

# GRAYSON COUNTY ZONING ORDINANCE



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**GRAYSON COUNTY  
BOARD OF SUPERVISORS**

**GRAYSON COUNTY  
PLANNING COMMISSION**

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# TITLE 56

## ARTICLE I: LEGAL STATUS PROVISIONS

### 1.1 Preamble

This ordinance for the County of Grayson, Virginia, is designed to carefully balance the fundamental property rights and interests of the private citizens with the needs of the community as a whole as set forth in the County of Grayson Comprehensive Plan.

### 1.2 Title

This ordinance shall be known and cited as the Zoning Ordinance of Grayson County, Virginia. The map portion shall be cited separately as the Zoning Map of Grayson County, Virginia.

### 1.3 Authority

This ordinance and map are adopted according to the authority of Title 15.2, Chapter 22, Article 7, Sections 15.2-2280 through 2315 et seq., of the Code of Virginia, 1950, as amended. As specified therein, the County of Grayson is authorized to provide for the establishment of districts within its jurisdictional limits in which the County may regulate, restrict, permit, prohibit and determine:

- a. The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, flood protection, and other specific uses;
- b. The size, height, area, bulk, location, erection, construction, reconstruction, 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 the establishment of minimum lot sizes based on whether a public or community water supply or sewer system is available and used; and the excavation or mining of soil or other natural resources.

### 1.4 Jurisdiction

The provisions of this ordinance shall apply to all land within the unincorporated territory in the County of Grayson, Virginia.

**1.5 Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the residents of Grayson County.

**1.6 Relationship to Other Laws and Private Restrictions**

**1.6-1 Other Laws**

Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply.

**1.6-2 Private Restrictions**

This ordinance is not intended to override any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

**1.7 Provisions are Cumulative**

The provisions of this ordinance are cumulative with additional limitations imposed by all other laws and ordinances, previously passed or which may be passed after the adoption of this ordinance, governing any subject matter appearing in this ordinance.

**1.8 Separability**

It is hereby declared to be the intention of the Board of Supervisors of the County of Grayson, Virginia, that the provisions of this ordinance are separable. Thus, if any court of competent jurisdiction judge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment. If any court of competent jurisdiction judge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

**1.9 Ordinance Provisions Do Not Constitute Permit**

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

## 1.10 Scope of Regulations

### 1.10-1 Use, Buildings and Structures

Upon the effective date of this ordinance no use, building or other structure shall hereafter be erected or altered in such manner as to become non-conforming or more non-conforming as to:

- a. exceed the height or bulk;
- b. accommodate or house a greater number of families;
- c. occupy a greater percentage of lot area;
- d. have a more narrow or smaller rear yards, front yards, side yards or other open space; than specified in each district; or
- e. to be used in any manner contrary to the provisions of this ordinance;
- f. to reduce the amount of required parking or other minimum standards set forth in this ordinance.

### 1.10-2 Exemption from application for permit

Notwithstanding the requirements of Section 1.10, application for permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this ordinance. In addition, when an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and related inspections shall be required.

- a. One story detached accessory structure used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 200 square feet and the structures are not classified as Group F-1 or H occupancy in the Uniform Statewide Building Code.
- b. Detached prefabricated building houses the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet.

### 1.10-3 Yard or Lot

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

## 1.11 Vested Rights of Non-conforming Uses

Nothing in this ordinance shall be constructed to authorize the impairment of any vested right. All uses existing upon the date of adoption of this ordinance which do not conform to the zoning prescribed for the district in which they are situated may be continued so long as the use continues and such use is not discontinued. Guarantees of vested rights shall be for one year in situations not involving a structure or two years where a non-conforming structure is involved.

## 1.12 Construction of Language

In the construction of this ordinance, the rules contained in this section shall apply, except when the context clearly indicates otherwise:

- 1) The word "shall" is always mandatory and not discretionary; and the word "may" is permissive;
- 2) The word "lot" shall include the words "part" or "parcel" and the word "building" or "structure" includes all other structures or parts thereof;
- 3) The word "permitted" or words "permitted as of right"; means permitted without meeting the requirements for a conditional use by special authorization pursuant to Article VI of this ordinance;
- 4) The particular shall control the general. Words used in the present tense shall include the future and any words used in the singular included the plural and the plural the singular, unless the context clearly indicates the contrary.
- 5) All public officials, bodies, and agencies to which reference is made are those of the County of Grayson, Virginia;
- 6) In the case of any difference of meaning or implications between the text of this ordinance and any caption, illustration, or table, the text shall control.
- 7) Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the definitions in Article VIII. Where words have not been defined, the standard dictionary definition shall prevail.

## 1.13 Procedure for Amendment

### 1.13-1 Board or Commission Action

The Board of Supervisors may from time to time, on its own or upon motion of the Planning Commission, or on petition as hereinafter provided, after public hearings as required by law, and after report by the Planning Commission, amend, supplement, change or repeal the district boundaries or regulations herein or subsequently established.

### **1.13-2 Owner Amendment**

A petition to amend or change the Zoning Ordinance or district boundaries herein or subsequently established shall be filed with the Zoning Administrator by the owner(s) or representative agent of the owner(s) of an area proposed to be rezoned. A fee as provided in Article V will be charged for the filing of such petition.

### **1.13-3 Public Hearing and Notice Required**

A public hearing shall be held in connection with any proposal or petition to amend the district boundaries or any other part of this ordinance, in accordance with Section 15.2- 2204 of the Code of Virginia for hearing and notice requirements.

### **1.13-4 Report of Planning Commission**

In accordance with Section § 15.2-2285 (B) of the Code of Virginia , the Grayson County zoning ordinance shall not be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval, unless the proposed amendment or reenactment had been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

### **1.13-5 Amendment Limited to One Time Within Six Months**

When any petition for a proposed change in this ordinance has been denied by the County Board of Supervisors, no subsequent petition for the same, or substantially the same change, in whole or in part, shall be filed with or accepted by the Zoning Administrator, or any proceeding therefore commenced or maintained, within six months next succeeding the date of the action of the County Board of Supervisors denying of said proposed change.

## **1.14 Violation and Penalty**

All departments, officials, and public employees of the County of Grayson, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no such permit or licenses for uses, buildings, or purposes until the Zoning Administrator has issued a zoning permit for such use or building. If they are not in conformance those permits or licenses shall be null and void. Any person, firm or corporation

violating any of the provisions of this ordinance shall be guilty of a misdemeanor of the 2nd class and upon conviction thereof may be fined not less than the amount provided for in the Code of Virginia at the time of conviction. Each day's continuance of such violation may constitute a separate offense.

## ARTICLE II: ZONING DISTRICTS AND OFFICIAL ZONING MAP

### 2.1 Establishment of Districts

For the purpose of this ordinance, the unincorporated areas of the County of Grayson, Virginia, are hereby divided into the following districts:

<u>District Name</u>	<u>District</u>	<u>Code</u>	<u>Page</u>
Rural Farm.....		RF .....	10
Rural Residence.....		RR .....	14
General Commercial (Light) .....		GC-L.....	16
General Commercial.....		GC.....	18
Industrial.....		I .....	21
Highland/Recreation.....		HR.....	23
Highland/Recreation-Public.....		HR-P .....	25
Service District.....		S.....	25
Shoreline Recreation.....		SR.....	27

### 2.2 Provisions of Official Zoning Map

The boundaries and locations of each of these districts are hereby established as shown on the map entitled "Official Zoning Map of the County of Grayson, Virginia." The Zoning Map and all notations, amendments, and other information thereon are hereby made a part of this ordinance, the same as if such information set forth on the map were all fully described and set out herein.

### 2.3 Identification or Alteration of the Official Zoning Map

The Official Zoning Map shall be identified by the County Seal and the signature of the Chairman of the Board of Supervisors under the following words: "This is to certify that this map is the Official Zoning Map of the County of Grayson," together with the adoption date of this ordinance. All changes made in district boundaries or other matters shown on the official Zoning Map must be in accordance with the provisions of this ordinance and the Code of Virginia, 1950, as amended, and shall be entered on the official zoning map within seven (7) days after the amendment has been approved by the County Board of Supervisors. Any amendments to this ordinance which involves a change on the Official Zoning Map shall become effective immediately upon action of the Grayson County Board of Supervisors. A brief statement shall be included describing the nature of the change, date of adoption, and signed by the Chairman of the Board. No changes of any kind shall be made on the Official Zoning Map or matters shown

thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change shall be considered a violation of this ordinance and punishable as a misdemeanor. The Official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of areas within the jurisdictional limits, regardless of other purported copies of the Official Zoning Map which may be in existence. The zoning ordinance as well as the official map is on record among the land records in the office of the Grayson County Clerk of the Circuit Court.

#### 2.4 Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of railroads, streams, streets, roads, or alleys shall be interpreted as following such center lines;
- 2) Boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines and the extension of lot lines in the event that the boundary extends across un-platted tracts;
- 3) Boundaries indicated as approximately following corporate limits shall be interpreted as following such corporate limits;
- 4) Boundaries indicated as approximately following the center lines of streams, river, lakes, or other bodies of water shall be interpreted as following such center lines, and in the event of a change in the course of a body of water, shall be interpreted as moving with the actual center line;
- 5) Boundaries indicated as parallel to or extensions of features indicated above shall be so interpreted. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 6) Where natural or man-made features actually existing differ with those shown on the Official Zoning Map, the Planning Commission shall determine the district boundary; and
- 7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

# ARTICLE III: DISTRICT REGULATIONS

## 3.1 Rural Farm (RF)

The purpose of this district is to preserve and protect the existing rural character, natural amenities, and agriculture base of the County. This district is composed of agriculture and forest land and very low-density residential uses normally associated with farming operation, and low-intensity recreational uses appropriate to agriculture.

