

# PITTSYLVANIA COUNTY CODE

## CHAPTER 35

### ZONING

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**Supplementary Definitions to the Pittsylvania County Zoning Ordinance**

**PITTSYLVANIA COUNTY CODE**

**CHAPTER 35**

**ZONING**

This Ordinance was presented and adopted at a regular meeting of the Pittsylvania County Board of Supervisors held on Monday, January 7, 1991, in the Courthouse in Chatham, Virginia.

The effective date of this Ordinance is January 7, 1991.

**AMENDED BY THE PITTSYLVANIA COUNTY BOARD OF SUPERVISORS:**

August 20, 1991  
February 21, 1993  
December 21, 1993  
February 7, 1994  
March 21, 1995  
February 18, 1997  
December 16, 1997  
June 7, 1999  
May 14, 2000  
July 6, 2004  
September 14, 2004  
March 21, 2006  
November 6, 2006  
September 18, 2007  
July 7, 2008  
September 8, 2009  
March 16, 2010  
October 4, 2010  
December 21, 2010  
July 5, 2011  
November 15, 2011  
April 7, 2014  
March 15, 2016  
April 18, 2017  
August 15, 2017  
December 18, 2018  
April 16, 2019

## CHAPTER 35

### Article I.

#### General Considerations

- **DIVISION 1. AUTHORITY, ESTABLISHMENT, PURPOSE AND OFFICIAL ZONING MAP**

#### **SEC. 35-1. AUTHORITY TO ESTABLISH ZONING.**

This Ordinance, to be cited as the Zoning Ordinance of Pittsylvania County, is hereby ordained, enacted and published by the Board of Supervisors of Pittsylvania County, Virginia, pursuant to the provisions of Title 15.2, Chapter 22, Article 7 of the Code of Virginia, 1950, and amendments thereto. The governing body of any County or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

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

#### **SEC. 35-2. ENACTMENT.**

Therefore, be it ordained by the Board of Supervisors of Pittsylvania County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.2-2200 and Title 15.2, Chapter 22, Article 7 of the Code of Virginia, 1950, as amended, that this document, Chapter 35, be adopted as the Zoning Ordinance of Pittsylvania County, Virginia.

#### **SEC. 35-3. PURPOSE AND INTENT.**

The Zoning Ordinance of Pittsylvania County, Virginia is intended to promote the health, safety, and general welfare of the public and to implement the adopted Pittsylvania County Comprehensive Plan for the orderly and controlled development of the County.

To these ends, such zoning ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable:

1. To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
2. To reduce or prevent congestion in public streets.
3. To facilitate the creation of a convenient, attractive and harmonious community.
4. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
5. To protect against destruction of, or encroachment upon, historic areas.
6. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood and panic or other dangers.
7. To encourage economic development activities that would provide desirable employment and enlarge the tax base.
8. To provide for the preservation of agricultural and forest lands, and other lands of significance for the protection of the natural environment.
9. To protect approach slopes and other safety areas of licensed airport.
10. To promote affordable housing.

**SEC. 35-3.1 NON-EXCLUSIONARY INTENT.**

It is not the intent of this Ordinance to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenants within Pittsylvania County, nor is it the intent of this Ordinance to use public powers in any way to promote the separation within Pittsylvania County of economic, racial, religious, or ethnic groups, except as may be the incidental result of meeting the purposes outlined in Section 35-3.

**SEC. 35-4. RELATION TO THE ENVIRONMENT.**

This Ordinance is designed to treat lands which are similarly situated and environmentally similar in like manner with reasonable consideration for the existing use and character of properties, the Pittsylvania County Comprehensive Plan, the suitability of property for various uses, the trends of growth and change, the current and future land and water use and sewerage treatment requirements of the community for various purposes as determined by County sanctioned studies, the transportation requirements of the community, and the requirements for housing, schools, parks, playgrounds, recreation areas and other public services; for the conservation of natural resources and agricultural land, including groundwater; and preservation of floodplains and for the conservation of

properties and their values and the encouragement of the most appropriate use of land throughout the County.

**SEC. 35-5. RELATION TO THE COMPREHENSIVE PLAN.**

In drawing the Zoning Ordinance and districts with reasonable consideration of the Pittsylvania County Comprehensive Plan, it is a stated and express purpose of this zoning ordinance to create land use regulations which shall encourage the realization and implementation of the Pittsylvania County Comprehensive Plan. To this end, development is to be encouraged to take place in clusters to promote efficient and cost effective use of land; to be situated as to make possible future economies in the provision of services by the private and/or public sector; to be so located as to protect the watersheds and shoreline areas, protect surface and groundwater supplies, discourage development in floodplains, wetlands, and conservation areas and strips.

**SEC. 35-6. OFFICIAL ZONING MAP.**

The unincorporated areas of Pittsylvania County, Virginia are hereby divided into zoning districts, as indicated on a set of map sheets entitled “Zoning Map of Pittsylvania County, Virginia” which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Zoning Administrator shall be responsible for maintaining the Zoning Map, which shall be located in his offices, together with the current zoning status of land and water areas, buildings and other structures of the County.

The Zoning Administrator shall be authorized to interpret the current zoning status of land and water areas, buildings and other structures in the County.

No changes of any nature shall be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the official Zoning Map. Violations of this provision shall be punishable as provided in Article VI, Violation and Penalty.

**SEC. 35-7. MAP AMENDMENT.**

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map within thirty (30) days after the amendment has been approved by the Board of Supervisors, together with a numerical entry referring to the application for the amendment which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator, and the date of the approval of the amendment by the Board of Supervisors. Amendments to this Ordinance which involve matter portrayed on the official Zoning Map shall become effective immediately upon being approved by the Board of Supervisors. The official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the County. No changes of any name shall be made on the official Zoning Map except in accordance with the procedures set forth herein.

**SEC. 35-8. REPLACEMENT OF THE OFFICIAL ZONING MAP.**

In the event that the official Zoning Map becomes destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, or can be improved with a more accurate base map, the Board of Supervisors may, by resolution, adopt a new official Zoning Map which shall supersede the prior official Zoning Map. The new official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original official Zoning Map or any subsequent amendment thereof without a public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. Unless the prior official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**SEC. 35-9. CERTIFIED COPY, FILING.**

A certified copy of the Zoning Ordinance and its Zoning Map of Pittsylvania County, Virginia shall be filed in the office of the Zoning Administrator. A certified copy of the Ordinance text shall be filed in the office of the Clerk of Circuit Court of Pittsylvania County, Virginia.

**SECS. 35-10.-35-14. RESERVED**

- **DIVISION 2. APPLICATION OF REGULATIONS**

**SEC. 35-15. APPLICATION OF DISTRICT REGULATIONS.**

The regulations set by this Ordinance within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided in Sections 35-16 through 35-27 below.

**SEC. 35-16. USE, OCCUPANCY AND CONSTRUCTION.**

No building or structure or part thereof shall hereafter be constructed on land used except in conformity with all of the regulations herein specified for the district in which it is located, except as provided in Sections 35-161 through 35-166, Nonconformities.

**SEC. 35-17. HEIGHT, BULK, DENSITY, LOT COVERAGE, YARDS AND OPEN SPACES.**

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
2. To accommodate or house a greater number of buildings, families or to have greater floor area;
3. To occupy a greater percentage of lot area;

4. To have narrower or smaller rear yards, front yards, side yards or other open areas than herein required, or in any other manner contrary to the provisions of this Ordinance.

**SEC. 35-18. RELATIONSHIP OF BUILDING TO LOT.**

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed group development of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park and so forth.

**SEC. 35-19. REQUIRED YARD, OPEN SPACE; AREA, PARKING OR LOADING SPACE FOR ONE STRUCTURE, OR USE, NOT TO BE USED TO MEET REQUIREMENTS FOR ANOTHER.**

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

**SEC. 35-20. REDUCTION OF LOTS OR AREAS BELOW MINIMUM IS PROHIBITED.**

No lot or parcel(s) existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except for the purpose of meeting or exceeding standards set forth herein. Lots or parcel(s) created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**SEC. 35-21. REDUCTION OF YARDS BELOW MINIMUM.**

No yard existing at the time of passage of this Ordinance shall be reduced in dimension below the minimum requirements set forth herein, unless such yard requirements reduce the buildable area to unreasonable dimensions. In such cases, the Board of Zoning Appeals, appointed by Circuit Court (see Code of Virginia, Section 15.2-2308) shall determine the minimum requirements consistent with provision of adequate light and air, prevention of loss of life, health, or property from fire or other dangers, and prevention of danger in travel. Such action shall be accomplished through the Variance process (see Article V, Division 7, of this Ordinance). Yards created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet.

**SEC. 35-22. REDUCTION OF REQUIRED OFF-STREET PARKING OR LOADING SPACE.**

No existing off-street parking or loading space, and no off-street parking or loading space hereafter provided, which meets all or part of the requirements for off-street parking or loading space set forth in these regulations, shall be reduced or eliminated so that resulting reduction results in area not



meeting requirements or standards contained herein. Reductions may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

**SEC. 35-23. CONFLICTING ORDINANCES.**

Whenever provisions within this Ordinance conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard will prevail.

For purposes of this Section, any proffer heretofore accepted by the Board of Supervisors in accordance with Section 15.2-2296, et seq., of the Code of Virginia shall be continued in effect and shall be construed to be a "local regulation" until amended or varied by the Board of Supervisors in accordance with law, regardless of the repeal of any previous Ordinance.

**SEC. 35-24. SEVERABILITY.**

Should the courts decide that any section or provision of this Ordinance is unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be unconstitutional or invalid.

**SEC. 35-25. MINIMUM REQUIREMENTS.**

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use and dimensions of buildings, land, or premises, or requires larger open space than is required by other Ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall prevail, except where expressly qualified in the articles and sections that follow.

**SEC. 35-26. USES NOT PROVIDED FOR.**

If within any district established under this chapter, a use is not specifically permitted and an application is made by the property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which will make its recommendations to the governing body within sixty (60) days after giving notice under Section 15.2-2204 of the Code of Virginia and holding a public hearing thereon. The governing body shall hold a public hearing before granting or denying any applications for such use.

**SEC. 35-27. ISSUANCES.**

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

- b. Nothing contained in this chapter shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance period. However, such construction must commence in thirty (30) days after this Ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformance with provisions of this chapter for the district in which the operation is located.

