan and retained or

planted in random groupings, throughout the Manufactured Home Park, as opposed to being clustered, except that up to seventy five per cent(75%) of the evergreens may be planted as a buffer between the project and any public road.

(c) Trees will be maintained in a healthy state.

(d) If the Administrator determines that a proposed plan of landscaping would mitigate the impact of development density, the Administrator may approve a density of seven (7) units per acre.

7-9-20 Mail System

(a) There shall be established a Neighborhood Distribution/Collection Box Unit (NDCBU) for use by park residents which is in conformance to the regulations of the United States Postal Service.

(b) The NDCBU shall be directly accessed from the park's internal streets.

(c) At the location established for the NDCBU, two (2) parking spaces shall be provided.

7-10 Duties of Manufactured Home Park Management

(a) Maintenance of Register. It shall be the duty of each MHP manager to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

1) The name and address of each manufactured home occupant.

2) The name and address of the owner, the make, model, and/or serial number, and year of each manufactured home.

3) The state where each manufactured home is registered.

4) The manufactured home site number to which each manufactured home is assigned.

5) The date of arrival, anticipated departure, and actual departure of each manufactured home.

(b) Preservation and display of register. Each MHP manager shall keep the register available for inspection at all times by law enforcement officers, Health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall be retained for at least a period of three (3) years following the date of departure of the occupant identified in such register from the park.

(Amended January 13, 1998)

PART C
MANUFACTURED HOME SUBDIVISION DISTRICT (MHS)

7-11 Statement of Intent Regarding the Manufactured Home Subdivision District

This district is intended to provide for the establishment of residential subdivisions where owners of manufactured homes may purchase sites on which their privately-owned manufactured homes may be installed. It is the intent of the district to assure that the subdivisions are properly designed and equipped with adequate infrastructure and amenities. The purpose of the district is to promote quality design and layout of sites for manufactured homes to assure that they provide adequate support facilities and open space needed to serve the needs of the subdivision's residents.

7-12 Development Regulations for Manufactured Home Subdivisions

7-12-1 Where permitted

Manufactured Home Subdivisions may be authorized within any A-1, R1-A, R1-B, R1-C, R2-A or R2-B zoning district that is located within the urban services area as established in the Comprehensive Plan subject to the development standards set out below or in other applicable provisions of this Ordinance and the approval by the Board of Supervisors as a zoning change.

7-12-2 Use regulations

Notwithstanding the uses permitted in zoning districts as set forth in Article 4, uses of structures or land within a Manufactured Home Park District shall be limited to the following uses:

(a) Manufactured homes, single-wide and double-wide homes.

(b) Child care center.

(c) Accessory uses as defined in this Ordinance, except that no accessory building will be closer than ten (10) feet from any property line of the subdivision.

(d) Schools, general education.

(e) Churches and related ministries.

(f) Parks and playgrounds.

(g) Off-street parking as required by section 14-1 of this Ordinance.

(h) Signs in accordance with section 15-3 of this Ordinance. (Or. No. 85-14, Section 2, 1-20-86)

7-12-3 Area regulations

The minimum permitted area for any Manufactured Home Subdivision District shall be five (5) continuous acres. Additional land may be added to an existing Manufactured Home Subdivision District, if it is adjacent (except for public roads) thereto and forms a logical addition to the existing Manufactured Home Subdivision District and is under the same ownership or control.

The procedure for an addition shall be the same as if an original application were filed. (Or. No. 85-14, Section 3, 1-20-86)

7-12-4 Subdivision

Every subdivision plat proposed under the provisions of this section shall, except as provided herein, comply with the provisions of the Greeneville County Subdivision Ordinance [Appendix] and, if not sooner submitted, a preliminary plat or the proposed subdivision plan shall be submitted with each zoning application requesting a Manufactured Home Subdivision District classification. (Or. No. 85-14, Section 4, 1-20-86)

7-12-5 Site and yard regulations

(a) Site area:

1) The minimum site area shall be twelve thousand, five hundred (12,500) square feet for developments served by both public water and sewer facilities.

2) The minimum site area shall be twenty thousand (20,000) square feet for development served by either public water or public sewer facilities.

3) The minimum site area shall be thirty thousand (30,000) square feet for sites served by neither public water nor sewer facilities.

(b) Perpendicular sites: Those sites designed for manufactured homes placed perpendicular to a roadway.

1) Minimum site width for perpendicular sites shall be eighty (80) feet.

2) No manufactured home shall be placed less that thirty-five (35) feet from the front site line on a perpendicular site.

3) No manufactured home shall be placed less than fifteen (15) feet from the rear site line on a perpendicular site.

4) No manufactured home shall be placed less than twenty (20) feet from the side site line on a perpendicular site.

(c) Parallel sites: Those sites designed for manufactured homes placed parallel to a roadway.

1) Minimum site width for parallel sites shall be one hundred (100) feet.

2) No manufactured home shall be placed less than thirty-five (35) feet nor more than forty-five (45) feet from the front site line on a parallel site.

3) No manufactured home shall be placed less than twenty (20) feet from the rear site line on a parallel site.

4) No manufactured home shall be placed less than fifteen (15) feet from the side site line on a parallel site.

(d) On all sites in this district, decks, carports, porches or unenclosed additions are permitted to be constructed up to five (5) feet from site boundary lines. (Or. No. 85-14, Section 5, 1-20-86)

7-12-6 Height regulations

(a) The maximum height of any manufactured home shall be eighteen (18) feet from grade.

(b) No accessory use or building shall be more than one-story high.

(c) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. (Or. No. 85-14, Section 6, 1-20-86)

7-12-7 Storage tanks

(a) Gasoline, liquefied petroleum, gas, or heating oil storage tanks shall be so installed as to comply with all county, state and national fire prevention code regulations.

(b) Where oil heating of a manufactured home is provided, only one fuel storage facility shall be provided on each manufactured home site. (Or. No. 85-14, Sect. 7, 1-20-86).

7-12-8 Solid waste disposal

The subdivision developer(s) shall dedicate on the subdivision plat adequate land to the County for the placement of solid waste collection facilities. (Or. No. 85-14-Sect.-8-1-20-86)

7-12-9.1Skirting

Each manufactured home less than nineteen (19) feet in width shall have county-

approved skirting around its perimeter to screen its wheels and undercarriage, or have permanent skirting. Each manufactured home greater than nineteen (19) feet in width shall have permanent skirting. As used herein, "county-approved skirting" shall mean skirting which is identified on a list of approved skirting materials, which list shall be maintained in the Office of the Greensville County Zoning Administrator. Skirting must be installed prior to occupancy of the unit.
(Amended July, 1993)

7-12-9.2Outside Landings

The Uniform Statewide Building Code requires that at least one exterior door on each manufactured home be designed as an "egress door", and that each egress door shall be provided with a minimum three foot by three foot landing, and steps.
All materials and construction shall conform to the USBC provisions. Installation of the landings and steps shall be completed prior to issuance of a certificate of occupancy.

In addition to said USBC requirements, every other exterior door (i.e., every exterior door which is not designated as an egress door) shall be provided with a minimum two foot by three foot landing, and steps. All materials and construction shall conform to the USBC provisions. Installation of the landings and steps shall be completed prior to issuance of a certificate of occupancy.
(Amended July, 1993)

7-12-10 Buffer zones

Except for the street frontage, a buffer zone of not less than thirty (30) feet shall be established along all boundaries of a Manufactured Home Subdivision District boundary and shall be designated on the subdivision plat. (Or. No. 85-14, Section 10, 1-20-86) The buffer zone shall be planted with approved plant material to establish screening between the MHS district and any housing district.
(Amended July, 1993)

ARTICLE 8
HUB OVERLAY ZONES

8-1 Hub Overlay Zones in General

8-1-1 Purposes of HUB Districts

The purposes of the HUB Overlay Districts are to promote the health, safety and general welfare of the County by (a) reducing congestion on roads near principal growth centers (b) facilitating the creation of convenient, attractive and well-planned community centers as well as the commercial areas which serve as main entrances into the County; and (c) encouraging the economic development of the County.

8-1-2 Relation of Commercial HUB Overlay Regulations to Primary Zoning Districts

The regulations of HUB overlay districts are intended to supplement and modify the regulations of the primary districts in order to achieve the special purposes of this Article. Accordingly, all regulations applicable to primary zoning districts by other provisions of this Ordinance shall control the use of land, density and site development within the Hub Overlay Districts except as specifically modified by this Article.

8-1-3 Site Plan Review

All development projects to be installed within any HUB Overlay District shall be reviewed for conformity with Site Plan regulations in Article 12.

8-2 Establishment of Highway Commercial Development Management Hub

In order to achieve the purposes enumerated above, a special overlay zoning district is hereby established to be known as the Highway Commercial Development Management Hub, abbreviated HUB/C, or HUB/C Overlay District. These boundaries of these districts are established on the Zoning District Map and centered approximately at the following locations:

HUB/C #1: at the intersection of Route 629 and Interstate 95 (exit to Skippers).

HUB/C #2: at the intersection of Route 301 at Route 689 (exit near the southern city line of Emporia).

HUB/C #3: at the intersection of Route 301 and Route 616 (exit near the northern city line of Emporia).

8-2-1 Uses Permitted in HUB/C Overlay Districts and Exceptions

The following uses are permitted by right in the HUB/C Overlay Districts of Greensville County:

(a) Farmer's Market; forestry; accessory buildings; apartment unit within predominately commercial building; quarters for live-in security personnel; mini storage facility; public utility to include service yard; telephone exchange or switching station; wastewater treatment facility or water supply treatment facility operated by Greensville County Water and Sewer Authority; barber and or beauty shop; dry cleaning and laundry pickup station; health club; medical office or clinic; optician office; retail printing and copying shop; pharmacy or apothecary shop; repair shop for televisions, video cassette recorder, stereo and related equipment; antique shop; auto parts from enclosed store but not used parts requiring dismantling of vehicles; indoor auto sales & service; bakery; department store; drug store; home appliance sales and service; hotel or motel; restaurant (sit down, drive thru, carryout or "fast food"); retail food store; neighborhood store; shopping center; pet store; wearing apparel store; video rental store; bowling alley; golf driving range or miniature golf course; retreat or convention center; skating rink; theatre or assembly hall; automobile laundering/car wash; automobile/truck repair; dry cleaning and/or laundry plant; service station; machinery sales & service; temporary construction uses; wholesale, retail & processing (no dust, noise, odor); truck terminal; truck or travel stop; repair service or business; bulk storage (fuel yard or tank farm); off street parking as required and signs as permitted.

(b) Outside storage of material or stock shall not be allowed in the district except display in connection with retail uses.

(c) No use listed in Article 4 under the Industrial Category shall be Permitted except by Special Use Permit.
(Amended May 2003)

8-2-1 Performance Standards for All Uses in HUB/C Overlay Districts

(a) Access to residential lots: While residential uses are permitted on appropriately-zoned land, no new subdivision lot shall be established within a HUB/C Overlay District that requires direct access from a primary public road or a secondary public road numbered 900 or less. Residential developments shall provide access from a service road or special roads constructed as part of the subdivision or development.

(b) Building Setback Requirements from Streets. The required building setback from the street for properties fronting on U.S. Highways 58 and 301, or any Virginia Primary Road and lying within the HUB/C Overlay District shall be not less than sixty (60) feet from right-of-way lines of these highways.

(c) The required building setback from the street for properties fronting on secondary state roads lying within a HUB/C Overlay District shall be not

less than fifty (50) feet from the right-of-way lines of these highways.

8-2-3 Yards and Open Spaces

For the purpose of providing flexibility in site design, the additional setback from the street line required in a HUB/C Overlay District may be offset by reductions of the same amount in side and/or rear yards, or other open spaces required by a principal zoning district. In such cases, the side or rear yard may be reduced up to fifty (50) percent of the width otherwise required of such yards, provided that the total reduction in open space shall not exceed the additional area required for the front setback; and provided further that all required transitional buffer zones are established.

8-2-4 Circulation

In order to provide for continuity of circulation among parking and service areas serving individual businesses, parking areas shall be designed to provide access points to adjoining properties. Such access shall be provided within the front building set back area between the main building and the street upon which the property has its major frontage. In cases where a contiguous property has been developed or for which access points have been established, such access points shall be utilized for new construction which shall be aligned with the existing access points to provide a smooth connection between the two properties.

This provision may be waived if a two-way service road exists or is to be provided by the development.

8-2-5 Landscaping

At least fifteen (15) percent of the area between the front of a building and the street line shall be unpaved and landscaped with appropriate plant materials. Landscaping shall include at least screening, when required for buffer zones, grass areas, and foundation planting along the front of the building.

8-2-6 Underground Utilities

Wherever existing service facilities are available, on site electric, telephone, cable television or similar utilities shall be located underground.

8-3 Establishment of Rural Community Development Management Hub

In order to achieve the purposes enumerated above, a special overlay zoning district is hereby established to be known as the Rural Community Development Management Hub, abbreviated HUB/R, or HUB/R Overlay District. The boundaries of this district are hereby established on the Zoning District Map at the following locations:

HUB/R – Purdy: Is centered at the intersection of Routes 608 and 619 and extends outward a distance defined by a radius of one thousand five

hundred (1,500) feet.

HUB/R – Brink: Is centered at the intersection of Routes 627 and 633 and extends outward a distance defined by a radius of one thousand five hundred (1,500) feet.

HUB/R – Barley: Is centered at the intersection of Route 627 and a point midway between its intersections with Route 600; and extends outward a distance defined by a radius of one thousand five hundred (1,500) feet.

HUB/R – Skippers: Is centered at the intersection of Routes 628 and 629 and extends outward a distance defined by a radius of one thousand five hundred (1,500) feet, but excludes the area west of the CSX Railroad.

HUB/R - Claresville: Is centered at the intersection of Route 730 and a point midway between its intersection with Route 660 and Route 666; and extends outward a distanced defined by a radius of one thousand five hundred (1,500) feet.

8-3-1 Uses Permitted In HUB/R Overlay Districts and Exceptions

Use regulations in an HUB/R Overlay District are established by the underlying primary zoning district(s). All uses permitted in an underlying zoning district which, as applied to a specific property, may also be established within a Residential Hub Overlay District; except as follows:

(a) The following uses are permitted within the HUB/R Overlay District as a matter of right regardless of the underlying primary zoning district:

(1) Any use permitted in the A-1 Agricultural District

(2) Any residential use permitted in the R1-A Single Family Dwelling District, subject to the same density and site development regulations as required by the district.

(3) Any use permitted in the B-1 Retail Business District or the B-2 General Commercial District, but only when approved as a special use permit.

(4) When served by an existing rail siding, any use permitted in the M-1 Industrial District, but only when approved as a special use permit.

(b) Uses of the R1-B, R1-C, R2-A, R2-B and the M-1 Districts are not permitted in this district unless the underlying zoning district permits

such use and the water and sewer requirements of the intended use are met.
(Amended September 15, 1997)

8-3-2 Performance Standards for All Uses in HUB/R Overlay Districts

While certain residential uses are permitted within this overlay district, no new dwelling lot of less than the minimum required in the A-1 Agricultural District shall be established on an existing public road. The intent of this overlay district is to permit subdivisions of a higher density than is permitted in the A-1 District, but only when they are located on roads built as part of the subdivision in which they are located.

ARTICLE 9
AIRPORT SAFETY OVERLAY DISTRICT[1]

9-1 Statement of Intent and Purpose

The intent and purpose of this Article is for regulating and restricting the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of airports in Greensville County by creating the appropriate zones and establishing the boundaries thereof and defining certain terms used herein.

This Article is included in the Zoning Ordinance of the County pursuant to the authority conferred by Chapter 11 of Title 15.1, and specifically to satisfy the requirements of Section 15.2-2294 of the Code of Virginia 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Greensville County; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared:

(a) That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;

(b) That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;

(c) That Greensville County derives economic development and enhanced interstate commerce from the Emporia Municipal Airport when such airport and its surrounding vicinity is held strictly to the highest possible safety standards; and

(d) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. (Amended August 17, 1998)

9-2 Definitions

As used in this Article, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

9-2-1 Airport:

The Emporia Municipal Airport

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[1]This Article was taken from the Model Airport Zoning Ordinance provided by the Virginia Department of Aviation, pursuant to a 1989 Virginia Code change (§15.2-2294). The Article was edited to be consistent with the format of other portions of this Ordinance which included addition of some titles. The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these regulations are included at the end of this article and labeled Appendix to Article 9.

9-2-2 Airport elevation:

The highest point on any usable landing surface expressed in feet above mean sea level.

9-2-3 Approach surface:

A surface, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth elsewhere in this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

9-2-4 Approach, transitional, horizontal, and conical zones:

The airspace zones as set forth in Appendix A to this Article.

9-2-5 Conical surface:

A surface, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

9-2-6 Hazard to air navigation:

An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

9-2-7 Height:

For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevations unless otherwise specified.

9-2-8 Horizontal surface:

A horizontal plane, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

9-2-9 Nonconforming use:

Any preexisting structure or object of natural growth which is inconsistent with the provisions of this Article or any amendment to this Article.

9-2-10 Obstruction:

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in this Article.

9-2-11 Permit:

A document issued by the Zoning Administrator allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this Article.

9-2-12 Person:

Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of all of them.

9-2-13 Primary surface:

A surface, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

9-2-14 Runway:

A specific area on an airport prepared for landing and take-off of aircraft.

9-2-15 Structure:

Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

9-2-16 Transitional surfaces:

Surfaces, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

9-2-17 Vegetation:

Any object of natural growth.

9-2-18 Zone:

All areas provided for in this Article, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Appendix A to this Article.

9-3 Airport Safety Zones

In order to carry out the provisions of this Article, there are hereby established certain zones which include all of the area and airspace of Greensville County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to

Emporia Municipal Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of air-space that do not affect the uses and activities of the base zones except as provided for in the use restrictions and nonconforming use conditions of this Article. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

9-3-1 Airport zone:

A zone that is centered about the runway and primary surface with the floor set by the horizontal surface.

9-3-2 Approach zone:

A zone that extends away from the runway ends along the extended runway centerline with the floor set by the approach surfaces.

9-3-3 Transitional zone:

A zone that fans away perpendicular to the runway centerline and approach surfaces with the floor set by the transitional surfaces.

9-3-4 Conical zone:

A zone that circles around the periphery of and outward from the horizontal surface with the floor set by the conical surface.

9-4 Airport Safety Zone Height Limitations

9-4-1 Height Limitations, Generally:

Except as otherwise provided in this Article, in any zone created by this Article, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in this Article.

9-4-2 Federal Authority for Regulations:

The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29 Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.[2]

9-5 Use Restrictions

Notwithstanding any other provision of this Article, and within the area below the horizontal

[2]Refer to previous footnote for source of regulation.

limits of any zone established by this Article, no use may be made of land or water in such a manner as to:

(a) Create electrical interference with navigational signals or radio communications between the airport and aircraft;

(b) Diminish the ability of pilots to distinguish between airport lights and other lights to result in glare in the eyes of pilots using the airport;

(d) Impair visibility in the vicinity of the airport;

(e) Create the potential for bird-strike hazards; or

(f) Otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.

9-6 Nonconforming Uses

9-6-1 Right to Continue an Existing Legal Condition or Use

Unless otherwise excepted by specific language in this Article, the regulations prescribed by this Article shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in the Article shall require any change in the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

9-6-2 Authority to Install Safety Devices

The owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator to indicate to the operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

9-7 Permits and Variances

9-7-1 Permit Required

Except as provided below in this section, no structure shall be erected or otherwise established in any zone created by this Article unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired and sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this Ordinance. No permit for a structure inconsistent with this Ordinance shall be granted unless a variance has been

approved as provided below.

9-7-2 Increase of Non-conformity Restricted

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments hereto.

9-7-3 Reconstruction of a Non-conforming Use Prohibited

Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned, or more than fifty (50) percent destroyed, physically deteriorated, or decayed no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this Article, except with the relief as provided in the next section below.

9-7-4 Variance

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Article may apply for a variance from the Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered in a public hearing. Prior to being considered by the Board of Zoning Appeals, the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article.

9-7-5 Installation of Safety Devices

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to required the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the zoning administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

9-7-6 Applications

Applications for permits and variances shall be made on forms available from the zoning administrator.

9-8 Enforcement

The zoning administrator shall administer and enforce the regulations prescribed in this Article. He or she shall be vested with the police power incumbent to carry out and effectuate this Ordinance, including the action of injunction, prosecution and other available means through the court having jurisdiction in the County.

9-9 Appeals

Any person aggrieved, or any officer, department, board, or bureau of the County of Greensville affected by a decision of the zoning administrator may appeal such decision to the Board of Zoning Appeals as provided elsewhere in this Ordinance.

9-10 Note[3]

[3]Federal Air Regulations for imaginary surfaces regulations referred to in Section 9-3 of this Article are attached at the end of this Article as Appendix A to Article 9. The regulations which were current as of the date of adoption of this Ordinance are included in this Article by reference. The user of the Zoning Ordinance is cautioned that Federal Regulations are subject to amendment without the consent of the County. Current regulations may be obtained at any time from the Virginia Department of Aviation.

APPENDIX TO ARTICLE 9

FEDERAL AIR REGULATIONS

PART 77.25, 77.28 AND 77.29

Federal Air Regulations
Part 77.25, 77.28 & 77.29

§77.25 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface - a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface - a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway: but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runways the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and

(iii) 10,000 feet at a slope of 50 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface - these surfaces extend outward and upward at right angles to the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

§77.27 [Revoked]

§77.28 Military airport imaginary surfaces.

(a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

(1) Inner horizontal surface - a plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) Conical surface - a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) Outer horizontal surface - a plane located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) Related to runways. These surfaces apply to all military airports:

(1) Primary surface - a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) Clear zone surface - a surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) Approach clearance surface – an inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end and extending for 40,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) Transitional surfaces – these surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

§77.29 Airport imaginary surfaces for heliports.

(a) Heliport primary surface - The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) Heliport approach surface - The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) Heliport transitional surfaces - These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

ARTICLE 10
FLOODPLAIN OVERLAY DISTRICT

10-1. GENERAL PROVISIONS

10-1.1 Purpose

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;

C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,

D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

10-1.2 Applicability

These provisions shall apply to all lands within the jurisdiction of Greensville County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

10-1.3 Compliance and Liability

A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Planning Director.