### 3.1-1 Uses Permitted

Uses permitted in the Rural Farm (RF) District shall be established in compliance with the standards of this Article, Article IV and other applicable Grayson County Ordinances. Uses permitted shall be one (1) or more of the following uses:

- a) Agriculture;
- b) Single-family dwelling
- c) Manufactured home dwelling;
- d) Hunting or fishing cabin or fishing docks for private use;
- e) Sawmill, temporary
- f) Wildlife refuge or conservation area
- g) Home occupation
- h) Signs, as regulated in Section 4.11
- i) Accessory uses, as defined
- j) Church additions
- k) Temporary roadside markets (less than thirty days)
- l) County stores and additions (10,000 square feet or less)
- m) Bed and Breakfast units (six bedrooms or less)
- n) Park homes

### 3.1-2 Special Uses Permitted

Special uses in the Rural Farm (RF) District shall be permitted following public hearing and approval as set forth in Article V. Special uses shall be one (1) or more of the following uses:

- a) Schools
- b) Recreational facilities not considered accessory uses, such as: parks, playgrounds, golf courses, tennis courses, swimming pools
- c) Places of worship
- d) Lodges, Inns, or Bed-and-Breakfast establishments (seven bedrooms or more)
- e) Community Center
- f) Roadside Market
- g) Kennels or Animal Clinic
- h) Mining, Quarrying, Sand & Gravel Operations, Natural Resource, Oil/Gas and other natural resource exploration activities
- i) Commercial Slaughterhouse
- j) Hog Operation
- k) Poultry House
- l) Fruit Packing Plant
- m) Fire, Police, Rescue, or similar public services
- n) Child Care Center or Elder Care Center
- o) Commercial Stables
- p) Recreational Vehicle Park
- q) Sawmill (stationary)
- r) Greenhouse
- s) Dairy Parlor
- t) Feed Lot

- u) Country General Stores in square footage over 10,000 square feet
- v) Restaurants
- w) Manufactured home parks (trailer parks) provided the applicant meets the requirements of the Virginia Department of Health and the Grayson County Building Code. The applicant must submit a site plan to the Planning Commission prior to the public hearing on the request for a Special Use Permit
- x) Sales and service of agriculture equipment machinery
- y) Other similar uses which, in the opinion of the Zoning Administrator, are similar in nature and scope of those listed above
- z) Private Airplane Landing Strips. Provided the landing strip is dirt with grassed runway and does not exceed one thousand (1000) feet in length and is used for private/non-commercial purposes primarily for the benefit of the property owner
- aa) Multi-family residential units
- bb) Temporary Accessory Mobile Home, as referred to in Section 4.4
- cc) Rural Commercial Recreational Uses subject to the following;
  - 1) The minimum acreage for commercial recreational structures and uses shall be two (2) acres.
  - 2) On-site supervision of events shall be maintained by the applicant/or applicant's designee at all times.
  - 3) The proposed site shall have direct access to a road designated as a state-maintained hard surface road of sufficient design to meet the traffic demands of the event.
  - 4) The proposed site shall be a size and shape appropriate for the proposed use and be situated so as to provide adequate buffering to protect adjacent property from potentially adverse effects.
  - 5) The site shall develop in accordance with an approved plan of development.
  - 6) No use shall produce sound levels which exceed sixty (60) decibels during hours of operation as measured at the nearest property line.
  - 7) The use shall also be subject to any additional conditions deemed necessary and appropriate by the Planning Commission and/or Board of Supervisors.
  - 8) As used herein, a Rural Commercial Recreational Use means an indoor and /or outdoor use facility where supervised recreational activities take place.

- dd) Winery
- ee) Micro brewery
- ff) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12
- gg) Planned unit development

3.1-3 Area of Lot

- a) Minimum lot area for property zoned Rural Farm (RF) shall be 30,000 square feet in area.

3.1-4 Setbacks for Structures and Livestock Areas

The setback line for structures shall be thirty-five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the centerline of any street less than fifty (50) feet in width. The setback line for livestock barns and sheds is one hundred (100) feet from the adjacent property line where the RF District boundary is adjacent to a RR or GC district boundary.

3.1-5 Building Line

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

3.1-6 Yards

- a) Side yard shall be a minimum of ten (10) feet and the total width of the two required side yards shall be at least twenty-five (25) feet;
- b) The rear yard for each main structure shall be ten (10) feet or more;
- c) The side yard and rear yard for an accessory structure shall be at least ten (10) feet; and
- d) The minimum side yard for corner lots shall be thirty-five (35) feet for both main and accessory structures.

3.1-7 Lot Coverage

The maximum lot coverage shall be thirty (30) percent of the lot area.

### **3.2 Rural Residential (RR)**

The purpose of this district is to accommodate non-farm dwellings at a low density and to make developable areas along major roadways available for residential development. Most commercial activities are prohibited and special uses are limited.

#### **3.2-1 Uses Permitted**

Uses permitted in the Rural Residence (RR) district shall be established in compliance with the standards of this Article, Article IV, and other applicable Grayson County ordinances. Uses permitted shall be one (1) or more of the following uses:

- a) Agriculture
- b) Single-family dwelling
- c) Home occupation (as provided in Section 4.10)
- d) Accessory use as defined;
- e) Signs (as regulated in Section 4.11)
- f) Park homes

#### **3.2-2 Special Uses Permitted**

Special uses in the Rural Residence (RR) district shall be permitted following a public hearing and approval as set forth in Article V and VI. Special uses shall be one (1) or more of the following uses:

- a) Schools
- b) Places of worship
- c) Recreational facilities not considered accessory uses, such as tennis courts, swimming pools, parks, playgrounds
- d) Community Center
- e) Country General Store
- f) Childcare Center or Elder Care Center
- g) Bed and Breakfast establishments
- h) Temporary Access Mobile Home

- i) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12
- j) Planned unit development

### 3.2-3 Area of Lot

The minimum lot size for each principal use in the Rural Residence (RR) district shall be consistent with lot size requirements in the County subdivision ordinance.

### 3.2-4 Setback for Structures From Streets

The setback line for a structure shall be thirty -five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet from the centerline of any street less than fifty (50) feet in width.

### 3.2-5 Building Line

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

### 3.2-6 Yards

Yard requirements for each main structure for permitted uses shall be as follows:

- a) Side yard shall be a minimum of ten (10) feet and the total width of the two required side yards shall be at least twenty -five (25) feet;
- b) The rear yard for each main structure shall be twenty -five (25) feet or more;
- c) The side yard and rear yard for an accessory structure shall be at least ten (10) feet.
- d) The minimum side yard for corner lots shall be thirty -five (35) feet

### 3.2-7 Lot Coverage

The maximum lot coverage shall be thirty (30) percent of the lot area.

### 3.3A General Commercial – Light (GC-L) District

This district is designed to provide for a general range of light commercial activities that is keeping with the rural characteristics of an area. The activities will generate relative low volumes of traffic and have infrequent deliveries of goods and services. This district is designed to allow for some low-density commercial activities and a predominately rural area.

- a) Single Family and Multi-family dwellings
- b) Dwelling, accessory buildings
- c) Places of worship
- d) Hotel, motel, inns, and lodges
- e) Mini-warehouses
- f) Personal service businesses (beauty and barber shops and other similar personal service businesses)
- g) Service stations
- h) Roadside markets
- i) Health and fitness club
- j) Community Centers
- k) Child Care Centers
- l) Recreational vehicle parks
- m) Recycling collection centers
- n) Greenhouses
- o) Sales and service of agriculture equipment and machinery
- p) General Country Stores
- q) Signs regulated in Section 4.11

#### 3.3A-2 Special Uses Permitted

Special uses in the General Commercial – Light District shall be permitted following a public hearing and approval as set forth in Article V and VI. Conditional uses shall be one or more of the following:

- a) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12

#### 3.3A-3 Area of Lots

Area regulations for each use in the General Commercial - Light (GC-L) District shall be consistent with the requirements of any applicable regulatory department or agency.

A minimum lot size may be required where individual septic systems and/or individual wells are used if the health officer determines that there are factors of drainage, soil condition, and other conditions to cause potential health problems.

### 3.3A-4 Setback for Structures

The setback line for structures shall be thirty-five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet from the center line of any street which has a right-of-way of less than fifty (50) feet, whichever is greater.

### 3.3A-5 Lot Frontage

The minimum frontage for permitted or special use structures shall be one hundred (100) feet measured at the setback line. The lot frontage shall be increased by fifty (50) feet for each additional use.

### 3.3A-6 Yards

Yard requirements for each main structure for permitted uses shall be as follows:

- a) A side or rear yard abutting a residential zone shall be fifteen (15) feet
- b) A side or rear yard abutting a commercial zoned lot may be built within five (5) feet of the property line, provided however, two adjoining commercial property owners may agree to zero lot line if in compliance with state building and fire codes.

### 3.3A-7 Lot Coverage

The maximum lot coverage shall be seventy (70) percent provided required off-street parking can be met on the owner's property.

### 3.3A-8 Sidewalks Required

Sidewalks shall be required to be constructed if the adjacent property frontage has a sidewalk. The sidewalk width shall equal the width of the existing sidewalk.

### **3.3B General Commercial (GC) District**

This district is designed to provide for a general range of retail, office and service businesses with business uses taking priority over any other type of use. The activities may generate relative large volumes of traffic and have frequent delivery of goods, services, and increased traffic. The district boundaries may expand in conformance to the Comprehensive Plan.

#### **3.3B-1 Uses Permitted**

Uses permitted in the General Commercial (GC) District shall be established in compliance with the standards of this Article, Article IV, and other applicable Grayson County ordinances. Uses permitted shall be one (1) or more of the following uses:

- a) Single Family and Two Family Dwellings;
- b) Auto sales and services;
- c) Dwelling, accessory;
- d) Place of worship;
- e) Medical clinic or medical supply/sales;
- f) Dry cleaners and/or Laundromat;
- g) Finance, insurance and real estate offices, including banks;
- h) Furniture and home appliance sales and service;
- i) Funeral home;
- j) Hotel, motel, inn, lodge;
- k) Construction sales and service with no outside storage;
- l) Mini-warehouse;
- m) Personal service business (beauty and barber shops and other similar personal service businesses);
- n) Recycling collection center (but not processing activities);
- o) Retail store;
- p) Service station;
- q) Theater, or assembly hall;

- r) Roadside market;
- s) Health or fitness club; or
- t) Signs as regulated in Section 4.11.

### 3.3B-2 Special Uses Permitted

Special uses in the General Commercial (GC) District shall be permitted following a public hearing and approval as set forth in Article V and VI. Conditional uses shall be one (1) or more of the following;

- a) Animal hospital or clinic, or kennels;
- b) Auto body shop with inside vehicle storage;
- c) Machinery sales and service including farm and construction equipment;
- d) Amusement or entertainment establishments involving serving of alcoholic beverages;
- e) Construction sales and service with outside storage;
- f) Sales of major recreational equipment and sales of manufactured or modular housing;
- g) Wholesale sales and distribution;
- h) Warehouse storage;
- i) Truck stop; or
- j) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12
- k) Other uses which in the opinion of the Zoning Administrator are similar in nature and scope to those listed above.

### 3.3B-3 Area of Lots

Area regulations for each use in the General Commercial (GC) District shall be consistent with the requirements of any applicable regulatory department or agency. A minimum lot size may be required where individual septic systems and/or individual wells are used if the health officer determines that there are factors of drainage, soil condition, and other conditions to cause potential health problems.

### 3.3B-4 Setback for Structures

The setback line for structures shall be thirty-five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet from the centerline of any street which has a right-of-way of less than fifty (50) feet, whichever is greater.

### 3.3B-5 Building Line

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

### 3.3B-6 Yards

Yard requirements for each main structure for permitted uses shall be as follows:

- a) Side or rear yard abutting a residential zone shall be twenty-five (25) feet.
- b) A side or rear yard abutting a commercial zoned lot may be built within five(5) feet of the property line, provided however, two adjoining commercial property owners may agree to zero lot lines if in compliance with state building and fire code.