**SECS. 35-28-35-34. RESERVED**

▪ **DIVISION 3. DEFINITIONS, PITTSYLVANIA COUNTY ZONING ORDINANCE**

**SEC. 35-35. GENERAL USAGE TERMS.**

**Abandoned Motor Vehicle** - means a motor vehicle, trailer, or semi-trailer or part thereof that:

- a. Is inoperable and is left unattended on public property for more than forty-eight (48) hours, or
- b. Has remained illegally on public property for a period of more than forty-eight (48) hours, or
- c. Has remained without consent on private property, including but not limited to any commercial parking place, motor vehicle storage facility, or establishment for the service, repair, maintenance or sale of motor vehicles, whether or not such vehicle was brought onto or left at such property with or without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

**Adjacent** - The word "adjacent" means "nearby" and not necessarily "contiguous."

**Antique Motor Vehicle** - Every motor vehicle, as herein defined, which was actually manufactured, or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January 1 of each calendar year and is owned solely as a collector's item, and/or is used for participation in club activities, exhibits, tours; parades, and similar uses, but in no event used for general transportation, may be classified by the Commissioner of the Virginia Department of Motor Vehicles as an antique motor vehicle. Additionally, antique motor vehicles may be operated on the highways of the Commonwealth for the purposes of testing their operation, obtaining repair or maintenance, and transportation to events and activities as hereinabove provided.

**Building** - The word "building" includes the word "structure."

**Buildable Area** - The area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.

**Code of Virginia** - The term "Code of Virginia" shall include "as amended."

**County** - The word "County" shall mean County of Pittsylvania or Pittsylvania County as a political subdivision of the Commonwealth of Virginia; "County boundary" means any exterior boundary of the County or any boundary of unincorporated territory within the County.

**Construction Standards** - The term "construction standards" means those construction standards approved by the Board of Supervisors and County Building Inspector and included in the Uniform Statewide Building Code.

**Land use: use of land** - The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building."

**Lot** -The word "lot" includes the words "plot" or "parcel"

**Person** - The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Residential Addiction Treatment Group Home**- Residential group homes for the treatment of recovering drug and alcohol addictions.

**Shall** - The word "shall" is mandatory.

**Solar energy facility, large-scale** - A private solar energy conversion system, whose primary purpose is to produce power, or off-set power use, for on-site commercial, agricultural and industrial applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 25 kilowatts (kW) of electrical power and which has a total site area of five (5) acres or less.

**Solar energy facility, small system** - A private solar energy conversion system, whose primary purpose is to produce power, or off-set power use, for residential applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 25 kilowatts (kW) of electrical power.

**Solar energy facility, utility-scale** - An energy conversion system, whose primary purpose is to produce power for consumption by, or under contract to, a utility provider, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has a total site area of more than five (5) acres.

**State** -The word "State" shall mean Commonwealth of Virginia.

**Used** - The word "used" shall be deemed to also include "erected", "reconstructed", "altered", "placed", or "moved."

## **SEC. 35-36. INTERPRETATION OF DEFINITIONS BY THE ZONING ADMINISTRATOR.**

In case of any dispute over the meaning of a word, phrase, or a sentence, whether defined herein or not.

## **SECS. 35-37-35-39. RESERVED**

## **SEC. 35-40. PRINCIPAL DEFINITIONS OF THE ZONING ORDINANCE .**

(Amended June 7, 1999)

**Accessory Building** - A subordinate building located on the same lot as the principal building, and the use of which is customarily associated with and incidental to the use of the principal

building. An accessory building that is attached to and is an integrated part of a principal building (by location, materials and architectural design) shall be governed by the regulations for principal buildings in this Ordinance.

**Accessory Structure** - A subordinate structure located on the same lot as the principal use, and the use of which is customarily associated with and incidental to the principal use.

**Accessory Use** - A use incidental to/and customarily associated with, the principal use of the lot.

**Acreage** - A parcel of land, regardless of area, described by metes and bounds, which is not a numbered lot on any subdivision plat.

**Administrator, The Zoning** - The official of the County charged with the enforcement of the Zoning Ordinance. He may serve with or without compensation as determined by the governing body and may be known as the Zoning Administrator.

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

**Apartment House** - A building used or intended to be used as the residence of three (3) or more families living independently of each other; a multi-family dwelling.

**Area Requirements** - The minimum lot size in square feet and/or acreage specified for lots; satisfaction of lot dimensions or area shall not be achieved by including land covered by water or flowage easements.

**Barber and Beauty Shop** - An establishment where hairdressing, facials, manicures and tanning are performed.

**Basement** - A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

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

**Board of Supervisors** - The Pittsylvania County Board of Supervisors also referred to in this Ordinance as the Board or Board of Supervisors, who is the elected governing body for Pittsylvania County.

**Board of Zoning Appeals** - The Pittsylvania County Board of Zoning Appeals is a body appointed by the Circuit Court of Pittsylvania County and is to hear and decide appeals from any order, requirement, decision or determination made by an administrative officer of the County in the administration or enforcement of this Zoning Ordinance. Further, detailing of duties and powers to be provided in a subsection of this Ordinance.

**Buffer Zone** - Term used in zoning and land use to describe an area separating two (2) different types or zones or classes of areas to make each blend more easily with the other. It may take one or more of several forms including but not limited to open strips of land, ornamental landscaping, berms, fencing, natural growth or other barriers. Natural growth shall be construed to mean coniferous trees, bushes, and/or shrubbery which shall be continuous. Trees shall be planted every six (6) to ten (10) feet. Such natural growth shall be maintained. Fencing shall be uniform in nature and construction. The Zoning Administrator, the Board of Zoning Appeals, or the Board of Supervisors may impose buffer zoning requirements upon any appropriate zoned district/lot/parcel.

**Building** - Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels (personal property).

**Building Area** - The area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.

**Building Code** - The Virginia Uniform Statewide Building Code.

**Building Line** - Also the building setback line. The distance in which a building is from the front lot line or front boundary line. The line established beyond which a building shall not extend, except as provided specifically in this ordinance.

**Building Official** - An appointed official of Pittsylvania County who is responsible for certifying building inspections, and who administers and enforces the provisions of the Pittsylvania County Building Code.

**Building, Main** - The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

**Building Permit** - A permit which is issued by the Building Inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the Pittsylvania County Building Code.

**Cellar** - A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

**Certificate of Occupancy** - The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the building codes of the County and this Ordinance for use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit and/or zoning approval/permit.

**Certificate of Zoning Compliance** - This certificate states that the proposed use of a building or land conforms to the requirements of the Zoning Ordinance in accordance with the approved zoning permit or variance.

**Cluster Development** - An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under Ordinance requirements for lot widths or

area with the decrease in lot width or area compensated by maintenance of equivalent open space either elsewhere on the lot or in the form of common open space.

**Commercial Operations** - A wholesale, retail, or service business activity established to carry on trade for a profit.

**Commission, The** - The Planning Commission of Pittsylvania County.

**Common Open Space** - An open tract or parcel of land not devoted to residential uses or structures but directly related and adjunct to a cluster development or planned development, as herein provided, and owned and/or controlled by the residents of such development.

**Conditional Zoning** - Conditional zoning means, as part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for in a particular zoning district or zone by the overall zoning Ordinance. It is the purpose of this Code of Virginia provision(s) to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

**Condominium** - A single unit in a multiple unit residential or commercial structure that is offered for sale and shall be a part of a condominium project with general common elements as defined in Section 55- 79.2, Code of Virginia, 1950.

**County Building Code** - The Virginia Uniform Statewide Building Code adopted by the Board of Supervisors and any amendments thereto.

**Cul-de-sac** - A street with only one (1) outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

**Development** - A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three (3) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

**District** - A section of Pittsylvania County within which the zoning regulations are uniform; herein, this usually refers to zoning districts not to be confused with voting or other type districts.

**Dwelling** - Any structure which is designed for use for residential purposes, except hotels, motels, boarding houses, lodging houses, tourist cabins, apartments and travel trailers.

**Dwelling, Multi-family** - A structure arranged or designed to be occupied by more than three (3) families. This may include apartment or townhouse-type units.

**Dwelling, Portable** - See manufactured home definition.

**Dwelling, Single-Family** - A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit, and placed on a permanent foundation.

**Dwelling Two-Family or Duplex** - A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units. The units may be arranged one above the other or be semi-detached.

**Dwelling, Triplex** - A multiple-family dwelling or series of attached single-family dwellings containing three (3) units.

**Dwelling Unit** - One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

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

**Engineer** - An engineer licensed by the Commonwealth of Virginia.

**Federal Act** - means the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended. (42 U.S.C. Sec. 5401 et. sec)

**Federal Regulation** - Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by Sec. 625 of the act, and designated as part 3282, chapter XX, title 24 of HUD's regulations (24 CFR part 3282), and any and all future modifications and codifications thereof as from time to time are adopted (part 3282 consists of sub-parts A through L, with sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.

**Federal Standards** - means the Federal Manufactured Home Construction and Safety Standards.

**Floodplain or Flood-prone Areas** - Those areas adjoining a river, stream, watercourse, or lake which have been, or hereafter are likely to be covered by floodwaters.

**Flood Proofing** - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the County Building Code.

**Floor Area** - The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings. In particular, floor area includes:

- a. Basement space, except such space in a basement which has at least one-third (1/3) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level;
- b. Elevator shafts or stairwells at each floor;
- c. Floor space in penthouses;

- d. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more;
- e. Floor space in interior balconies or mezzanines;
- f. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- g. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded;
- h. Floor space in accessory buildings except for floor space used for accessory off-street parking.

Floor Area of a Building shall not include:

- a. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
- b. Elevator or stair bulkheads, accessory water tanks, or cooling towers;
- c. Uncovered steps;
- d. Attic space; whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet;
- e. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- f. Unenclosed floor space used for permitted or required accessory off-street parking spaces;
- g. Floor space used for accessory off-street loading berths;
- h. Floor space used for mechanical equipment.

**Flowage Easement** - Easement rights retained by Appalachian Power Company on certain parcels of land at Smith Mountain Lake to allow for the rise and fall of the lake pool height during daily operations, with allowance for flood induced variations.

**Frontage** -The distance measured along the right-of-way line between its intersection with side lot lines.

**Garage, Private** - Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.



**Governing Body** - The Pittsylvania County Board of Supervisors.

**Health Department** - The Pittsylvania County Health Department or its designated agent or representative.

**Height, Building** -The vertical distance from the grade to the top of the highest roof beams of a flat roof; or the mean level of the highest gable or slope of a hip roof when the building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front. (Virginia Uniform Statewide Building Code)

**Height, Story** - The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, when there is not a ceiling, to the top of the roof rafters. (Virginia Uniform Statewide Building Code)

**Highway, Primary** - All state highways in the "State Highway System" so designated by the State Highway and Transportation Commission under requirements of Section 33.1-25 of the Code of Virginia, 1950, as amended.

**Highway, Secondary** - All roads of the Commonwealth of Virginia not currently in the primary system of state highways as provided for in Section 33.1-67 of the Code of Virginia, 1950, as amended.

**Home Occupations** - An occupation conducted in a dwelling unit for profit. The County uses two (2) categorizations of home occupations: Class A and Class B, with Class B being less restrictive.

The following general regulations apply:

- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the family.
- b. 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 signs, which do not exceed the sign regulations of this Ordinance.
- c. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the immediate neighborhood and any need for parking generated by the conduct of such home occupation shall be met of the street and other than in a required front yard.
- d. No equipment or process shall be used in such home occupation, which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. Boarding houses and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

**Home Occupation, Class A** - An occupation conducted in a dwelling unit for profit in connection with which no person other than members of the family residing on the premise is engaged in such occupation.