D. This ordinance shall not create liability on the part of Greensville County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

10-1.4 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

10-1.5 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

10-1.6 Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County of Greensville shall be guilty of a Misdemeanor and subject to the penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the [community] to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

10-2. DEFINITIONS

A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

F. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

G. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

J. Flood or flooding -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from

   a. the overflow of inland or tidal waters; or,

   b. the unusual and rapid accumulation or runoff of surface waters from any source.

2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is

carried by a current of water and deposited along the path of the current.

K. Flood Insurance Rate Map (FIRM) – an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

L. Flood Insurance Study (FIS) – an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

N. Floodproofing – any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Q. Highest Adjacent Grade – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

R. Historic structure - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either

   a. by an approved state program as determined by the Secretary of the Interior; or,

   b. directly by the Secretary of the Interior in states without approved programs.

S. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

T. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed one a site for greater than 180 consecutive days.

U. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

V. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

W. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

X. Recreational vehicle - A vehicle which is

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable by a light duty

truck; and,

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Y. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

Z. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

AA. Structure – for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

BB. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

CC. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have

been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.

DD. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

EE. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

10-3 ESTABLISHMENT OF ZONING DISTRICTS

10-3.1 Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for Greensville County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 7, 2009, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

3. The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

4. The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

10-3.2 Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Greensville County offices.

10-3.3 District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Greensville County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

10-3.4 Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

10-4 DISTRICT PROVISIONS

10-4.1 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all

other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Greensville County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.

2. The elevation of the lowest floor (including basement).

3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

10-4.2 General Standards

In all special flood hazard areas the following provisions shall apply:

A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.

B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

10-4.3 Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.4 (A), the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all A, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. in the Coastal High Hazard District, follow the standards for elevation outlined in Article 4, Section 4.9.

4. include, in Zones A, AO, and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

    a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

    b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

    c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

    d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

    e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of

floodwaters in both directions.

f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 (A) and (B), and section 4.3 (A).

2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood shall elevated so that either

a. the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or

b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade

c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. All recreational vehicles placed on sites must either

a. be on the site for fewer than 180 consecutive days;

b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,

c. meet all the requirements for manufactured homes in Article 4, section 4.3 (D).

10-4.4 Standards for the Floodway District

The following provisions shall apply within the Floodway District:

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Greensville County's endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

10-4.5 Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the Greensville County.

Development activities in Zones A, AE, and AH, on the Greensville County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with an endorsement from Greensville County – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

10-4.6 Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

A. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one

hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the .

When such base flood elevation data is utilized, the lowest floor shall be 2 feet above the base flood elevation. During the permitting process, the Zoning Administrator shall obtain:

1) the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,

2) if the structure has been flood-proofed in accordance with the requirements of Sec. 74-913.(b) of this article, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

10-4.7 Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

B. All new construction and substantial improvements of non-residential structures shall

1. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

2. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

10-4.8 Standards for Subdivision Proposals

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

10-5 VARIANCES: FACTORS TO BE CONSIDERED

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

A. The showing of good and sufficient cause.

B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.

C. The danger that materials may be swept on to other lands or downstream to the injury of others.

D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

F. The importance of the services provided by the proposed facility to the community.

G. The requirements of the facility for a waterfront location.

H. The availability of alternative locations not subject to flooding for the proposed use.

I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

K. The safety of access by ordinary and emergency vehicles to the property in time of flood.

L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

10-6 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed

expansion would not result in any increase in the base flood elevation.

B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.

C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

10-7 ENACTMENT

This Article is in conformity with the latest Model Floodplain Zoning Ordinance provided by the Department of Conservation. Reviewed and approved by the Greensville County Planning Commission at their regularly scheduled meeting on June 9, 2009; reviewed and approved by the Greensville County Board of Supervisors at their regularly scheduled meeting on June 15, 2009 and shall become effective July 7, 2009.

ARTICLE 11
NATURAL RESOURCE OVERLAY DISTRICT

Statement of Intent

This Article enables property owners, lessees or optionees to apply for designation of certain property as a Natural Resource Overlay District. In order to have any area designated as a Natural Resource Overlay District (hereafter "NROD"), the applicant must comply with all terms and conditions hereof. It is intended that the overlay district permit the particular activity or activities addressed thereby, regulate the conduct of such activity, and accomplish both in a manner promoting the general health, safety and welfare of Greensville County citizens, in a manner consistent with the goals and objectives of the Greensville County Comprehensive Plan. Regulations, requirements and limitations imposed, whether effective within an overlay district or outside the overlay district in adjoining areas, shall be in addition to those of the underlying zoning district(s), and in the event of conflict between the two, those of the overlay district shall prevail.

The purpose of designating an area of the County as a NROD is to permit the extraction and processing of sand, gravel, stone and other mineral deposits within the County, but in a manner compatible with all adjacent land uses.

NRODs may be established where deposits of sand, gravel or other minerals exist; where the uses permitted hereunder are unlikely to create effects adverse to public health, safety and welfare or significantly impact the value of adjacent properties.

11-1 Uses Permitted without Special Use Permit

The following uses shall be permitted within the NROD without a special use permit:

11-1-1 Surface Removal

Surface removal (i.e., not underground mining) of soil, sand, gravel, stone or other minerals by excavating, stripping, dredging, quarrying or other similar mining operation.

11-1-2 Accessory Uses

Accessory uses reasonably and necessarily required as an accessory to the enumerated permitted uses, including, but not exclusively, washing, grading, sorting, blasting, grinding and stockpiling operations. All such accessory operations which can be located at the site of the primary operation shall be so located. Those accessory operations which cannot be so located (e.g.: water delivery lines) shall be located so as to avoid adverse impact upon the health, safety and welfare of the public.

11-1-3 Compliance

Uses permitted without special use permit must, nevertheless, comply with all pertinent regulations of the underlying zoning district.

11-2 Uses Which Require a Special Use Permit

In order for any of the following uses to be permitted within NROD, a special use permit must first be obtained, to-wit:

11-2-1 Concrete plants

11-2-2 Asphalt (Mixing) plants

11-2-3 Extraction of oil or natural gas

11-2-4 Underground mining

11-2-5 Accessory Uses

Accessory uses normally and necessarily required as an accessory to any activity conducted pursuant to issuance of a special use permit; or, an off-site accessory use normally and necessarily required as an accessory to a use which is permitted without issuance of a special use permit.

11-3 Minimum Area Requirement

The minimum area for the establishment of any Natural Resource Overlay District shall be twenty-five (25) acres.

11-4 Maximum Utilization of Property

No more than eighty (80) percent of the total area designated as a NROD shall be dedicated to the permitted activity and to necessary accessory uses, including the provision of access roads and parking areas. The remaining twenty (20) percent of land within the NROD shall not be utilized for either a primary use or accessory use. The specific portions of the NROD which shall not be utilized shall be designated on the development plan.

11-5 Yard Setback Regulations

The following setback regulations shall control both within and without the NROD:

11-5-1 Setback from Public Road

No use or activity permitted by the NROD, including both primary and accessory uses, nor any structures erected in connection therewith, shall be located less than seventy-five (75) feet from any public road right-of-way. Exceptions to this seventy-five (75) foot setback requirement may be granted by special use permit, pursuant to Sections 11-14 hereof. If the owner/applicant seeks to reduce the setback to less than seventy-five (75) feet, then the owner/applicant shall provide evidence of approval of such variance by the Virginia Department of Transportation ("VDOT"); however, VDOT approval shall not constitute automatic approval of a special use permit, and shall not operate to limit, in any way, the rights and powers of the Planning Commissions and the Board of

Supervisors in evaluating applications for special use permits. If an exception to the seventy-five (75) foot setback requirement is granted, that exception shall be set forth in the special use permit, and any provisions for buffer and screening shall be set forth in both the development plan and the report section.

11-5-2 Setback from Residential Use

No use or activity permitted by the NROD, including both primary and accessory uses, nor any structures erected in connection herewith, shall be less than: (a) one hundred (100) feet of any property line in an area zoned for residential use; (b) one hundred (100) feet from the line of any property which consists of one (1) acre of land, or less, being utilized for residential purposes, and which land is not under the ownership or control of the applicant; and (c) one hundred fifty (150) feet of any occupied dwelling. Exceptions to the one hundred (100) foot setback requirement, and exceptions to the one hundred fifty (150) foot setback requirement, may be granted by a special use permit; these exceptions shall be set forth in the development permit and any provisions for buffer and screening shall be set forth in both the development plan and the report section.

11-6 Miscellaneous

11-6-1 Fencing and Other Protective Measures

Every natural resource extraction operation, regardless of whether same is permitted hereunder as matter of right or instead is permitted pursuant to issuance of a special use permit, shall be subject to the following requirements for fencing. At or near the point of intersection of each main access road and a public roadway, there shall be erected a fence, or barricade, a minimum of four (4) feet in height and a minimum of one hundred (100) feet in length, in the center of which shall be located a gate which can be opened during times when the operation is being conducted, and closed and secured at times when the operation is not being conducted. Each such fence shall be constructed to comply with VDOT regulations. Approval of the Planning Director/Zoning Administrator of the materials to be used in the construction of such fencing, and the construction method thereof, shall be required; however, such approval shall not be unreasonably withheld. In addition, fencing necessary for protection and promotion of the health, safety and welfare of the public may be required.

11-6-2 Excavation

The safety measures set forth in this section shall be required whenever any excavation area, or open pit, meets the following criteria: is ten (10) feet or more in depth; or, has a slope from top to bottom of forty-five (45) degrees, or more; or, regardless of depth or slope, shall remain open for a period of twenty-four (24) hours or more; or, regardless of depth, slope, or duration, is within seventy-five (75) feet of any public road; or, regardless of depth, slope, duration or proximity to roadway, is within two hundred (200) feet of the boundary line of any residential lot or subdivision. Whenever any excavation area, or open pit, meets any of the foregoing criteria, the operator shall: either construct a berm around said area, the specifications for which satisfy the Virginia Department of Mines, Minerals and Energy - Division of Mineral Mining requirements; or, construct

such fencing as is necessary to protect and promote the health, safety and welfare of the public.

11-6-3 Water Accumulation

Whenever any natural resource extraction protection results in an accumulation of water which:

(a) is twenty-four (24) inches, or more, in depth; and

(b) occupies an area of two hundred (200) square feet or more; and

(c) shall satisfy each of the two foregoing criteria for a period of thirty (30) consecutive days, or more; and, is either located within seventy-five (75) feet of any public road, or instead is located within two hundred (200) feet of the boundary line of property on which a residential dwelling is constructed, then the operator shall either construct a berm around said area, the specifications for which satisfy the Virginia Department of Mines, Minerals, and Energy requirements; or, construct such fencing as is necessary to protect and promote the health, safety and welfare of the public.

11-7 Roadside Landscaping and Screening

Within the area of the roadside setback (which setback shall be determined as set forth in Section 11-5 of this Ordinance), no trees or ground cover shall be removed or destroyed without the prior approval thereof by both the Planning Director/Zoning Administrator and the Planning Commission. In addition, such additional screening as is necessary to protect and promote the health, safety and welfare of the public, during the conduct of the operation, shall be required. The applicant may propose any type of screening (e.g., trees or shrubs, fences, berms) which will be utilized to afford the needed protection, but the proposed screening shall be adequate and appropriate for the intended purpose.

11-8 Blasting Operations

Blasting operations shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m., and shall not be conducted on Sundays.

11-9 Noise Restrictions

11-9-1 Definitions

(a) A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB[A].

(b) Ambient noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from

many sources near and far. Ambient noise levels are established by taking a series of observations on the adversely affected property. It is the sound level that is exceeded 90% of the time in this set of observations.

(c) Decibel (dB[ ]). A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

(d) Impulsive sound. Sound of short duration usually less than one second, with an abrupt onset and rapid decay.

(e) Sound burst. Sound of short duration, usually from one second to several minutes.

(f) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(g) Noise disturbance. Any sound which (1) endangers or injures the safety or health of humans or animals; or (2) annoys or disturbs a reasonable person of normal sensitivities; or (3) endangers or injures personal or real property.

(h) Real property boundary. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(i) Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

(j) Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in the American National Standards Institute specifications for sound level meters (ASA 47-1983, or a later revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(k) Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels.

11-9-2 Maximum Sound Pressure Levels

Between the hours of 7:00 a.m. and 11:00 p.m., the maximum permissible sound pressure levels shall be eighty (80) dB[A] L16. Between the hours of 11:00 p.m. and 7:00 a.m., the maximum permissible sound pressure level shall be seventy (70) dB[A] L8. In determining the sound level generated by a given operation, the point of measurement shall be any point on the NROD boundary.

11-9-3 Immediate Threats to Health and Welfare

(a) It shall constitute a violation hereof, punishable as provided for in Section 11-9-4, if impulsive sound levels exceed the number of repetitions, within any 24-hour period, indicated hereafter:

Impulsive Sound Levels Which Pose An Immediate Threat to Health and Welfare (Measured at 50 Feet of 15 Meters)	
Sound Level Limit (dB[A])	Number of Repetitions per 24 hour Period
140	1
135	10
125	100

(b) It shall constitute a violation hereof, punishable as provided in Section 11-9-4 hereof, if any sound burst is of a longer duration than as indicated below, to-wit:

Sound Level Limit (dB[A]	Maximum Permissible Duration
140	5 seconds
135	10 seconds
125	30 seconds

(c) Exemptions: Noises created by any fire, rescue, police, ambulance or other emergency vehicles, or aircraft, which would otherwise constitute a violation of either 11-9-3(a), or 11-9-3(b), or both, whether generated as safety signals, warning signals, or emergency pressure valves, shall not constitute a violation of said sections.

11-9-4 Violations; Penalties; Other Remedies

(a) Any violation of Sections 11-9-1 through 11-9-3 shall constitute a class one misdemeanor.

(b) The operation, or conduct, or any activity which causes a violation of Sections 11-9-1 through 11-9-3, is hereby deemed to constitute

a public nuisance, and as such, may be subject to abatement summarily by a restraining order, or injunction, issued by the Circuit Court for Greensville County, or any other Court of competent jurisdiction.

(c) Upon a conviction for a criminal action brought on account of a violation of Sections 11-9-1 through 11-9-3, or upon a finding for the County in any civil proceeding instituted by the County alleging a violation hereof, the Court may award to the County, and assess of the defendant, all costs reasonably incurred by County in proving such violation, which costs may include, although are not limited to, the following: reasonable rental payment for devices measuring sound pressure levels; reasonable compensation for an operator, or operators, of all such devices; reasonable court costs and the legal fees incurred in prosecuting such actions; reasonable fees for expert witnesses in testifying in court for County; and reasonable fees paid to such experts for out-of-court preparation.

11-10 Regulation of Traffic

11-10-1 Definition

Main Access Road: Any road which leads from scales, loading points or sales offices to a point of connection with a public road.

11-10-2 Impact

In conjunction with the Virginia Department of Transportation (VDOT), or acting alone, the County shall prepare an evaluation of the proposed impact of vehicular traffic which will be generated by the owner/applicant's proposed operation. If such evaluation indicates that such vehicular traffic would constitute a traffic hazard, or require an expenditure of public funds to improve or maintain either public roads, or other public facilities, then such determination may serve as a basis for denial by County of the application. However, nothing herein shall be construed as prohibiting the owner/applicant from proffering terms and conditions by which the hazard would be abated, or the expenditure of public funds avoided, and in the event that such proffers by the owner/applicant fully remedy the indicated adverse impact, then the owner/applicant's application shall not be denied on the basis of such hazard or expenditure.

11-10-3 Purpose

Prior to approving any application or designation of an area as an NROD, the County shall make an evaluation of the vehicular traffic which will be generated by the proposed operation. The purposes of such evaluation are twofold: first, to determine whether the volume of additional vehicular traffic would be incompatible with the use and development of property affected by such additional vehicular traffic, which use and development are identified with reference to the County Zoning Ordinance and the

County Comprehensive Plan; second, to determine whether there is any other adverse impact resulting from the proposed vehicular traffic of such severe nature that the public health, safety and welfare would be best served by disapproval of the application.

11-10-4 Method of Determination

The PD/ZA[1] shall consider all information regarding vehicular traffic required to be supplied by the applicant (e.g., see Section 11-18-2 of this Ordinance), and the PD/ZA may require such additional specific information regarding vehicular traffic as is necessary for a proper evaluation to be made. Further, the PD/ZA may utilize any other resource available, including, although not limited to, the Virginia Department of Transportation. Utilizing all information reasonably required by the PD/ZA of the applicant, and utilizing such additional information and advice as the PD/ZA elects to secure, the PD/ZA shall prepare a written report setting forth the impact as determined by the PD/ZA, and the basis for such determination.

11-10-5 Adverse Impact Determination

If the PD/ZA determines that the vehicular traffic creates such an adverse impact that the public health, safety and welfare would best be served by a denial of the application, and if the Planning Commission and Board of Supervisors concur in such determination by the PD/ZA, then such determination may serve as the sole basis for denial of an application, or may instead serve as one of several bases for such denial.

11-10-6 Applicant's Right to Abate Impact

If an adverse impact occasioned by vehicular traffic shall be used as the basis, or one of several bases, on which the PD/ZA shall recommend disapproval of the application, then the applicant shall be entitled to proffer terms and conditions on which such adverse impact would be abated. In the event that such proffer adequately abates the adverse impact, then said proffer terms shall be accepted and denial of the application shall not be based upon the adverse impact of vehicular traffic.

11-10-7 Reliability of Applicant's Information

Information required of the applicant regarding vehicular traffic, days and times thereof, size and weight of vehicles, etc., shall be reasonably accurate. Although the applicant shall not be required to provide such information with numerical certainty, if actual vehicular traffic is significantly different in quantity or quality than that indicated by information provided by the applicant, and if such difference would reasonably have

[1] As used in this Article, PD refers to the Planning Director of Greensville County and ZA refers to the Zoning Administrator of Greensville County as elsewhere defined in this Ordinance.

served as a basis for a finding of denial, then the permit may be re-examined and the applicant may be required to remedy the adverse impact, or forfeit its permit.

11-10-8 Reasonableness of Evaluation

The evaluation made by the PD/ZA, Planning Commission and Board of Supervisors shall be reasonable in light of all facts and circumstances, and shall not be arbitrary or capricious.

11-11 Dust Control

Each main access road shall be surface-treated with concrete or asphalt for a distance of two hundred (200) feet from the point of its connection with a public road. Elsewhere within the NROD area, all roads, whether they be secondary access roads or interior surface roads, shall be surface-treated in a manner which will eliminate, or reduce to a diminimous level, dust generated thereon. The surface treatment utilized for secondary access roads and interior service roads may be the watering thereof, or may be any other lawful and effective mans of treatment.

11-12 Transportation of Excavated/Extracted Materials

All excavated, or extracted material which is being transported away from the NROD shall be loaded and covered in a manner which insures that same cannot unintentionally be discharged from the vehicle. A facility suitable for washing vehicles shall be located no further than two hundred (200) feet from the point of intersection of a Main Access Road and a public road. All vehicles used to transport excavated, or extracted, materials shall be cleaned of all material not properly secured in the load-bed, prior to such vehicle entering upon any public road.

11-13 Safe Operation

All operations conducted within, or as a supporting activity for, the NROD, shall be conducted in a safe manner calculated to avoid any threat or hazard to persons or property. In determining whether a proposed operation adversely impacts, or is likely to adversely impact, any public road, the Virginia Department of Transportation may be consulted.

11-14 Plan, Report and Approval Required

11-14-1 Approval Required

Prior to commencing any natural resource extraction within an NROD, the owner/operator shall first obtain written approval therefore from the Greensville County Board of Supervisors, which approval shall not be afforded until all requirements of county law are satisfied.

11 14-2 Submission Requirements

In support of its application for such approval, the applicant/operator shall submit the following: a properly completed approval application, which application shall be provided by the Planning Director/Zoning Administrator (hereafter "PD/ZA"); a detailed

plan of the proposed site development and extraction operation; a plat of the proposed NROD area, including a metes and bounds description of the boundaries thereof, prepared by either a licensed engineer or a certified land surveyor, or otherwise prepared in a manner acceptable to the PD/ZA; a report describing in detail the proposed use; proof of conditional approval by the Virginia Department of Mines, Minerals and Energy of the application submitted to it; and the other data and documentation required by the following sections of this Article. In addition, the PD/ZA shall have the right to request any additional documentation or information necessary in order for there to be a determination that the proposed operation will not constitute a threat or hazard to the health, safety and welfare of the public, and that the proposed operation fully complies with this Article.

11-14-3 Approval by Ordinance

Adoption by the County of an ordinance designating an area as a NROD shall constitute approval of the application. Unless the ordinance of adoption sets forth a date for the automatic expiration thereof, the applicant shall be entitled to conduct its operation thereafter for so long as its permit from the Virginia DMME remains in full force and effect. Upon revocation or termination of the applicant's Virginia DMME permit, its approval to conduct such operation in the County shall likewise automatically terminate.

All special use permits issued as a part of any application process shall include a termination date; however, such termination date may be defined as the date of termination or revocation of the Virginia DMME permit, as opposed to a date certain (but may be a date certain).

All approval issued for such operation shall expire, and thereafter be null and void, upon whichever of the following dates first occurs: the date of termination as provided for in Title 45.1 of the Code of Virginia; the termination date provided for under regulations of the Department of Mines, Minerals and Energy; the termination date provided for in the approval itself.

11-15 Procedure

The completed application, plan and report shall be submitted for review by the PD/ZA, who shall distribute copies thereof to all persons involved in the review and approval process. The PD/ZA shall prepare a report setting forth comments and recommendations from all persons involved in the review and approval process, which report shall be provided to members of the Planning Commission. Once the Planning Commission has forwarded its recommendation to the Greensville County Board of Supervisors, the application shall then be heard as provided for in the Zoning Ordinance for Greensville County.

11-16 Specific Requirements

Every application, plan of operation and development, survey plan and proposed use report shall include the documentation identified below. However, because the requirements for multiple copies are intended to facilitate the review and approval process, and are not intended to be the review and approval process, and are not intended to be onerous or burdensome to the

owner/applicant, the number of copies required may be reduced at the discretion of the PD/ZA. In the event that the PD/ZA determines that the review and approval process will not be hampered by reducing the number of copies required of the owner/applicant from those set forth below, then the PD/ZA may require such lesser number of copies as deemed appropriate. In the event that the PD/ZA does not require a lesser number of copies, such determination shall not operate to bar the PD/ZA from thereafter requiring the owner/applicant to provide additional copies, up to the maximum required herein, and the right to impose such subsequent requirement for additional copies as hereby expressly reserved to the PD/ZA.