### 3.3B-7 Lot Coverage

The maximum lot coverage shall be seventy (70) percent provided required off-street parking can be met on the owner's property.

### 3.3B-8 Sidewalks Required

Sidewalks shall be required to be constructed if the adjacent property frontage has a sidewalk. The sidewalk width shall equal the width of the existing sidewalk.

### 3.4 Industrial (I) District

This district is designed to provide areas suitable for industrial development that can be compatible with adjacent commercial and residential areas. District boundaries will be established or expanded in conformance with the Comprehensive Plan.

#### 3.4-1 Uses Permitted

Uses permitted in the Industrial (I) District shall be established in compliance with Standards of this Article, Article IV, and as provided in the Grayson County subdivision ordinance. Uses permitted shall be one (1) or more of the following uses:

- a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also, the manufacture of small parts such as coils, condensers, transformers, and crystal holders
- b) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, welding or machine shop
- c) Laboratories, manufacturing or packaging pharmaceutical or medical supplies
- d) Manufacture, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, perfumed toilet soap, toiletries, food products, clothing, textiles
- e) Manufacture of assembling of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, rubber, shell, straw, textiles, tobacco, wood, yarn, and paint
- f) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns only by electricity or gas
- g) Construction sales and service with outside storage
- h) Contractors equipment storage yards or plants, or rental of equipment commonly used by contractors
- i) Cabinets, furniture, and upholstery shops
- j) Boat building
- k) Monumental stone works

- l) Animal hospital or clinic, kennels
- m) Wholesale businesses, storage warehouses; or
- n) Truck terminals

#### 3.4-2 Special Uses Permitted

Special uses in the Industrial (I) District shall be permitted following a public hearing and approved as set forth in Article VI and VII. Special uses shall be one (1) or more of the following uses:

- a) Quarries, sand, gravel, or crushed stone operations
- b) Stationary sawmills and planing mills or wood preserving operations
- c) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12

#### 3.4-3 Area of Lots

Area regulations for each use in the Industrial District shall not be less than 10,000 square feet and the size shall be sufficient to handle off-street turning and unloading of trucks, parking as required, and in compliance with sewer or setback requirements.

Greater lot sizes may be required where individual septic systems and/or individual wells are used if the health officer determines that there are factors of drainage, soil condition, and other conditions to cause potential health problems.

#### 3.4-4 Setback for Structures

The setback line for structures shall be a hundred (100) feet from any street right-of-way and a hundred (100) feet from any property line bordering a residential zone.

#### 3.4-5 Building Line

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

#### 3.4-6 Yards

A distance of one hundred (100) feet shall be required between each main structure and adjoining residential homes and distance of twenty (20) feet shall be maintained to any other zone. Landscaping in the form of

evergreen trees shall be maintained on property lines joining any residential district boundary, and shall be sufficient to screen from view.

### **3.4-7 Lot Coverage**

The maximum lot coverage shall be seventy (70) percent.

## **3.5 Highland/Recreation (HR)**

This district is designed to protect the natural environment of Grayson County and to restrict area of steep slope and scenic quality from development. This district allows for low density recreational development compatible with the Mount Rogers NRA and Blue Ridge Parkway, and the Appalachian Trail.

### **3.5-1 Uses Permitted**

Uses Permitted in the Highland/Recreation (HR) Zone shall be established in compliance with standards of this Article, Article IV, and as provided in the Grayson County subdivision ordinance. Uses permitted shall be one (1) or more of the following uses:

- a) Agriculture;
- b) Single-family dwelling;
- c) Hunting or fishing cabin, for private use only;
- d) Wildlife refuge or conservation area;
- e) Home occupation as provided in Section 4.10;
- f) Signs, as regulated in Section 4.11; or
- g) Accessory uses, as defined.
- h) Park homes

### **3.5-2 Special Uses Permitted**

Special uses in the Highland/Recreation (HR) Zone shall be permitted following a public hearing and approval as set forth in Article V and VI. Special uses shall be one or more of the following uses:

- a) Recreation facilities, including parks, campgrounds, golf courses, swimming pools, and tennis courts, for use by those other than the property owner;
- b) Bed-and-breakfast establishments;

- c) Commercial stables;
- d) Place of worship; or
- e) Communications tower and Antenna pursuant to and subject to the conditions under Section 4.12
- f) Any other uses which, in the opinion of the Zoning Administrator, are similar in nature and scope as those listed above and would be low -density recreational development compatible with the Mount Rogers NRA and the Blue Ridge Parkway, and the Appalachian Trail.

### 3.5-3 Area of Lot

Minimum area regulations for the Highland/Recreation District for each principal use shall be ten (10) acres in size.

### 3.5-4 Setbacks for Structures

The setback line for structures shall be thirty -five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the centerline of any street less than fifty (50) feet in width.

The setback line for livestock barns, sheds or other agriculture structures shall be one hundred (100) feet from the adjacent property line where the (HR) District boundary is adjacent to a residential district boundary.

### 3.5-5 Building Line

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

### 3.5-6 Yards

Yard requirements for each main structure for permitted use shall be as follows:

- a) Side yard shall be a minimum of ten (10) feet, and the total width of the two required side yards shall be at least twenty -five (25) feet;
- b) The rear yard for each main structure shall be twenty -five (25) feet or more;
- c) The side yard and rear yard for an accessory structure shall be at least ten (10) feet; and;

- d) The minimum side yard for corner lots shall be thirty-five (35) feet for both main and accessory structures.

### 3.5-7 Lot Coverage

The maximum lot coverage shall be thirty (30) percent of the lot area.

### 3.5-8 Maximum Height

The maximum height of any structure shall be thirty-five (35) feet.

## 3.6 Highland/Recreation-Public (HR-P)

This district is designed to delineate the lands in Grayson County that are publicly owned and managed by the state or federal government for recreation area purposes. These lands include primarily the Jefferson National Forest (including the Mount Rogers NRA), Grayson Highlands State Park, and the Blue Ridge Parkway. It is understood that all land use regulations in this district may be dictated by the agency that owns the property. The County Zoning Ordinance may not have jurisdiction over restrictions within this district.

## 3.7 Service District (S)

This district has been formed to provide areas in which certain types of service facilities particularly major public utility services may be established. Due to the industrial nature of the activity they need to be separated from residential and other uses.

### 3.7-1 Uses Permitted

Within the Service District (S), structures to be erected or land to be used shall be for one or more of the following uses;

- a) Water treatment facility;
- b) Sewage treatment facility;
- c) Major transmission towers for electric, radio, or telephone transmission;
- d) Signs as provided in Section 4.11.

### 3.7-2 Special Uses Permitted

Special uses in the Service District (S) shall be permitted following a public hearing and approval as set forth in Article V and VI. Special uses shall be one or more of the following uses:

- a) Solid waste management facility

- b) Recycling processing facility
- c) Incineration facility
- d) Electric power generating, booster and relay stations
- e) Asphalt Plant

### 3.7-3 Accessory Uses

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following: temporary building or office trailer for uses incidental to construction work (provided that such building or trailer shall be removed upon completion or abandonment of the construction work), and permanent office or laboratory facility directly associated with the principal use.

### 3.7-4 Requirements for Uses

Before a building or use permit shall be issued or construction commenced on any permitted main use in this district or a permit issued for a new main use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required by the Zoning Administrator or Planning Commission.

Permitted uses shall be conducted wholly within a completely enclosed building or with an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, chain link fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include the storing of any material.

Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards.

Sufficient area may be required:

- a) To screen adequately permitted uses from adjacent zoning districts; and
- b) For off-street parking of vehicles incidental to the facility and its employees.

### **3.8 Shoreline Recreation District (SR)**

The purpose of this district is to promote the orderly development of the New River shoreline, with emphasis on recreational use, and to protect the water quality and scenic resources of the river.

#### **3.8-1 Uses Permitted**

- a) Agriculture; and
- b) Hunting or fishing shelter or fishing docks, for private use only.
- c) Camping provided adequate water and sewerage facilities are provided.

#### **3.8-2 Special Uses**

- a) Facilities, including parks, campgrounds, golf courses, swimming pools, and tennis courts, for use by those other than the property owner, provided that such facilities must fully comply with the provisions of the Flood Plain Management Ordinance; and which have permitted central sewage service facilities.
- b) Communications towers and antennas pursuant to and subject to the conditions under Section 4.12
- c) Any uses which the Zoning Administrator feels is similar in nature and scope as those listed above.

#### **3.8-3 Area of Lot**

The minimum lot size for each principal use in the Shoreline Recreation (SR) District shall be thirty thousand (30,000) square feet in area and not less than one hundred (100) feet in width.

#### **3.8-4 Setbacks for Structures**

The setback line for structures shall be thirty -five (35) feet from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the centerline of any street less than fifty (50) feet in width.

#### **3.8-5 Building Line**

In addition to the setback requirements in 3.2-4, the building line shall be at a point where the lot is 100 feet in width.

### 3.8-6 Structures

No more than one structure shall be allowed on a lot. Structures allowed in this instance shall mean a building with no more than one (1) wall or nine (9) square feet enclosed as defined in the Grayson County Subdivision Ordinance.

### 3.8-7 Floodplain

No structure intended for human habitation shall be permitted within the 100 -year floodplain.

## ARTICLE IV: SUPPLEMENTARY DISTRICT REGULATIONS AND GENERAL PROVISIONS

This article contains specific standards that apply to all users and districts within the jurisdiction. The standards set forth are the minimum allowed, and from the date of this ordinance no building, structure or use shall be permitted, altered or changed which would cause to exist conditions which would be less than the standards set forth in this Article or Article III.

### 4.1 Zoning Affects Every Building and Use

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### 4.2 Integrity of Required Open Space

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### 4.3 Existing Lots of Insufficient Size

#### 4.3-1 Lot of Record-Separate Ownership

In any district in which single-family dwellings are permitted, one single-family dwelling and customary accessory structures may be erected on

any single lot of record at the effective date of adoption or amendment of this ordinance.

#### 4.4 Temporary Accessory Mobile Home

- a) A Temporary Accessory Mobile Home is defined as a mobile living unit designed to be movable as one unit, more than 320 square feet in size, fully functional as an independent living unit and has wheels and a towing mechanism that has not been removed.
- b) Minimum lot or parcel size shall be no less than 30,000 square feet.
- c) Only one temporary accessory mobile home shall be permitted per lot or parcel in addition to one other principal use.
- d) The minimum setback requirements must be met and no temporary mobile home shall be closer than 20 feet to any other dwelling or 10 feet from any other accessory building.
- e) The temporary mobile home must meet all building codes and all health department requirements.
- f) Only a member of the immediate family can occupy the temporary mobile home. Occupancy by anyone other than the immediate family shall be a violation of the permit and will render the permit null and void.
- g) Immediate family shall be defined as parent, grandparent, child, or grandchild of the head of the household owning and occupying the principal dwelling on the lot or the spouse (whether living or deceased) of the head of the household.
- h) This section is particularly designed to accommodate the need for children and grandchildren to take care of parents or grandparents. However, it may be used for other applications provided the applicant can show a hardship exist that is particular to their situation and not common to the general public as a whole and is not simply a financial benefit for either party.
- i) After a public hearing and required notices in accordance with Section 1.13-3, a Special Use Permits for temporary accessory mobile homes issued by the Grayson County Board of Supervisor are valid for one year. The permit holder, on or before the anniversary date of the permit and annually thereafter, must have the permit validated by the Zoning Administrator by submitting a written request accompanied by an application showing that the conditions on which the permit was originally issued has not changed.