**Home Occupation, Class B** - An occupation conducted in a dwelling unit for profit, with or without the use of one or more accessory structures, in connection with which there are employed not more than two (2) persons other than members of the family residing on the premises which persons may be in addition to such family members.

**HUD** - means the United States Department of Housing and Urban Development.

**Label or Certification Label** - means the approved form of certification by the manufacturer that, under 24 CFR 3282.362 (c) (2) (i) of the Manufactured Home Procedural and Enforcement Regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

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

**Lot Area** - The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated to public use, including off street automobile parking areas and other accessory uses. Lot area shall not include portions underwater except where the total area or a body of water is within the lot.

**Lot, Corner** - A lot abutting on two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

**Lot Coverage** - The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot except where otherwise defined herein.

**Lot, Depth of** - The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage** - An interior lot having frontage on two (2) streets.

**Lot Frontage Width** - The distance between side property lot lines measured at the front lot line.

**Lot, Interior** - Any lot other than a corner lot, but including a through lot.

**Lot, Through (Double Frontage)** - A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

**Lot Line** - The boundary of a lot. As a guiding principle, lake front lots at Smith Mountain Lake and other lakes greater than one hundred (100) acres in size should have rear or side lot lines coterminous with the high water contour line for the lake so as to insure that lot owners shall have legal access to the lake.

**Lot Width** - The average horizontal distance between side property lot lines.

**Lot of Record** - A lot, which has been recorded in the Clerk's Office of the Circuit Court.

**Manufactured Home** - A structure subject to federal regulation, that meets or exceeds man~home construction and safety standards promulgated by the U. S. Department of Housing and Urban Development (the "Federal Standards"), which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, and is designed to be connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Note: Pittsylvania County considers mobile homes and manufactured homes to be synonymous as regards to its subdivision and manufactured housing park ordinances.

**Manufactured Home Lot** - A parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

**Manufactured Home Pad** - That part of an individual manufactured home lot, which has been reserved for the placement of a manufactured home.

**Manufactured Home Park** - Three (3) or more manufactured home lots, tracts or parcels of land, corporately or privately owned, used or offered for use in whole or part for consideration, for the parking of manufactured homes. Under no circumstances are lots in manufactured home parks to be sold unless in accordance with the Pittsylvania County Subdivision Ordinance.

**Mobile Home** - A manufactured home as defined in this Ordinance.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Mobile Home Subdivisions** - Lots and parcels of land, which have been planned and improved for the exclusive use of mobile homes. These lots will be individually owned by the mobile home dweller and the subdivision shall be planned, designed, and approved in accordance with the Subdivision Ordinance of Pittsylvania County.

**Nonconforming Lot** - An otherwise legally platted lot that does not conform to the minimum area and width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**Nonconforming Structure** - An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments of the Ordinance.

**Nonconforming Use** - The otherwise legal use of a building or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

**Office** - A room or building in which a person transacts his business or carries on his stated occupation.

**Off-street Parking Area** - Space provided for vehicular parking outside the dedicated street right-of-way.

**On-site Sewerage System** - A sewerage system designed not to result in a point source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the Health Department.

Two different subcategories of system specifically recognized:

a. Individual On-site Sewerage System.

A wastewater treatment system included on an individual lot or parcel on which health department has approved an individual septic tank or similar wastewater treatment system to serve a single-family dwelling or duplex dwelling along with a septic system drainfield to serve a single-family dwelling or duplex dwelling.

b. Mass Drain-field On-site Sewerage System.

A wastewater treatment system on a lot or common area or parcel that is normally separated from residential lots that may or may not be contiguous. Both septic tank and drainfield serve multiple units of residential uses or other uses.

**Open Space** - Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by habitable buildings, streets or parking lots. Also a yard area which is not used for or occupied by a driveway, off-street parking loading space, refuse storage space.

**Open Space Easement** - An easement tied to the title of the land restricting the development rights so to ensure the retention of the land as open space.

**Permitted Use** - A permitted use is one which is allowed in the zoning district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a zoning permit will be issued by the Zoning Administrator, without hearing thereon.

**Planned Development, Residential** - A residential planned development is a planned unit development consisting of varied types of residential land use and densities. All residential planned developments must comply with the Pittsylvania County Subdivision Ordinance and are subject to additional requirements and allowances as may be deemed necessary by the Board of Supervisors or its designated agent.

**Planning Commission** - The Pittsylvania County Planning Commission, which may be referred to in this Ordinance as the Planning Commission or the Commission and which is created in

order to promote the orderly development of Pittsylvania County and its environs and which shall serve primarily in an advisory capacity to the Board of Supervisors.

**Plat** - Plat includes the terms map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

**Prescriptive Easement** - An easement granted the Virginia Department of Transportation for the construction and maintenance of public roads owned by said Department.

**Proffer** - To offer or tender. Usually to offer to perform some action. For example: when a developer offers to dedicate a portion of a development for some beneficial use to the public.

**Public Sewerage System** - A sewerage system owned or operated by any incorporated town of Pittsylvania County, a state chartered authority or sanitary district that operates or will operate in the County, and any future agency or agent of the County. These systems result in a point discharge and must be approved by the State Health Department and the State Water Control Board.

**Public Utilities** - Public service structures such as power plant substations; water lines; treatment plants or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communication or related services to the general public.

**Public Water System** - A water system owned or operated by any incorporated town of Pittsylvania County, a state chartered authority or sanitary district that operates or will operate in Pittsylvania County, and any future agency or agent of the County providing water treatment services to multiple users. These systems provide for drinking or domestic water use, are approved by the State Health Department; generally have at least fifteen (15) connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

**Quadruplex: Quadplex** - A multiple-family dwelling or series of attached single-family dwellings containing four (4) dwelling units.

**Required Open Space** - Any space required in any front, side, or rear yard.

**Resident Engineer** - The Resident Engineer for Pittsylvania County, Virginia, employed by the Virginia Department of Transportation, or his designated agent.

**Residential Area (gross)** - The total area within a residential development including land but not land under water or a flowage easement.

**Residential Area (net)** - The area of land within a development designed for residential uses and unoccupied by streets, open spaces or parking areas. Private driveways accessory to residential uses shall not be considered streets or parking areas and are thus included in the net area.

**Residential Density (gross)** - The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

***Residential Density (net)*** - The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.

***Residential Use*** - A building or part of a building containing dwelling units or rooming units, including single-family or two (2) family houses, multiple family dwellings, mobile and manufactured homes, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels; but not including monasteries, convents, transient accommodations, such as hotels, motels, tourist cabins, or travel trailer parks, or that part of a mixed building used for any non-residential use, except accessory to residential uses.

***Rezone*** - To change the zoning classification of particular lots or parcels of land.

***Right-of-Way*** - Access over or across particularly described property for specific purpose or purposes.

***Right-of-Way Line*** - The dividing line between a lot, a tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

***Right-of-Way, State Owned*** - The right-of-way owned outright by the Virginia Department of Highways on which public roads are constructed and maintained.

***Setback*** - The minimum distance by which any building structure and/or parts must be separated from the centerline of the roadway or property line.

***Setback Line*** - A line parallel to a street and extending the full width of the lot for a specified distance at all points from the street's centerline, and thus defining an area in which no building or structures or portions thereof may be constructed.

***Sign*** - Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any part or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

***Sign, Area*** - The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears on opposite sides of the sign, the area shall be considered to be that of only one. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

***Sign, Commercial*** - A sign informing or advertising products or activities for sale or profit.

***Sign, Directional*** - A sign indicating only the name and direction to a business, farm, or activity.

**Sign, On-Site** - A sign relating to its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business (i.e., billboards).

**Sign, Off-Site** - A sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject not specific to the premises upon which it is located.

**Sign, Outdoor Advertising** - A structural poster or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which it is located.

**Sign, Portable** - A sign, usually of a temporary nature, securely but not permanently anchored to the ground or to a building or structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**Sign, Temporary** - Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.

**Site Development Plan** - The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the Subdivision Ordinance or other ordinances to which the proposed development or subdivision is subject. Site development plans and requirements for them may apply to developments whose purpose is for uses other than residential.

**Skirting** - means a weather resistant material used to enclose the space from the bottom of the manufactured home to grade.

**Special Use/Special Exception** - A special use that is a use not permitted in a particular zoning district except by a special use permit granted under the provisions of the Zoning Ordinance. The terms special exception and special use permit are typically considered to be interchangeable, In both terms refer to the delegated power of the State to set aside certain categories of uses which are to be permitted only after being submitted to governmental scrutiny in each case, in order to insure compliance with standards designed to protect neighboring properties and the public. (Code of Virginia). The Pittsylvania County Board of Zoning Appeals shall be responsible for the granting, or refusal to grant, special use permits (special exceptions).

**Special Use Permits - See Special Exception** - Special use permits may be considered as the actual writing of the action taken by the Board of Zoning Appeals in granting a special exception (special use) requested by a person or other entity.

**Street, Road** - A public thoroughfare, which affords principal means of access to abutting property. The strip of land comprising the entire area within the right-of-way intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word street includes road, thoroughfare, parkway, avenue, lane, boulevard,

expressway, highway, place, throughway, square, alley, or however designated within the above maintained right-of-way.

**Street Centerline** - A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

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

**Street Width** - The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

**Structure** - Anything constructed or erected, the use of which requires permanent location on the grounds, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

**Subdivision** - A subdivision shall mean the division of any lot, parcel, or tract of land into four (4) or more parts each for the purpose of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land is required to meet the requirements of this Ordinance and the Subdivision Ordinance. **(B.S.M.07/07/08)**

The term subdivision shall not include a bona fide single division or partition of agricultural land between immediate family members for agricultural purposes or for a building site. The term "immediately family" shall be defined as provided for in Virginia Code Section 15.2-2244 A, as the same may be from time to time amended, which is incorporated herein by reference. Any such division shall be subject to provisions of Virginia Code Section 15.2-2244 A, as the same may from time to time be amended. In addition, no division of land which has been ordered by a Court of competent jurisdiction shall be subject to the provisions of this ordinance. **(B.S.M. 07/07/08).**

The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined below:

**Subdivider** - An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who has given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

**Surveyor** - A land surveyor certified by the Commonwealth of Virginia.

**Townhouse** - A residential unit in a series of from three (3) to twelve (12) single-family attached dwellings separated from one another by common vertical walls with no openings.

**Use** - The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.



**Use, Accessory** - A subordinate use, customarily incidental to and located upon the same lot occupied by the main use. Examples of accessory uses are private garages, storage sheds, playhouses, and swimming pools.

**Variance** - Means, in application of a zoning Ordinance, 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 the Ordinance, and would result in substantial justice being done. (Code of Virginia definition). Also, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining districts.