11-17 Plat (i.e., Survey)

Six (6) copies of a plat prepared by a licensed engineer or certified land surveyor; however, the PD/ZA may elect to accept a plat from any other person for so long as the PD/ZA determines that the plat so prepared is adequate to serve the purposes required hereunder, and further, the PD/ZA shall have no duty to accept the plat prepared by anyone other than a licensed engineer or certified land surveyor. Each plat shall show all boundary lines of the tract, described by metes and bounds. In addition, every such plat shall show the location of all water courses (e.g., streams), ponds or other impounded bodies of water, wetland areas, floodways, floodplain areas, ingress and egress easements, utility easements, public roads and any other public rights-of-way. Every such plat shall show all land proposed to be included in the NROD and the following information regarding all adjacent properties: (i) property owner, (ii) zoning, and, (iii) use. (Amended November, 2001)

11-18 Topographic Map and Plan of Development and Operation

11-18-1 Topographic Map

Six (6) copies of a topographic map of the entire area proposed for extraction, and including the natural condition thereof prior to the commencement of any extraction operation. Once the extraction operation is concluded and the restoration phase completed, six (6) copies of another topographic map shall be submitted, showing the entirety of the area where the extraction operation was conducted, and showing the condition thereof after restoration.

11-18-2 Plan of Development and Operation

Six (6) copies of the plan of development and operation of the natural resource areas(s), prepared by a licensed engineer or certified land surveyor, or otherwise prepared in a manner acceptable to the PD/ZA to be appropriate for the purposes intended. After approval and commencement of the operation, the applicant shall submit a copy of each document thereafter provided by it to the Virginia DMME-DMM, whether submitted in compliance with a statutory requirement, in compliance with a regulation adopted by the Virginia DMME-DMM, in response to a specific request from the Virginia DMME-DMM, or submitted for any other reason. The plan of development shall include, although not necessarily exclusively, the following:

(a) Area of any currently active excavation.

(b) Area of any previous excavation.

(c) Area of proposed excavation for which the permit is sought.

(d) Area of any ponds and washing facilities

(e) Area of any treatment or processing facilities

(f) Area of any storage of extracted material

(g) Area of any proposed storage of extracted material.

(h) Areas of any production facilities or resource related uses.

(i) Location and type of any erosion control facilities existing or proposed.

(j) A reclamation plan for the site(s), which reclamation plan shall include the following designations:

i Area proposed to be restored.

ii Area of any current restoration now in progress.

iii Area of any previous restoration.

iv Area used for topsoil and overburden storage.

v Proposed depth of topsoil and location of any earthen berm, dikes, and any planting restoration, including the specific type(s) of plant material as proposed for reclamation.

vi Any roadways and driveways which are not to be altered or eliminated during restoration, and the surface material of each.

vii The direction of all drainage flow, after restoration, as indicated by arrows.

The purpose of the restoration/reclamation plan is to provide assurance that through an orderly succession of reclamation steps the area of extraction will be restored to productive use, and that the activity will have minimal adverse impact upon the environment, both during the operation and thereafter. For that purpose, the reclamation plan should assure that after restoration the area of operation has been restored to a condition which is compatible with existing uses of surrounding land.

11-19 Report

The owner/applicant shall submit six (6) copies of a report which describes the proposed use and

includes the following:

11-19-1 Schedule of Operation

The proposed days of the week, weeks of the month, and months of the year during which the activity is scheduled to occur, and further, the proposed hours of operation during each of such days;

11-19-2 Traffic

An estimate of the number of portage trucks (i.e., trucks used to haul extracted material away from the site of the operation) proposed to enter or exit the property each day between the hours of midnight and 8:00 a.m., and between the hours of 8:00 a.m. and 6:00 p.m., and between the hours of 6:00 p.m. and midnight;

11-19-3 Equipment to be Used

A list describing the equipment to be used in connection with the proposed operation, to the best knowledge of the owner/applicant at that time; further, the owner/applicant shall submit a copy of the bid specifications, the purpose of which shall be to provide the best possible itemized list of such equipment;

11-19-4 Date of Completion

The proposed date of completion, i.e., the proposed date by which the extraction operation will be concluded; and

11-19-5 Soils Analysis

An analysis of the property shall be performed which concludes with a written report setting forth the effects, if any, of the proposed operation upon any water table, wells, septic fields, and other hydrologic assessment which may have an impact upon an adjacent property. Such report shall be performed by a person with expertise to perform such assessment which shall be documented within the report.
(Amended November, 2001)

11-20 General Requirements

11-20-1 Timeframe for Action on Application

Not sooner than sixty (60) days from the date of submission of an application, nor more than one hundred twenty (120) days from such date of submission, the application shall be approved or denied. However, no time period shall commence running until the submitted application fully complies with the requirements of this Article.

11-20-2 Surety and Other Documentation

The applicant shall submit proof of ability to post a reclamation bond, in compliance with

Chapter 16, Title 45.1, Code of Virginia. Penalty of such surety bond shall be the maximum rate per acre provided for in Virginia Code Section 45.1-183. Each surety bond shall be executed in compliance with the provisions of Virginia Code Section 45.1-183. (Amended November, 2001)

The applicant shall provide copies of all federal and state permits, evidence of all necessary federal and state approval of plans, and evidence of proper bonding agreements, required in order for the proposed activity to be conducted.

In addition to the topographic surveys required under this Article, the applicant may be required to submit aerial photographs of the proposed operation site. If required, such aerial photographs shall be enlarged to a scale of one (1) inch equals four hundred (400) feet, enlarged from a scale no smaller than one (1) inch equals one thousand two hundred (1,200) feet. Aerial photographs shall be certified as taken no more than twenty-four (24) months prior to the date of submission thereof, or, in the event of significant change in the natural land conditions within the preceding twenty-four (24) months, then the requisite aerial photographs may be required to be taken after the date of such change. However, the PD/ZA may waive the requirement that aerial photographs must be certified as taken no more than twenty-four (24) months prior to the date of submission. The area for which aerial photographs may be required may include the following: (a) all land proposed to be included within the NROD; (b) all contiguous land which is, or has been used by the applicant for the same, or a related, use; (c) the location of public roads which provide access to the proposed site; (d) all property located within five hundred (500) feet of the proposed district; and (e) any area designated for use in implementing the reclamation plan.

11-21 Exceptions to Regulations

Exceptions to the setbacks established in this article may be granted by issuance of a variance in compliance with the Greensville County Zoning Ordinance.
(Amended November, 2001)

ARTICLE 12
SITE PLAN REQUIREMENTS

12-1 Statement of Intent

The purpose of these requirements is to promote the orderly development of certain activities in the County and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's required community facilities; and to review the location and adequacy of the project's provision for drainage and utilities.

12-2 When Required

For the following uses, a site plan shall be submitted to and approved by the director of planning: (a) multiple-family dwellings; (b) town houses; (c) churches, schools, hospitals, nursing homes and public buildings, parks and playgrounds; (d) business and industrial buildings and developments; (e) planned unit developments; and (f) manufactured home parks, manufactured home subdivisions, campgrounds, and recreational vehicle parks.

A site plan shall be submitted for any other use involving new construction within any HUB/C or HUB/R Overlay Zoning District.

12-3 Waiver of Requirements

Any requirement of this Article may be waived by the director of planning where the waiver is not adverse to the purpose of this Article. The planning director shall permit such waiver only after a written request by the developer and after making a determination that the waiver will not be adverse to the intent of these regulations and the proposed project. The request and determination shall become a part of the site plan record.

12-4 Site Plan Specifications

Every site plan shall be prepared in accordance with the following specifications:

12-4-1 The scale shall not be less than one hundred (100) feet to one (1) inch.

12-4-2 All site plans shall be twenty-four-inch by thirty-six-inch sheets.

12-4-3 If the site plan is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

12-4-4 Horizontal dimensions shall be in feet and decimals of feet to the closest

one-hundredth of a foot.

12-5 Site Plan Contents

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, land surveyor, or landscape architect licensed or certified to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

12-5-1 The proposed title of the project and the name of the engineer, architect, landscape architect, and/or surveyor; the name of the developer; and a signature panel for the director of planning's approval.

12-5-2 The north point, scale, date, vicinity map, and numbers of streets. (Amended September, 2002)

12-5-3 Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.

12-5-4 The present use of all contiguous or abutting property.

12-5-5 The boundaries of the property involved by bearings and distances.

12-5-6 All existing or proposed property lines, streets, buildings, water bodies, and other physical features in or adjoining the project.
(Amended September 15, 1997)

12-5-7 Topography of the project area with contour intervals of five (5) feet or less.

12-5-8 The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.

12-5-9 The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.

12-5-10 The location of all existing and proposed off-street parking and loading spaces, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.

12-5-11 Proposed locations of solid waste refuse storage and pick-up facilities.

12-5-12 The location, height, type, and material of all existing and proposed

fences, walls, screen planting, and landscaping details of all buildings and grounds.

12-5-13 Provisions for the adequate disposition of surface water indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.

12-5-14 Provisions for the adequate control of erosion and sedimentation, in accordance with the Greensville County Erosion and Sedimentation Control Ordinance.

12-5-15 Proposed finished grading by contour supplemented where necessary by spot elevations.

12-5-16 One-hundred-year floodplain limit studies as required by the director of planning.

12-5-17 The location, character, size, height, and orientation of proposed signs.

12-5-18 The location and dimensions of proposed recreation, open space, and required amenities and improvements.

12-5-19 Any necessary notes required by the director of planning to explain the purpose of specific items on the plan.

12-5-20 The director of planning may request additional information other than what has previously been stated such as economic and/or environmental impact reviews on public services where deemed necessary to protect the health, safety and general welfare of the citizens of the County. (Amended September 15, 1997)

12-6 Procedures

12-6-1 Authority for review and approval. Site plans may be approved administratively by the director of planning, after first distributing the plan to the various county departments for written comments.

12-6-2 Preapplication conference. All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, and other county ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this Article.

12-6-3 Review and approval of final site plan.

(a) Sufficient copies, as required by the director of planning, of the final plan shall be submitted to the director of planning who shall

have up to forty-five (45) days to circulate the plan to the relevant departments, boards, and/or commissions for written comments, and notify the applicant of the action taken which may be approved, approved subject to conditions, or disapproved.

(b) An applicant may appeal, in writing, the decision of the director of planning within ten (10) days to the county planning commission.

12-7 Site Plan Termination or Extension

12-7-1 An approved site plan shall expire and become null and void if no building permit has been obtained for the site in twelve (12) months after the final approval.

12-7-2 The director of planning or the planning commission may grant an extension of one (1) year.

12-8 Amendments to Approved Site Plan

If it becomes necessary for an approved site plan to be changed, the director of planning shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article.

12-9 Site Plan Prerequisite to Issuance of Permits

No building permit shall be issued to construct, erect, or alter any building or structure or any permit or authorization granted to improve or develop land subject to the provisions of this Article, unless a site plan has been submitted and approved.

12-10 Compliance with Approved Site Plan

12-10-1 Inspections shall be made during the installation of off-site and on-site improvements by the director of planning or his designated representative in their areas of responsibility to ensure compliance with the approved site plan.

12-10-2 The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan and shall make one set of approved plans available at the site at all times that work is being performed.

ARTICLE 13
NONCONFORMING USES

13-1 Continuation.

13-1-1 Any lawful use, building or structure existing at the time of enactment of this Ordinance, may be continued as herein provided even though such use, building or structure may not conform with the provisions of this Ordinance for the district in which it is located.

13-1-2 Any lawfully established single-family dwelling or manufactured home existing at the time of the adoption of this Ordinance shall not be considered a nonconforming use.

13-1-3 A change in occupancy or ownership shall not affect such right to continue such use, building or structure.

13-1-4 If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years, after the enactment of this Ordinance, it shall be deemed abandoned and subsequent use shall conform to the requirements of this Ordinance.

13-1-5 If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not, thereafter, be changed to a less restricted use.

13-1-6 Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this Ordinance are excluded from the provisions of this Ordinance.

13-2 Permits.

The construction or use of a nonconforming building or land area, for which a building permit was issued legally prior to the adoption of this Ordinance may proceed, provided such building is completed within one (1) year.

13-3 Changes in District Boundaries.

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

13-4 Expansion or Enlargement.

13-4-1 A nonconforming structure to be extended or enlarged shall conform with the provisions of this Ordinance.

13-4-2 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this Ordinance.

13-5 Nonconforming Lots.

Any lot of record at the time of the adoption of this Ordinance, which is less in area or width than the minimum required by this Ordinance, may be used for a permitted use of the district in which it is located as long as it met the County subdivision requirements at the time of adoption of this Ordinance. No nonconforming lot may be subdivided except in conformity with the minimum lot requirements of the district in which it is located.

13-6 Restoration or Replacement.

13-6-1 If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire activity or structure, a permit for its restoration shall be issued only upon authorization of a special exception by the board of zoning appeals.

13-6-2 If a nonconforming structure is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire structure, a permit for its restoration shall be issued only upon authorization of a special exception by the board of zoning appeals.

13-6-3 In approving such a permit, the board shall consider the stated purpose for establishing the zoning district in which the structure is located, the uses in the area immediately surrounding the structure in question, particularly the other nonconforming uses, and the hardships which would result from a denial of the special exception. The exception shall include conditions as to the time within which the repair or restoration must be started and completed and may contain any other conditions regarding the repair and restoration which, in the opinion of the board, shall be necessary to carry out the intent of this section of the Ordinance.

13-7 Temporary Approval of Nonconforming Structures.

13-7-1 If a structure in any zoning district is destroyed or damaged in any manner, to the extent that it cannot be occupied and the owner proposes to temporarily replace it with a structure which is nonconforming, or occupy the nonconforming structure while rebuilding the damaged or destroyed structure, then the planning director shall issue a twelve-month temporary special use permit by which the nonconforming structure is permitted, if after due inquiry, the planning director determines that the following criteria have been met:

(a) The requirements of the health department are met, and

(b) signed statement shall be submitted to the planning director acknowledging the requirements of this section, and other applicable provisions of this Ordinance, and assuring that the nonconforming structure will be removed upon the completion of the project. The planning director shall approve one (1) extension of time if required for the completion of the project. Subsequent extensions shall be approved by the planning commission. (Ord. of 8-10-82; Ord. No. 85-01, 3-18-85)

13-7-2 Nonconforming structures may be used as temporary construction offices or temporary places of business in which a conforming activity can operate, subject to compliance with all other requirements of this Ordinance.

13-8 Determination of Non-conforming Rights, Buildings or Structures.

13-8-1 In accord with §15.2-2286.4, Code of Virginia, 1950, as amended, in determining the applicability of this Article or any of its subsections on a specific case, the Zoning Administrator shall make findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under §15.2-2307, Code of Virginia, 1950, as amended.
(Amended August 17, 1998)

13-8-2 Nothing herein shall affect the rights of any aggrieved party to appeal Zoning Administrator's decision in accord with Section 17-5 of this ordinance as authorized by §15.2-2286, Code of Virginia, 1950, as amended.
(Amended August 17, 1998)

ARTICLE 14
PARKING REGULATIONS

14-1 Minimum Off-street Parking.

14-1-1 Off-street parking and loading required.

(a) Every use or structure instituted, constructed, erected, enlarged, or structurally altered after the effective date of this Ordinance shall provide off-street parking and loading facilities in accordance with the provisions of this Article, except as otherwise provided for in this Article.

(b) Such off-street parking and loading facilities shall be maintained and continued as long as the main use is continued.

(c) No owner or operator of any structure affected by this Article shall discontinue, change, or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this Article.

(d) No person, firm, or corporation shall utilize such structure or use without providing the off-street parking and loading facilities to meet the requirements of and be in compliance with this Article.

(e) When a permitted use is nonconforming as to required parking, and said use is enlarged with respect to the unit of measurement specified in this section as the basis for determining the amount of parking spaces, additional parking shall be required only on the basis of the enlargement of the permitted use.

14-1-2 General provisions.

(a) Location of off-street parking. The off-street parking facilities required by this Article shall be located on the same lot or parcel of land that they are intended to serve; provided, however, that when the size or shape of land prevents the establishment of such facilities on the same lot or parcel, they may be permitted on a properly zoned lot or parcel within three hundred (300) feet of the premises they are to serve. However, before such parking facilities are approved, a written agreement thereto ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the county attorney, and shall be filed with the zoning administrator.

(b) Combined off-street parking. Nothing in this Article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this Article. However, before such spaces are approved for use, a written agreement thereto ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the county attorney and shall be filed with the zoning administrator.

(c) Buffer required where adjoining property is residential. Where a parking area for a medical, hospital, commercial, or industrial use adjoins a lot in a residential district or is located closer than one hundred (100) feet to a lot in a residential district without an intervening street, a solid wall or fence six (6) feet in height, with its finished side facing the adjacent residential lot or a landscape buffer at least ten (10) feet wide and five (5) feet high, shall be erected on the lot providing the parking. However, the wall or fence shall not extend into the front yard required on the lot on which it is located.

(d) Delineating parking spaces. All parking spaces shall be delineated by the use of concrete curb, bumper block or railroad ties in order to define the boundary of the parking area. Delineation between parking spaces shall be provided on asphalt or concrete surfaces with paint or plastic strip-ping.

(e) Surfacing of parking areas. Off-street parking and loading areas, shall be surfaced with a stable material such as asphalt, concrete, stone or gravel, that will not track onto pavement. This requirement shall also apply to interior travel lanes or driveways.

(f) Driveways. Interior driveways shall be a minimum of twenty (20) feet wide for two-way traffic and ten (10) feet wide for one-way traffic and shall be considered as an integral part of the parking area.

(g) Parking space. A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.

14-1-3 Calculating number of off-street parking spaces.

In calculating the number of such parking spaces, the following rules shall govern:

(a) Floor area shall mean the gross floor area of the specific use.

(b) When the units of measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall require one (1) additional parking space.

(c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(d) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(e) Off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use.

14-1-4 Amount of off-street parking required.

The off-street parking required by this Article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this Article:

TABLE 14.1
TABLE OF PARKING REQUIREMENTS

Use type	Required off-street spaces
Art gallery, library, museum	One for each 400 square feet of floor area
Auditoriums, assembly halls, community centers, dance halls, movie theaters, funeral homes, and mortuaries.	One for every four seats of the maximum seating capacity in the main place of assembly or one for each 100 square feet of usable floor area in the main place of assembly in places which do not have fixed seats
Bank, or financial institution with drive-through window	One space per 300 square feet of floor area, plus space for at least six stacking spaces for the first drive-through window and at least two spaces for each additional drive-through window
Bank, or financial institution without drive-through window	One space per 200 square feet of floor area
Boarding houses, lodging or rooming houses, or tourist home	One for each guest room or unit, plus two for employees
Bowling alley	Four for each alley
Church, or place of worship	One space for each four fixed seats
Day care center, nursery	One for each employee
Dwellings	Single-family detached, one for each dwelling unit Town house or two-family, 1.33 for each dwelling unit Multi-family (apartments), 1.5 for each dwelling unit Manufacture Home, 1.5 for each dwelling unit
Commercial store (unless otherwise specified)	One for each 200 square feet of floor area

(cont.) TABLE 14.1
TABLE OF PARKING REQUIREMENTS

Use type	Required off-street spaces
Furniture and appliance stores	One for each 400 square feet of floor area
Gasoline filling station	Three for employees plus two for each service bay
Golf course, tennis, basketball and similar establishments	One per two layers based upon maximum capacity
High school, college or preparatory school (public or private)	One for each employee plus one for every 10 students for maximum
Hospital, nursing home or similar resident medical facility	One for each three beds plus one space for each employee or staff member on the maximum working shift
Hotel, motel, rooming or boarding house (without restaurant or conference center)	One for each guest room, plus one for each employee on the maximum shift
Hotel or motel with restaurant and/or conference center	One for each guest room, plus: one for each employee on the maximum shift; one for each four seats in a conference center; and as required for restaurants
Medical or dental clinics	Two for each examination or treatment room or chair, plus one for each employee
Multi-family dwellings	Two for each dwelling unit
Library or museum	One space for each 300 square feet of floor space
Office or office buildings	One for each 300 square feet of floor area
Restaurant, fast food	One for each 150 square feet of floor area; plus stacking area for at least eight vehicles for the first drive-through window and three vehicles for each additional drive-through window
Restaurant, nightclub	One for each 100 square feet of floor area
Retail store	Furniture and appliances, one per 500 square feet of floor area; All other, one per 300 square feet of floor area
School: Elementary, intermediate or junior high schools (public or private)	One for each employee, plus one for each four seats in any auditorium, or assembly room; for high school, two additional spaces for each teaching room.
Shopping center	Four for each 1,000 square feet of floor area
Swimming pools, skating rinks, miniature golf and similar establishments	One for each 200 square feet of usable and improved recreational area
Veterinary hospital	Two for each treatment area
Warehouse, distribution	One for each 1,004 square feet of floor space plus one for each 300 square feet of office or sales space, and one space for each vehicle maintained on the premises
Warehouse, mini-storage	One for each 10 cubicles, plus two for the managers office/quarters
Wholesale, inventory, storage not otherwise classified, factories, laboratories, laundries, etc.	One for each 1-112 employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith

14-1-5 Amount of off-street loading required.

(a) There shall be provided, on the premises used for the following

purposes in any district at the time any building or structure is constructed, reconstructed, enlarged, extended, or structurally altered, spaces for off-street loading, except as otherwise provided in this Article in accordance with the following schedule.

(b) For each retail store, warehouse, wholesale establishment, industrial plant, factory freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

i Over ten thousand (10,000) square feet but not over twenty-five thousand (25,000) square feet--one (1) space.

ii Over twenty-five thousand (25,000) square feet but not over sixty thousand (60,000) square feet--two (2) spaces.

iii Over sixty thousand (60,000) square feet but not over one hundred twenty thousand (120,000) square feet--three (3) spaces.

iv Over one hundred twenty thousand (120,000) square feet but not over two hundred thousand (200,000) square feet--four (4) spaces.

v Over two hundred thousand (200,000) square feet but not over two hundred ninety thousand (290,000) square feet--five (5) spaces.

vi For each additional ninety thousand (90,000) square feet or major fraction thereof--one (1) space.