- j) The temporary accessory mobile home must be removed within sixty (60) days of a change in the permitted use that would disqualify the special use designation. Failure of the permit holder to notify the Zoning Administrator of a disqualifying change in the approved permit will result in a violation of the provisions of this Ordinance and punishable as set forth in Section 1.14 of this Ordinance.

#### **4. 5 Visibility at Intersection**

On a corner lot in any district, nothing shall be erected placed, planted or allowed to be grown in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades within 15 feet of the intersecting streets.

#### **4. 6 Principal Buildings**

In order to construct a principal building on any lot, one of the following requirements must be met:

- a. One principal building may be constructed on a lot having a dedicated right-of-way of not less than forty feet providing ingress and egress to a dedicated recorded public street or thoroughfare. For each additional principal building, the lot frontage measured at the street line is in multiples of 100 feet per principal building.
- b. The lot is in an approved subdivision and fronts an approved subdivision road meeting all the requirements of the Grayson County Subdivision Ordinance.
- c. The lot was created as a result of a one time bona fide division of land for immediate family members as provided for in the Grayson County Subdivision Ordinance, having a dedicated right-of-way of not less than ten feet or more than twenty feet providing ingress and egress to a dedicated recorded public street or thoroughfare. For each additional principal building, the lot frontage measured at the street line is in multiples of 100 feet per principal building.
- d. One principal building may be constructed on a lot created prior to December 8, 1998. For each additional principal building, the lot frontage measured at the street line is in multiples of 100 feet per principal building.

A second or more principal building may be constructed so long as each structure complies with the above frontage requirement and the minimum size lot requirement and the minimum size requirements for the district in which the proposed use is located.

#### 4. 7 Junk Storage and Automobile Graveyards

- a) Inoperable Automobiles
  - 1) No automotive vehicle that does not display a current license plate may be parked on any public right-of-way, street or public area for more than twenty-four (24) hours.
  - 2) No more than one (1) inoperable vehicle requiring a license to operate shall be stored on any open lot in any district except those vehicles being repaired in conjunction with an automobile service repair business.
- b) Junkyards, Junk storage or Automobile Graveyards

No junkyard or automobile graveyard shall be established within the County that is within one thousand (1,000) feet of the nearest edge of the right-of-way of any primary highway, or within five hundred (500) feet of the nearest edge of the right-of-way of any secondary road or adjoining property line, unless such area shall be screened by natural objects, plantings, fences, or other appropriate means; so as not to be visible from the main-traveled way of the highway, street, or adjoining property owner.

#### 4. 8 Height Regulations Exceptions and Limitations

Church spires, belfries, monuments, water towers, chimneys, flues, flag poles, television antenna, silos, and radio aerials are exempt. An accessory structure height shall not exceed the principal structure height except for garages or farm buildings constructed subsequent to a residence.

#### 4. 9 Public Utilities

Any minor public utilities necessary for solely local distribution such as water, sewer, cable TV, electric and natural gas lines shall not be subject to restrictions in this ordinance. The Zoning Administrator may determine that a utility facility is a major activity which would only be permitted under the Service District.

#### 4. 10 Home Occupations

Home occupations cited below only apply in a RR or HR district.

- a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than

twenty-five (25) percent of the floor area (including basements) of the dwelling unit shall be used in the conduct of the home occupation;

- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and located at least five (5) feet from the street right-of-way;
- d) No home occupation shall be conducted in any accessory building;
- e) There shall be no retail or wholesale sales occurring on the premises in connection with such home occupation;
- f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or in a rear or side yard.

#### **4.11 Sign Regulations**

##### **4.11-1 Purpose**

The purpose of this section is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in Article I of this ordinance.

##### **4.11-2 Exclusion from Sign Regulations**

The following shall not be subject to the provisions of this section:

- a) Signs provided or required by a duly constituted government body, including traffic or similar regulatory devices, legal notices or warning at railroad crossings;
- b) Flags or emblems of political, philanthropic, educational, or religious organizations;
- c) Temporary signs for a period not to exceed three (3) months, announcing a campaign, drive or event;
- d) Memorial plaques or tablets;

- e) Small signs, each not to exceed one (1) square foot of display surface area, displayed for the direction of the public, including signs which identify rest rooms, freight entrances, house numbers or the like;
- f) Vehicular sign attached to or lettered on a licensed operable motor vehicle;
- g) Name, identification signs which are architecturally part of the building and are wall mounted which may identify a company, apartment, public or semi -public use through the use of integral letters, symbols or logos;
- h) Signs not exceeding eight (8) square feet mounted on the building or within a yard, advertising a sale or lease of property; and
- i) Any sign which cannot be viewed from a public right -of-way or sidewalk; and
- j) Any sign under 32 square feet in size.

#### **4. 11-3 Prohibition of Obstructive and Certain Signs**

No sign may be arranged so that it interferes with traffic; through glare; through blocking of reasonable sight lines for streets, sidewalks or driveways; through confusion with a traffic control device (by reason of its color, location, shape, or other characteristics); or through any other means. Rotating beacons and flashing signs are prohibited. No signs shall be allowed to protrude into the space above the right-of-way of a public street or a utility easement for overhead electrical service.

#### **4. 11-4 Location of Signs**

That portion of a sign or a pole or standard of such sign which is in contact with the ground shall be within the lot lines of the property and shall not be within the right -of-way of any public street.

#### **4. 11-5 Height of Signs**

Signs shall not exceed the height of the structure housing the business advertised or 30 feet, whichever is greater.

#### **4. 11-6 Motion or Non-Stationary Signs**

No sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or fixed condition except for the rotation of barber poles. Changing signs and multi-prism sign units are not permitted except time and temperature signs are allowed. Signs

which are not permanently attached to the ground or a building except as otherwise noted in this ordinance are prohibited.

**4. 11-7 Non-conforming Signs and Closed Businesses**

Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this ordinance shall be allowed to remain as a non-conforming sign. Any sign damaged to the extent that it represents a public hazard as determined by the Administrator shall be removed immediately.

**4. 11-8 Type and Size of Signs Permitted by District**

The following chart provides the type and size (or maximum aggregate area of such signs, either single-faced or double-faced) permitted in each type of district. If the chart gives no maximum size, then the indicated type of sign is not permitted in the indicated zoning district.

**4. 11-8.1 Type, Size (in Maximum Aggregate Square Feet), of Signs Permitted in Various Districts**

	Rural Farm RF)	Residential (R)	Commercial Industrial Service	Recreation (HR, SR)
Business	32	---	100	---
Home Occupation	2	2	---	---
Civic	32	32	32	32
Identification	32	32	32	32
Directional	6	6	6	6
Outdoor Adver.	---	---	150	---
Portable	---	---	32	---

**4.11-9 Sign Construction**

- a. All signs shall be constructed in conformance with state building and electrical codes.
- b. Neon signs shall have no exposed electrodes. Upon receiving written approval and permit from the Administrator, the proposed sign may be constructed.

**4. 11-10 Sign Permit Required**

No person shall erect, construct, or maintain any sign upon any property without first submitting a drawing to the Zoning Administrator showing sign lettering dimensions, method of attachment, and the area in which the sign is to be located.

## 4.12 Communications Tower and Antenna Regulations

### 4.12.1 Purpose

To establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:

- 1) Encourage the location of towers in non-residential areas and minimize the total number of towers and tower sites throughout Grayson County;
- 2) Strongly encourage the joint use of new and existing tower sites;
- 3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the community is minimal;
- 4) Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas and;
- 5) To provide adequate sites for the provision of telecommunication service with minimal negative impact on the resources of the County.

### 4.12.2 Applicability

- 1) District Height Limitations—The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater heights than, fifty (50) feet.
- 2) Amateur Radio and Receive-Only Antennas—This ordinance shall not govern any tower, or the installation of any antenna, that is (1) under fifty (50) feet in height and is owned and operated by a federally -licensed amateur radio station operator or is (2) used exclusively for receive only antennas for amateur radio station operation.
- 3) 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 free -standing structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or

other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

#### 4.12.3 General Guidelines and Requirements

- 1) Principal or Accessory Use—For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulation, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lot. 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.
- 2) Inventory of Existing Sites—Each application for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the locality or within five (5) miles of the border thereof, including specific information about the location, height, and existing use and number of tenants on each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or with other organizations seeking to locate antenna(s) within the jurisdiction of the locality, provided, however that the Zoning Administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- 3) 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; provided, however, that the County of Grayson may waive that the goals of this ordinance are better served thereby and in accordance with the following:
  - 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, non-reflective color;

- b) At a facility site, the design of the building and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structure;
- c) If an antenna is installed on a structure other than a tower, the antenna and 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, the Zoning Administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views;
- e) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure;
- f) To permit co-location, the tower shall be designed and constructed to permit extension to two others users and to permit use by the County at no cost to the County as stated in 4.12.12.
- g) Towers shall be designed to collapse within the lot lines or leased area incase of structural failure.

#### 4. 12.4 Federal Regulations

All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal or State Government with the authority to regulate towers and antennas.

#### 4. 12.5 Building Code

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

#### 4. 12.6 Information Requirement

- 1) 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, set-backs, 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 mid-ground, and the background of the site.
- 2) An engineering report, certifying that the proposed tower is compatible for co-location with a minimum of three (3) users including the primary user, must be submitted by the applicant. This provision may be waived by the Board of Supervisors in a particular case.
- 3) The applicant shall provide copies of its co-location policy.
- 4) Antennas and sites for possible co-location are no higher in elevation than necessary.

#### 4. 12.7 Factors Considered in Granting Special Use Permits for New Towers

- 1) Height of the proposed tower;
- 2) Proximity of the tower to residential structures and residential district boundaries;
- 3) Nature of the uses on adjacent and nearby properties;
- 4) Surrounding topography;
- 5) Surrounding tree coverage and foliage;
- 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- 7) Proposed ingress and egress;
- 8) Co-location policy;
- 9) Language to facilitate co-location;
- 10) Consistency with the comprehensive plan and the purposes to be served by zoning;
- 11) Availability of suitable existing towers and other structures as discussed below; and
- 12) Proximity to commercial or private airports.