**Yard** - An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- a. **Front.** An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- b. **Rear.** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- c. **Side.** An open, unoccupied space on the same lot as building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

**Smith Mountain Lake** - Front yards for lots and lots in subdivisions that border on the edge of Smith Mountain Lake shall be assumed to be located between the principal building on the lot and the road fronting the lot; front yards shall not be considered to be between the principal building and the lake.

**Zoning or "to zone"** - Means the process of classifying land within a governmental entity into areas or districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

The local government may regulate, restrict, permit, prohibit, and determine the following:

- a. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;
- b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- c. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses

and structures, including variations in the sizes of lots based on whether a public or community water supply or

- d. sewer system is available or used;
- e. The excavation or mining of soil or other natural resources.

**Zoning District, Overlay** - Any section of Pittsylvania County, Virginia, for which regulations governing the use of buildings and land, the height of building, the size of yard, and the intensity of use are uniform and which district overlays one or more principal zoning districts so as to impose special requirements in addition to the requirements of the principal zoning district.

**Zoning District, Principal** - Any section of Pittsylvania County, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform. Whenever used in this Ordinance the term "district" or "zoning district" shall mean the same as the term "principal zoning district" as if the latter term were fully set out.

**Zoning Map** - The official Zoning District Map for Pittsylvania County.

**SECS. 35-41.-35-44. RESERVED**

**Article II.**

**Basic Regulations**

**DIVISION 1. GENERAL REGULATIONS**

**SEC. 35-45. TERRITORIAL APPLICATION OF THE ORDINANCE.**

The provisions of this Ordinance shall apply to land and all structures in the unincorporated territory of the following districts of Pittsylvania County, Virginia:  
(Amended February 18, 1992)

1. Banister District
2. Callands-Gretna District
3. Chatham-Blairs District
4. Dan River District
5. Staunton District
6. Tunstall District
7. Westover District

**SEC. 35-46. ZONING APPLICABLE TO ENTIRE JURISDICTIONAL AREAS.**

It is the intent of this Ordinance that the entire unincorporated areas of the above named magisterial districts be included in the several zoning districts established by this Ordinance, including all land, water areas, and waterways or watercourses.

All water areas, waterways, flowage easements, watercourses, and right of ways of: alleys, roads, streets, highways, railroads and other rights-of-ways, (if not otherwise specifically designated), shall be deemed to be in the same zoning district as the lands or property immediately abutting upon same. Where the center line of such described water areas, waterways, watercourses or right-of-way serve as a zoning district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

#### **SEC. 35-47. ZONING DISTRICT BOUNDARIES.**

With respect to the intended boundaries of the various zoning districts as shown on the official Zoning Map of Pittsylvania County, the following rules shall apply:

1. Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lot lines, centerlines of streams, streets, highways, alleys or railroads, or the shorelines of reservoirs, or other bodies of water, or civil boundaries, shall be construed to follow such lines.
2. District boundaries indicated as approximately parallel to the center lines of streams, streets, highways, or railroads, or right-of-ways of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official Zoning Map.
3. Where a district boundary line as appearing on the official Zoning Map divides a lot, which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Board of Supervisors.
4. Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
5. Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of natural change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
6. If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Appeals, which shall determine the boundary in accordance with Section 35-849(4) herein.
7. In case the exact location of a boundary cannot be determined by the foregoing method, the Board of Appeals shall, upon application, determine the location of the boundary in accordance with Section 35-849(4) herein.
8. Zoning district boundaries shall not divide a parcel of land. As such, each parcel of land in the County shall have one district zoning classification as depicted on the Official County Zoning Map. **(B.S.M. 11/6/06)**

#### **SEC. 35-48. GENERAL EFFECT.**

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to, or enlarged, nor shall any land or structure be used, or arranged to be used for any purpose other than the permitted uses listed in the following Articles for the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this Ordinance.

However, this Ordinance does provide for a special use permitting process, for variances from regulations on lot widths and depths for example, and for an appeals process through the Board of Zoning Appeals under certain conditions. See Article V.

**SEC. 35-49. PLANS, BUILDINGS PREVIOUSLY APPROVED; "GRANDFATHER" PROVISIONS.**

A complete final plat submitted as required by Article II, of the Subdivision Ordinance of Pittsylvania County prior to the effective date of this Ordinance shall be judged on the Ordinance in effect on the date the plan was submitted.

Nothing in this Ordinance shall be deemed to require any change in an unexpired site plan (Chapter 18, Article IV, of the Subdivision Ordinance) approved prior to the effective date of this Ordinance. Zoning permits may be issued for such use irrespective of the change in zoning.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior, to the effective date of this ordinance. However, if such construction does not commence within thirty (30) days after this ordinance becomes effective, or if construction discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

**SEC. 35-50. EXEMPTIONS.**

The following structures and uses shall be exempt from the regulations of this Ordinance.

1. Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, water or the collection of sewage or surface water operated or maintained by a governmental entity or a public utility or public service corporation including customer, meter pedestals, telephone pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or above ground, but only when such facilities are located in a street right-of-way or in an easement less than forty (40) feet in width. The exemption shall not include any substation located on or above the surface of the ground or any such distribution facility located in an easement of forty (40) feet or more in width.
2. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
3. Property owned by Pittsylvania County or any designated agent of Pittsylvania County which is devoted to or intended for government uses is exempt from this Zoning Ordinance.

4. Electrical transmission lines sized 138kv or less, constructed to serve a properly zoned industrial park shall be exempt from this Zoning Ordinance, with approval subject to a public hearing and vote by the Board of Supervisors. **(B.S.M. 4/16/19)**

The following structures shall be exempt from the minimum yard requirements set forth in this Ordinance: telephone booth and pedestals, underground utility equipment, mail boxes, or any similar structure or equipment which in the opinion of the Zoning Administrator is obviously intended to be otherwise located in the public interest and are not incongruent with the aesthetic standards of the surrounding area.

#### **SEC. 35-51. USES EXEMPT FROM A ZONING PERMIT.**

The following uses are exempt from zoning permit requirements.

1. Incidental agriculture is permitted in any district that allows residential uses provided that such agricultural use shall not occupy over five (5) acres and shall not be objectionable by reason of odor, dust, noise, pollution and erosion or drainage.
2. Within districts that agriculture is permitted by right, such agricultural uses shall not require a zoning permit, except as otherwise provided herein.
3. Yard sales and garage sales by the resident owner, and sales conducted by non-profit organizations shall be exempt from zoning permit requirements, provided that such sales are limited to forty-eight (48) hours per sale and no more than two (2) such sales per year.
4. Within districts that agriculture or commercial activity is permitted by right, wayside stands for the sale of agricultural or horticultural products shall not require a zoning permit.
5. Home Occupations--Class A and Home Occupations--Class B in an accessory building to the main dwelling unit and located on five (5) or more acres and incidental to an agricultural use only shall not require a zoning permit

#### **SEC. 35-52. VISIBILITY CLEARANCE AT INTERSECTIONS.**

For protection against traffic hazards, no material impediment to visibility shall be placed, allowed to grow, erected or maintained on any parcel so as to restrict sight distance at any intersection of any street, road or driveway below the minimum required by the Virginia Department of Transportation for such intersection.

***Exceptions:*** Where terrain features present substantial obstacles to provision and maintenance of such sight distance, the Zoning Administrator may, subject to the approval of the Virginia Department of Transportation, permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum, which is reasonably practicable to provide and maintain.

#### **SEC. 35-53. ADDITIONAL DWELLINGS ON A SINGLE LOT.**

An additional single-family dwelling may be permitted on the same lot or parcel of land as that of the main dwelling, upon application to and approval by the Zoning Administrator, provided that all the following conditions are met:

1. The main dwelling is located either in an A-1 Agricultural District or C-1 Conservation District.
2. The additional dwelling conforms to the minimum lot area, minimum lot width, and maximum lot coverage and yard requirements for such a dwelling as set forth herein.
3. The arrangement of the additional dwelling is in such a manner that if the lot or parcel of land is ever divided no substandard lots or non-conforming buildings are created.
4. The additional dwelling has access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.
5. On Agricultural District (A-1) Land (including Non-Conformed land) that is actively used for farming and is in the Pittsylvania County Land Use Program, one (1) additional dwelling may be placed on any lot to house seasonal migrant employees so long as the lot is greater than ten (10) acres in size and the additional dwelling is placed no closer to any property boundary than 500 feet. The purpose of this additional dwelling shall be solely for the use of seasonal employees and during off seasons, these dwellings will not be used as rental housing. Requests for these additional dwellings will be to the Zoning Administrator, who shall be responsible for verifying the need, and the use of such dwellings and make the final decision on the Zoning Permit. These additional dwellings will be required to meet all other Zoning Ordinance and Building Permit regulations regarding placement, location, hookups, permits, etc. (Amended February 18, 1992)

**SECS. 35-54-35-59. RESERVED**

**DIVISION 2. LOT REGULATIONS**

**SEC. 35-60. MINIMUM LOT WIDTH MEASUREMENTS.**

Minimum lot width shall be measured at the building setback line, and shall be at least the same width as frontage required for the district in which such lot is located.

**SEC. 35-61. LOTS, DETERMINATION OF LOT FRONT.**

On interior lots, the front shall be construed to be the portion nearest the street.

On corner lots, the front shall be construed to be the shortest boundary fronting on a street. If the lot has equal frontage on two (2) or more streets, the front shall be construed in accordance with the prevailing building pattern or the prevailing lotting pattern if a building pattern has not been established.

On double frontage lots, the front shall be construed in accordance with the prevailing building pattern or the prevailing lotting pattern if a building pattern has not be established. If neither a building nor lotting pattern exists, the front shall be construed to be the shortest boundary fronting on a street.

Smith Mountain Lake, front yards for lots and lots in subdivisions that border on the edge of Smith Mountain Lake shall be assumed to be located between the principal building on the lot and the road fronting the lot; front yards shall not be considered to lie between the principal building and the lake.

**SEC. 35-62. LOTS, SETBACKS ADJACENT TO STREET.**

From setbacks of the depth required in the district shall be provided across the full width of the lot adjacent to the street. Depth of a required front setback shall be measured from the centerline of the street in such a fashion that the building line of such setback shall be equidistant from the street right-of-way at all points. Areas in parking bays shall not be considered as part of the street or access easement for purposes of determining front setback depth.

**SEC. 35-63. REAR YARDS ON INTERIOR LOTS.**

Rear yards on interior lots shall be provided to the depth required by rear setbacks from rear property lines (or water's edge for lots whose boundaries extend into water) for the zoning district in which the property lies, and shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of minimum depth required by district regulations with its inner edge parallel to its outer edge.

**SEC. 35-64. SIDE SETBACKS ON LOTS.**

Side setbacks on lots are defined as running from the required front setback (building setback) line to the required rear setback line. On corner lots, the required side setback (near the street) shall be considered as parallel to the street upon which the lot has its greatest dimension.

**SEC. 35-65. LOT ACCESS REQUIREMENTS.**

No structure requiring a building permit shall be erected upon any lot which does not have frontage on a public or private road as specified in the regulations, except as specifically provided in subdivision regulations and except for lots lacking such frontage on the date of the adoption of this Ordinance.