(c) For each apartment building having over fifty (50) dwelling units--one (1) space.

(d) For each auditorium, museum, assembly hall, community center, hotel, office building, sport arena, stadium, gymnasium, assembly, sanitarium, or similar use which has an aggregate gross floor area of:

i Over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet--one (1) space.

ii For each additional sixty thousand (60,000) square feet over forty thousand (40,000) square feet or major fraction thereof--one (1) space.

(e) For any use not specifically mentioned in this section, the requirements for off-street loading, for a use which is so

mentioned and to which the unmentioned use is similar, shall apply.

i Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

ii No area of a facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this Article for off-street loading facilities.

ARTICLE 15
SIGN REGULATIONS

15-1 Purpose and Intent

Intent. The purpose of this section is to promote and protect the public health, welfare, and safety by regarding existing and proposed signs. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstruction that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, providing more open space, and curb the deterioration of the natural environment and enhance community development.

15-2 Permit Required

15-2-1 Zoning Permit

A zoning permit shall be required before a sign is erected, altered, or relocated, except as otherwise provided herein.

15-2-2 Application

Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of fastening such sign; the name and address of the sign owner and of the sign erector.

15-2-3 Fees

Fees for such permit shall be in accordance with the schedule of fees as adopted by the Board of Supervisors.

15-2-4 Nullification

A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of issuance of the permit.

15-2-5 Permit exceptions

A permit shall not be required for the following; provided, however, that such signs shall be subject to any and all applicable provisions of this Ordinance:

(a) Any sign twelve (12) square feet or less in area.

(b) Repainting without changing wording, composition, or minor, non structural repairs.

(c) The changing of the advertising copy or message on an approved painted

or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(d) Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

15-3 Signs Permitted in Zoning Districts

15-3-1 Signs permitted in Residential Districts.

(a) One (1) sign not exceeding two (2) square feet in area advertising the sale or lease of a dwelling unit.

(b) One (1) or more signs, not exceeding in the aggregate ten (10) square feet for the purpose of identifying a multifamily dwelling unit.

(c) Signs for permitted commercial uses in the Planned Residential Districts shall be governed by the regulations for the B-1 district.

(d) Temporary signs, but not to exceed thirty-two (32) square feet in area and for a period of time not to exceed ninety (90) consecutive days. (Ord. of 8-10-82)

15-3-2 Signs permitted in the A-1, and B-1 Districts.

(a) Signs for residential uses shall be regulated by the above section covering "Signs in Residential Districts".

(b) For permitted commercial uses, total sign area for building-mounted signs of each business shall not exceed in the aggregate one and one-half square feet of sign area of each lineal foot of the business provided that are not projecting more than five (5) feet from the building line or extending above the roof line. No such sign area shall exceed one hundred (100) square feet. Where frontage is on more than one (1) street, each frontage shall be considered a separate frontage for the purpose of this section.

(c) Freestanding signs not to exceed fifty (50) square feet in area for each building but in no case shall such sign extend over the street right-of-way or higher than twenty (20) feet.

(d) One (1) freestanding sign shall be permitted for each building except that two (2) free-standing signs are permitted for a development having one hundred fifty (150) feet of developed frontage or more.

(e) No more than one (1) freestanding sign shall be permitted for a shopping center, limited in area to seventy-five (75) square feet, and shall not extend higher than twenty (20) feet.

(f) The following signs are permitted and are regulated by this section:

1) Temporary window signs

2) Permanent window signs but the area shall be regulated as for building-mounted signs.

3) Directional signs on the same property but not to exceed four (4) square feet.

4) Portable signs to be regulated as free-standing signs.

5) Temporary signs but not to be used for more than ninety (90) consecutive days.

6) Flush signs to be regulated as building-mounted signs

7) Temporary real estate or construction signs not to exceed thirty-two (32) square feet and to be removed at the completion of the project. (Ord. of 8-10-82)

(g) Outdoor advertising signs shall be permitted in an agricultural zone within five hundred (500) feet of the business being advertised and shall be at least one hundred fifty (150) feet from the nearest existing outdoor advertising sign. (Ord. No. 84-12, 9-20-84)

15-3-3 Signs permitted in the B-2 and M-1 Districts

(a) Signs for residential uses shall be regulated by the above section covering "Signs in Residential Districts".

(b) For permitted commercial or industrial uses, total sign area for building-mounted signs of each business shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of business provided they are not projecting more than five (5) feet from the building line or extending above the roof line. No such sign area shall exceed two hundred (200) square feet. Where frontage is on more than one (1) street, each frontage shall be considered a separate frontage for the purpose of this section.

(c) One freestanding sign shall be permitted for each building except that two (2) freestanding signs are permitted for a development having one hundred (100) feet of developed frontage or more. Freestanding signs are not to exceed one hundred (100) square feet in area for each building on the premises, but in no case shall such sign extend over the street right-of-way or higher than fifty (50) feet.

(d) Businesses and industries located within one thousand (1,000) feet of an interstate or limited access roadway shall be permitted one (1) on-

premises freestanding sign as defined by the Virginia Department of Highways and Transportation of unlimited height and area for the purpose of attracting nonlocal traffic from said interstate or limited access roadway in addition to the permitted freestanding signs.

(e) Outdoor advertising signs shall be set back at least twenty-five (25) feet from right-of-way or property lines and permit a billboard height of twenty-five (25) feet above road grade. (Ord. of 6-19-89)

1) There shall be a minimum of five hundred (500) feet between outdoor advertising signs. (Ord. of 6-19-89)

2) The area for outdoor advertising signs shall not exceed three hundred (300) feet.

3) All outdoor advertising signs shall be subject to other appropriate sections of the Zoning Ordinance and the rules and regulations governing such signs of the Virginia Department of Highways and Transportation.

4) A minimum of thirty-five (35) degree angle must be maintained between sign faces to prevent two (2) attached signs from being considered one face. (Ord. of 6-19-89)

(f) The following signs are permitted and are regulated by this section:

1) Temporary window signs.

2) Permanent window signs but the area shall be regulated as for building-mounted signs.

3) Directional signs on the same property but not to exceed four (4] square feet.

4) Portable signs to be regulated as free-standing signs.

5) Temporary signs but not to be used for more than ninety (90) consecutive days.

6) Flush signs to be regulated as building-mounted signs.

7) Temporary real estate signs or construction signs not to exceed thirty-two (32) square feet and to be removed at the completion of the project.

(g) No more than one (1) freestanding sign shall be permitted for a shopping center, limited in area to one hundred (100) square feet and shall not extend higher than fifty (50) feet. (Ord. of 8-10-82)

15-4 Signs Prohibited in All Districts.

15-4-1 Any sign that violates any provision of any law of the state or federal government.

15-4-2 Any sign that obscures a sign or signal displayed by a public authority for the purpose of giving traffic instructions or directions or other public information.

15-4-3 Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.

15-4-4 Any sign of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weather vane.

15-4-5 Any nonshielded illumination of a sign within two hundred (200) feet of any residential district.

15-4-6 Any sign that displays flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than a five-second cycle.

15-5 Nonconforming Signs

Signs, other than outdoor advertising signs, which do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but which were erected in accordance with all applicable regulations in effect at the time of their erection may remain erected only so long as the then existing use which they advertise or identify remains.

15-6 Appearance of Signs

All signs shall be maintained in good working condition so as to present a neat and orderly appearance. The zoning administrator may cause to be removed any sign which shows gross neglect, which became dilapidated or which has ground area around it that is not well maintained.

15-7 Removal of Signs

The-zoning administrator may order the removal of any sign erected or maintained in violation of this Ordinance. He shall give thirty (30) days' notice in writing to the owner of such sign or of the building, structure, or premises on which such sign is located to remove the sign or to bring it into compliance. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at cost to the owner.

15-8 Abandoned Signs

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. If the owner or lessee fails to remove it, the zoning administrator shall give the owner thirty (30) day's notice in writing to remove said sign. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at cost to the owner.

15-9 Structural Requirements

All signs shall meet the structural requirements for same as set forth in the Uniform Statewide Building Code.

ARTICLE 16
AMENDMENTS, SPECIAL USE PERMITS, AND CONDITIONAL ZONING APPLICATIONS AND PROCEDURES

16-1 Amendment of the Zoning Ordinance

16-1-1 Initiation

Whenever public necessity, convenience, general welfare, or good zoning practice require, the board of supervisors may amend, supplement, or change this Ordinance, including the schedule of district regulations and the official zoning map.

Any such amendment may be initiated by resolution of the board of supervisors, by motion of the planning commission, or by petition of any property owner addressed to the board of supervisors. However, no such application shall be accepted if real estate taxes are delinquent on the subject property. For purposes of filing a re-zoning application, the term owner shall include contract purchaser with the owner's written consent, or the owner's agent. (Amended September, 2002)

16-1-2 Withdrawal

A petition for an amendment may be withdrawn at any time but, if the planning commission has commenced its hearings on the petition, a petition covering any of the same described land will not be reconsidered within twelve (12) months of withdrawal. This provision shall not be held to impair the right of either the planning commission or the board of supervisors to propose any amendment to this Ordinance on their motion at any time.

16-1-3 Pre-application Consultation Required

Applicants for all requests under this Article shall meet with the Planning Director, or his designee, and participate in a pre-application consultation. The consultation shall be designed to identify the property subject to the request (where applicable), the procedure the application will follow, meeting dates, outcome options, fees, and other pertinent issues.
(Amended November, 2001)

16-1-4 Form of Submission of Application for Re-zoning

An application must be submitted in writing on prepared forms provided by the Zoning Administrator. The application must be accompanied by the documents specified for "Documents to be Submitted" below in this Article.

16-1-5 Documents to be Submitted for a Zoning Map Change:

(a) A legal description of the property for which the change of zoning is requested.

(b) A plat showing the property drawn at a scale with sufficient references to existing streets and sub-divisions to enable the property to be located on county maps.

(c) The names and addresses as far as practicable of the property owners abutting the property or across the street from it.

16-1-6 Documents to be Submitted for a Zoning Text Change:

(a) Proposed wording or re-wording of the text to be amended with references to the article, section and sub-section that is proposed to be amended.

(b) Narrative description of the purposes to be served by the proposed amendment and how it would change the regulations of the Ordinance.

16-1-7 Analysis and Processing of Application

After receiving the application, the zoning administrator shall first determine if all of the submission requirements of this section have been met. Should additional information be required before the application can be evaluated, the zoning administrator shall advise the applicant of any additional material to be submitted within seven (7) days after receipt of the application. Upon receipt of all submission requirements, the zoning administrator shall take the following actions:

(a) Notify the applicant that the application has been received and is being processed for public hearing before the planning commission and the board of supervisors.

(b) Provide other agencies with copies of appropriate documents, in cases when such agencies are required by other provisions of this Article to review applications.

(c) Arrange for notice of the public hearing to be held before the planning commission and board of super-visors on the proposal and perform other administrative duties required during the amendment process.

(d) Prepare an analysis of the proposal and prepare a written report to the planning commission and board of supervisors giving the staff's findings and recommendations concerning the proposal prior to the public hearings.

16-1-8 Action by Planning Commission

(a) No zoning ordinance shall be adopted, amended, or re-enacted unless the board of supervisors has referred the proposal to the county planning commission for its recommendation. The commission shall hold at least one (1) public hearing on such proposed amendment after notice as required

by Section 15.2-2204 of the Code of Virginia (1950), as amended. Following the hearing, the planning commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing as long as such changes are not to a more intensive use than was contained in the public notice, and shall transmit such recommendations, together with any explanatory matter, to the board of supervisors. (Amended August 17, 1998)

(b) In recommending the adoption of any amendment to this Ordinance, the planning commission shall fully state its reasons for any such recommendations, describing any changes in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the comprehensive plan of the County and would be in furtherance of the purpose of this Ordinance.

(c) The recommendations of the planning commission shall be made to the governing body not more than ninety (90) days after the first meeting of the commission after the proposed amendment has been referred to the commission. Unless such proposed amendment has been withdrawn by the applicant, failure of the commission to report its recommendations prior to the expiration of the 90-day time period shall be considered to be a recommendation for approval (VA Code, 15.2-2285 (b)). (Amended August 17, 1998)

16-1-9 Action by the Board of Supervisors.

Before approving the proposed amendment, the board of supervisors shall hold at least one (1) public hearing thereon, pursuant to public notice as required by Section 15.2-2204 of the Code of Virginia (1950), as amended, after which the board of supervisors may make appropriate changes or corrections in the proposed amendments; provided, however, that no additional land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by Section 15.2-2204 of the Code of Virginia (1950), as amended. An affirmative vote of at least a majority of the members of the board of supervisors shall be required to amend this Zoning Ordinance. (Amended August 17, 1998)

16-1-10 Reconsideration of Application

A property owner or other petitioner to amend this Ordinance may not submit substantially the same application for amendment within a period of twelve (12) months from the date of the original denial by the board of supervisors.

16-1-11 Recording Changes on Zoning Map

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the

Board of Supervisors, or no more than ten (10) days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A certified copy of such map or maps shall be filed with the Clerk of the Circuit Court of Greensville County. Changes to this Ordinance which involve matters portrayed on the official zoning map shall be entered onto the official zoning map. No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Article 18.

16-2 Special Use Permits

Special use permits may be granted by the board of supervisors for any of the uses for which a permit is required by the use regulations of this Ordinance. In granting any such special use permits, the board of supervisors may impose any such *conditions* in connection therewith as will assure that it will conform with the requirements contained herein and will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. A special use permit shall not be issued unless the board of supervisors shall find that:

16-2-1 The Proposed Use would not be Detrimental to Community

The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.

16-2-2 Proposed Use is in Conformity with Comprehensive Plan and Policies

The proposal as submitted or modified will conform to the comprehensive plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this Ordinance.

16-2-3 Procedures

The procedures governing the application for and the granting of special use permits where required by this Ordinance shall be the same as required for the rezoning of the property and, in addition thereto, shall require the following:

(a) The application shall be accompanied by the required number of copies of the following:

1) A site sketch.

2) The front, side, and rear elevations and floor plans of the proposed buildings.

(b) Upon the granting of a special use permit, one (1) copy of the site sketch, upon which has been indicated the changes or restrictions, if any, required by the Board of Supervisors, shall be returned to the applicant, who may thereafter conduct the operations for which the permit has been granted only in such manner and for such a time as the permit and the certified drawing shall specify. A special use permit shall be valid for only the specific use it covers in the specific location designation. (Amended September 15, 1997)

16-2-4 Revocation

Should the governing body determine that there has not been compliance with the terms and conditions of an issued permit, then the governing body may revoke the permit in the manner established for the issuance thereof. (Amended September, 2002)

16-3 Conditional Zoning Regulations.

The Board of Supervisors of Greensville County by the enactment of this section hereby adopts the powers and authority conferred by the General Assembly by Sections 15.2-2296, 2299, 2300, 2301 of the Code of Virginia, as amended, as these sections apply to proffered conditions. Proffered conditions previously accepted by the board of supervisors shall be administered and enforced pursuant to the terms of this section. Proffered conditions accepted after the enactment of this section shall be subject to the following procedures and regulations:

16-3-1 Documentation to be Submitted

Proffered conditions shall include written statements, development plans, profiles, elevations, and/or other demonstrative materials proffered in accordance with the provisions of this Ordinance and approved by the board of supervisors in conjunction with the approval of an amendment to the zoning map.

16-3-2 Timing

Proffered conditions shall be submitted in writing prior the public hearing before the board of supervisors. (Amended September, 2002)

16-3-3 Authorization

Proffered conditions shall be signed and notarized by all owners of the property as well as the applicant.

Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

16-3-4 Recording of Conditions on Zoning Map

If the amendment to the zoning map is adopted subject to the conditions proffered by the owners as set forth above, then the property in question shall be appropriately annotated on the zoning map and all other land records referencing the conditions as adopted.

16-3-5 Part of Zoning Regulations

Such proffered conditions shall become a part of the zoning regulations applicable to the property in question unless subsequently changed by an amendment to the zoning map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

16-3-6 Site Plan Conformity

Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered conditions and no development shall be approved by any county official in the absence of said substantial conformity.

For the purpose of this section, "substantial conformity" shall mean that conformity which leaves a reasonable margin of adjustment due to final design data but conforms with the general nature of the development; the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

16-3-7 Amendments

Once proffered conditions have been approved, and there is cause for or request for an amendment which would not be in substantial conformity with the proffered conditions, or there is a request to proffer conditions on a parcel not currently the subject of a proffered condition, then an application may be filed for an amendment. If the amendment concerns an approved concept development plan, such application shall include the submission requirements for a concept development plan, except the zoning administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the development concept plan amendment application. Such amendment shall be the subject of a public hearing.

16-3-8 Enforcement of Proffered Conditions

The zoning administrator shall be vested with all necessary authority on behalf of the board to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance, including injunction, abatement or other appropriate action or proceedings.

16-3-9 Guarantee or Bond

The zoning administrator, or his agent, may require a guarantee, satisfactory to the

board, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the proffered conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the board, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Such guarantee shall be required no later than final site plan or subdivision approval.

16-3-10 Failure to Comply

Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits, grading permits, zoning permits, building permits, residential, and nonresidential special use permits and certificates of occupancy as may be deemed appropriate by the zoning administrator.

16-3-11 Appeal

Any person aggrieved by a decision of the zoning administrator regarding any proffered condition or regulations contained in this section or the denial of any permit may appeal such decision to the board of supervisors. Such appeal shall be filed within thirty (30) days from the date of the decision appeal by filing a notice of appeal with the zoning administrator. Such notice shall be a written statement specifying in full the grounds on which aggrieved and the basis for the appeal.

16-3-12 Action on Appeal

Upon receipt of the appeal notice, the board of supervisors shall take such testimony as it deems appropriate and render its decision in writing within sixty (60) days after receipt of the appeal notice. The board of supervisors may reverse or affirm wholly or partly or may modify the decision of the zoning administrator brought upon appeal. (Ord. of 9-16-85). (Amended August 17, 1998)

16-4 Joint Processing of Applications Permitted

In cases where applications, which are related to the same project, request amendments to the zoning map, amendments to the zoning text, application for a special use permit, application to establish a floating zone, or other approvals required to be made by the board of supervisors, it is the policy of the County that such applications may be submitted and processed as if they were a single application. Notwithstanding the above, in matters of advertising, public hearings, and action by the planning commission and board of supervisors, each application shall be advertised, considered and voted on separately.

16-5 Conditional use planned developments.

16.5.1 Purpose.

Conditional use planned developments are intended to provide for developments that are of a different character from the provisions of existing zoning districts. Conditional use planned developments provide for the modification of use and bulk requirements as well as to authorize approval of additional standards and exceptions that are not already specifically established by the ordinance. A conditional use planned development may be part of other actions such as a rezoning, conditional use, special exception, or special use permit or may be a stand-alone provision, based on the circumstances of the request.

16.5.2 Use exceptions.

A conditional used planned development provides for the planning commission to recommend, and the board of supervisors to authorize, specific uses not permitted within a specific zoning district, provided that the board of supervisors considers the following in making their determination:

(a) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

(b) That the uses permitted by such exception are not of such a nature or located so as to exercise a detrimental influence on the surrounding neighborhood.

(c) If a use is not specifically enumerated in the zoning ordinance by-right, special exception, or special use in any district, then the planning commission may recommend and the board of supervisors may authorize such use. Nothing contained in this section shall be construed to permit the approval of any use specifically prohibited.

16.5.3 Regulation exceptions.

A conditional used planned development provides for the planning commission to recommend, and the board of supervisors to authorize, exceptions to the applicable bulk (e.g., height, setback, yards, etc.) and/or development regulations of the zoning ordinance; provided that the planning commission and board of supervisors shall consider:

(a) That such exception shall be solely for the purpose of promoting an integrated plan no less beneficial to the residents or occupants of the development, as well as neighboring property, than would be obtained under the zoning ordinance's bulk and/or development regulations for buildings developed on separate zoning lots.

(b) That the minimum lot requirements of the zoning ordinance may be decreased without limitation; provided that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common areas within the development.

(c) The director of planning, planning commission or board of supervisors may require any reasonable method to guarantee that open spaces provided as an integral part of the conditional use planned development shall always remain available to those people for whom they were designed to serve and that such open spaces shall be reasonably maintained.

16.5.4 Procedure.

An applicant for any conditional used planned development shall submit the following as part of such an application:

(a) Master Plan. The director of planning shall, in addition to the general requirements of the zoning ordinance, require additional information which may include, but not be limited to, a master plan showing the general location of streets and land uses by type, function, density, and intensity. The director of planning shall also require the master plan to include, in a map or textual form, preliminary plans for drainage and erosion control, transportation improvements, water and wastewater service, and other public utilities and facilities. The master plan and any amendments thereto shall be reviewed by the planning commission for recommendations and submitted to the board of supervisors for final action.

(b) Land added or removed after master plan approval. If land area is to be added to or removed from a planned development after a master plan has been approved, the area to be added or removed shall be considered under a separate conditional use planned development application. If an area is approved to be added to or removed from a planned development, the master plan for the original development shall thereafter include the area added or removed.

(c) Amendments of any conditions made as part of the conditional use planned development approval shall be made by making an application to amend the conditional use planned development as set forth herein. (Ord. of August 5, 2013)

ARTICLE 17
APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

17-1 Board of Zoning Appeals

17-1-1 Membership

A Board of Zoning Appeals, referred to in this Article as the board, consisting of five (5) residents of the County, shall be appointed by the Circuit Court of Greensville County, Virginia. Members of the board shall hold no other public office in the County, except that one may be a member of the planning commission. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

17-1-2 Term of Office

The term of office shall be for five (5) years, except that the original appointments shall be made for such terms that the term of at least one (1) member shall expire each year. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

17-1-3 Removal from Office

Members may be removed for misfeasance, nonfeasance, malfeasance, or for other just cause by the appointing authority and after hearing; provided fifteen (15) days notice of such hearing is provided the member.
(Amended August 17, 1998)

17-1-4 Conflict of Interest

Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

17-1-5 Officers

The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board; provided, however, that a secretary who is a non-member may not vote.