#### 4.12.8 Availability of Suitable Existing Towers of Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisor that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- 1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
- 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
- 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's antenna;
- 5) 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 above industry standards; and

- 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

#### 4.12.9 Setbacks

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Board of Supervisors may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

Those setbacks are:

- 1) The tower must be set back from any off-site residential structure no less than five hundred (500) feet;
- 2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

#### 4.12.10 Security Fencing

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climb device; provided, however, that the Grayson County Board of Supervisors may waive such requirements, as it deems appropriate.

#### 4.12.11 Landscaping

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, the Grayson County Board of Supervisors may waive such requirements if the goals of this Ordinance would be better served thereby. The following are landscaping requirements:

- 1) 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 (4) feet wide outside the perimeter of the facilities;
- 2) In locations in which the Grayson County Board of Supervisors find that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether;

- 3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Grayson County Board of Supervisors may determine the natural growth around the property perimeter may be sufficient buffer; and
- 4) Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and guy wires, if applicable, and installation of access for vehicle utilities. The Grayson County Board of Supervisors in a particular case may waive this provision.

#### 4.12.12 Local Government Access

Owners of towers shall provide Grayson County and/or its political subdivision or agent, with space on the tower, at no cost to the county, at an elevation of at least 130 feet (or at another height to be determined jointly by the owner of the tower and the county), to accommodate the county's needs.

#### 4.12.13 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from Grayson County notifying the owner of such removal equipment requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables, guy wires and anchors and support buildings. The building and footers may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

#### 4.13 Uses Not Specified

Uses not specifically named but compatible with other permitted uses and the requirements of this ordinance may be permitted after review by the Zoning Administrator and the Planning Commission. Upon Planning Commission recommendations the Grayson County Board of Supervisors would make the final decision to approve or disapprove. The recommendations of the Planning Commission shall not be made until a hearing as required by the Code of Virginia 1950 as amended has been held.

# ARTICLE V: ADMINISTRATION OF ZONING ORDINANCE

## 5.1 Creation and Authorization of the Office of Zoning Administrator

The Office of Zoning Administrator is hereby established to administer and enforce this ordinance. The Zoning Administrator shall be designated by the Board of Supervisors and may be provided with the assistance of other persons at the direction of the Board of Supervisors.

## 5.2 Duties of Zoning Administrator on Issuance of Permits

The Zoning Administrator shall be responsible for the administration and enforcement of this ordinance and shall have all necessary authority on behalf of the Board of Supervisors to carry out the following duties:

### 5.2-1 Issuance of Permits

The Zoning Administrator shall be responsible for the issuance of zoning and certificate of zoning compliance permits. The Zoning Administrator shall review each application for a zoning permit and may require any other information which he may deem necessary for the consideration of the application.

### 5.2-2 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered or any land used, or occupied, without a zoning permit issued by the Office of the Zoning Administrator.

### 5.2-3 Permits not to be issued

No zoning permit shall be issued for any land use, building, structure, or part thereof which is not in accordance with the provisions of this ordinance. Any permit issued in violation of this ordinance shall be void and of no effect.

### 5.2-4 Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall be issued as follows:

#### a) New Construction

A Certificate of Zoning Compliance shall be issued within five (5) working days after construction has been completed. The premises are to be inspected and certified by the Office of the Zoning Administrator to be

in conformity with the plans and specifications upon which the zoning permit was based. A Certificate of Zoning Compliance issued in violation of this ordinance shall be void and of no effect. No permit for excavation or construction shall be issued by the Zoning Administrator before he is satisfied that the plans, specifications and intended use conform to the provisions of this ordinance;

b) Existing Conforming Uses or Buildings

Upon written request from the owner, the Zoning Administrator shall issue a Certificate of Zoning Compliance for any building or premises existing at the time of the effective date of this ordinance certifying, after inspection, the extent and kind of use made of the building or premises, including the number of employees, and whether such use conforms with the provisions of this ordinance; and

c) Existing Non-conforming Uses or Buildings

A Certificate of Zoning Compliance for all non-conforming industrial and commercial uses shall be applied for by the tenant, owner or agent of the property occupied by such non-conforming use within twelve months from the effective date of this ordinance. It shall be the duty of the Zoning Administrator to give public notice in a local newspaper to this effect four times within 60 days of the adoption of this ordinance.

Upon expiration of the said twelve months, failure to produce a certificate of zoning compliance for any such non-conforming use shall give rise to the presumption that such non-conforming use was not lawful on the effective date of this ordinance. From and after the effective date of this ordinance, the provisions of this section shall apply to any lawful use thereafter made to be a non -conforming use by amendment of this ordinance, except that the only public notice required in connection therewith is that required by law prior to such amendment.

**5.2-5 Plans Required for Zoning Permits -Procedures for Approval or Disapproval**

Each application for a zoning permit shall be accompanied by three (3) copies of a plan drawn to scale showing the shape and dimensions of the plot to be built upon, the structures, and accessory buildings then existing, and the dimensions and locations of all proposed buildings or structures alterations or additions, the existing and intended uses of the land and of each building or part of a building, and the number of families or housekeeping units (where applicable) the building is designed to accommodate. Any other information that the Administrator may deem necessary for consideration of the application may be required. No building permit for a structure may be issued until the zoning permit has been approved.

- a) If the proposed building or use is found to conform to the provisions of this ordinance, the Administrator shall issue a zoning permit to the applicant. One copy of the approved plans shall be issued to the applicant. One copy shall be forwarded or taken to the Building Inspector for his files. One copy shall be retained in the Administrator's files.
- b) If the proposed building or use is not in compliance, the Administrator shall disapprove the permit and advise the applicant in writing as to what measures could be taken to bring about compliance through a change in the plans. An applicant shall also have right of appeal as permitted.

#### **5.2-6 Application Forms**

The Zoning Administrator shall provide application forms and instructions for the applicant which clearly facilitates timely review of the application. No permit shall be issued without street address, route number, approximate location, tax parcel number and legal description of the subject property.

- a) Information shall be submitted, showing the following: boundary survey, existing and proposed structures; significant natural features, including wooded areas and large trees; existing and proposed roads, driveways, walkways and utilities; and landscaping proposed.
- b) The site plan shall be accompanied by plans and/or written description explaining methods proposed for water supply, sewage disposal, storm water drainage, and prevention of erosion.
- c) The Administrator may accept an owner-prepared sketch for plans of single-family construction and other non-inhabitable structures. All other plans shall be prepared by a certified surveyor, engineer, or architect.
- d) The Zoning Administrator may require other necessary information as he or she deems necessary, including a topographic map of the site.

### **5.3 Duties of Administrator on Zone Amendments, Zone Changes, Special Uses and Variances and Appeals**

#### **5.3-1 Applications and Fees**

The Zoning Administrator shall be responsible for receiving each application for a zoning amendment, zone change to the zoning map, conditional use, variance or appeal. The application shall not be processed until the required fee has been paid.

The fees for the above shall be based upon reasonable costs to pay for the expenses involved. The fees shall be as follows:

Zoning Permits	\$15.00
Zoning Amendment	\$55.00
Zone Change	\$55.00 plus \$12.00 per certified letter to adjacent owners
Special Use Permits	\$55.00 plus \$12.00 per certified letter to adjacent owners
Variance	\$55.00 plus \$12.00 per certified letter to adjacent owners
Appeal	\$100.00
PUD	\$300.00 plus \$12.00 per certified letter to adjacent owners
Cell Towers	\$1,000.00 plus \$12.00 per notice

The fee may be waived by the Board of Supervisors for any governmental agency.

### **5.3-2 Procedure**

The Zoning Administrator shall, after consultation with the Planning Commission Chairman or County Administrator, advertise the application for hearing as required by the Code of Virginia, 15.2-2204 1950, as amended. The Zoning Administrator shall be responsible for mailing notice to affected property owners one week prior to the hearing. Addresses in the Commissioner of Revenue's office shall constitute valid addresses. Requests for a zone change shall be reviewed in conformance with the County's Comprehensive Plan.

## **5.4 Duties of Administrator Regarding Enforcement and Remedies**

### **5.4-1 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis of such complaint and shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record the complaint, immediately investigate and take such action as provided for in this ordinance. The County Attorney shall be immediately advised of all violations of this ordinance. The County Attorney shall report to the Board of Supervisors any violations not abated through orders is sued by the Zoning Administrator.

### **5.4-2 Penalties for Violation**

Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and

safeguards established in connection with grants of variances or conditional uses) following official notification shall constitute a Class II misdemeanor and may be punished as provided by law. Each day such violation exists may be deemed a separate offense.

The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent or other person, who commits, participates in, assists in or maintains such violation may be punished as heretofore provided.

#### **5.4-3 Remedies**

Upon finding that any provision of this ordinance is being violated, the Zoning Administrator shall notify in writing by certified mail the person responsible for such violation and order the discontinuance of illegal building, structures, illegal addition, alterations or structural changes, and the discontinuance of any illegal work being done.

Should such notice fail to force compliance within thirty (30) days, the Zoning Administrator shall request that the Board of Supervisors authorize the County Attorney to bring legal action to insure compliance with the ordinance, including injunction, abatement or other appropriate action or proceeding.

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building, other structure or land is or is proposed to be used in violation of this ordinance, the Zoning Administrator or other appropriate authority of the Grayson County Board of Supervisors or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute an injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land.

#### **5.4-4 Appeal**

An appeal of the Zoning Administrator's decision may be filed within thirty (30) days by filing a letter with the Zoning Administrator. Appeals shall go to the Board of Zoning Appeals.

#### **5.5 Special Use Provisions**

Certain uses of land and buildings, designated in Article III District Regulations as special uses, may be permitted in one or

more of the various districts only after individual consideration and approval by the Planning Commission.

Such special uses are deemed to be generally appropriate to the district or districts to which they are assigned under this ordinance, and reasonably harmonious with the uses permitted in said districts as a matter of right, provided that the location and design of the site in each case is determined by the Planning Commission to be in accord with standards herein set forth.

It is the intent of this section that the designation of certain uses a conditional for certain districts, and the procedures set forth for the review and approval or disapproval of such uses, be administered so as to further the purposes of this ordinance and facilitate the creation of a convenient, attractive and harmonious community.

#### **5.5-1 Procedures for Review and Approval of Special Uses**

Any person desiring to use any land or building in a manner classed by this ordinance as a special use for the district in which said land is located shall make application to the Zoning Administrator for a special use permit shall submit supporting maps and other documents as required by the Zoning Administrator.

#### **5.5-2 Public Hearing and Report to Board of Supervisors**

- a) The Zoning Administrator shall forward the application to the Planning Commission, which shall hold a public hearing thereon in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. After receiving a report and recommendation from the Zoning Administrator, the Planning Commission shall either recommend approval as submitted, recommend approval with modifications, or recommend disapproval of the application for a special use permit. The Planning Commission shall recommend the granting of the permit if it determines the proposed development is in full compliance with the standards set forth in Section 5.5-3 and shall record its findings concerning such compliance. Upon action by the Planning Commission, a report shall be made to the Board of Supervisors. The BOS shall hold a public hearing thereon in accordance when Section 15.2-2204 of the Code of Virginia. The board shall move to accept or deny the Commission's decision.