**SEC. 35-66. LOT COVERAGE BY BUILDINGS.**

Except as otherwise specifically provided in computations to determine lot coverage by buildings, building coverage shall be construed as including all areas under roofs or projections from buildings on the lot.

**SEC. 35-67-35-68. RESERVED**

**SEC. 35-69. HOUSES DISPLAYED FOR ADVERTISING PURPOSES.**

Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise shall not commence until a performance bond has been posted to the County of Pittsylvania adequate to insure the removal of the structure.

**SEC. 35-70. GENERAL REQUIREMENTS CONCERNING ARRANGEMENT AND LOCATION OF STRUCTURES: WIDENING OF HIGHWAYS AND STREETS.**

All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing and off-street parking located on the premises.

Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the Board of Supervisors for the widening of any street or highway, the Commission may require additional setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way; such setback shall be measured from the future centerline of the planned right-of-way line.

**SEC. 35-71. HEIGHT OF BUILDING AND OTHER STRUCTURES.**

It is the intent of the height regulations of this Ordinance to secure safety, to provide light and air, and to protect the character of districts and the interests of the general public.

No building shall hereafter be erected, constructed or altered so as to exceed the height limitations specified in the district regulations set in this Ordinance.

**SEC. 35-72. USES AND STRUCTURES PERMITTED IN REQUIRED YARDS.**

The following uses and structures, as set out in Section 35-73 and Section 35-74 shall be permitted in required yards, subject to the limitations established.

**SEC. 35-73. PORCHES, BALCONIES, CHIMNEYS, SIMILAR FEATURES.**

Covered porches, balconies, chimneys, eaves, and like features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than fifteen (15) feet to any lot line.

**SEC. 35-74. ACCESSORY AND TEMPORARY BUILDINGS.**

1. ***Intent.*** Special requirements are designed for accessory and temporary buildings to insure ample access for emergency vehicles, maintain the effectiveness of rear and side yard requirements and insure accessory structures remain secondary in function to the main building.
2. ***Accessory Buildings.*** The location of accessory building and uses in residential districts must meet the following restrictions:
  - a. Where an accessory building is attached to the main building, a substantial part of one (1) wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof; and therefore such attached accessory building shall comply in all respects with the requirements applicable to the main building.
  - b. A detached accessory building shall not be closer than fifteen (15) feet to the main building or rear lot line. Accessory building shall not be closer to a lot line than the setback line for side yards for the district in which the lot is located. Additionally, no building housing livestock shall be placed within two hundred (200) feet of a lot line located within or abutting any institutional, residential, or business district.



- c. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard and not to exceed maximum lot coverage (by percent) per the district involved.
  - d. No detached accessory building may be located in the front yard or a lot.
3. **Temporary Buildings.** Temporary buildings may be permitted in any district when used in conjunction with the construction work only, but shall be removed immediately upon completion of construction.

**SECS. 35-75-35-79. RESERVED**

**SEC. 35-80. OFF-STREET PARKING AND LOADING REQUIREMENTS.**

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

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

**SEC. 35-81. SITE REQUIREMENTS FOR OFF-STREET PARKING.**

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

1. All such parking areas, except those serving one (1) and two (2) family dwellings, shall be surface treated or paved to eliminate dust.

2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
3. The parking lot shall be adequately drained.
4. Access to off-street parking facilities from public streets shall meet requirements of Section 33.1-198 of the Code of Virginia, 1950, as amended, and the Minimum Standards of Entrances to State Highways and be approved by the Resident Engineer of the Virginia Department of Transportation.

**SEC. 35-82. PARKING SPACE REQUIREMENTS FOR ALL DISTRICTS.**

<u>Use Classification</u>	<u>Parking Requirements</u>
<b>1. <i>Dwellings:</i></b>	
a. One (1) and two (2) families	See district regulations
b. Multi-family	Two spaces per dwelling unit except for efficiency apartments for which one (1) space per unit should be provided
c. Hotels, motels	One (1) space for each bedroom plus one (1) space additional for each two (2) employees.
d. Mobile/manufactured home parks	Two (2) spaces per mobile home unit.
e. Travel trailer parks	One (1) space for each travel trailer to motor home or camper.
f. Boarding, rooming houses, dormitories	One (1) space for each bedroom.
<b>2. <i>Public Assembly:</i></b>	
a. Churches	One (1) space for each four (4) seats in the main auditorium or sanctuary.
b. Clubs, lodges, like uses	One (1) space for each five (5) members.
c. Theatres, auditoriums, stadiums, like places of assembly	One (1) space for each four (4) seats in the main assembly area.
d. Libraries, museums	One (1) space for each two hundred (200) square feet of gross floor area.
e. Schools, kindergartens, playschools, Day Care Center	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee including administration, plus five (5) spaces per classroom for high schools and college.

- f. Skating rinks, dance halls, pool rooms, and other places of amusement or assembly without fixed seating arrangement One (1) space for each two hundred (200) feet of floor area.
- g. Bowling alleys, golf course Four (4) spaces for each alley, golf hole.

**3. Health Facilities**

- a. Hospitals, homes for adults, and like uses One (1) space for each four (4) beds, plus one (1) space for each four (4) staff persons during maximum shift.
- b. Kennels, animal hospitals A net parking area equal to thirty (30) percent of the total enclosed or covered area.
- c. Medical, dental, health offices, clinics One (1) space for each two hundred (200) square feet of floor area used.
- d. Mortuaries, funeral homes Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats, whichever is greater.

**4. Businesses:**

- a. Auto repair business One (1) space for each regular employee plus One (1) space for each two hundred fifty (250) square feet of floor area.
- b. Food Stores One (1) space for each two hundred (200) square feet of floor area designated for retail sales only.
- c. Restaurants, cafes, similar dining facilities One (1) space for each four (4) seats provided for patron use plus one (1) space for each seventy five (75) square feet for patron use but not containing seats.
- d. Office buildings, banks, businesses, commercial and professional offices and buildings, other similar uses One (1) space for three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.
- e. General business, commercial or personal service establishments catering to the retail trade, except food stores One (1) space for each two hundred (200) square feet of floor area designated only for retail sales.
- f. Governmental offices One (1) space for each three hundred (300) square feet of ground floor area plus one space for each five hundred (500) square feet of upper floor area and one (1) space for each government vehicle.

- g. Shopping centers One (1) space for each two hundred (200) square feet of floor area designed only for retail sales.
- h. Public Utilities A parking area equal to twenty-five (25) percent of the gross floor area.

**5. Industries:**

- a. Commercial, manufacturing, and industrial establishments not catering to retail trade operating from the premise. One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle.
- b. Wholesale establishments One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

**6. Other uses:**

For uses which are not covered above or elsewhere in this Ordinance, minimum parking requirements shall be determined by the Planning Commission.

**SECS. 35-83-35-84. RESERVED**

**SEC. 35-85. OFF-STREET LOADING AND UNLOADING SPACE.**

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

1. ***Size of Off-street Loading Spaces.*** Each off-street loading space shall have minimum dimensions of fourteen (14) feet in clearance, twelve (12) feet in width, and fifty (50) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter tracks, the Zoning Administrator may reduce the minimum length accordingly as little as twenty-five (25) feet.
2. ***Connection to Street or Alley.*** Each required off-street loading space shall have access to a street or alley or have a driveway which offers satisfactory ingress and egress for tracks and which shall meet the requirements of Section 33.1-198 of the Code of Virginia, and the Minimum Standards of Entrances to State Highways and be approved by the Resident Engineer of the Virginia Department of Transportation.
3. ***Floor Area Over Ten Thousand (10,000) Square Feet.*** There shall be provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as to not hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
4. ***Floor Area Less Than Ten Thousand (10,000) Square Feet.*** There shall be provided for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of

materials or merchandise and having a floor area of less than ten thousand (10,000) square feet sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

5. ***Bus and Truck Terminals.*** There shall be provided sufficient space to accommodate the maximum number of buses and trucks to be stored or to be loaded at the terminal at any one time.
6. ***Location of Off-Street Loading Spaces.*** All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying an adjacent lot.
7. ***Permanent Reservation.*** Area reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is provided and is approved by the Zoning Administrator.

#### **SEC. 35-86. PARKING AND STORAGE OF CERTAIN VEHICLES.**

Major recreational equipment as defined for purposes of these regulations includes travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, house boats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

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

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

#### **SEC. 35-87-35-88. RESERVED**

#### **SEC. 35-89. LIMITATIONS ON PARKING OF TRUCKS AND CERTAIN RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS. RESERVED.**

#### **SEC. 35-90. PERFORMANCE STANDARDS.**

Where, in this Ordinance, special use permits are granted, such approval, decision, or authorization shall be limited by such conditions as the case may require, including the imposition of any of the following specifications:

1. Signs meeting requirements of this Ordinance's regulations.
2. Amount, direction, and location of outdoor lighting.
3. Amount and location of off-street parking and loading space.
4. Cleaning or painting.
5. Roof type.
6. Construction and materials.
7. Connected or disconnected with other buildings.
8. Exits or entrances, doors, windows.

9. Paving, shrubbery, landscaping, or ornamental or screening fences, walls, or hedge.
10. Time of day or night for operations.
11. No store fronts.
12. No structural changes.
13. Controls on, or elimination of smoke, dust, gas, noise, or vibration caused by operation.
14. Requirements for termination of a use based on lapse of time or other such conditions as the Board of Supervisors may require and specify.
15. Such other conditions as are necessary to insure that a special use permitted will still meet the intents and purposes of this Ordinance.
16. Additional distance setbacks hazardous materials, operations will exist.
17. Method of garbage collection.

Special performance standards may from time to time be adopted by the Board of Supervisors according to the amendment procedures set out in this Ordinance. The standards may be set out in the Ordinance text sections or in appendices to this Ordinance.

### **SECS. 35-91-35-94. RESERVED**

## **DIVISION 3. SIGNS**

### **SEC. 35-95. SIGNS; INTENT OF REGULATION.**

*Intent.* The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-ways, provide more open space, curb the deterioration of the natural environment and enhance community development.

### **SEC. 35-96 GENERAL REQUIREMENTS.**

- a. All signs whether permanent or temporary, shall comply with the applicable requirements of the County Building Code; Sections 33.1-351: through 33.1-381 of the Code of Virginia, 1950, as amended; and any regulations promulgated by the Virginia Department of Transportation pursuant thereto. In the event of conflicting laws or regulations, the most restrictive or that imposing higher standards shall govern.
- b. For the purpose of computing sign area, only one (1) side of a "V-type" or double-faced sign shall be considered.
- c. Front yard setback requirements shall not apply to any sign except off-site outdoor advertising signs as provided in Section 35-99 herein.
- d. All signs shall be subject to the same side yard and height limitations imposed upon other buildings or structures in the use district in which said sign is located, except as otherwise provided herein

- e. Illumination of signs within all conservation, agricultural, and residential districts shall be only by indirect illumination.
- f. No sign or sign structure shall be erected which is prohibited under Sections 33.1-369 and 33.1- 379 of the Code of Virginia 1950, as amended.