17-2 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

17-2-1 Appeal from Administrative Officer

The board may hear and decide appeals from any order, requirement, decisions, or

determination made by an administrative officer in the administration or enforcement of this Article or of any ordinance adopted pursuant thereto.

The board may hear and decide appeals from the decision of the zoning administrator.

No such appeal shall be heard except after notice and hearing as provided by Section 15.2-2204, Code of Virginia (1950), as amended.
(Amended August 17, 1998)

17-2-2 Variances

The board may authorize, upon appeal in specific cases, variances from the terms of this Ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this Ordinance shall be observed and substantial justice done according to the following:

(a) Variance Defined [Code 15.2-2201] A variance is a reasonable deviation from the provisions of this Ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of this Ordinance would result in unnecessary or unreasonable hardship to the property owner; provided, however, that:

1) such need for a variance would not be shared generally by other properties,

2) the variance is not contrary to the intended spirit and purpose of this Ordinance, and

3) the variance would result in substantial justice being done.

A variance shall not include a change in the use of property which shall be accomplished by rezoning the property.

(b) Grounds for variance: The board may grant a variance when the property owner can show that the property was acquired in good faith, and:

1) where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of this Ordinance, or

2) where by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto,

the strict application of terms of this Ordinance would effectively prohibit or unreasonably restrict the use of the property; or where the board is

satisfied, upon the evidence heard by it that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant. Every variance shall be in harmony with the intended spirit and purpose of this Ordinance.

(c) No variance shall be authorized by the board unless it finds:

1) that the strict application of this Ordinance would produce undue hardship;

2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

(d) No such variance shall be authorized except after public notice and public hearings as required by Section 15.2-2204, Code of Virginia (1950), as amended.

(e) No variance shall be authorized unless the board finds that the condition or situation of the property is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this Ordinance.

(f) In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
(Amended August 17, 1998)

17-2-3 Interpretation of Zoning District Line Location

The board may hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question and after public hearing with notice as required by Section 15.2-2204, Code of Virginia, the board may interpret the map as to carry out the intent and purpose of this Ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

No provision of Section 17-2 shall be construed as granting the board the power to rezone property.
(Amended August 17, 1998)

17-3 Rules and Regulations

17-3-1 Rules

The board may make, alter, and rescind rules and forms for its procedures, consistent with the general laws of the County and the Commonwealth.

17-3-2 Meetings

The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.

(a) The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

(b) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(c) All meetings of the board shall be open to the public.

(d) A quorum shall be at least fifty-one (51) percent of the membership.

(e) A favorable vote of the majority of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant or any matter upon which the board is required to act.

17-4 Applications

Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. However, no such application shall be accepted if real estate taxes are delinquent on the subject property. In addition, no such application shall be accepted for substantially the same request when denied within the preceding calendar year. The application and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No such variances shall be authorized except after notice and public hearing as required by the Virginia Code Section 15.2-2204. The zoning administrator shall also transmit a copy of the application to the planning commission, which may send a recommendation to the board or appear as a party at the hearing.
(Amended September, 2002)

17-5 Appeal to the Board of Zoning Appeals

An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the zoning administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. However, no such application shall be accepted if real estate taxes are delinquent on the subject property. In addition, no such application shall be accepted for substantially the same request when denied within the preceding calendar year. The administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.
(Amended September, 2002)

17-6 Appeal Procedures

17-6-1 Mailings Required

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

17-6-2 Fee

Applicants for all requests under this Article shall meet with the Planning Director, or his designee, and participate in a pre-application consultation. The consultation shall be designed to identify the property subject to the request (where applicable), the procedure the application will follow, meeting dates, outcome options, fees, and other pertinent issues.
(Amended November, 2001)

17-7 Public Hearing

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of any administrative officer, or decide for or against the applicant for any variance or other matter upon which it is required to pass under this Ordinance. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variance from this Ordinance.

The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and they shall be public records. The chairman of the board or, in his absence, the acting chairman may administer oaths and compels the attendance of witnesses. (Amended May, 1995)

17-8 Review of Decision of Board of Zoning Appeals.

17-8-1 Appeal to Circuit Court

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board, or bureau of the County, may present to the circuit court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

17-8-2 Writ of Certiorari

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved person(s) attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon which the decision was appealed from; but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

17-8-3 Return of Papers

The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

17-8-4 Court Proceedings

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

17-8-5 Cost

Cost shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the

decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ or certiorari.

ARTICLE 18
ADMINISTRATION AND ENFORCEMENT

18-1 Enforcement

18-1-1 Zoning Administrator established

The provisions of this Ordinance shall be administered and enforced by an officer to be known as the zoning administrator, who shall be appointed by the Board of Supervisors of Greensville County. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the provisions of this Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action of proceedings.

18-1-2 Assistance and cooperation

The zoning administrator may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of all county officials.

18-1-3 Building permit

Before any building permit for any building, structure, reconstruction, enlargement or alteration shall be issued, the zoning for the building site shall be verified so that the proposed building, structure, reconstruction, enlargement, or alteration under regulation of the Virginia Uniform Statewide Building Code (VUSBC) are in compliance with all requirements of the zoning district in which it is located.
(Amended August 17, 1998)

18-1-4 Certificate of occupancy

(a) When required:

A certificate of occupancy shall be obtained from the zoning administrator for any of the following reasons:

1) Occupancy in the use of a new building.

2) Occupancy and use of vacant land, except for any agricultural use.

3) Enlargement of any use, with respect to the unit of measurement specified in this chapter as the basis for determining the amount of required automobile parking space, whether the same is specified in terms of floor area, dwelling units, seats, or any other element of size of the use.

4) Non-conforming use resulting from a change in zoning

classification

(b) No such occupancy, use, or enlargement of use shall take place until a certificate of occupancy therefore has been issued by the zoning administrator.

(c) Certificate of Occupancy for new buildings: Written application for a certificate of occupancy for a building shall be made at the same time as the application for the building permit for such building, and a written request for issuance of the same shall be made to the zoning administrator after the completion of the work covered by the building permit. If the proposed use is in conformity with the provisions of this Ordinance, and of all other applicable laws and ordinances, as certified to the zoning administrator by the officers, bodies, or agencies responsible for the administration thereof, the certificate of occupancy shall be issued within five (5) working days after the request for the issuance of the same has been made. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the zoning administrator for a period not exceeding three (3) months during the completion of any alterations that are required under the provisions of any law or ordinance. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owner or of the county relating to the use or occupancy of the land or building or any other matter covered by this Ordinance.

18-1-5 Not to permit violations of law

No certificate of occupancy shall be deemed to validate any violation of any provisions of any law or ordinance.

18-1-6 Effect

A certificate of occupancy shall be deemed to authorize, and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building and the use thereof or of such land is in full conformity with the provisions of this Ordinance and any requirements made pursuant thereto. On the serving of notice of any violation of any of such provisions or requirements with respect to any building, or the use thereof or of land, the certificate of occupancy for such use shall thereupon become null and void and a new certificate shall be required for any further use of such building or land.

18-1-7 For building or land when regulations change

On written application by the owner, the zoning administrator shall issue a certificate of occupancy for any use of a building or land existing at the time of the adoption of this Ordinance or at the time of the adoption of any amendments of this Ordinance changing the regulations applying to such building or land. After inspection and investigation, the zoning administrator shall certify the extent and kind of such use and whether the same conforms to the provisions of this chapter for the district in which it is situated or in a

non-conforming use. In addition:

(a) An application for a certificate of occupancy for a non-conforming use shall be filed with the zoning administrator by the owner or lessee of the land or building, or portion thereof, occupied by such non-conforming use within one (1) year from the date that it becomes non-conforming by adoption of this Ordinance or any amendment hereto.

(b) It shall be the duty of the zoning administrator (1) to make inspections as necessary to identify each non-conforming use; (2) to notify in writing the owner(s) or occupant(s) as the case may be that the building or land they occupy is a legal non-conforming use; (3) to advise them of their vested rights to continue the non-conforming use and the conditions thereof; and upon application, and (4) to issue a certificate of occupancy for the non-conforming use.

(c) Once an owner or occupant of a non-conforming use has been duly notified as prescribed above, failure to apply for such certificate of occupancy for the non-conforming use, or failure of the zoning administrator to issue such certificate of occupancy for a non-conforming use for due cause, shall be considered evidence that such non-conforming use did not exist at the effective date of this Ordinance, or any amendment hereto, and therefore is in violation of the County's Zoning Ordinance.

18-2 Effective date

The effective date of this Ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

18-3 Fees

The board of supervisors, by resolution, shall establish from time to time a schedule of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of this Ordinance, or to the filing or processing of any appeal or amendment hereto.

18-4 Violation and Penalty

18-4-1 All departments, officials, and public employees of this jurisdiction, who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

18-4-2 Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon

conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than $10 nor no more than $1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than $10 nor more than $1,500.

(Amended September, 2002)

ARTICLE 19
STANDARDS FOR TELECOMMUNICATIONS ANTENNAS AND TOWERS

19-1 Intent

The purpose of this article is to establish general guidelines for the citing of telecommunication towers and antennas. The goals of this article are to: (i) encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community; (ii) encourage utilization of publicly held lands; (iii) encourage strongly the joint use of new and existing tower sites; (iv) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (v) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and (vi) provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the county. This article is intended to comply with all federal regulations.

19-2 Definitions

19-2-1 Alternative tower structure. Manmade trees, clock towers, bell steeples, light poles, elevated water storage tanks, signs, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

19-2-2 Antenna. Any apparatus designed for telephonic, data, radio or television communications through the sending and/or receiving of electromagnetic waves.

19-2-3 FAA. The Federal Aviation Administration.

19-2-4 FCC. The Federal Communications Commission.

19-2-5 Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

19-2-6 Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

19-3 Applicability

19-3-1 Amateur radio and receive-only antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is:

(a) Fifty feet and under in height and is owned and operated by a federally licensed amateur radio station operator; or is

(b) Used exclusively for receive-only antennas for amateur radio station operation.

19-3-2 Existing structures and towers. The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other freestanding structure or existing tower or pole shall be permitted with the approval of a zoning permit by the zoning administrator so long as the addition of said antenna shall not add more than 20 feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such antennas shall be single element (rod whip type) antennas and shall not include satellite dishes, parabolic or multi-element antennas when located on existing structures such as a building, sign, light pole, water tank or other freestanding structure or pole. Satellite dishes, parabolic or multi-element antennas are permitted when co-locating such antenna on an existing tower structure. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use, and provided such supporting equipment complies with all other provisions provided herein.

19-4 General guidelines and requirements

19-4-1 Where permitted? Towers, as defined herein, are permitted upon approval by the Board of Supervisors of a special use permit in Agricultural (A-1), General Commercial Business (B-2), and Industrial (M-1) zoning districts subject to the provisions of this section. Towers, as defined herein, are not permitted in any other zoning district.

19-4-2 Principal or accessory use. For purposes of determining compliance with the underlying zoning district's area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot, unless otherwise contained herein. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers shall be located on a leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure.

19-4-3 Inventory of existing sites. Each applicant for an antenna and or tower shall provide to the Greensville County Planning Director an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The Greensville County Planning Director may share such information with other applicants applying under this ordinance or other organizations seeking to locate

antennas within the jurisdiction of the locality; provided, however, that the Greensville County Planning Director shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

19-4-4 Design and lighting. The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance.

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, no reflective color with no logos.

(b) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, Greensville County may review the available lighting alternatives and shall approve the design that would cause the least disturbance to the surrounding views. As a minimum, all tower lighting shall be shielded as to minimize visibility from the ground. In addition, all antennas and towers shall utilize red beacon type safety lighting, if such lighting is required by any regulation of the U.S. government. Strobe lighting or similar lighting mechanisms shall not be permitted unless specifically required by regulations of the U.S. government.

(e) No advertising of any type may be placed on the tower or accompanying facility, or any associated support buildings or structures.

(f) To permit collocation, the tower shall be designed and constructed to permit extensions to a maximum height of 250 feet.

(g) Towers shall be designed to collapse within the lease area in case of structural failure.

(h) Accessory facilities or buildings associated with the communication tower or antennas shall not include offices, vehicle storage or outside

storage.

19-4-5 Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards or regulations are changed, then the owners of the antennas and towers shall bring such antennas or towers into compliance with such revised standards as required. A copy of any FAA, FCC, and other governmental agency approval must be on file before zoning permit approval for the tower or antenna.

19-5 Building codes

To ensure the structural integrity of towers, the owner of a tower shall verify in writing that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations. If such standards or regulations are changed, then the owners of the antennas and towers shall bring such antennas or towers into compliance with such revised standards as required. A copy of any FAA, FCC, and other governmental agency approval must be on file before zoning permit approval for the tower or antenna.

19-6 Information required

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

19-6-1 An engineering report, certifying that the proposed tower is compatible for collocation with the minimum of three users including the primary user; but excluding use under 19-14, must be submitted by the applicant.

19-6-2 The applicant shall provide copies of its collocation policy.

19-6-3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible collocutor antennas are no higher in elevation than necessary.

19-6-4 The antenna and/or tower shall be designed and installed so as not to interfere with the county's public safety communications system. The applicant shall perform an engineering study to determine the possibility of radio frequency interference with the county system. This study shall accompany the conditional use permit application.

19-6-5 The tower or antenna owner shall be responsible for correcting any frequency problems, which affect the Greensville County Public Safety Communications System, caused by the use. Such corrections shall be made immediately upon notification by the Greensville County Planning Director.

19-7 Factors considered in granting special use permits for new towers

The applicant shall obtain a special use permit from the Greensville County Board of Supervisors before erecting towers or antennas covered by this article. The Greensville County Board of Supervisors shall consider the following factors in determining whether to issue a special use permit:

(a) Height of the proposed tower;

(b) Proximity of the tower to residential structures and residential district boundaries;

(c) Nature of the uses on adjacent and nearby properties;

(d) Surrounding topography;

(e) Surrounding tree coverage and foliage;

(f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(g) Proposed ingress and egress;

(h) Collocation policy;

(i) Language of the lease agreement dealing with collocation;

(j) Consistency with the comprehensive plan and the purposes to be served by zoning;

(k) Availability of suitable existing towers and other structures as discussed below; and

(l) Proximity to commercial or private airports.

19-8 Availability of suitable existing towers or other structures.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Greensville County Board of Supervisors that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's

engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that there are other reasonable limiting factors that render existing towers and structures unsuitable.

19-9 Setbacks

The following setback requirements shall apply to all towers and antennas for which a special use permit is required:

(a) The tower must be set back from any off-site residential structure cemetery or public park no less than six times the height of the tower.

(b) Accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

(c) Towers must be set back from the lease area boundaries no less than 100 percent of the tower height.

(d) The lease area boundaries must be set back from the total parcel boundaries the minimum distances as required by the underlying zoning district for principal uses.

(e) Towers must be set back from any existing building, other than residential structures, which house people for other purposes (i.e., businesses, industries, schools, churches) no less than 100 percent of the tower height.

(f) Residences constructed after the location of a tower must be set back a minimum of the 50 feet from the lease area boundaries.

19-10 Security fencing

Towers and all accessory structures shall be enclosed by security fencing not less than eight feet in height and shall also be equipped with an appropriate anti-climbing device; such fence shall be designed to preclude view of the tower base and supporting buildings and equipment from the public right-of-way and adjacent properties. The fence design shall be submitted to the county for approval.

19-11 Noise

The noise level of supporting equipment and facilities shall not exceed 65 decibels at the lease area boundaries.

19-12 Landscaping

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required.

(a) Where existing mature tree growth or natural land forms on the site do not exist, tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities.

(b) Where existing mature tree growth or natural land forms on the site exist they shall be preserved to the maximum extent possible.

19-13 Signage

The lease area shall be internally posted with one (1) "No Trespassing" sign which shall be placed on the access gate. On all other sides two (2) "No Trespassing" signs shall be posted within twenty feet of the lease area. All signs shall be erected to ensure visibility and permanency. Other signage may be placed at the discretion of the applicant to deter illegal entry or avoid entry, but no sign, excepting those signs required by federal regulation, shall be placed for any other purpose.

19-14 Local government access

Owners of towers shall provide the county collocation opportunities as a community benefit to improve, radio communication for county departments, agencies, and emergency services organizations with out costs.

19-15 Removal of abandoned antennas and towers

Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned and the owner of each such antenna or tower shall remove same within 90 days. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

19-15-1 Surety for removal. Prior to the issuance of zoning and building permits for towers or antennas, the owner shall provide a performance bond with approved surety in an amount equal to the cost to demolish the tower at such time as the antennas or tower ceases to be operated as described in section.

19-15-2 The exact amount of this performance bond will be determined by the

county attorney and director of planning.

19-16 Required yearly report

The owner of each such antenna or tower shall submit a report to the director of planning once a year, no later than July 1. The report shall state the current user status of the tower and shall include an inspection report from a certified engineer that the tower is structurally sound.

19-17 Required five-year plan

The tower owner shall submit to the county a five-year proposed site location plan. Such plan shall be submitted with the special user permit applications and shall include the following:

(a) A map showing the location of each site within Greensville County at which owner proposes to construct a communications tower within the five years subsequent to the current application; and

(b) A narrative which describes the precise location of each tower shown on the aforesaid map.

The foregoing maps shall be updated and any revision submitted, no later than July 1, once a year with the required yearly report (section 19-16).

19-18 Review fees

Any costs incurred by Greensville County for outside independent review of any or all of the above required information shall be paid by the applicant within thirty (30) days of the receipt of such invoice from the county.

19-19 Violations

Such actions shall be in addition to all other rights and remedies available upon a violation of this article, including, although not limited to, rescission of the special use permit approval.

19-20 Deviations

Any application which includes a deviation from the strict and literal compliance with the terms and conditions of this article shall be made to the Greensville County Board of Supervisors as part of the initial application the Board of Supervisors shall have no duty to approve any such application. If the Board of Supervisors approves any such application, it may require, as a condition of such approval, compliance with any terms and conditions promulgated by the board that exceeds the minimum criteria herein established or creates new criteria.

19-21 Severability

Should any section thereof, subsection hereof, or any portion of either be determined by a court of competent jurisdiction to be unenforceable had not theretofore been a part hereof.
(Adopted November 2001)

ARTICLE 20
INTENSIVE LIVESTOCK, DAIRY, POULTRY FACILITIES

Statement of intent. The intent of this article of the zoning ordinance is to provide Greensville County farmers with guidance and standards in locating and operating intensive agricultural operations. In doing so, the intent is to protect the public health and welfare and environment of Greensville County and its citizens, while providing for the orderly and responsible growth of the agricultural industries.

20-1 Where permitted

The development of intensive livestock, dairy and poultry facilities are permitted within any established agricultural district, A-1, subject to the provisions of this ordinance and compliance with the requirements of this article, and subject to other applicable federal, state, and local ordinances and regulations.

20-2 Definitions

Best management practices. An approved practice or combination of practices, that is determined by a state and/or area-wide planning agency to be the most effective, practicable means of preventing pollution, or reducing pollution to a level compatible with water quality goals. Such agencies shall include the department of conservation and recreation, natural resource conservation service, the J. R. Horsley Soil and Water Conservation District, the department of environmental quality, and the Greensville County. Such best management practices shall include, although not exclusively, using appropriate spreading schedules to avoid manure runoff and wind drift, spreading on planted fields, and conducting proper soils and manure tests and spreader calibrations.

Buffer. A strip of land located so that it separates and protects one type of use from another which shall, through the use of existing natural vegetation and additional plantings, completely blocks the view of the animal confinement facilities from public roads and any existing dwellings located on properties adjoining an animal confinement building.

Existing dwelling. For the purpose of this article either of the following shall constitute an existing dwelling:

(a) A structure, designed for residential use, which is occupied on the date a completed zoning permit application and site development plan for a livestock, dairy or poultry facility permit is received by the office of the zoning administrator; or

(b) A structure, designed for residential use, which is not occupied on the date a completed zoning permit application and site development plan is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the five years immediately preceding the date on which a completed application for a livestock, dairy or poultry facility permit is received by the office of the zoning administrator.

Existing livestock, dairy, poultry facility. For the purpose of determining residential setbacks in the agricultural district, A-1, under this article, a livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for any period of time within the five years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Intensive dairy facility (hereafter, "dairy facility"). A dairy with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits, or waste lagoons, which at any one time has 200 dairy cows that are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period or, any waste lagoon serving any such confinement facility; or, any land area utilized for the surface application of waste generated at such confinement facility; or, any manure storage site or containment facility; or, any incinerator utilized for disposition of waste generated at any such confinement facility; or, any combination of two or more of the foregoing structures, facilities, or open areas. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals. In no case shall a facility as defined herein serve a cumulative total of 3,350 animals.

Intensive livestock facility (hereafter, "livestock facility"). Any facility with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits, or waste lagoons utilized for the confinement of 300 head of cattle or more, 750 head of swine or more, 150 horses or more, or 400 sheep or more, which animals shall be so maintained for 45 days, or more, in any 12-month period; or, any waste lagoon serving any such confinement facility; or, any land area utilized for the surface application of waste generated at such confinement facility; or, any manure storage site or containment facility; or, any incinerator utilized for disposition of waste generated at any such confinement facility; or, any combination of two or more of the foregoing structures, facilities, or open areas. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals. In no case shall a facility as defined herein serve a cumulative total of 5,000 animals.

Intensive poultry facility (hereafter, "poultry facility"). A poultry house or houses with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits, waste lagoons, incinerators, disposal pits or cold storage chests used for the collection of dead birds which at any one time has 30,000 chickens or 16,500 turkeys that are or will be confined and fed or maintained for a total of 45 days or more in any 12-month period or, any waste lagoon serving any such confinement facility; or, any land area utilized for the surface application of waste generated at such confinement facility; or, any manure storage site or containment facility; or, any incinerator utilized for disposition of waste generated at any such confinement facility; or, any combination of two or more of the foregoing structures, facilities, or open areas. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals. In no case shall a facility as defined herein serve a cumulative total of 100,000 chicken or 50,000 turkeys.

Livestock raiser, dairy operator, poultry grower. The owner of the livestock facility, dairy or poultry facility or the land on which the facility or dairy is located.

Parcel. A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the office of the Clerk of Circuit Court of Greensville County.