- b) The Commission may recommend and the Board of Supervisors may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of the special use and insure compatibility with surrounding property. The Commission may recommend and the Board of Supervisors may establish expiration dates for any special use permit as a condition of approval.
- c) If a special use permit is approved, then a final site plan shall be submitted to the Zoning Administrator within six (6) months of date of approval.
- d) If a special use application is denied by the Board of Supervisors procedure for appeal shall be in accordance with the Code of Virginia, 1950 as amended.
- e) Any significant change (as determined by the Zoning Administrator) of the preliminary site plan approved by the Board shall nullify the special use permit and require resubmittal for Planning Commission review and Board action.

### **5.5-3 General Requirements**

A special use permit may be granted provided the Board of Supervisors finds that the proposed special use:

- a) Is designed, located and operated so as the public health, safety and welfare will be protected;
- b) Will not adversely affect other property in the area in which it is located;
- c) Is within the provision of "Special Uses" as set forth in this ordinance;
- d) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location;
- e) The proposed use must have direct access on a public road, which can safely and adequately handle the automobile and truck traffic generated.
- f) Satisfactory storm drainage can be provided, and there must be adequate safeguards to prevent soil erosion on the site and erosion and sedimentation on neighboring downhill and downstream properties during and after development;

- g) There is a satisfactory plan and methods for sewage disposal. No effluent shall be discharged into any stream prior to having at least secondary treatment;
- h) There is suitable provision for the protection of privacy on adjoining property which is now in residential use or which may develop in residential use under the provisions of this ordinance. In this section protection of privacy shall mean effective screening against both visual intrusion and noise.
- i) In the case of manufacturing, there shall not be discernible, at any property line of the tract on which the use is located, any dust, smoke, odor, or glare that results from the operation of the manufacturing use; and
- j) In the case of quarry and mining operations, where permitted as a conditional use, there must be a satisfactory plan for reclamation of the land and restoration of the natural landscape.

#### 5.5-4 Conditions

In authorizing a permit for any special use provided for in this ordinance, the Board of Supervisors, after report and recommendation by the Zoning Administrator, may impose specific conditions on the development and use of land as necessary to assure compliance with the standards set forth in Section 5.5-3. Such conditions may include, but are not limited to: dimensional requirements for front, side, and rear yards greater than those specified elsewhere in this ordinance; screening by planting or fences or other devices; landscaping for appearance; dedication of land for street purposes; construction of turning lanes on public roads; prohibition and/or regulations of signs; requirement of additional parking spaces, and limiting hours of operation.

# ARTICLE VI: BOARD OF ZONING APPEALS AND ADMINISTRATION OF VARIANCES

## 6.1 Creation, Membership and Appointment of the Board

The Board of Zoning Appeals is hereby established which may be referred to in this ordinance as the "Board" or "Board of Zoning Appeals." The Board of Zoning Appeals shall have jurisdiction within the boundary limits of the County of Grayson, and it shall consist of five (5) residents of the County, appointed by the Circuit Court of the County. Members may be re-appointed to succeed themselves. Members of the Board of Zoning Appeals shall hold no other public office in the County except that one (1) may be a member of the Planning Commission.

### 6.1-1 Terms of Office of Board Members, Vacancies, Removals

The members of the Board of Zoning Appeals shall serve for a four-year term, except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen (15) days notice.

### 6.1-2 Staff of Board and Compensation of Board Members

Within the limits of funds appropriated by the County Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive such compensation as may be authorized by the Board of Supervisors.

### 6.1-3 Powers of the Board of Zoning Appeals

- a) Hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in carrying out the administration or enforcement of the ordinance;
- b) Hear and act upon application for variances in accordance with this Article to alleviate hardships by virtue of the inability of the land owner to comply with the provisions of this ordinance by reason of unique shape, topography or physical features of the lot;

- c) Hear and decide appeals from the decision of the Zoning Administrator;
- d) Hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary;
- e) Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

#### **6.1-4 Election of Officers**

The board shall elect from its members its own chairman, vice chairman and secretary who shall serve for one year and may upon election serve succeeding terms.

#### **6.1-5 Stay of Proceedings**

An appeal shall stay all proceedings related to the action appealed from, unless the Zoning Administrator certifies to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent threat to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application and on notice to the Zoning Administrator and for good cause shown.

#### **6.1-6 Rules and Proceedings of the Board or Zoning Appeals**

The Board shall also adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- a) The presence of a majority of all members of the Board shall constitute a quorum;
- b) No action shall be taken by the Board on any case until after a public hearing and notice thereof shall be published and mailed in accordance with Section 15.2 -2204 Code of Virginia, 1950, as amended;
- c) Appeals to the Board 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 of the appeal. The Zoning Administrator shall then transmit to the Board all the papers constituting the record upon which the action was taken;

- d) The Board shall fix a reasonable time for hearing the application or appeal, give public notice thereof as well as notify interested parties, and decide the same within sixty (60) days;
- e) The Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variances from the ordinance;
- f) The Board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the County Administrator and shall be public records. The chairman of the Board, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses;
- g) The Board may call upon any other officer or agency of the County for information in the performance of its duties; and it shall be the duty of such other agencies to render the information to the Board as may be reasonably required;
- h) Any office, agency, or department of the County or other aggrieved party may appeal any decision of the Board to the Circuit Court of Grayson County as provided for in Section 15.2-2314 of the Code of Virginia, 1950, as amended;
- i) In decisions or variances, the Board shall indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as in the interest of public health, safety and general welfare." The Board shall state clearly the specific conditions imposed in granting the variance. For variance cases pertaining to hardship, the Board shall specifically identify the hardship warranting such action by the Board;
- j) At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other; and
- k) The Grayson County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board, and such opinion shall be made part of the record of the public hearing.

## 6.2 Variance

### 6.2-1 Application for Zoning Variance

The application for a zoning variance may be made by any property owner, agent, or legal counsel of the owner, government official, department, board, or bureau. The application shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Board of Zoning Appeals.

### 6.2-2 Notice to Affected Property Owners

Notice to affected property owners and public agencies including the Grayson County Planning Commission and Board of Supervisors shall be given in accordance with notice and hearing procedures of Section 15.2-2204 of Code of Virginia, 1950 as amended.

### 6.2-3 Standards for Variance

The Board or Zoning Appeals shall not grant a variance unless it finds:

- a) That the property owner acquired the property in good faith, and that by reason of exceptional narrowness, shallowness, size or shape, or exceptional topographic conditions of the property, or of the use or development of property immediately adjacent to it, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the use of the property;
- b) That the strict application of the ordinance would produce undue hardship;
- c) That the hardship is not generally shared by other properties in the same zoning district and the same vicinity;
- d) That the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant;
- e) 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;
- f) That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

- g) That the variance shall be in harmony with the intended spirit and purpose of this ordinance;
- h) That financial concerns shall not be the sole consideration as a basis for granting a variance; and
- i) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands; structures or buildings in the same district.

#### **6.2-4 Non-conforming Does Not Constitute Grounds for Granting a Variance**

No permitted or non-conforming use of neighboring lands, structures or buildings in the same district, or in other districts shall be considered grounds for the issuance of a variance.

#### **6.2-5 Prohibition of Use Variances**

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

#### **6.2-6 Conditions and Restrictions by the Board of Zoning Appeals**

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 6.2 -3 to reduce or minimize the injurious effect of such variance upon surrounding property and to better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of the variance. The Board may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

#### **6.3 Variance Appeals**

Any person, including any agency of the County government, aggrieved by a decision of the Board on a variance may appeal any decision of the Board to the Circuit Court of the County as provided for in Section 15.2-2314 of the Code of Virginia, 1950, as amended.

# Article VII: – Planned Unit Development

## 7.1 Planned Unit Development

Planned unit development, within Rural Farm and Rural Residential, which may hereafter be created; it is intended to permit the establishment of planned unit development (PUD) for specialized purposes where tracts suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis. This use is intended to permit construction in accordance with a master plan of cluster-type development and mixed use development with individual dwelling units available for sale or rent with open space and common areas under one (1) 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 PUD may include light commercial facilities to the extent necessary to serve the needs of the particular planned development. For the purposes of this Article, a PUD may consist of lots or parcels upon which recreational vehicles are to be located provided all requirements of this Article are met and the individual lots or parcels contained in the PUD are sold by the developer to individuals or entities not controlled by the developer and not rented to others by the developer. In a PUD designed and approved for recreational vehicles the provision in this Article which address “dwelling units” shall be interpreted to include “recreational vehicles” provided, however, that recreational vehicles shall not be used as year round or permanent residences and each recreational vehicle must be maintained and moved from the PUD under its own power at least once a year or more often if required by the terms of the specific special use permit for the PUD. PUD shall conform to the Virginia Condominium Act, § 55-79.39 through 55-79.103, Code of Virginia

- A. Location. A PUD shall be allowed by special use permit in areas served by public water and sewage disposal systems or a self-sufficient central water and sewer system, conforming to state regulations.
- B. Area regulations. The minimum permitted size for any PUD shall be five (5) contiguous acres. 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 type of ownership or control as the original PUD. The procedure for an addition shall be the same as if an original application were filed.
- C. Density. The permitted density, in dwelling units per gross acre, shall not be more than ten (10) dwelling units per gross acre.
- D. Required open space. The required open space shall not be less than fifty percent (50%) of the total gross area of the PUD. The required developed recreation space shall not be less than ten percent (10%) of the total gross of the PUD.
- E. Management of open space in condominium developments.

1. There shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property or dwelling units within the planned development to ensure the maintenance of open spaces.
  2. When the development is to administer open space through a nonprofit association, corporation, trust or foundation, said organization shall conform to the following requirements:
    - a) The developer must submit the organization agreement to the County Attorney for approval prior to the sale of any lots.
    - b) 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.
    - c) The organization shall manage all open space, private driveways, parking and recreational and cultural facilities serving the development; 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.
    - d) The organization shall conform to the Condominium Act, §§55-79.39 through 55-79.103, Code of Virginia 1950, as amended.
- F. Maximum height. The maximum height of any building, structure, or dwelling unit in a PUD District shall be thirty-five (35) feet, subject to the provisions of this Article and subject to approval by the governing body.
- G. Streets. Private streets may be permitted in a PUD, provided that their construction standards are approved by the Planning Commission, and provided that adequate provisions are made for the maintenance of said private streets. Public streets shall be constructed in accordance with design requirements established by the Virginia Department of Transportation (VDOT). Private streets must conform to the design requirements of VDOT, except that the following standards on required right-of-way and pavement width apply: Requirements for right-of-way and pavement width shall be the same as Class I Subdivision and must meet all VDOT standards. To the extent streets are private rather than public, the applicant must submit assurances satisfactory to the county agents, that either the streets will be maintained by the developer at his cost or a Property Owners Association has been legally established under the Code of Virginia, 1950 as amended, and owners of lots, land, or units within the area of the Final Plan will be assessed for the cost of maintaining private streets. The applicant must provide assurances that no request will be made to have any lot, land, or units served by a public street unless or until such private street serving such property has been dedicated

and constructed, at no cost to the County or VDOT, in accordance with the current Subdivision Street Requirements of the VDOT.