**SEC. 35-97. PERMISSIBLE SIGNS IN ALL DISTRICTS EXEMPT FROM ZONING PERMIT REQUIREMENTS.**

The following signs are permitted in all use districts and shall be exempt from zoning permit requirements.

- a. Real estate signs advertising sale, rental, or lease of the land or building upon which signs are located, provided that:
  - In residential districts, no sign shall be in excess of six (6) square feet and no more than two (2) such signs shall be located on any single lot;
  - In commercial districts, no sign shall be in excess of thirty-two (32) square feet and no more than three (3) such signs shall be located on any single lot;
  - In industrial districts, no sign shall be in excess of ninety (90) square feet and no more than three (3) such signs shall be located on any single lot.
- b. Professional nameplates not exceeding two (2) square feet in area shall be non-illuminated and attached to the building;
- c. One (1) on-site sign or bulletin board indicating the name of the church, institution, or civic association not exceeding thirty-two (32) square feet in area on premises of public or semi-public facilities;
- d. Signs located on the premises relating to active construction projects;
- e. Memorial signs or tablets including names of buildings and date of erection when cut into masonry, bronze, or other materials;
- f. Traffic or other public signs and notices posted or erected by or at the direction of a governmental agency, provided such signs and notices meet all applicable state and federal laws and regulations;
- g. Customary signs in conjunction with residential usage including mail box lettering, names of residents, house numbers, names of farms and estates, and other similar usage;
- h. One identification sign at the main entrance or entrances to a subdivision or planned unit development project provided that such sign shall not exceed one hundred (100) square feet, shall not be illuminated, shall be so designated as to be in the public interest and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision;

- i. Directional sign for institutional uses provided that such sign shall not exceed six (6) square feet, shall meet all applicable state laws and regulations, shall be within one (1) mile of said institutional use, except that an additional four (4) signs may be placed on a major arterial or a federal or a state primary route to aid in directions to a site.
- j. One (1) on-site sign relating to a home occupation provided that such sign shall not exceed fifteen (15) square feet;
- k. Temporary signs, including political, provided such signs shall not be maintained for a period longer than sixty (60) days and shall not exceed forty-eight (48) square feet per sign area;
- l. On-site signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm, provided such signs do not exceed an aggregate total of five hundred (500) square feet of sign area;
- m. One (1) sign for each subdivision or planned unit development project relating to the sale of property within said subdivision or project, provided that such sign shall be within said subdivision or project, shall not exceed thirty-two (32) square feet per sign area, shall not be illuminated, shall be maintained at the developer's expense, and shall be removed by the developer when eighty (80) percent of the lots in said subdivision are sold. A second sign shall be permitted where there is another main entrance to said subdivision;
- n. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon;
- o. Signs erected by emergency services authorities relating to emergency services operations;
- p. Signs denoting only the name of civic service clubs or churches, including location and directions for reaching same, and time of meeting of such organizations, provided such signs do not exceed ten (10) square feet of sign area for each such organization, or a sign structure containing more than one (1) sign for each such organization often (10) square feet or less does not exceed one hundred (100) square feet of sign area.

**SEC. 35-98. PERMISSIBLE SIGNS IN SELECTED DISTRICTS EXEMPTED FROM ZONING PERMIT REQUIREMENTS**

The following signs are permitted in designated zoning districts and shall be exempt from zoning permit requirements:

- a. In districts allowing multi-family dwellings, one (1) on-site sign for identifying multi-family dwellings, provided that such sign shall not exceed thirty-two (32) square feet in area, shall indicate nothing other than the name and/or address of the premises and the name of the management and may be illuminated only by indirect illumination;
- b. In conservation and residential districts, one (1) on-site commercial outdoor advertising sign for permitted institution and non-residential uses provided that such sign shall not exceed thirty-two (32) square feet;



- c. In business and industrial districts, commercial and industrial advertising signs securely attached to the place of business or industrial operation, and on-site commercial and industrial outdoor advertising sign structure(s) not exceeding an aggregate total of three hundred (300) square feet of sign area. The limitation on 300 feet is applicable to each business. In effect, tenants of shopping centers would be allowed 300 feet.

**SEC. 35-99. OFF-SITE OUTDOOR ADVERTISING SIGNS.**

Off-site outdoor advertising signs of a commercial nature are only permitted in the commercial and industrial districts and are governed by applicable rules herein, except that the front yard setback shall be at least ten (10) but no closer to edge of right-of-way than (10) feet.

**SEC. 35-100. SIGNS REQUIRING A ZONING PERMIT.**

The following signs shall require a zoning permit in accordance with the application procedures for a special use permit delineated in Section 35-713 herein:

- a. All signs not exempt from a zoning permit as delineated in Sections 35-97 through 35-98 herein;
- b. All signs exceeding the maximum requirements as delineated in Sections 35-97 through 35-98 herein; and
- c. All off-site advertising signs as permitted in Section 35-99 herein.

**SEC. 35-101. MAINTENANCE AND REMOVAL OF SIGNS.**

- a. All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the Pittsylvania County Building Code.
- b. Signs, which are no longer functional or are abandoned, shall be repaired, removed, or relocated at the owner's expense, in compliance with the provisions of this Ordinance within thirty (30) days following disfunction.
- c. Any legally established non-conforming sign of sign structure shall be permitted to continue without alteration in size or location, provided that the requirements of Sections 35-161 through 35-166 herein are adhered to.

**SECS. 35-102-35-110. RESERVED**

**DIVISION 4. SUPPLEMENTARY REGULATIONS**

**SEC. 35-111. GENERAL.**

Supplementary regulations apply to permissible uses in all districts whether or not such uses are permitted by right (the permitted uses) or by special use permits (the special uses). In review of any use by special use permit, the appropriate authority may vary or waive any provision of these Sections as deemed appropriate in a particular case.

**SEC. 35-112. AIRPORTS.**

To be considered, applications for an airport (or heliport) must be accompanied by seven (7) copies of a plan drawn to scale, showing the proposed location; boundary lines; dimensions; names of owners of abutting properties; proposed lay-out of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zones and less than five hundred (500) feet horizontally from the proposed runway; other pertinent data, including topography and grading plan, drainage, water and sewer facilities.

The area shall be sufficient to meet requirements of the Federal Aviation Administration (U.S. Department of Transportation) and the Commonwealth's Department of Aviation.

**SEC. 35-113. CLUBS AND LODGES.**

Gun clubs and shooting ranges shall be permitted by special use permit only.

Subordinate uses and fund-raising activities such as bingo, raffles, auctions, shall be conducted in enclosed buildings only. No such activity shall be conducted between the hours of 11:00 p.m. and 8:00 a.m.

**SEC. 35-114. STABLES, RIDING SCHOOLS.**

Fencing and other methods of animal confinement shall be maintained at all times in order to reduce danger to neighboring activities and the motoring public.

**SEC. 35-115. DAY CAMP, BOARDING CAMP.**

Provisions for outdoor cooking, campfires, and cooking pits shall be subject to approval of Pittsylvania County Fire Officials regardless of any site development plan requirement.

All such uses shall conform to the requirements of the Virginia Department of Health.

**SEC. 35-116. DAY CARE, NURSERY FACILITY.**

No such use shall operate as a childcare center without licensing by the Virginia Department of Welfare. It shall be the responsibility of the owner/operator to transmit to the Zoning Administrator a copy of the original license and all renewals thereafter and to notify the Zoning Administrator of any license expiration, suspension, or revocation within three (3) days of such event. Failure to do so shall be deemed willful noncompliance with the provisions of this Ordinance.

Inspection of premises may be made by the Pittsylvania County Public Safety Officials. Failure to promptly admit the officials for inspections shall be deemed willful noncompliance with the provisions of this ordinance.

Other application requirements may be required by the Virginia Department of Welfare, Department of Health, State Fire Marshal and other local, state or federal agencies.

**SEC. 35-117. HOME FOR DEVELOPMENTALLY DISABLED PERSONS.**

Homes for the developmentally disabled shall be subject to inspection by Pittsylvania County Public Safety Officials and Health Department.

**SEC. 35-118. DRIVE-IN THEATRE.**

Minimum area of the site shall be five (5) acres.

Screen (s) shall be located as to be reasonably unobtrusive to view from any major street or highway, secondary or primary.

**SEC. 35-119. RESERVED**

**SEC. 35-120. JUNK YARDS.**

No junk yard shall be hereafter established in the County, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of any interstate or primary highway or within five hundred (500) feet of the nearest edge of the right-of-way of any other highway in the county, and hereafter any established and licensed junk yard in the County as of the date of the enactment of this Ordinance and thereafter, and/or considered under the grandfather clause 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, and adjoining landowners or otherwise removed from sight. Fences shall be limited to not less than eight (8) feet nor more than twelve (12) feet in height. No junk yard (salvage yard) shall be grandfathered unless the owner holds a valid license for such an operation

**SEC. 35-121. FENCING – SCREENING.**

Man-made fencing or natural screening may be required as conditions for the issuance of zoning permits and special use permits.

Unless otherwise required, fencing required of applicants for zoning permit shall mean an approved fence which prevents viewing from one side to the other, which is of uniform construction and color, and which is not less than six (6) feet in height. Screening shall mean a planted buffer strip of trees or shrubs of not less than fifteen (15) feet in width and not less than eight (8) feet in height.

**SEC. 35-122. COMMERCIAL KENNEL, VETERINARY, ANIMAL HOSPITAL.**

Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. In no case shall any such structure or area be located closer than two hundred (200) feet to any agricultural or residential lot line.

In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.

**SEC. 35-123. PUBLIC UTILITY STRUCTURES/USES.**

Public utility buildings and structures in any residential zone shall, wherever practical, have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing, whenever these are deemed necessary by county official.

Trespass fencing and other safety measures may be required as deemed necessary to reasonably protect the public welfare.

Towers, transmission lines, and transformers which are abandoned, damaged or in a state of disrepair, which in the opinion of the Zoning Administrator pose a hazard to public safety, shall be repaired/removed to the satisfaction of the Zoning Administrator within a reasonable time prescribed by the Zoning Administrator.

**SEC. 35-124. REST HOME, NURSING HOME, CONVALESCENT HOME, ORPHANAGE.**

No such use shall be established as a permitted use or as a special use until the Pittsylvania County Public Safety Officials have determined that adequate fire protection is available to such use.

Generally such uses should be located in proximity to or in short response time to emergency medical and fire protection facilities and convenient to shopping, social, education, and cultural uses.

No such use shall be operated without approval and any required licensing by such agencies as the Virginia Department of Welfare, Department of Health, and other local, state, and federal agencies.