Water impoundment. Actual public or private water sources

20-3 Acreage requirements

(a) Livestock and dairy facilities. If more than one parcel shall constitute a part of the intensive facility, all such parcels shall be contiguous. The minimum size of the parcel, or contiguous parcels, on which an intensive livestock facility or intensive dairy facility may be placed shall be the greater of the following a) the number of acres required to satisfy all applicable setbacks or b) the number of acres required to comply with the approved nutrient management plan; but no less than 100 acres.

(b) Existing intensive facilities nonconforming. Parcels with livestock or dairy facilities in operation as of the date of adoption of this Article, which do not have sufficient acres, as required above, shall be considered nonconforming existing uses and may continue so long as the operation is not abandoned for as long as two years continuously and there is no increase in the size or number of livestock or dairy herd kept on the parcel at any one time and there is no diminution in the size of the parcel of land containing the intensive livestock or dairy facility.

(c) Poultry facilities. The minimum size of the parcel or contiguous parcels on which an initial poultry facility may be placed shall be 100 acres or greater as required by the approved nutrient management plan for the facility and the meeting of all other requirements pursuant to this article.

(d) Existing intensive poultry facilities. Parcels with poultry facilities in operation as of the date of adoption of this Article, which do not have sufficient acres, as required above, are deemed to be nonconforming uses and may continue in operation as long as there is no increase in the number and size of the poultry houses and there is no diminution in the size of the parcel of land.

20-4 Setbacks for divided parcels

No intensive livestock facility, dairy, or poultry facility permitted under this article shall continue in operation if, after meeting the requirements for obtaining an intensive livestock, dairy, or poultry facility zoning permit, land is divided from the parcel or parcels on which the intensive livestock, dairy, or poultry facility is located such that the setback requirements or acreage requirements no longer conform to this ordinance.

20-5 Setbacks

(a) All intensive livestock, dairy, or poultry facility shall have a minimum setback distance of 4,500 feet from all existing dwellings not owned by the grower.

(b) The setback for all intensive livestock, dairy, or poultry facilities from property lines and public roadways shall be at least 1,500 feet.

(c) All intensive livestock, dairy or poultry facilities shall be set back at least one mile (5,280 feet) from platted residential subdivisions; mobile home parks; churches; and wells, springs and other water intakes utilized as domestic or potable water sources.

(d) All intensive livestock, dairy or poultry facilities shall be set back at least 4,500 feet from incorporated towns; residential, business and industrial zoning districts; public and private schools; colleges; county, town and community owned recreation areas, airports, and any other such town, county, and community owned buildings and properties.

(e) All intensive livestock, dairy or poultry facilities shall be set back at least one mile (5,280 feet) from other intensive livestock, dairy or poultry facilities.

(f) Any land area sprayed with waste from an intensive livestock facility, dairy or poultry facility shall be located a minimum of 1,000 feet from any existing dwellings, wells, springs, and water intakes, a minimum of 500 feet from the property boundaries, and a minimum of one mile (5,280 feet) from any water impoundment which is utilized as a source of water for a public water system or any river, or any stream which flows into such impoundment, or into such river.

(g) No lagoon which serves an intensive livestock facility, dairy or poultry facility and is utilized for the anaerobic treatment of animal waste, whether through aerobic or anaerobic treatment, shall be located within one mile (5,280 feet) of any water impoundment which is utilized as a source of water for a public water system, nor within one mile (5,280 feet) of any river, nor within one mile (5,280 feet) of any stream which flows into such impoundment, or into such river.

(h) No storage facility which serves an intensive livestock facility, dairy or poultry facility by storing animal waste for off-site treatment/disposition shall be located within one mile (5,280 feet) of any water impoundment which is utilized as a source of water for a public water system, nor within one mile (5,280 feet) of any river, nor within one mile (5,280 feet) of any stream which flows into such impoundment, or into such river.

(i) No intensive livestock, dairy or poultry facility as defined may be located within one mile (5,280 feet) of any water impoundment which is utilized as a source of water for a public water system, nor within one mile (5,280 feet) of any river, nor within one mile (5,280 feet) of any stream which flows into such impoundment, or into such river.

(j) Where setbacks are in conflict, the more restrictive setback regulation shall apply.

(k) If after approval from the zoning administrator it is discovered that the applicant did not disclose the existence of any of those uses identified in 20-5-(a) through 20-5-(i) above located fewer than the required distance from the proposed facility, then such approval shall become void retroactively to the date such approval was issued and the operation of the facility shall cease immediately upon receipt of such written notification from the zoning administrator.

20-6 Replacement and reconfiguration of livestock, dairy and poultry facilities

(a) Replacement or reconfiguration of livestock, dairy and poultry facilities in operation as of the effective date of the ordinance from which this provision is derived but which do not meet the requirements of this article may be permitted provided that:

1) There is no increase in the square footage devoted to the livestock operation, dairy or poultry house on the parcel and no increase in the number of livestock or dairy cows kept on the parcel or the number of poultry houses kept on the parcel at any one time.

2) Replacement facilities do not encroach upon any setbacks required under this article to a greater extent than the facilities being replaced.

3) A nutrient management plan is obtained as provided for in this article.

20-7 Certified plat required

Each zoning permit application for an intensive livestock, dairy or poultry facility shall be accompanied by a plat of the entire parcel(s) with the location of proposed facility prepared and signed by a land surveyor or civil engineer licensed by the Commonwealth of Virginia certifying that the proposed facility meets all applicable setback requirements of this article, and shall include any other documentation as deemed necessary by the zoning administrator.

20-8 Livestock, dairy or poultry facility development plans

(a) Any intensive livestock raiser, dairy operator or poultry grower or a potential raiser, owner, grower shall file with the zoning administrator a development plan which indicates the number, size and location of livestock, dairy or poultry facilities planned for the subject parcel. This development plan shall be prepared in accordance with the provisions of Article 12 of the Greensville County Zoning Ordinance and shall be prepared and signed by a land surveyor or civil engineer licensed by the Commonwealth of Virginia verifying the accuracy of the distances shown in the development plan and containing all the data required on the certified plats. When such development plan has been approved by the zoning administrator and during the period in which it remains in effect, the planned facilities shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved.

(b) The development plan shall satisfy all the requirements of this article of the Greensville County Zoning Ordinance, and all requirements of any other Greensville County Ordinance, and shall include a plat on which a certified land surveyor states that the proposed location of each intensive livestock facility shown on the plat satisfies all setback requirements imposed by the Greensville County Zoning Ordinance, or by any other Greensville County Ordinance. The zoning administrator shall have 45 days in which to review the development plan.

(c) The zoning administrator's approval of the development plan shall automatically expire on the first anniversary of the issuance of such approval (i.e., 365 days thereafter), unless the proposed facilities have theretofore been constructed and placed in service.

(d) The grower shall notify the zoning administrator in writing immediately of placement into service of any facilities indicated in his development plan.

(e) Each parcel for which a development plan has been approved by the zoning administrator shall display within 15 days of such approval at its entrance a sign no smaller than two square feet, or larger than four square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Development Site, Intensive (Livestock, Dairy, or Poultry) Facility". Fabrication, installation, and all costs of said sign(s) shall be the responsibility of the grower/operator.

20-9 Nutrient management plan

(a) No facility permit shall be issued until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or other appropriate state agency, and accepted by the zoning administrator. A copy of the approved nutrient management plan for the facility shall be filed with the zoning permit application and site development plan.

(b) The nutrient management plan shall provide for the safe disposal or use of 100 percent of the manure or animal waste produced by each facility. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Department of Conservation and Recreation, other appropriate agencies, and shall comply with the provisions of this article. The nutrient management plan shall take into account, among other things, the presence of rivers, streams, domestic or potable wells, springs and sinkholes, and slopes and geological formations that indicate a high susceptibility to ground or surface water pollution.

(c) Any area proposed for use as a site of surface application of waste generated at a facility, regardless of whether such area is on the site of such facility or is offsite, must be expressly identified and authorized in the approved nutrient management

plan, and must also be authorized by all other federal, state, and local agencies from which a permit or approval is required. Because such area is defined herein as an intensive facility, such area must also satisfy all setback requirements imposed by the Greensville County Zoning Ordinance or by any other Greensville County Ordinance. Written documentation of the agreement with the receiver of the waste, specifying the duration of the agreement, and the nature of the application or use of the wastes shall be submitted to the zoning administrator with the zoning permit application for the facility.

(d) The nutrient management plan shall provide for a site, with or without a permanent structure, for the storage of animal wastes which shall:

1) Be located on the same parcel as the facility which it is an accessory use; and meet all applicable requirements and standards of the Commonwealth of Virginia or any department or division thereof, and any applicable provisions of this article;

2) Meet the setback requirements of this article;

3) Be structurally enclosed as provided herein;

4) Be protected from the elements; and

5) Be approved by the Virginia Department of Conservation and Recreation or other applicable agency and shall:

i Be located on an impermeable base;

ii Be out of all drainways; and

iii Have sufficient capacity to accommodate 100 percent of the waste produced by the facility in operation on the parcel.

(e) Structural enclosures for waste lagoons.

1) Any treatment lagoon utilized for the treatment of animal waste generated by an intensive livestock facility, whether through aerobic or anaerobic treatment, shall be structurally enclosed. Any storage facility utilized for the storage of animal waste generated by an intensive livestock facility, for off-site disposition/treatment, shall be structurally enclosed.

2) These lagoon enclosures shall be designed by a professional engineer licensed in the Commonwealth of Virginia, to insure that hazardous, offensive or noxious odor is minimized, and to provide for safe dissipation of gases and other hazardous substances.

3) Prior to construction of any such waste treatment lagoon enclosure, a

detailed plan therefore shall be submitted to the Office of the Greensville County Planning Director, from which office a certificate of approval must be secured prior to construction of such enclosure.

(f) All waste lagoons shall be constructed to provide a minimum of three feet of freeboard. Verification of this construction shall be incorporated into the nutrient management plan and such construction details shall be incorporated in the facility development plan.

(g) The nutrient management plan shall be reviewed and updated every five years by the Virginia Department of Conservation and Recreation or other appropriate agency and by the zoning administrator, and more frequently if deemed necessary or advisable by the county or its agent.

(h) Best management practices shall be employed in the timing of the spreading of nutrients and in the cleanliness and operation of the facility to insure that odors and the potential of pollution are kept to a minimum.

(i) The nutrient management plan's operational procedures shall include a plan for manure treatment with non-toxic, non-hazardous, non-noxious, and completely biodegradable enzyme catalysts to assist with odor reduction.

20-10 Plan notification

The applicant shall notify all adjacent property owners by certified mail of plans to locate and operate an intensive livestock facility. The public shall also be notified by a public notice advertised in the local newspapers of plans to locate and operate an intensive livestock facility. Documentation of these notifications shall accompany the applicant's zoning permit application and site plan submittal to the zoning administrator. The notifications shall include the subject's property address, tax map and parcel number, the number and type of animals proposed at the facility, and a contact person for the applicant including the contact's mailing address and phone number should the public have questions regarding the proposed facility.

20-11 Screening of intensive animal facilities

In citing the location of intensive animal facilities, a minimum of a 100-foot buffer shall be maintained to screen the facilities from public roads and any existing dwellings or public buildings located on properties adjoining the facility. Every effort should be made to use existing natural buffers to screen the facility. The applicant will supplement by newly created buffers to provide screening for the facility over a ten-year period and will provide additional plantings, where necessary, to completely screen the facility prior to becoming operational. The screening plan will be submitted with the zoning permit application and site plan for review and approval by the zoning administrator.

20-12 Erosion and sediment control requirements

An erosion and sediment control plan prepared in accordance with the provisions of the

Greensville County Erosion and Sediment Control Ordinance and the Virginia Erosion and Sediment Control Handbook shall be submitted for approval to the Erosion and Sediment Control Administrator. All land disturbance activity associated with the construction of the intensive livestock facility including any buildings, waste lagoons, or other accessory structures and uses shall be conducted in accordance with the approved plan. The erosion and sediment control plan shall be approved prior to the issuance of the zoning permit.

20-13 Dead animal disposal

Dead animals shall be disposed of by a procedure approved by the State Veterinarian's Office of the Virginia Department of Agriculture and Consumer Services, Division of Animal Health. Dead bird disposal facilities, such as composters, covered pits, or incinerators shall be approved methods of disposal for normal mortality, but shall not be considered sufficient to receive catastrophic mortalities over ten percent or 5,000 pounds, whichever is greater. At no time shall dead animals in excess of ten percent or 5,000 pounds, whichever is greater, be buried on the parcel, but shall be transported, in accordance with state animal health laws as may be prescribed by the state veterinarian, if applicable, to the nearest approved landfill or rendering facility for disposal. Such disposal shall be approved by the owner of the animals, who shall bear all expenses of the disposal. An operational plan for dead animal disposal as approved by the State Veterinarian's Office of the Virginia Department of Agriculture and Consumer Services, Division of Animal Health, shall be submitted to the zoning administrator with the zoning permit application and site development plan.

20-14 Inspection reports and inspections

(a) The facility operator shall provide copies of all inspection reports by federal, state, and local agencies to the zoning administrator within five days of receipt of such inspection reports. Failure to provide a copy of such reports as stipulated will subject the operator to the remedies set forth in section 17-15.

(b) The county reserves for itself or its agent the right of entry onto property, with or without prior notice to the operator, for inspections.

20-15 Violations

Any permit violation disclosed in an inspection report issued by any federal, state, or local agency, which pertains to the maintenance and operation of the facilities, including (although not exclusively) a violation of the approved nutrient management plan, shall constitute a ground on which the zoning permit approval may be rescinded. Failure to rescind the zoning permit approval upon any such violation shall not constitute a waiver of the right of such rescission as to any future violation. Such right of rescission shall be in addition to all other rights and remedies available upon a violation of this article, including, although not exclusively, the ordering in writing of the remedying of any condition found in violation hereof, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

20-16 Certificate to operate

Prior to the facility becoming operational, the zoning administrator shall issue a certificate to operate. Prior to the issuance of the certificate, the zoning administrator shall be provided written verifications from the Virginia Department of Environmental Quality and the Virginia Department of Conservation and Recreation that the facilities were constructed in compliance with all applicable federal and state regulations governing such facilities. The zoning administrator shall have the right to require confirmation that construction was completed in accordance with the provisions of this article. The zoning administrator may require "as-built" plans as a means of insuring such compliance.

20-17 Deviations

Exceptions to the setbacks established in this article may be granted by issuance of a variance in compliance with the Greensville County Zoning Ordinance.

20-18 Severability

Should any section hereof, subsection hereof, or any portion of either be determined by a court of competent jurisdiction to be unenforceable, then all remaining terms, conditions and provisions hereof shall nevertheless remain in full force and effect, as if the provisions deemed unenforceable had not theretofore been a part hereof.
(Adopted November 2001)

ARTICLE 21
SEXUALLY ORIENTED BUSINESSES

21-1 Purpose and intent. The following are provided as guidelines for the construction, interpretation and enforcement of this section:

21-1-1 It is the purpose and intent of this Article to regulate sexually oriented business establishments so as to protect and promote the health, safety, and general welfare of the citizens of the County and visitors thereto, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the County.

21-1-2 This section intends a balance of the right of the citizens of the County to maintain a decent moral society and, on the other hand, the right of individuals to express themselves freely in accordance with the guidelines of the Constitution of the United States and U.S. Supreme Court rulings pursuant thereto.

21-1-3 This section is also intended to deter property uses and activities conducted thereon which, directly or indirectly, cause or would cause adverse effects on the stability of the immediate neighborhood surrounding the sexually oriented business.

21-1-4 This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.

21-1-5 Similarly, it is not the purpose or intent of this section to restrict or deny lawful access by adults to sexually oriented materials nor to deny access by the distributors and exhibitors of sexually oriented materials to their intended market.

21-1-6 Similarly, it is not the purpose or intent of this section to impose judgment on the content or merits of any constitutionally protected form of speech or expression.

21-1-7 Operators of sexually oriented businesses are also hereby generally charged with complying with a policy of "keep it indoors and under control". All operators bear first line answerability, directly or indirectly, for all uses of the premises and activities conducted thereon.

21-2 Prohibited locations of any type of sexually oriented business

21-2-1 An operator of a sexually oriented business commits a violation if he/she operates or causes to be operated a sexually oriented business in a zoning district which does not expressly permit that type of commercial use in said zoning district.

21-2-2 In addition to being located on property zoned B-2, General Commercial, an operator commits a violation if he/she operates or causes to be operated a sexually oriented business within 1,000 feet of an existing:

(a) Church;
(b) School;
(c) Public Park
(d) Residentially zoned property;
(e) Designated historical district
(f) Other sexually oriented business;
(g) Child care businesses;
(h) Government building; or
(i) Hotel or motel.

21-2-3 For the purpose of subparagraph (2) above, measurement of the 1,000-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of an existing church, school or sexually oriented business, or from the boundary line of a public park, residentially zoned property or designated historical district, to the nearest property line of the property sought to be used as a sexually oriented business.

21-2-4 Also for the purposes of subparagraph (2) above, measurement of the 1,000-foot distance shall also include churches, schools, public parks, residentially zoned properties, or other sexually oriented businesses which are located in an adjoining County, township or rural land area and which are within the 1,000-foot distance of the nearest property line of the property sought to be used as a sexually oriented business within the County of Greensville.

21-2-5 A person commits a violation if he/she causes or permits the establishment or operation of more than one (1) sexually oriented business on the same property, in the same building or structure, or any portion thereof

21-2-6 A sexually oriented business lawfully operating as a conforming use after (Adoption Date), is not rendered a nonconforming use by the subsequent location of a church, school, public park, residentially zoned property or designated historical district within 1,000 feet of the sexually oriented business.

21-3 Use regulations for all sexually oriented businesses. The application of the following regulations in this subsection (c) may be modified only by prior written approval of the zoning administrator to reasonably accommodate legitimate needs of a particular business to promote on-premises security and safety measures for the premises and the persons thereon. (Ex.: security personnel, security doors, money cages, storage rooms, limited access areas; etc.) Otherwise, the County's code enforcement personnel may issue citations for violations of the following regulations which occur on the premises of a sexually oriented business at any time the establishment is occupied or open for business:

21-3-1 No increase of the floor area or modification in the internal structural configuration of a sexually oriented business shall be made beyond the area or configuration as shown in the floor plan as approved with the issuance of the specialized certificate of occupancy. The operator shall maintain a copy of the approved floor plan posted with the specialized certificate of occupancy in a conspicuous place within the premises.

21-3-2 The operator of a sexually oriented business shall permit and cooperate with the appropriate County enforcement personnel to inspect the entire premises as well as all activity being conducted therein.

21-3-3 Subject to reasonable accommodations for legitimate security measures, including approved internal surveillance video systems, the operator shall maintain the entire premises so as to permit walk-through inspections, without interference, by County enforcement personnel.

21-3-4 The operator shall maintain the interior of the premises in such a manner that there is an unobstructed view into every area of the premises to which any customer is permitted access for any purpose, excluding restrooms. The operator shall ensure that the ability to view into any area where customers are allowed remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials. This regulation shall not apply to adult motels.

21-3-5 If the premises contain two (2) or more separate rooms, the operator shall maintain each room with at least one (1) wall or door equipped with clear windows or openings of at least three (3) feet in width and two (2) feet in height located no less than three (3) feet above the floor but no less than two (2) feet below the ceiling for viewing into the entire area and all activity therein. This regulation shall not apply to adult motels.

21-3-6 The operator shall maintain every portion of the premises where customers are permitted access equipped throughout and illuminated at all times with overhead lighting fixtures of sufficient illumination to provide reasonably safe lighting conditions for patrons, employees or County enforcement personnel walking throughout the premises.

21-3-7 During hours of darkness when a sexually oriented business is in operation, the operator shall maintain all parking and pedestrian areas of the premises equipped and illuminated by overhead lighting fixtures of sufficient illumination to provide reasonably safe lighting conditions for persons or vehicles traveling into, on and out of the property. Said lighting fixtures shall be directed onto the property as much as is possible so as to avoid being directed onto neighboring properties.

21-3-8 The operator shall not utilize or allow restrooms or employee dressing rooms for sexually oriented business purposes, video equipment or for the offering of any sexually oriented merchandise to customers.

21-3-9 The operator shall maintain at least one (1) conspicuous sign at each public entrance, in accordance with the County's sign codes, of a size of at least eighteen (18) inches in height and twenty-four (24) inches in width, easily visible and legible to all persons prior to entry into the establishment, which contains a statement to the effect:

"THIS IS A SEXUALLY ORIENTED BUSINESS ESTABLISHMENT WHICH REGULARLY FEATURES [description of the type of activity or merchandise as permitted herein]. IF NUDITY OR ACTIVITY OR A SEXUAL NATURE OFFENDS YOU, DO NOT COME IN. NO PERSON UNDER 18 YEARS OF AGE ALLOWED ENTRY" [if alcoholic beverages are sold on the premises] - "NO PERSON UNDER 21 YEARS OF AGE ALLOWED ENTRY"

21-3-10 A conditional use permit is required to be approved by the planning and zoning commission prior to opening a business only within the B-2 district.

21-4 Effective date and grace period All regulations set forth in this section shall become effective immediately.

21-5 Enforcement and penalties.

21-5-1 County code enforcement personnel may issue citations for violations of this section.

21-5-2 Each day that a violation is permitted or continues to exist shall constitute a separate violation.

21-5-3 Any person who is found guilty of a violation under this ordinance shall be fined an amount not to exceed $1,000.00 for each violation.

21-6 Definitions. The following terms shall, for the purposes of this section, have the meanings indicated as follows: The following terms are not necessarily mutually exclusive as one (1) sexually oriented business operation may provide more than one (1) form of activity, entertainment or merchandise.

21-6-1 "Sexually oriented businesses" which are subject to the regulations shall mean and include any commercial venture whose operations include:

(a) The providing, featuring or offering of employees or entertainment personnel who appear on the premises while in a state of nudity or simulated nudity and provide live performances or entertainment for customers; or

(b) As a "principal business operation" [thirty-five (35) percent or more] as defined herein, provides, features or offers non-live, sexually explicit entertainment, materials, or items for sale or rental to customers; or provides or offers a service or exhibition of materials or items which are intended to

provide sexual stimulation or sexual gratification to its customers, said materials or items being distinguished by or characterized by an emphasis on subject matter depicting, describing or relating to specified sexual activities "and/or" specified anatomical areas"; and

(c) Shall include but is not limited to any form of sexually oriented business, adult arcade, adult bath, adult bookstore, adult video store, adult cabaret, adult entertainment cabaret, adult motel, adult motion picture theater, nude modeling business, massage parlor, nude modeling studio, adult out-call establishment, escort agencies, sexually oriented encounter center, or other business establishment conducting sexually oriented activity as defined or regulated herein.