H. Utilities. Within a PUD, all utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require aboveground installations must be effectively screened and thereby may be exempted from this requirement.

I. Site plan review.

1. The intent of the site plan review is to provide for a review of the project's compatibility with its environment and with other land uses and buildings in the surrounding area; the ability of the project's traffic circulation system to provide for the convenience and safe internal and external movement of vehicles and pedestrians; the quantity, quality, use, size, and type of the project's open space and the plans for the maintenance and upkeep of said open space; the quantity, quality, use, size, and type of the project's recreational elements; the impacts upon the existing natural environment; the proposed landscaping improvements; and the project's compliance with this chapter and other applicable ordinances of the county and state.

2. The site plan shall be reviewed by the Planning Commission and as required by the Subdivision Ordinance, shall act to fulfill the preliminary plat review requirements of the Subdivision Ordinance. Administrative procedures for the site plan review shall be the same as the review procedures of the Subdivision Ordinance.

3. In addition to the required content of preliminary and final plats as required by the Subdivision Ordinance, the following shall be submitted for site plan review:

a) Existing zoning and zoning district boundaries on the property to be developed and on immediately adjacent properties.

b) The boundaries of the property involved, all existing property lines, setback lines, existing streets, buildings, watercourses, and other existing physical features in or adjoining the project.

c) The topography of the project area at contour intervals of two (2) feet.

d) The location of all proposed buildings and structures, accessory and main, showing the number of stories and height, dwelling type, outside dimensions and main excavations by proposed use.

e) The proposed location and character of nonresidential uses, accessory and main.

f) The proposed location, dimensions, and use of all proposed open space, other amenities and improvements, if any, and suitable documentation of

the ownership and responsibility for such open space.

- g) The proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating the proposed treatment of points of conflict.
- h) The proposed treatment of the site's periphery, including materials and techniques to be used, such as screens, fences and/or walls.
- i) The location and screening materials for solid waste containers and other outdoor trash receptacles.
- j) The site plan shall show wooded areas, which shall be designated by symbols coincident with the area of trees, and an indication of which trees are to be retained.
- k) The proposed location, dimensions and treatment of the required off-street parking facilities for each individual unit.
- l) A tabulation of the total number of acres in the project and the percentage of acreage thereof proposed to be allocated to residential units, any nonresidential uses, off-street parking, open space, streets and other reservations.
- m) A tabulation of the total number of dwelling units, by type, in the project and the overall project density, in dwelling units per gross acre.
- n) A schedule exhibiting the time frame for project development and completion.

# ARTICLE VIII: DEFINITIONS

## 8.1 General Provisions

The following definitions shall apply for the interpretation of this ordinance. The dictionary definition will apply to all words not defined in this article.

## 8.2 Accessory Use

An activity or structure that is customarily incidental to and subordinate to an existing established principal activity and/or structure and is located on the same lot as the principal structure.

## 8.3 Accessory Structure

A structure that is detached from a principal structure on the same lot, and customarily incidental and subordinate to the principal structure or use. Accessory structures most commonly include detached garages and garden utility sheds, but may also include detached decks detached gazebos and swimming pools

## 8.4 Alley

Any public way or thoroughfare more than 10 feet, but less than 16 feet in width, which has been dedicated to the public for public use.

## 8.5 Agriculture

The tilling of soil, the raising of crops and domestic animals, horticulture, forestry and fisheries, including the keeping of animals, and the growing of Christmas trees, but excluding commercial slaughterhouse, hog operation, poultry house, fruit packing plant, or other agriculture processing operation.

## 8.6 Animal Clinic

An establishment where animals such as dogs, cats, other small pets, and livestock are provided medical or surgical treatment. Includes the terms animal or veterinary hospital.

## 8.7 Automobile Graveyard

Any lot or place which is exposed to the weather upon which more than three (3) unlicensed motor vehicles of any kind, incapable of being operated, are placed.

## 8.8 Auto Body Shop

An establishment in which damaged automobiles are repaired and/or repainted.

### **8.9 Auto Sales and Services**

Establishments with the primary purpose of selling, cleaning, or repairing motor vehicles, excluding auto body shop.

### **8.10 Basement**

The bottom floor of a building which is more than twelve (12) inches, but not more than one-half (1/2) of its height below average level of the adjoining ground.

### **8.11 Bed and Breakfast Inn**

A dwelling, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

### **8.12 Boarding House**

A house where lodging is providing for compensation on either a pre-arranged weekly or monthly basis which may or may not include sleeping rooms, meals, and bath facilities. A boarding house may provide lodging for at least five (5) and up to fourteen (14) persons.

### **8.13 Building**

A structure having one (1) or more stories and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including manufactured home dwellings.

### **8.14 Building Line**

The perimeter of that portion of a building or structure nearest a property line or street, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

### **8.15 Bulk**

Describes the size of buildings or other structures, and their relationship to each other, to open areas, and to lot lines, therefore including:

- 1) The size (including height and floor area) of buildings or other structures, and which may be expressed as percent of lot coverage,
- 2) The area of the lot upon which a residential building is located, and the number of dwelling units within each building in relation to the area of the lot,
- 3) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, or to other structures, and

- 4) All open areas relating to buildings or other structures and their relationship thereto.

#### **8.16 Cellar**

Bottom floor of a building which is more than one-half (1/2) of its height below average level of the adjoining ground.

#### **8.17 Child Care Center**

Any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers under the Code of Virginia, 1950, as amended. (Does not include family day home as defined by the Code of Virginia, which is considered "home occupations" by this ordinance).

#### **8.18 Clinic, Medical**

An establishment where persons are given medical, dental, or surgical treatment by one but not more than four physicians or dentists with no patients lodged overnight.

#### **8.19 Commercial**

An establishment or business that generally has retail or wholesale sales, office uses, or services which does not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

#### **8.20 Commercial Slaughterhouse**

An establishment in which livestock is slaughtered and the meat is processed for sale and which meets federal and State standards.

#### **8.21 Commercial Stables**

An establishment where horses are kept for commercial use; including boarding, show, hire, or sale.

#### **8.22 Communications Tower and Antennas**

A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, M/FM radio digital, microwave or cellular signals

#### **8.23 Craft Shop**

An establishment where goods handmade by local area artisans are displayed and sold.

### 8.24 Community Center

A structure or area used for fraternal, social, cultural, and/or recreational programs generally open to the public and designed to serve significant segments of the local community.

### 8.25 Construction Sales and Services

Any establishment involved in the sale of building materials including hardware, plumbing, and lumber supplies, or the sale of building construction services for the erection or repair of structures.

### 8.26 Dairy Parlor

A structure used for the purpose of milking 10 or more cows each of two times per day.

### 8.27 Development

Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured or mobile homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations.

### 8.28 Dwelling

A structure used as a place of abode.

#### a) Dwelling Accessory

A dwelling unit located within a structure in which the principal activity is commercial, professional or general personal service.

#### b) Dwelling, Single-Family-Attached

A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. Same as the term “townhouse”.

#### c) Dwelling, Single-Family-Detached

A structure used as a residence by one family, containing one living unit which is entirely separated from structures on adjacent lots and which meets the standards of the Building Officials and Code Administrators International, Inc. (BOCA) Basic Building Code. This term includes modular homes, and manufactured homes.

d) Dwelling, Two-Family or Duplex

A residential structure containing two dwelling units designed for occupancy by not more than two families.

e) Dwelling, Multi-Family

A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like.

**8.29 Easement**

That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots.

**8.30 Elder Care Center**

A facility operated for providing care to a group of elderly persons during part of the day only and meeting the licensing requirements under the Code of Virginia, 1950, as amended.

**8.31 Family**

An individual or a group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together or as a single housekeeping unit.

**8.32 Feed Lot**

An area of 25 or less acres set aside for the purpose of intensive feeding of 25 or more cattle.

**8.33 Flood**

A general and temporary inundation of normally dry land areas. A one hundred year flood is a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., one that has one (1) percent chance of occurring each year, although the flood may occur in any year.)

**8.34 Floodway**

The area within a flood plain which is necessary for the passage of flood waters in which no structure may be built.

**8.35 Flood Plain**

(1) A relatively flat or low land area adjoining a river, stream, or water course which is subject to partial or complete inundation;

(2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

### **8.36 Floor Area**

The total of the gross areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, but excluding the following:

- 1) Areas used for off-street parking spaces or loading berths, driveways and maneuvering aisles relating thereto required in this ordinance.
- 2) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

### **8.37 Frontage**

The width of a lot or parcel abutting a public right-of-way measured at the front property line.

### **8.38 Fruit Packing Plant**

A building used for the preparation and process of fruits for shipment, or storage and sales.

### **8.39 General Store, Country**

A single store, the ground floor which is 4,000 square feet or less and which offers for sale primarily most of the following items: bread, milk, cheese, fresh produce, canned and bottled food and drinks, tobacco products, candy, papers, magazines, and general hardware. Gasoline may also be offered for sale, but only as a secondary activity.

### **8.40 General Personal Service**

Any establishment involved in the transaction of services, as opposed to goods, and which caters to the needs of individuals such as beauty shops, barber shops and dry cleaners.

### **8.41 Greenhouse**

A commercial establishment where a glassed or transparent enclosure is used for the cultivation of plants for sale.

#### **8.42 Grocery Store**

An establishment that sells a wide range and supply of food and drink items, as well as general household goods. Is typically larger than 4,000 square feet in size.

#### **8.43 Group Care Facility**

A facility, required to be licensed by the state, which provides training, care, supervision, treatment, and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include daycare centers, family daycare homes, foster homes, schools, hospitals, jails, or prisons.

#### **8.44 Health or Fitness Club**

An establishment providing a gymnasium (except public) and/or other athletic facilities on a private club basis. Also includes weight control establishments.

#### **8.45 Height**

The vertical distance from the highest point on a structure, excepting any chimney, spires, antennas or other minor, narrow structural extensions on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

#### **8.46 Hog Operation**

An enterprise in which hogs are kept and raised, regularly involving the use or presence of one or more of the following:

- (a) Two or more acres of non-vegetative land (excluding land used for crops) and used for confined feeding, growing, raising, or birthing of hogs prior to slaughter;
- (b) An enclosed confinement or structure containing five hundred (500) or more square feet of floor space used primarily for such enterprise; and keeping of any hogs, whether or not confined within three hundred (300) feet of another residence or dwelling.

#### **8.47 Home Occupation**

An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residence and in which only members of the immediate family residing on the premises shall be engaged in such an activity or use. The activity conducted is a business activity for financial gain, as opposed to a hobby.