**SEC. 35-125. SANITARY LANDFILL.**

No special use permit for a landfill shall be issued unless the applicant has obtained a Pittsylvania County permit and obtained approval from the Virginia Department of Waste Management, State Water Control Board, the Virginia Department of Health, and other appropriate agencies or officials with respect to the suitability of the site for such use.

Except for improvements necessary for the operation of a landfill, no improvements shall be constructed in or upon any landfill for a period of twenty (20) years after the termination of the landfill operation without the prior, approval of the Board of Supervisors. Board approval should be conditioned upon the receipt of a positive recommendation in a report developed by the agencies of the Commonwealth having authority over such matters, and if none, then a professional engineer.

**SEC. 35-126. SAWMILL, TEMPORARY OR PERMANENT.**

No structure and no storage of lumber, logs, chips or timber shall be located closer than one hundred (100) feet to any lot line. Trees and vegetation within the one hundred (100) foot setback shall be maintained as a buffer to adjoining properties and uses, provided that during the last three (3) months of operation such remaining trees may be removed.

No saw, planer, chipper, conveyor, chute or other like machinery shall be located so close to any dwelling on adjacent property in the area to be a safety, health, or welfare hazard.

**SEC. 35-127. SWIMMING, GOLF, TENNIS CLUBS.**

The swimming pool, including the apron, filtering and pumping equipment, and any buildings, shall be at least seventy-five (75) feet from the nearest property line and at least one hundred twenty-five (125) feet from any existing dwelling on an adjoining property, except that, where the lot upon which it is located abuts land in a commercial or industrial district, the pool may be constructed no

less than twenty-five (25) feet from the nearest property line of such land in a commercial or industrial district.

When the lot on which any such pool is located abuts the rear or side line of; or is across the street from, any residential property, in a residential district, a substantial wall, fence, or shrubbery shall be erected or planted, so as to screen effectively said pool from view from the nearest property in the residential district.

The Zoning Administrator may require, for the protection of health, safety, morals, and general welfare of the community, additional conditions deemed necessary that could consider fencing and/or planting, setbacks from property lines, parking, lighting, and other requirements.

**SEC. 35-128. TOWERS, ANTENNAS, SATELLITE DISHES.**

Towers, antennas, and satellite dishes shall be permitted as an accessory use in any zoning district; provided that they shall not be located in a front or side yard setback area and shall be subject to all other provisions of the Zoning Ordinance regulating accessory buildings and structures.

**SEC. 35-129. TEMPORARY CONSTRUCTION HEADQUARTERS, YARDS.**

A temporary permit may be issued by the Zoning Administrator for a period not to exceed eighteen (18) months.

Construction yards and headquarters shall be located within the recorded subdivision it serves or on the same lot where the construction project is located.

No portion of such yard or headquarters shall be located closer than one hundred fifty (150) feet to any pre-existing dwelling not owned or leased by the owner of the subdivision or construction project served by such yard.

All areas of such properties shall be maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way.

Buildings, materials, supplies and debris shall be completely removed from such property within sixty (60) days from the date of completion of the last building to be constructed or within sixty (60) days from the date active construction is discontinued, whichever occurs first.

**SEC. 35-130. WAYSIDE STAND.**

Structures for wayside stands, including vehicles, shall not exceed six hundred (600) square feet in aggregate floor area nor be located closer than thirty-five (35) feet to any public road right-of-way.

**SEC. 35-131. SALE AND/OR STORAGE OF PETROLEUM PRODUCTS INCLUDING KEROSENE, GASOLINE, AND HEATING OIL.**

No storage in excess of six hundred (600) gallons or sale of petroleum products shall be established without Pittsylvania County Public Safety Officials approval.

County Public Safety Officials may require separation between such use and adjoining uses as deemed necessary to protect the public health and safety in addition to other safety requirements.

**SEC. 35-132. FEED AND SEED STORE.**

Loose bulk storage of seed, grains, and feed shall be in enclosed buildings.

Provisions shall be made for the control of dust during the handling of loose bulk storage materials. No such use shall be established without Pittsylvania County Public Safety Officials approval.

**SEC. 35-133. SUBORDINATE RETAIL SALES. RESERVED**

**SEC. 35-134. TEMPORARY EVENTS SPONSORED BY LOCAL NONPROFIT ORGANIZATIONS. RESERVED**

**SEC. 35-135. BORROW, FILL OR WASTE AREAS. RESERVED**

**SEC. 35-136. HOME OCCUPATIONS. RESERVED (SEE DEFINITION OF HOME OCCUPATION)**

**SEC. 35-137. MOBILE HOME/MANUFACTURED HOME PARKS-MOBILE HOMES/MANUFACTURED HOMES ON INDIVIDUAL LOTS. RESERVED**

(See regulations under Pittsylvania County Ordinance: Chapter 28, Manufactured Housing Parks Ordinance)

**SEC. 35-138. CAMPGROUNDS AND RECREATIONAL VEHICLE/CAMPER AREAS.**

**1. Definitions**

These developments should be established to provide locations for campgrounds or travel trailer parks which shall be used only by travel trailers, pick-up coaches, motor homes, recreational vans, camping trailers, and other vehicular accommodations all suitable for temporary habitation. By definition campground includes but is not limited to a travel camp, recreation camp, family campground, camping resort, recreational vehicle park and camping community. The definition does not include a summer camp for children, migrant labor camp, or park or subdivision for mobile homes as defined in the Code of Virginia and this Ordinance.

**2. Standards for Campgrounds and Recreational Vehicle/Camper Areas**

a. *Lot/Space Sizes*

Lots or spaces of this district shall be no less than three thousand (3,000) square feet. Each lot or space in this district shall not be less than fifty (50) feet in width.

b. *Maximum Percentage of Lot or Space Coverage*

Lots or spaces in this district shall have allowances so that no more than forty (40) percent of the lot or space is covered. Units placed on lot or space shall not be placed closer than ten (10) feet from the adjacent space.

c. *Minimum Size for Campground*

The area for the total campground shall be no less than three (3) acres.

d. ***Density Requirements***

Density shall be no more than ten (10) sites per acre.

e. ***Minimum Yard Dimensions***

A separation distance of ten (10) feet is required between units set on lots and adjacent lot lines. Front yards, that portion of the lot between the unit and a public or private street in the campground, shall be no less than twenty (20) feet in depth which shall include the distance from the unit to the right-of-way line for the street.

f. ***Open Space/Recreation Space Requirements***

Not less than five (5) percent of the gross areas of the facility shall be reserved as common open space and recreation facilities exclusive of required exterior boundary setback areas, pedestrian ways, parking bays, public or private streets and community storage facilities.

g. ***Minimum Off-Street Parking Spaces***

At least two (2) off-street parking spaces on ten (10) feet by twenty (20) feet shall be provided for each lot or space, on or adjacent to the lot or space, and/or a total of two hundred (200) square feet. A consolidated parking area within sixty (60) feet of the lots or spaces may be used to provide required space.

h. ***Maximum Height of Buildings***

Buildings in this district shall be limited to thirty-five (35) feet in height.

i. ***Signs***

Each campground shall, at all times, have a sign at its entrance designating the name of the campground, the owner(s), and the telephone number of the owner or renting agent. The sign and its contents shall be visible from a distance of forty (40) feet in either direction; minimum letter size shall be six (6) inches.

3. **Plat Requirements**

a. Any owner or developer of a tract of land in Pittsylvania County, Virginia, proposing to develop a "campground and recreational vehicle/camper area" shall submit plats to the Zoning Administrator that have been prepared by a Professional Engineer or Licensed Land Surveyor in the Commonwealth of Virginia whichever is applicable in a scale of one (1) inch equal one hundred feet (100 ft) or greater setting forth the following information:

1. Name and address of owner and developer.
2. Location and map inset showing nearest highway and intersection of highways.
3. Boundary survey of entire tract of and owned on which proposed camp to be located.
4. If less than whole tract is to be used for camp, show proposed use of remaining land with boundary of campsite shown.
5. Size, location, and number of lots.

6. Entrances, exits, streets and walks.
7. Size and location of vehicle storage.
  
8. Location and size of proposed service buildings, including floor plan and elevations and any other structures i.e., including pools, cabanas, and accessory buildings to be located in a camp.
  
9. Location and size of recreation area, showing development plans, landscaping and drainage.

#### **4. Permits Required**

a. **Water Supply.** An adequate supply of water, approved by the Health Department, shall be furnished from a public water supply system, or from a private water system conforming to all applicable laws, regulations and Ordinances, with supply faucets or hookups located on each lot or space. No drinking water containers or fountains shall be located in any room or building housing toilet facilities. All water lines shall be made frost-free.

b. **Sewerage Facilities.** In each campground, all waste or wastewater (including such waste from units or vehicles, main buildings on the site, or accessory buildings on the site, or any other shelters or enclosures that might house equipment) from a faucet, toilet, tub, shower, sink, slop sink, drain, washing machine, garbage disposal unit or laundry shall empty into a sewer system approved by the Health Department and shall be installed in accordance with the Health Department regulations.

#### **SEC. 35-139. EXTRACTION OF NATURAL RESOURCES; EXPLORATION.**

Extraction of natural resources shall include removal of soil, sand, gravels, stone or other minerals by excavating, stripping, quarrying and mining together with necessary buildings, machinery and appurtenances related thereto but not including excavation for construction of agricultural purposes.

1. No extraction or processing of natural resources may be conducted within two hundred (200) feet of a property line except in operations that cross property lines.
2. Vegetation shall be retained and/or fully developed to screen extraction processes from nearby residential areas and adjoining roadways.
3. Quarry and mine areas being excavated shall be entirely enclosed within a fence located at least fifteen (15) feet back from the edge of any excavation.
4. At the time of obtaining a zoning permit, the operators or owners of the quarry or mine shall present to the Planning Commission comprehensive plans and proposals for the reuse of the property at the cessation of the quarry or mine operation.
5. Any extension of quarrying or mining operations beyond the property lines actually being quarried or mined at the effective date of this Ordinance shall be considered as a new operation and shall obtain a zoning permit, such permit to be renewed every two (2) years, or at such longer interval as may be specified by the Commission.



6. If quarrying or mining operations are discontinued for a period exceeding one (1) year, all excavated areas must be returned to a safe condition with adequate vegetative care.
7. The provisions of Chapter 16, Title 45.1, Code of Virginia 1950, as amended, shall be met.
8. Uranium Exploration provisions of Chapter 21, Title 45.1, Code of Virginia 1950, as amended, shall be met.

#### **SEC. 35-140. SOLID WASTE DISPOSAL.**

Within the territorial boundaries of Pittsylvania County, Virginia, it shall be unlawful for any private person to dispose of any solid waste without the expressed approval of the Pittsylvania County, Board of Supervisors. Unlawful solid waste disposal is not limited to but includes these types of waste as defined in Article 1 of the Pittsylvania County Solid Waste Ordinance: asbestos waste, ash, bottom ash, by-product materials, commercial waste, construction waste, corrosive waste, household waste, infectious waste, institutional waste, low-level radioactive waste, municipal solid waste, non-hazardous solid waste, nuclear waste, pollutants, reactive waste, radioactive waste, residential waste, sludge, solid waste, special waste, toxic waste or trash.