21-6-2 The term "sexually oriented business" shall not be construed to regulate:

(a) An otherwise lawfully operating retail business which does not offer or feature sexually explicit merchandise, material or items for sale or rental to customers as "principal business operation" [thirty-five (35) per cent or less] and does not offer or feature any form of live sexually oriented entertainment;

(b) Any clothing business offering wearing apparel for sale to customers but does not exhibit merchandise on live models;

(c) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity";

(d) Any medical practice operated by or employing licensed psychologists, physicians, psychiatrists, registered nurses, chiropractors, or athletic trainers engaged in practicing the healing arts; or

(e) Any educational courses conducted at a proprietary school licensed by the State of Virginia, or conducted by a private college or university which operates educational programs in which credits are transferrable to a junior college, college or university licensed by the State of Virginia; and where in order to participate in a class a student must enroll at least three (3) days in advance of the class and where no more than one (1) nude model appears before the class at any one (1) time.

21-6-3 "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specific sexual activities" or "specified anatomical areas" as defined herein.

21-6-4 "Adult bookstore" and "adult video store" shall mean a commercial establishment which offers for sale or rental any one (1) or more of the following:

(a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specific sexual activities" or "specific anatomical areas"; or

(b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity." This does not include items used for conception control or for protection from sexually transmitted diseases.

21-6-5 "Adult entertainment cabaret" means a nightclub, bar, lounge, or similar commercial establishment which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one (1) or more of the following:

(a) An emphasis on the exposure of "specific anatomical areas"; or

(b) An emphasis on "specific sexual activities"; or

(c) An emphasis on "nudity", "state of nudity" or "simulated nudity"; or

(d) A combination of any of the above.

21-6-6 "Adult motel" means a hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:

(a) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specific sexual activities" and/or "specific anatomical areas"; and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or

(b) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(d) Evidence that a sleeping room in a hotel, motel or similar commercial

establishment has been rented and vacated two (2) or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

21-6-7 "Adult motion picture theater" means a commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specific sexual activities" and/or "specific anatomical areas".

21-6-8 "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specific sexual activities".

21-6-9 "Church" means a building in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

21-6-10 "County enforcement personnel" means an authorized representative of any of the following County departments or divisions:

(a) County Administrator's office;

(b) Health department;

(c) Fire department; or

(d) Sheriff's Office.

21-6-11 Customer" means any person who:

(a) Enters the premises and patronizes a sexually oriented business, whether or not in exchange for the payment of an admission fee or any other form of consideration, gratuity or as a guest of a member, or

(b) Purchases, rents, otherwise partakes of any sexually oriented merchandise, goods, entertainment or other services while on the premises;

21-6-12 Employee" means any person on the premises of a sexually oriented business who receives any form of compensation, including tips or gratuities, from the operator, manager, customers, other employees or entertainment personnel, and in exchange therefore:

(a) Renders any work, service, performance or exhibition whatsoever, directly or indirectly, to or for a customer; or

(b) Renders any other support service whatsoever, directly or indirectly, for or on behalf of the furtherance of the business operations; and

(c) Shall include but is not necessarily limited to bartenders, cashiers, dancers, disc jockeys, escorts, hosts, hostesses, models, masseurs, out call persons, strippers, models, waiters, waitresses, or other persons working on or about the premises.

21-6-13 Sexually oriented "entertainment" means any variety of live or non-live performances or exhibitions which are distinguished or characterized by an emphasis on matters exhibit, depicting or engaging in "specified sexual activities" or while exposing "specified anatomical areas", or which provides sexual gratification or sexual stimulation to customers.

21-6-14 "Entertainment personnel" means any person, including persons traditionally regarded as "independent contractors", who receives any form of compensation, including tips or gratuities, from the operator, customers, employees or other entertainment personnel and in exchange therefore:

(a) Renders any live entertainment, service, performance or exhibition whatsoever, directly or indirectly, to or for a customer or the furtherance of the business operation; and

(b) Shall include but is not necessarily limited to bartenders, cashiers, dancers, disc jockeys, escorts, hosts, hostesses, models, masseurs, out call persons, strippers, models, waiters, waitresses, or other persons working on or about the premises.

21-6-15 "Massage" means any method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, exercise, entertainment, relaxation, or stimulation purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

21-6-16 "Nude modeling business" means any establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity", "simulated nudity" or while displaying "specified anatomical areas", and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

21-6-17 "Nude modeling studio" means any establishment where an employee or entertainment personnel appears in a "state of nudity", "simulated nudity" or displays "specified anatomical areas", and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

21-6-18 "Nudity" or "a state of nudity" means appearing while any of the following portions of the human body are less than completely and opaquely covered:

(a) Genitals, whether or not in a state of sexual arousal; or
(b) Pubic region or pubic hair; or
(c) Buttock(s); or
(d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
(e) Any combination of the above.

21-6-19 "Operated" or "caused to be operated" means to cause to function or to put or keep in operation

21-6-20 "Operator" means

(a) The person(s) in whose name a valid Specialized Certificate of Occupancy has been issued for a sexually oriented business pursuant to section 21-6-13 above; or

(b) The person(s) in whose name a Specialized Certificate would be required in order to lawfully operate a sexually oriented business pursuant to the issuance of a Certificate of Occupancy above; or

(c) The person(s) who operates or causes to be operated any form of sexually oriented business which is subject to regulation by this Article.

21-6-21 "Person" means any individual, proprietorship, partnership, corporation, association, or other legal entity.

21-6-22 "Public park" means any land area dedicated to and/or maintained by the County for traditional park-like recreational purposes, but shall not include privately-owned amusement parks.

21-6-23 "Principal business operation" for the purposes of determining whether a business is subject to regulation, shall mean and include any non-live, sexually oriented retail sale or rental business activity as defined herein for which amounts to thirty-five (35) per cent or more of the total business operation at a particular location. The thirty-five (35) per cent criteria may be determined by percentages of floor space utilized, inventory of items for sale or rental, display areas, presentation time of entertainment or performances, or gross revenue of the business as measured over any continuous ninety (90) day period. However, the thirty-five (35) per cent criteria shall not apply to any sexually oriented business featuring or offering any form of live performances, entertainment, modeling or other live activity, as all such activity is subject to regulation as a "sexually oriented business".

21-6-24 "Regularly" means offering, featuring, promoting or advertising a happening, occurrence or activity on a recurring basis or at fixed intervals, or as a customary and regular aspect of the business.

21-6-25 "Rent" or "subrent" means the act of permitting a room or other portion of the

premises to be occupied in exchange for any form of consideration.

21-6-26 "Residentially zoned property" means any residentially zoned district as defined elsewhere in this Zoning Ordinance of the County of Greensville.

21-6-27 "School" means and includes any of the following:

(a) Public and private, primacy and secondary educational facilities providing education up through and including the twelfth (12) grade level; and

(b) Licensed day care centers, meaning a facility licensed by the State of Virginia or by the County of Emporia that provides care, training, education, custody, treatment or supervision for more than six (6) children under fourteen (14) years of age, and for less than twenty-four (24) hours per day.

21-6-28 "Sexually oriented encounter center" means a commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one (1) or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.

21-6-29 "Simulated nudity" means a state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity".

21-6-30 "Specified anatomical areas" means the following portions of the human body:

(a) Genitals whether or not in a state of sexual arousal;

(b) Pubic region or pubic hair;

(c) Buttock(s);

(d) The portions of the female breast(s) beginning from point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or

(e) Any combination of the above.

21-6-31 "Specified sexual activities" means and includes one or more of the following:

(a) The fondling, massaging or other erotic touching or stimulation of "specified anatomical areas" or of an erogenous zone;

(b) Normal or perverted sexual activity, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in conjunction with any of the activities above.

ARTICLE 22
LAND APPLICATION OF BIOSOLIDS

22-1 Findings, Purpose, and Authority.

(a) The Board of Supervisors finds that the spreading, placement or disposal of sewage sludge from sewage treatment facilities on land without appropriate regulation by the County and notice to the County and its residents may create a public nuisance, may result in hazards to the health, safety and general welfare of the inhabitants of the County, and may present a danger of pollution of the waters and soils of the County.

(b) The purpose of this Ordinance is to provide for the testing and monitoring of the land application of sewage sludge within the boundaries of the County to ensure compliance with applicable laws and regulations; to secure and promote the health, safety and general welfare of the County's citizens; to deter the creation of any public nuisance; and to prevent pollution of the waters and soils of the County.

(c) This Ordinance is adopted pursuant to authority granted by the Code of Virginia, including but not limited to, § 15.2-1200, et seq., 15.2-2200, et seq., and 62.1-44.19:3.

22-2 Definitions.

As used in this Ordinance, unless the context clearly indicates otherwise, the following words and phrases shall mean:

Applicator - Any person who applies biosolids pursuant to valid permits from VDH and the County.

Biosolids - A sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with State law and regulations (12 VAC 5-585-10 et seq.).

Biosolids Coordinator - An employee of the County or agent designated by the County, whether full-time or part-time, who shall monitor the land application of biosolids within the County to ensure that such application is performed in accordance with all applicable laws, rules, regulations and ordinances. The Biosolids Coordinator shall be the local monitor required by 12 VAC 5-585-10, et seq. The County Administrator, or his or her designee, shall serve as the Biosolids Coordinator unless the Board of Supervisors designates some other person.

Exceptional Quality Biosolids - Biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with State regulations.

Land - Any land (real estate) located within the boundaries of the County.

Land Application of Biosolids - The spreading, placement or disposal of biosolids upon, or the insertion into, land.

Nutrient Management Plan - A plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements as set forth in the Virginia Nutrient Management Training and Certification Regulations.

Owner - Any person who holds legal title, equitable title, a leasehold interest, or the right of possession or control over land.

Person - Any individual or group of individuals, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, authority, public or private institution, utility, cooperative, county, city or town or other political subdivision of the Commonwealth, any interstate body or any other legal entity or combination of the above.

Sewage Sludge or Sludge - Any solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment, including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by sewage treatment, septage and portable toilet wastes are also included in this definition.

Sewage Treatment Facility - Any publicly or privately owned wastewater treatment facility operated as a public entity or by any public service corporation or public service company, including any municipally owned or operated facility.

Sludge Management Facility - Any facility, including its buildings, equipment and sites, located or operated separately from sewage treatment facilities, utilized for sewage sludge management, including but not limited to, handling, treatment and transport of sewage sludge.

Soil Analysis - Chemical testing procedure to determine the nutrient content of soils in a given field. Soil analyses generally include testing for soil pH, P (Phosphorous), K (Potassium), Ca (Calcium), Mg (Magnesium), Zn (Zinc), Mn (Manganese), Cu (Copper), Fe (Iron) and B (Boron).

Storage Facility - Any facility designed to store biosolids for an extended period of time. Such facilities include, but are not limited to, above-ground and underground storage tanks, silos, ponds, lagoons and other holding devices.

22-3 Prohibited Practices.

22-3-1 No person shall dispose of sewage sludge, including biosolids, on land located in the County except in accordance with federal and state law and regulations and this Ordinance.

22-3-2 No person shall dump, dispose of, spread or place biosolids on lands in the County until all of the procedural requirements set forth in this Ordinance and those set forth in applicable federal and state laws and regulations have been satisfied. No owner of land shall permit such dumping, disposal, spreading or placement of biosolids on land in the County until all of the procedural requirements set forth in this Ordinance and those set forth in

applicable federal and state laws and regulations have been satisfied.

22-3-3 No person shall apply biosolids to any land in the County except pursuant to a valid permit issued by the Virginia Department of Health (VDH) or the Virginia Department of Environmental Quality (DEQ).

22-3-4 No person shall apply sewage sludge other than biosolids that have been approved by regulations of the Virginia Department of Health to land in the County. No owner of land shall permit the application of sewage sludge other than biosolids that have been approved by regulations of the Virginia Department of Health to land in the County under such person's ownership, possession or control.

22-4 General Requirements for Land Application of Biosolids.

22-4-1 Only biosolids from approved sources as listed in the applicable state permit shall be applied to land within the County.

22-4-2 Biosolids otherwise permitted for land application under this Ordinance may only be applied to the land in the County zoned A-1 (Agricultural).

22-4-3 No land application of biosolids shall be permitted on any land within the County with a slope of 15% or greater.

22-4-4 If biosolids are applied to site slopes greater than 5% during the period of November 16 of one year to March 15 of the following year, best management practices prescribed by 12 VAC 5-585-510 shall be utilized

22-4-5 Biosolids shall not be applied other than Monday through Friday, 30 minutes before sunrise to 30 minutes after sunset.

22-4-6 Biosolids shall be land applied as they are received at the site, and in all cases good faith efforts shall be made to apply biosolids to the land within 24 hours of delivery to the land. If application cannot be completed within 24 hours, the Applicator shall notify the Biosolids Coordinator of this fact, the reasons why, and the Applicator's plan to complete application as soon as reasonably possible.

22-4-7 Biosolids shall not be stored at any site in the County other than storage that is approved in accordance with VDH's regulations.

22-4-8 Buffer zone requirements of state regulations and the applicable nutrient management plan, whichever are more stringent, shall be complied with in the land application of biosolids in the County.

22-4-9 Whenever possible the land application of biosolids shall be avoided or delayed if such application will conflict with a community or planned social event, including but not limited to fairs, carnivals, festivals, homecoming

events and outdoor weddings or receptions, in the vicinity of the land application site.

22-5 Notice of Land Application.

22-5-1 At least fifteen (15) days prior to applying biosolids to any land in the County, the Applicator shall provide written notice of the intent to land apply biosolids to the Biosolids Coordinator.

22-5-2 The notice shall include the following:

(a) The name, address and telephone number of the Applicator.
(b) Copies of any and all applicable permits, including any amendments thereto, issued by federal or state authorizing agencies.
(c) A proposed operations schedule indicating when land application of biosolids is planned for land in the County, identifying the lands for which land application of biosolids is anticipated by official tax map numbers, and providing an estimate of the duration of the planned applications.
(d) The name, telephone number and address of any hauler of the biosolids if some person other than the applicator will be responsible for transportation.
(e) Designation on the County map of a primary and alternative hauling route.
(f) A copy of the biosolids management plan submitted to VDH pursuant to 12 VAC 5-585-620 along with any amendments to the plan.
(g) A copy of a site-specific soil analysis and nutrient management plan developed by a person certified in accordance with § 10.1-104.2, Code of Virginia, (1950), as amended, for each site for which land application of biosolids is proposed.
(h) Name, address and telephone number of the owner of the land to which biosolids will be applied.
(i) Written permission from the land owner and the Applicator authorizing representatives of the County to take samples of the biosolids before application, to take soil and water samples up to 15 days after completion of land application, and to inspect the site before, during, and up to 15 days after completion of the application.

22-6 Inspection and Sampling.

22-6-1 By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the Biosolids Coordinator access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the Applicator to ensure that the property owner is advised of this requirement. The Biosolids Coordinator shall make diligent efforts to make contact with the property owner prior to entering the property. The Biosolids

Coordinator's right of access shall extend from the date on which the notification required by § 21.1-5 is submitted until fifteen (15) days after land application has been completed at the site.

22-6-2 If requested by the Biosolids Coordinator, the Applicator shall provide the most recent analysis results for biosolids that are land applied at any site in the County. The Applicator shall allow the Biosolids Coordinator, upon request, to obtain samples of biosolids being land applied in the County. At the request of the Applicator, the Biosolids Coordinator shall provide the Applicator with a split sample.

22-7 Abatement of Violations; Spill Response.

22-7-1 The Biosolids Coordinator shall immediately notify the Applicator of any failure to follow the requirements of the Permit, applicable regulations or the Applicator's Operational Plan, resulting in the improper application of biosolids or in the spillage of biosolids onto public streets or rights-of-way or on property outside the area authorized by the Permit. The Biosolids Coordinator may order the abatement of any violation of State Laws or Regulations pertaining to land application of biosolids. The Applicator shall respond, in conformance with its Operational Plan, cease any such violations and undertake appropriate corrective action for improperly applied biosolids, or clean up biosolids spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the Applicator does not respond to notification of spillage or improper application and the County conducts the cleanup of spilled biosolids, the Applicator shall compensate the County for the actual costs of such cleanup.

22-7-2 The Applicator shall ensure that the drag-out or track-out of biosolids from land application sites onto public roads is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

22-8 Biosolids Coordinator.

22-8-1 The Biosolids Coordinator shall be the local monitor for purposes of 12 VAC 5-585-10, et seq. and the liaison between VDH and the County.

22-8-2 The Biosolids Coordinator shall notify VDH of recommendations of site-specific conditions to be imposed by VDH as special conditions on permits issued by VDH for land application of biosolids within the County.

22-8-3 The Biosolids Coordinator shall be authorized to perform monitoring and inspection of any land within the County proposed for or which has been the subject of land application of biosolids or sewage sludge and to test or cause to be tested any biosolids or sewage sludge proposed to be or applied to land within the County. The purpose of such monitoring, inspection and

testing shall be to ensure compliance with applicable laws and regulations.

22-8-4 The Biosolids Coordinator shall notify VDH and the applicator of all complaints concerning the land application of biosolids.

22-8-5 The Biosolids Coordinator shall act as liaison between biosolids applicators and the community.

22-8-6 The Biosolids Coordinator shall file reimbursement applications and supporting documentation with VDH seeking reimbursement to the County of local monitoring costs for land application of biosolids pursuant to 12 VAC 5-585-10, et seq.

22-9 Insurance.

Land application of biosolids is not allowed unless the Applicator has in effect liability insurance in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of Biosolids and related activities in the County. Such insurance shall be maintained in full force and effect throughout the time that the Applicator is engaged in land application of biosolids in the County. The Applicator shall provide the Biosolids Coordinator with certificates of insurance and shall promptly notify the Biosolids Coordinator of any proposed cancellation or modification of insurance coverage.

22-10 Exceptions.

This Ordinance shall not apply to the land application of animal waste or manures, water treatment plant sludge, or Exceptional Quality Biosolids or to the placement of biosolids in a sanitary landfill permitted by the state and constructed and operated in accordance with all applicable federal, state and local regulations.

22-11 Location of Facilities.

This ordinance shall not be deemed to permit or control the location of sewage treatment facilities, sludge management facilities or storage facilities at any place within the County. The location of these facilities is regulated by the Greensville County Zoning Ordinance.

22-12 Reimbursement of County Expenses.

The County shall seek maximum reimbursement of all reimbursable costs relating to County monitoring of land application of biosolids from the fund administered by VDH for this purpose pursuant to Va. Code Ann. § 62.1-44.15:7 and 12 VAC 5-585-10, et seq.

22-13 Enforcement.

22-13-1 Any person who violates any of the provisions of this ordinance shall be guilty of a Class 1 Misdemeanor and upon conviction thereof may be punished as provided in Section 18.2-11, Code of Virginia (1950), as amended. Each and every day during which any violation of this ordinance

is committed or exists shall constitute a separate offense.

22-13-2 The Biosolids Coordinator shall have the authority to order the abatement of any violation of § 32.1-164.5, 32.1-164.6 or 62.1-44.19:3, Code of Virginia (1950), as amended, or of the violation of any regulation promulgated under these sections. Such abatement order shall identify the activity constituting the violation, specify the Code provision or regulation violated by the activity and order that the activity cease immediately.

22-13-2 The County may bring suit in the Circuit Court to restrain, enjoin, correct, abate or otherwise prevent any violation of this ordinance.

22-14 Severability.

In the event that any portion of this ordinance shall be declared void for any reason, such decision shall not affect the remaining portions of this ordinance which are declared to be severable and which shall remain in full force and effect.

22-15 Effective Date.

This ordinance shall be effective upon its adoption by the Board of Supervisors.

ARTICLE 23
DEFINITIONS

23-1 General Usage

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

23-1-1 Words used in the present tense include the future tense; words used in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

23-1-2 The word "shall" is mandatory; "may" is permissive.

23-1-3 Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

23-1-4 The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel."

23-1-5 The word "used" shall be deemed also to include "erected," "reconstructed," "altered," "placed," or "moved."

23-1-6 The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

23-1-7 The word "state" means the Commonwealth of Virginia.

23-1-8 The word "County" means Greensville County, Virginia.

23-1-9 The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or government unit, as well as an individual.

23-2 Definitions

The following definitions establish the specific meaning to be applied to certain words and/or terms when used in this Ordinance. In some articles, however, additional definitions or more specific definitions are given as part of the specific regulations established by such article. In case of conflict between the definitions given in this Article and more specific definitions given as part of a specific regulation in a subsequent article, the more specific definition shall be used.

23-2-1 Accessory use: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided, on the same premises. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.

23-2-2 Acre, gross: A measure of land equal to forty-three thousand, five hundred sixty (43,560) square feet.

23-2-3 Acre, net: That part of the forty-three thousand, five hundred sixty (43,560) square feet which exists after deducting land dedicated or conveyed for any public facility, drainage easement or any right-of-way for any proposed streets or street widening.

23-2-4 Acreage: A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot on any recorded subdivision plat.

23-2-5 Administrator: "See Zoning Administrator".

23-2-6 Agriculture: The tilling of the soil, the raising of crops, the practicing of horticulture, and gardening, including the keeping of animals and fowl. (Amended September 15, 1997)

23-2-7 Airport: A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived. This term shall include private landing strips.

23-2-8 Alley: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.

23-2-9 Alterations, structural: Any change, removal, replacement, reinforcement, or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those of fill), load-bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that support the said beams, ceiling and floor joists, load-bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.

23-2-9.1 Aquaculture (fish farming): The production of fish, or other aquatic organisms, under controlled or semi-controlled conditions on land utilizing water resources for the purpose of producing a harvestable crop. (Amended August 17, 1998)

23-2-10 Assembly plant: A structure used for the fitting together of parts or components to form a complete unit.