#### **8.48 Hospital**

An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged, and sanatoriums.

#### **8.49 Incidental Alterations**

1) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:

- a) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
- b) A minor addition to the exterior of a residential building, such as an open porch;
- c) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
- d) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or

2) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:

- a) Making windows or doors in exterior walls;
- b) Replacement of buildings facades having non-load-bearing capacity; and
- c) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

#### **8.50 Incineration Facility**

A permitted facility to reduce the volume of solid wastes, extracting in some cases energy in the form of steam, heat, or electricity, and disposing the remaining ash in a solid waste land-filling facility.

#### **8.51 Inoperable Motor Vehicles**

A motorcycle, motor vehicle, trailer or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of a current Virginia inspection sticker, which motorcycle, vehicle, trailer or attachment thereto does not display said license plated and/or current Virginia inspection sticker.

#### **8.52 Junkyard**

The use of any area of land for the location or the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. This term includes the term "automobile graveyard."

### **8.53 Kennel**

An establishment prepared to house, board, breed, handle, or otherwise keep or care for dogs, cats, or other small animals for sale in return for compensation.

### **8.54 Landfill**

A disposal site properly licensed by the state and employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each day, or at such more frequent intervals as may be necessary. The term excludes hazardous waste landfills as defined by the Virginia Department of Waste Management.

### **8.55 Landscaping**

The planting and maintenance of trees, shrubs, lawns and other ground cover or materials, flowers, walkways, landscaping gravel, and appropriate grading, such as to render an aesthetic appearance to the viewer.

### **8.56 Laundromat**

A business establishment which provides clothes washing, drying, and/ironing machines for hire by customers to be used on the premises.

### **8.57 Library**

A building primarily used to store and allow access to books, films, maps and other educational material.

### **8.58 Lodge or Inn**

A facility offering overnight accommodations as a destination point for visitors and providing additional services such as a restaurant, meeting rooms, and recreational facilities.

### **8.59 Lot**

A single parcel of land.

### **8.60 Lot Area**

The total horizontal area within the lot lines of a lot.

### **8.61 Lot Coverage**

That portion of a lot which when viewed directly from above, would be covered by a building or any part of a building.

### **8.62 Lot Line**

A line marking the boundary of a lot.

### **8.63 Lot Line, Front**

The portion of the lot line abutting the street or private road, if no street frontage exists. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front lot lines, and yards shall be provided as indicated in this ordinance. On lots bounded by a street and one or more private roads or alleys, the front lot line shall be the lot line abutting the street.

### **8.64 Lot Line, Side**

Any lot lines not a front or rear line.

### **8.65 Lot Line, Rear**

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

### **8.66 Lot of Record**

A lot which has been recorded in the Clerk's Office of the Circuit Court, and which meets the minimum dimensions for lots in the district in which it is located at the time of recording, or a lot whose existence, location and dimensions have been legally recorded or registered in a deed prior to the enactment of this ordinance.

### **8.67 Lot Width**

Shall be the average horizontal distance between side lot lines.

### **8.68 Manufacturing**

To make into a product suitable for use. Other activities beyond those identified in this ordinance may be classified as manufacturing upon study of the Planning Commission and approval by the Grayson County Board of Supervisors.

### **8.69 Microbrewery**

A small brewery, generally producing fewer than 10,000 barrels of beer and ale a year and frequently selling its products on the premises.

### **8.70 Mini-Warehouse**

A building consisting of individual, small, self-contained units that are leased or owned for the storage of business or household goods. Also known as a self-service storage facility.

### **8.71 Mobile Home**

“Manufactured home” means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

### **8.72 Motel or Hotel**

A building or group of detached or connected buildings containing more than one separate rooming unit designed or used primarily for providing sleeping accommodations for automobile travelers or transient guests at a daily rate. Automobile parking is located on the premises.

### **8.73 Nonconforming Structure**

A building or structure or portion thereof lawfully existing at the time this ordinance became effective, which was designed, erected or structurally altered for a use that does not conform to zoning regulations of the zone in which it is located.

### **8.74 Nonconforming Use**

A use that lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued and which does not now conform with the use regulations.

### **8.75 Occupancy Permit**

A written permit issued by the Building Official; and required before occupancy or commencing to use any building or other structure on any lot.

### **8.76 Park Homes**

400-Square feet or less movable resort cottages that are designed exclusively for part time recreational use only.

- a. Meet the permit requirements for placement and elevation and anchoring and setup requirements set forth in the manufactures set up instruction, and verified by the building official.

b. The water and drainage system of any home or premises where plumbing fixtures are installed shall be connected to a public or private water supply and a public or private sewer system. As provided for in Section 103.11 of Part J of the Virginia Uniform Statewide Building Code (13 VAC 5-63) for functional design, water supply sources and sewage disposal systems are regulated by the Virginia Department of Health and the Virginia Department of Environmental Quality.

#### **8.77 Place of Worship (or Church)**

Structure or location where services or rites are held showing reverence for a deity.

#### **8.78 Planned Unit Development (PUD)**

A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as referenced in Article VII of this ordinance.

#### **8.79 Poultry House**

Any structure designed for the keeping, breeding, or raising of any number of poultry.

#### **8.80 Principal Activity**

The main use of land or structures as distinguished from secondary or accessory uses.

#### **8.81 Principal Building**

A structure, or where the context so indicates, a group of structures in or on which is conducted the principal activity of the lot on which the structure is located.

#### **8.82 Professional Office**

An office in which business is conducted by the following professions: physicians and surgeons, lawyers, members of the clergy, architects, engineers, or other persons holding advanced degrees. The term is not intended to include insurance agents, insurance adjusters, realtors, photo studios, beauty parlors, barber shops, dance schools, business schools, or any establishment engaged in sales or trade.

#### **8.83 Public Way**

Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

#### **8.84 Recreational Equipment, Major**

Major recreational equipment includes boats and boat trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings and the like.

#### **8.85 Recreational Vehicle**

A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self propelled or permanently towable by a light -duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles placed on sites shall either:

- a) be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
- b) meet the permit requirements for placement and elevation and anchoring requirements for manufactured homes as stated in the Uniform Statewide Building Code.

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.

#### **8.86 Recreational Vehicle (RV) Park**

Any lot or land on which one or more recreational vehicle sites are located, established, and maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes. A RV park does not include recreational vehicle sales lots.

#### **8.87 Recycling Collection Center**

A building which is used to collect, separate, and store used materials such as newspapers, aluminum cans, and glass prior to shipment to others who will use the materials to manufacture raw materials.

#### **8.88 Recycling Processing Facility**

A facility in which recyclable resources such as newspapers, glass and metal cans are reprocessed and treated to return such products to a condition in which they may again be used for production.

#### **8.89 Retail Stores and Shops**

Buildings for the display and retail sale of merchandise or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following examples: drug stores, news stands, food stores, candy shops, department or

discount stores, dry goods, and notions stores, antique stores, gift shops, hardware stores, household appliances stores, furniture stores, florist, optician, music, radio or computer stores, tailor shops, bakery shops, and barber shops.

#### **8.90 Required Yard**

That portion of a lot that is required by the specific district regulation to be open from the ground to the sky and may contain only explicitly listed obstructions.

#### **8.91 Residence**

A building or part of a building containing one (1) or more dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- 1) Such transient accommodations as hotels, motels, tourist homes, or similar establishments,
- 2) Dormitories, fraternity or sorority houses, monasteries, convents, or similar establishments containing group living or community accommodations,
- 3) Nursing homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- 4) That part of a mixed building used for any non-residential purposes, except where such are uses accessory to residential uses.

#### **8.92 Restaurant**

An establishment where food is ordered, prepared and served for pay.

#### **8.93 Road, Private**

A way, open to vehicular ingress and egress, established for the benefit of certain adjacent tracts, excluding driveways.

#### **8.94 Road, Public**

(See Street.)

#### **8.95 Roadside Market**

A structure or land used for more than a three-day period for the sale of locally produced agriculture or horticulture products, antiques, and/or locally -made craft items. Includes term "flea market." Does not include sales of farm products located on farm premises.

### **8.96 Service Station**

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities are conducted such as engine overhauls.

### **8.97 Sawmill, Stationary**

Any milling machine which changes raw timber into lumber products on an ongoing basis and processes timber brought from off premises.

### **8.98 Sawmill, Temporary**

Any milling machine which changes raw timber into lumber products only on a temporary basis and processes only timber from the immediate premises.

### **8.99 Setback**

The minimum required distance between the property line and the building line.

### **8.100 Setback Line**

A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

### **8.101 Sign**

A structure or device designed or intended to attract attention and convey information to the public in written or pictorial form, and which is visible from outside a building.

### **8.102 Solid Waste Management Facility**

A permitted facility to receive solid wastes for disposal in land-filling operation or for storing or compacting for reshipment to another facility.

### **8.103 Story**

A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is not floor above it, the space between such floor and the ceiling above it, provided that the following shall not be deemed a story:

- 1) A basement or cellar if the finished floor level directly above it is not more than six (6) feet above the average adjoining elevation of finished grade.
- 2) An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls not more than two (2) feet above the floor of such space.

#### **8.104 Street**

Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

#### **8.105 Street, Private**

A right-of-way or easement in private ownership not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

#### **8.106 Street Line**

The property line which bounds the right-of-way set aside for use as a street or private road. Where sidewalks exist and the location of the property line is questioned, the edge of the sidewalk farthest from the traveled street shall be considered as the street line.

#### **8.107 Structure**

Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, towers, smokestacks, television satellites, overhead transmission lines, and signs.

#### **8.108 Subdivision**

The division of a tract, lot, or parcel of land into two or more lots, plats, sites, or other divisions of land.

#### **8.109 Townhouse**

(See Dwelling, Single-Family, Attached.)

#### **8.110 Use**

The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

#### **8.111 Use, Public**

Any use that is under control of a unit of general purpose government or governmental agency.

#### **8.112 Utility Facilities**

Any structure involved in the transport of electricity, water, sewage, or broadcasting.

### **8.113 Variance**

A reasonable deviation from those provisions 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 the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this ordinance.

### **8.114 Winery**

A building that produces wine or a business involved in the production of wine.

### **8.115 Wholesale Sales**

Any establishment involved with the sale of merchandise to retail establishments.

### **8.116 Yard**

An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be constructed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang.

### **8.117 Yard, Front**

A yard extending along the full width of a front line between side lot lines and from the front lot line to the closest part of the building in depth.

### **8.118 Yard, Rear**

A yard extending for the full width of a rear lot line.

### **8.119 Yard, Side**

A yard lying between the side lot line and the nearest line of the building and extending from the required front yard to the required rear yard.

### **8.120 Zoning Permit**

A written permit issued by the Zoning Administrator which is required before commencing any construction, reconstruction, alteration of any building or other structure, or before establishing, extending, or changing any activity or use on any lot.