23-2-10.1 Automobile graveyard: Any lot or place which is exposed to weather and upon which more than five (5) junk vehicles of any kind incapable of being operated are placed, located or found. (Ord. of 4-15-85)

23-2-11 Basement: A story having part, but not more than one-half (1/2) of its height above highest grade. A basement shall be counted as a story for the purpose of height regulations.

23-2-11.1 Bed and Breakfast Facility: A facility licensed by the Commonwealth of Virginia which is customarily established in private homes and which offers rooms for sleeping with or without group dining facilities for temporary use by tourists or transits.

23-2-12 Boarding house, or rooming house: A building where, for compensation, lodging only or lodging and meals are provided for at least four (4) but not more than thirteen (13) persons.

23-2-13 Boat dock, private: A dock or wharf for private use to which a boathouse or other structure is not attached.

23-2-14 Building: A structure having one (1) or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

23-2-15 Building capacity: The seating capacity of a structure or the total number of employees for which the structure was designed shall be the maximum which can be accommodated on the premises.

23-2-16 Building inspector: An appointed official of Greenville County, Virginia, who is responsible for certifying building inspections.

23-2-17 Building, main: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

23-2-17.1 Building setback: see Setback.

23-2-18 Building site: A piece of land consisting of the minimum area of required square footage of the zoning district where it is located where a permitted use or structure may be placed.

23-2-19 Bulk storage: A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, fertilizer, chemicals, usually stored in large quantities.

23-2-20 Camper: A rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled, or carried upon another vehicle; and which is susceptible to permanent human habitation and which lacks permanent cooking, toilet, or bathing facilities.

23-2-21 Campground: An area upon which are located sites for two (2) or more trailers, campers, and other camping facilities for seasonal or temporary recreational occupancy.

23-2-22 Camping trailer: A vehicular, portable structure mounted on wheels; constructed with collapsible, partial sidewalls of fabric, plastic, or other pliable materials for folding compactly while being transported.

23-2-23 Carport: A roofed space having one or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front or side yard.

23-2-24 Child Day Center: A child day program, which is appropriately licensed, offered to: (1) two or more children under the age of 13 in a facility that is not the residence of the provider or any of the children in care; or, (2) 13 or more children at any location. (Amended September 15, 1997)

23-2-25 Circuit court: The circuit court for Greensville County, Virginia.

23-2-26 Club, private: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

23-2-27 Cluster development: A type of development that allows the reduction of lot sizes below the Zoning Ordinance's minimum requirements if the land thereby gained is preserved as permanent open space for the community.

23-2-28 Commercial: Any wholesale, retail, or service business activity established to canyon trade for a profit.

23-2-29 Commission, the: The planning commission of Greensville County, Virginia.

23-2-29.1 Correctional Facility: A secure environment which restricts the freedom of those confined. (Amended September 15, 1997)

23-2-30 Central sewage system: A system which provides for sewage collection, treatment, and disposal for a single development. This does not include on-site individual lot systems.

23-2-31 Central water system: A system which provides for water distribution for a single development. This does not include on-site individual lot wells.

23-2-32 Common open space: All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development and not dedicated as public lands.

23-2-33 Comprehensive plan: The comprehensive plan for Greenville, Virginia, as adopted and as amended.

23-2-34 Conditional use: See Special Use.

23-2-35 Conditional use permit: See Special Use Permit.

23-2-36 Concrete works: A structure or area used for the manufacture of concrete and concrete products.

23-2-37 Condominium: Ownership of single units of a multiple-unit structure with common elements.

23-2-37.1 (Amended November, 2001)

23-2-38 Court: An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

23-2-39 Dairy: A commercial establishment for the manufacture, processing, and/or sale of dairy products.

23-2-39.1 Debris landfill: Land used for the disposal of such waste as demolition waste, construction waste, tires, white goods, brush, tree trimmings, stumps and inert wastes. (Ord. No. 84-03, 4-19-84)

23-2-40 Development: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, streets, and other paving, utilities, filling, excavation, mining, dredging or drilling. (Ord. No. 84-02, 2-16-84)

23-2-41 District: A portion of the territory of Greensville County, Virginia, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the adopted Zoning Ordinance.

23-2-42 Dwelling: A building or portion thereof designed or used for residential occupancy. The term dwelling shall not be construed to mean motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

23-2-42.1 Dwelling modular unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this article a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile/manufactured home.
(Amended July 15, 1996)

23-2-43 Dwelling unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes and having only one (1) kitchen.

23-2-44 Dwelling, multiple-family: A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.

23-2-45 Dwelling, two-family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

23-2-46 Dwelling, single-family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

23-2-47 Dwelling, single-family attached: A group of two (2) or more individually-owned single-family dwelling units which are joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another, and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as a semidetached, garden court dwelling, patio house and town house shall be deemed a single-family attached dwelling.

23-2-48 Dwelling, single-family detached: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

23-2-48.1 Dwelling, town house: A single-family dwelling unit, being one of a group of not less than three (3) nor more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

23-2-48.2 Electric generating facilities: Any facility that generates electricity and/or steam or other thermal energy. Such facilities include, but are not limited to, electric and/or steam or other thermal energy generation, transmission and distribution facilities, exhaust emission control facilities and stacks, substations, and related facilities and equipment. (Amended August 5, 2013)

23-2-48.3 Existing dwelling: For the purpose of the develop regulations for Confined, Intensive Animal & Fowl production facilities or operations either of the following shall apply:

(a) A structure designed for residential use, which is occupied on the date a completed application for a confined, intensive livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator; or

(b) A structure, designed for residential use, which is not occupied on the date which a completed application is received, but which has been occupied for any period of time within the two (2) years immediately preceding the date on which a completed application for a confined, intensive livestock, or poultry permit is received by the office of the Zoning Administrator.
(Amended May 15, 1995)

23-2-48.4 (Amended November, 2001)

23-2-49 Family: One or more persons related by blood, adoption, marriage, living and cooking together as a single household unit; or a number of persons, but not exceeding four (4) persons, living and cooking together as a single household unit, though not related by blood, adoption, or marriage.

23-2-49.1 Family Day Home: A child day program, which is appropriately licensed, offered in the residence of the provider or the home of any of the children in care for one through twelve children under the age of 13, exclusive of the providers own children and any children who reside in the home, when at least one child receives care for compensation. However, this term shall not apply where the children in care are all grandchildren of the provider.
(Amended September 15, 1997)

23-2-49.2 Farm building: A structure located on a farm and utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets, and buildings used for maintenance, storage or use of animals or equipment related thereto. (Ord. of 9-19-88)

23-2-50 Flood: A general and temporary inundation of normally dry land areas.

23-2-51 Flood, one hundred year: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

23-2-52 Floodplain: A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

23-2-53 Floodway: The designated area of the floodplain required to carry and

discharge floodwaters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

23-2-54 Floor area: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior walls or from the center line of party walls separating two (2) buildings.

23-2-54.5 Forestry: See Silviculture.
(Amended September 15, 1997)

23-2-55 Frontage: The distance for which the front boundary line of the lot and the street line are coincident.

23-2-56 Garage, private: Accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is accessory.

23-2-57 Garage, parking: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.

23-2-58 Golf course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

23-2-59 Golf driving range: A limited area on which golf players do not walk but upon which they drive golf balls from a central driving tee.

23-2-60 Golf, miniature: A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.

23-2-61 Governing body: The board of supervisors of Greensville County, Virginia.

23-2-61.1 Group home: A residential facility with no more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons together with one or more counselors or other staff persons and for which the Department of Mental Health, Mental Retardation and Substance Abuse Service has issued a valid license.

23-2-62 Health official: The legally designated health authority of the Department of Health, Commonwealth of Health, Commonwealth of Virginia, for Greensville County, or its authorized representative.

23-2-63 Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deckline of a mansard. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished

grade along the front of the building.
(Amended August 17, 1998)

23-2-64 Historic area: An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the community, or of such significance as to warrant conservation and preservation, and which has been so designated by the historic landmarks commission or some other local, state, or federal government agency.

23-2-64.1 Home Business: For profit economic activity carried on by a resident of a dwelling offered to the general public. A home business exceeds twenty-five percent (25%) of the dwellings floor area; including accessory structures dedicated to the home business, employs any number of individuals who reside off the premises, utilizes outside storage of product, utilizes two (2) or more commercial vehicles, utilizes equipment or processes which create any of the following: noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses off the subject premises, or has hours of operation which would potentially create a nuisance or burden to the neighborhood.
(Amended August 17, 1998)

23-2-65 Home occupation: An accessory use. Specifically, for profit economic activity carried on by a resident of a dwelling which may involve immediate family members living on the premises, offering products or services to the general public in a limited way such as by appointment, mail, phone or computer order, as opposed to direct and frequent access. A Home Occupation shall not exceed twenty-five percent (25%) of the dwellings floor area; including accessory structures dedicated to the home occupation. Nothing shall be maintained or conducted on the premises which indicate from the exterior of the dwelling that it is being used for any purpose other than a dwelling, except one (1) twelve (12) square foot sign and one (1) commercial vehicle. Home occupations shall be absent equipment or processes which create noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses off the subject premises or hours of operation which would potentially create a nuisance or burden to the neighborhood.
(Amended August 17, 1998)

23-2-66 Hospital, general: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

23-2-67 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is

not generally made for cooking in individual rooms or suites.

23-2-67.1 Industrial waste landfill: A waste disposal facility which is owned, leased or operated for waste disposal for or by a particular industry for industrial wastes but not including hazardous or toxic wastes. (Ord. No. 84-03, 4-19-84)

23-2-67.2 Inert waste landfill: Land used for the disposal of such wastes as concrete rubble, bricks, broken asphalt, sand, etc., excluding aboveground fire stockpiles or dumps. (Ord. No. 84-03, 4-19-84; Ord. No. 85-13, 10-21-85)

23-2-67.3 (Amended November, 2001)

23-2-67.4 (Amended November, 2001)

23-2-67 Junk: Any junk vehicle including an automobiles, truck tractors, and other such vehicles and parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances, scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, wood scraps, old iron, tires, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed.
(Amended March 20, 2000)

23-2-68 Junk vehicle: Any motor vehicle, trailer, or semi-trailer which is inoperable and which, by virtue of its condition, cannot be restored to operable condition with repairs costing less than its current resale value.
(Amended March 20, 2000)

23-2-69 Junkyard: An establishment or place of business, or an area which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. The term shall not be applicable to property which, absent any other zoning violation, stores or keeps four or fewer unlicensed or junk vehicles which are completely screened from view from a public road and adjoining property by a solid wood fence of uniform design and material or completely enclosed within a building on said property.
(Amended March 20, 2000)

23-2-70 Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for six (6) dogs or cats, at least six (6) months of age.

23-2-70.1 Keeping of pleasure animals: Horses and/or ponies for personal use on no less than three (3) acres, and adjacent to compatible agriculturally related animals. (Adopted January 21, 1991)

23-2-71 Landscaping: The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping

may include pedestrian walks, flowerbeds, ornamental objects such as foundations, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically-pleasing effect.

23-2-72 Limited (light) industry: Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumberyards, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication plants.

23-2-73 Livestock market: A commercial establishment wherein livestock is collected for sale and/or auction.

23-2-73.1 (Amended November, 2001)

23-2-74 Loading space: A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while transferring, loading, or unloading goods, merchandise, or products or while performing services. Such place shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length, and fifteen (15) feet in height.

23-2-75 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structure and accessory structures, together with such yards, open space, lot width, and lot area as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

23-2-76 Lot, corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting the streets.

23-2-77 Lot, depth of: The average horizontal distance between the front and rear lot lines.

23-2-78 Lot, double frontage: An interior lot having frontage of two (2) streets.

23-2-78.1 Lot frontage: The length of the front lot line measured at the street right-of-way line.

23-2-79 Lot, interior: Any lot other than a corner lot.

23-2-80 Lot, width of: The horizontal distance between side lot lines at the building setback line.

23-2-81 Lot of record: A lot, a plat, or description of such which has been recorded

in the clerk's office of the circuit court. (see also "nonconforming lot")

23-2-82 Manufacture and/or manufacturing: The processing and/or converting of raw, unfinished materials or products, or both of them, into articles or substances of different character, or for use for a different purpose.

23-2-83 Master plan: A long-term, general outline for projected development.

23-2-84 Manufactured Home: A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on the site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.
(Amended September 15, 1997)

23-2-85 Manufactured home lot: Any area or tract of land used by or designed to accommodate one (1) manufactured home.

23-2-86 Manufactured home park: A parcel of land divided into lots for rent for which the facilities for servicing the manufactured home have been constructed.

23-2-86.1 Mini Storage Facilities: Secure structures housing separate storage spaces which are offered for rent.
(Amended September 15, 1997)

23-2-87 Modular home: See Dwelling Modular Unit.
(Amended August 5, 1996)

23-2-88 Motel: One or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

23-2-89 Neighborhood store: A single store which offers for sale general merchandise to the people of the area for their day-to-day needs. Gasoline and oil may also be offered for sale but only as a secondary activity of a neighborhood store.

23-2-90 Nonconforming use: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located.

23-2-91 Nonconforming lot: An otherwise legally platted lot of record that does not conform to the minimum area or width requirements of this ordinance

for the district in which it is located.

23-2-92 Nonconforming structure: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

23-2-93 Nursing home, or convalescent home: An extended or intermediate resident medical care facility licensed or approved to provide full-time convalescent or long-term care to individuals who, by reason of advanced age, chronic illness or infinity, are unable to care for themselves.

23-2-94 Office building: A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

23-2-95 Off-street parking area: Space provided for vehicular parking outside the dedicated street right-of-way.

23-2-96 Parking lot: An open, unoccupied space used or required for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.

23-2-97 Pen: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. An enclosure, pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.

23-2-98 Permanent foundation: Structure made of brick or block and mortar placed on a cement footing.

23-2-98.1 Permanent skirting: Material which shall be brick, block with mortar placed on a poured footing used to enclose the space underneath a manufactured home, which enclosure shall extend from the bottom portion of the unit to grade (ground Level), thereby providing a compatible appearance with what is commonly referred to as a permanent foundation.
(Amended July 19, 1993)

23-2-99 Porch: The term "porch" shall include any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

23-2-100 Professional office: The office, studio, or professional room of a doctor, architect, artist, musician, lawyer, or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.

23-2-101 Public uses: Any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to, public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

23-2-101.1 Public Facilities Lot: A portion of land created to provide some public service such as, but not necessarily limited to, well lots or solid waste management sites which do not meet the requirements of this ordinance regarding yards, width, area and road frontage.
(Amended August 17, 1998)

23-2-102 Public utilities: A group of uses which provide essential energy and communication services to the general public. These include, but are not limited to, electric, natural gas, water and sewer and telephone companies; their distribution and transmission lines; poles and towers; substations, pumping stations and storage facilities. By definition some of these activities are industrial in nature, although local distribution facilities usually are compatible uses in residential areas.

23-2-102.1 Recreational vehicle: A vehicular-type portable structure not exceeding eight feet in width which is without a permanent foundation, which can be towed, hauled or self-propelled and which is primarily designed as a temporary living accommodation for recreational, camping and travel use.

23-2-103 Required open space: Any space required in any front, side, or rear yard.

23-2-104 Restaurant: Any building in which, for compensation, food or beverage are dispensed for consumption on or off the premises.

23-2-105 Rest home, convalescent home: See nursing home.

23-2-106 Retail stores and businesses: Buildings for display and sale of merchandise at retail, but specifically exclusive of coal, wood, and lumberyards.

23-2-107 Rooming house: See boarding house.

23-2-108 Sanitary landfill: Land used for the disposal of rubbish or garbage, and in compliance with all Virginia Department of Health regulations, without creating nuisances or hazards to the public health or safety by compacting and covering the refuse with compacted earth or other approved cover material.

23-2-109 Sawmill: A sawmill, located on public or private property, for the processing of timber.

23-2-110 Sawmill, portable: A portable sawmill for cutting timber grown primarily on the premises.

23-2-111 School: A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months.

23-2-111.1 Semi-public use: A facility or use customarily operated by a non-profit organization and offering public-like services to local citizens. Semi-public uses include but are not necessarily limited to: places of worship; private schools or non-commercial recreational areas; golf clubs; conservation areas; and, uses of a like nature.

23-2-112 Service station: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil, and minor accessories for such vehicles, and the sale of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs, or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or major repair work.

23-2-113 Setback: The minimum distance by which any building or structure must be separated from the front lot line.

23-2-114 Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

23-2-115 Sign, area: The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports, or uprights on which the sign is placed. On double-faced signs, whose sign faces are parallel and are at no point more than two (2) feet from one another, only one (1) display face shall be measured in computing total sign area.

23-2-116 Sign, business: A sign which directs attention to a product, commodity, or

service available on the premises.

23-2-117 Sign, directional: A sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) giving the name and approximate location only of the farm, or business, responsible for the erection of same.

23-2-118 Sign, freestanding: Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.

23-2-119 Sign, general advertising: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located. A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.

23-2-120 Sign, maintenance: The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the reprinting of existing copy without changing the wording.

23-2-121 Sign, outdoor advertising: A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.

23-2-122 Sign, projecting: A sign attached to and perpendicular to the building wall.

23-2-123 Sign, wall: A sign affixed directly to or pointed on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof on any building and which projects from that surface less than twelve (12) inches at all points.

23-2-123.1 Silviculture: Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation when conducted in accord with silvicultural best management practices. (Amended September 15, 1997)

23-2-124 Site area: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.

23-2-124.1 Site Plan: An accurately scaled drawing which depicts the existing features of a land parcel and also depicts the details of the proposed development thereof. A site plan must also satisfy all requirements imposed by Article 12 of this Ordinance.

(Amended September 15, 1997)

23-2-124.2 Site Sketch: A drawing which shows the existing physical characteristics of a land parcel, and which shows the proposed improvements thereto, and which, in the opinion of the Zoning Administrator, is sufficient to enable a decision upon an application for uses other than those enumerated in Article 12.
(Amended September 15, 1997)

23-2-125 Shopping center: A group of commercial establishments planned, developed, owned and managed as a unit related in location, size and type of shops to the area that the unit serves and providing site parking in relationship to the types and sizes of stores.

23-2-125.1 Special events: Major events, such as but not necessarily limited to, agricultural expositions, craft fairs, carnivals, circuses, or music festivals. Special events shall be temporary; not exceeding beyond a period of time exceeding four (4) calendar days within any calendar year. An event or activity held or conducted for three (3) consecutive years or longer in Greenville County prior to July, 1990, is exempt for the requirements of this Ordinance, for so long as the event is not relocated.
(Amended August 17, 1998)

23-2-126 Special use: A use authorized to be established in a particular zoning district by the Board of Supervisors upon finding that: (1) the use is designated as a permitted special use in the zoning district in which the use is proposed to be located; (2) such proposed use would be compatible with other existing or permitted uses within the same zoning district and general location; and (3) that the proposed use complies with all conditions, standards or other safeguards specified by the Board of Supervisors or which may be otherwise specified in this Ordinance.

23-2-127 Special use permit: A permit authorized by the Board of Supervisors for a use designated as a special use in a designated district after evaluation of the impact and compatibility of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will ensure the use being compatible with the neighborhood in which it is to be located. Where that cannot be accomplished, the board shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

23-2-128 Story: That portion of a building, other than the cellar, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above.

23-2-129 Story, half: A space under a sloping roof which has the line of intersection

of roof decking and wall face not more than three (3) feet above the top floor level, and in which space, not more than two-thirds (2/3) of the floor area is finished for use.

23-2-130 Street, road: A public thoroughfare.

23-2-131 Street line: The dividing line between a street or road right-of-way and the contiguous property.

23-2-132 Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a permanent location on the ground, and which is regulated by the Virginia Uniform Statewide Building Code (VUSBC).
(Amended August 17, 1998)

23-2-132.1 Temporary construction uses: Non-residential manufactured homes, office trailers, storage yards, and other uses reasonably associated with construction and other building or development activities located on the activity site or adjoining property. Such temporary construction uses shall not continue after completion of the construction or other building or development activities, or after a reasonable period of time for such completion, whichever comes first.
(Amended September 15, 1997)

23-2-133 Town house: See Dwelling, town house.

23-2-134 Tourist home: A dwelling where lodging only is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boardinghouses) and open to transients.

23-2-135 Travel trailer: A vehicular, portable structure designed in accordance with U.S.A. Standards for Travel Trailers (Al 19-2) currently in use or as may be amended by the U.S.A. Committee on Manufactured Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation, or vacation uses; its design and type shall be clearly identified by the manufacturer by visible identification seal or plate of a permanent nature as a travel trailer; and its specification for traveling over the streets and highways of Virginia shall be in accordance with the Virginia Motor Vehicle Code, with a maximum width of eight (8) feet and a maximum length of thirty-five (35) feet.

23-2-136 Travel trailer park, travel trailer camp: Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

23-2-137 Truck stop: An area, usually on or near a major thoroughfare, which has been designed for and is being used for the parking of tractor-trailers or other trucks. Such areas will have facilities including, but not limited to,

retail sales of gasoline, and other motor fuels, motor oil, lubricants, travel aids, accessories, truck repair and service (excluding body repair work), restaurant, and motel or over-night accommodations. (Ord. of 5-21-90)

23-2-138 Truck terminal: An area, with or without structures, used for the parking and maintenance of trucks and other equipment and vehicles necessary for such a business, as well as the temporary storage of commodities being hauled by the trucks.

23-2-138.1 Unlicensed Vehicles: Any vehicle which does not display current license plates and does not meet the definition of a junk vehicle, but excluding vehicles utilized for farm purposes and allowed by state law to operate on state roadways without the purchase and display of license plates. (Revised form) (Amended March 20, 2000)

23-2-139 Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

23-2-140 Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or marine produce.

23-2-141 Wholesale: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

23-2-142 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

23-2-143 Yard, front: An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

23-2-143.1 Yard, side: An open unoccupied space on the same lot as a building, between the side line of the building (excluding steps) and the side line of the lot, and extending from the front lot or street line for the entire depth of the lot or to the rear lot line.
(Amended August 17, 1998)

23-2-144 Yard, rear: An open, unoccupied space on the same lot as a building

between the rear line of the building (excluding steps) and the rear line of the lot, and extending across the full width of the lot.
(Amended August 17, 1998)

23-2-145 Zoning Administrator: The official authorized with the responsibility of enforcing this Zoning Ordinance.