The County has adopted a Waste Ordinance and Solid Waste Disposal Ordinance.

The following sets out contents of the requirements of the Pittsylvania County Waste Ordinance.

1. Solid Waste Disposal Approval Requirements
2. Public Participation
3. Consideration for Acting upon Request for Approval
4. Findings Required by Board of Supervisors for Approval
5. Record for Request Shall Be Kept
6. Approval Prohibited Due to Prior Violations
7. Revocation of Approval by Board of Supervisors
8. Noncompliance and Penalties Set for Ordinance Violation
9. Must Meet All Other Rules and Regulations of State, Local, Federal Governments
10. Adjudication in Part

#### **SEC. 35-141. SOLAR ENERGY FACILITIES.**

The following guidelines are intended to promote and regulate the development of solar energy facilities in Pittsylvania County while protecting the public health, safety and general welfare of the community.

#### **SEC. 35-141.(A) SMALL SOLAR ENERGY FACILITIES.**

Small solar energy facilities shall be a Permitted Use in all zoning districts:

1. Roof-mounted small solar energy facilities may be mounted on a principal building or an accessory building but shall not exceed the maximum building height requirements for the zoning district in which they are located and shall not be more than three (3) feet higher than the finished roof to which it is mounted. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall not extend beyond the exterior perimeter of the structure roof.
2. Ground-mounted small solar energy facilities shall meet the minimum setbacks for principal or accessory structures in the zoning districts which they are located. The maximum height of these facilities shall be 15 feet as measured from the grade or base of the facility to its highest point.
3. All small solar energy facilities shall be configured to avoid glare and heat transference to adjacent properties.
4. All small solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

**SEC. 35-141.(B) LARGE SCALE SOLAR ENERGY FACILITIES.**

1. Roof-mounted large-scale solar energy facilities shall be a Permitted Use in all zoning districts when affixed to the roof of an existing or properly permitted commercial, governmental, industrial, agricultural or institutional building. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall meet all design requirements specified for small solar energy facilities.
2. Ground-mounted large-scale solar energy facilities shall be by Special Use Permit in the M-1 Industrial District, Light Industry zoning district and the M-2 Industrial District, Heavy Industry zoning district, and in the A-1 Agricultural zoning district.

**SEC. 35-141.(C) UTILITY SCALE SOLAR ENERGY FACILITY.**

Utility-scale solar energy facilities shall be by Special Use Permit in the M-1 Industrial District, Light Industry zoning district and the M-2 Industrial District, Heavy Industry zoning district, and in the A-1 Agricultural zoning district.

**SEC. 35-141.(D) PERMITTING REQUIREMENTS FOR LARGE AND UTILITY SCALE SOLAR ENERGY FACILITIES.**

In addition to the requirements of Article V, Division 4 (Site Development Plans) and, where applicable, Article V, Division 3 (Special Use Permits ) of Chapter 35, Pittsylvania County Zoning Ordinance, the following documents and information must be provided for review and approval of large- and utility-scale solar energy facilities:

1. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate

- rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable;
2. Project site development and landscape plans demonstrating that the solar project minimizes impacts on the visual character of an existing public right-of-way (ROW) or historic properties listed on the Virginia Landmarks Register, or the National Register of Historic Places.
  3. A site plan meeting the requirements of Chapter 35, Article V, Division 4 Pittsylvania County Code, including the following additional information and details:
    - a) Property lines and setbacks as set out below, unless otherwise prescribed by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.
      - All aspects and components associated with a solar energy facility shall meet the minimum zoning placement and setback requirements for the zoning district in which it is located
    - b) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
    - c) Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
    - d) Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).
    - e) Fencing, or other methods of ensuring public safety, in accordance with Section 35-121.
    - f) Buffering as required based on the visual impacts of the project or as required by the Board of Zoning Appeals as a condition of approval for a Special Use Permit. Required buffers shall be placed or preserved between any required fencing and adjoining properties and/or adjacent rights-of-way. Buffering or vegetative screening shall comply with Section 35-121.
    - g) Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
  4. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
  5. Document that the panels are located and installed so that the sum of the glare is directed away from an adjoining property or public rights of way.

6. The applicant shall provide proof of adequate liability insurance for a large and utility-scale solar facility prior to issuance of a zoning or building permit.

### **Sec. 35-141(E) Decommissioning Requirements for Large and Utility Scale Solar Energy Facilities**

The owner or operator of a large or utility scale solar energy facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months. This period may be extended by the Board of Zoning Appeals if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures to a depth of at least 36 inches and stabilization of the site. A decommissioning plan shall be submitted, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned. As allowed by Section 35-714 of the Pittsylvania County Zoning Ordinance, the Board of Zoning Appeals shall require a bond with surety or other approved security to ensure compliance with conditions imposed in a Special Use Permit. The plan shall acknowledge that if at any time the project is declared to be an unsafe structure by the Pittsylvania County Building Code Official, the terms of the "unsafe structure" code shall apply.

### **Sec. 35-141(F) General Requirements for Large and Utility Scale Solar Energy Facilities**

1. The height of roof mounted large and utility-scale solar energy facilities shall not exceed the maximum height of other structures as permitted in the zoning district, and the maximum height of ground mounted facilities shall be 15 feet, as measured from the grade or base of the facility to its highest point, or shall be as approved by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.
2. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in Article II, Division 3 of the Pittsylvania County Zoning Ordinance.
3. All large and utility scale solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
4. All large and utility scale solar energy facilities shall comply with all applicable state and federal permitting and regulatory requirements.

5. All large and utility scale solar energy facilities must comply with the Pittsylvania County Noise Ordinance, but the requirements shall be no more stringent than for other development in the underlying zoning district.

## **SECS. 35-142-160. RESERVED**

### **DIVISION 5. NONCONFORMITIES**

#### **SEC. 35-161. CONTINUATION.**

Any use, activity, lot or structure lawfully in existence on the effective date of this Ordinance which does not conform to the provisions of this Ordinance relating to the zoning district in which the same is situated, may be continued in accordance with the provisions of this Section.

No change in title to any property subject to the provisions of this Ordinance, including but not limited to the demise, renewal, expiration, termination or modification of any leasehold interest, shall impair the nonconforming status of such property. (Amended February 18, 1992)

Any such use, activity or structure which is discontinued for more than two (2) years shall be deemed abandoned and shall thereafter conform to the provisions of this Ordinance relating to the district in which the same is situated.

Whenever any such use, activity or structure is changed to a conforming or a more restricted nonconforming use, activity or structure, the original use shall be deemed abandoned.

#### **SEC. 35-162. REPAIRS AND MAINTENANCE.**

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing wall fixtures, wiring or plumbing, to such extent that the structure is kept in usable condition. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with promoting public safety upon order of such official.

#### **SEC. 35-163. CHANGES IN DISTRICT BOUNDARIES.**

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

#### **SEC. 35-164. EXCHANGE EXPANSION OR ENLARGEMENT.**

The use of any building or structure shall conform to the provisions of this Ordinance relating to the zoning district in which the same is situated whenever such building or structure is enlarged, extended, reconstructed or structurally altered except when the Zoning District is grandfathered (non-conformed) as Agricultural (A-1) and being utilized for agricultural purposes. In these cases, enlarged, extended, reconstructed, or structurally altered shall be in accordance with A-1 regulations. Limitations to expansion shall not include the routine replacement of non-conforming manufactured/mobile homes which may be changed out for a substantially similar, newer and/or larger model, without affecting the non-conformity status of the structure, the land, or the land use. (Amended December 21, 1993)

A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this Ordinance.

**SEC. 35-165. NONCONFORMING LOTS.**

Any lot of record at the time of the adoption of this Ordinance which is less in area and/or width than the minimum required by this Ordinance may be used in a manner consistent with the uses permitted for a lot having the minimum area and/or width so required; provided that the rear, side and front yard and setback requirements of this Ordinance shall be maintained; and provided further that no such use shall be permitted which is determined by the Zoning Administrator to constitute a danger to the public health, safety and general welfare.

In case of any subdivision, which was approved pursuant to the zoning document, the rear yard, side setback and front setback shown on the plat are grandfathered as long as the following criteria are met:

1. The front setback and rear yard is twenty-five (25) feet or greater.
2. The side setback is ten (10) feet or greater.
3. The structure is built consistent with structures on adjacent property.

For purposes of this situation, any lot shown on a preliminary or final subdivision plat which was approved by the proper authority of the county in accordance with law prior to the adoption of this Ordinance, and which plat was subsequently recorded in due course, shall be deemed to be a lot of record at the time of the adoption of this Ordinance.

**SEC. 35-166. RESTORATION OR REPLACEMENT.**

Whenever any nonconforming structure (except signs) or structure the use of which is nonconforming is damaged as a result of factors beyond the control of the owner and/or occupant thereof; such structure may be repaired and/or reconstructed and the nonconforming use thereof continued as provided in this Section provided that such repair and/or reconstruction shall be commenced within twelve (12) months and completed within twenty-four (24) months from the date of such damage; and provided further that no such structure shall be enlarged or expanded as a part of such repair and/or reconstructed Restorations of Non-conformed structures under this Section when the Zoning District is grandfathered (non-conformed) as Agricultural (A-1) and being utilized for agricultural purposes may be enlarged or expanded in conformance with the regulations set forth for the A-1 District. Manufactured and mobile homes in a residential district legally before the enactment of this Section may be restored (including the restoration with a larger model) in the event they are destroyed or damaged by events beyond control of owns. (Amended February 18, 1992)

Any such structure, which is substantially destroyed as a result of any act or omissions within the control of the owner thereof; shall be deemed to have been abandoned in accordance with Section 35-161 cited above.

**SECS. 35-167-35-169. RESERVED**

**Article III.**

District Regulations

**SEC. 35-170. ESTABLISHMENT OF DISTRICTS.**

For the purposes of this Ordinance, the covered unincorporated areas of Pittsylvania County are hereby divided into the following districts:

- Division 1. AGRICULTURAL DISTRICT, A-1
- Division 2. RESIDENTIAL ESTATES DISTRICT, RE
  
- Division 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT, R-1
  
- Division 4. RESERVED
  
- Division 5. RESIDENTIAL COMBINED SUBDIVISION DISTRICT, RC-1
- Division 6. RESIDENTIAL MULTI-FAMILY DISTRICT, RMF
  
- Division 7. RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, RPD
  
- Division 8. RESIDENTIAL MANUFACTURED HOUSING PARK DISTRICT, MHP
  
- Division 9. BUSINESS DISTRICT, LIMITED, B-1
  
- Division 10. BUSINESS DISTRICT, GENERAL, B-2
  
- Division 11. INDUSTRIAL DISTRICT, LIGHT INDUSTRY, M-1
  
- Division 12. INDUSTRIAL DISTRICT, HEAVY INDUSTRY, M-2
  
- Division 13. CONSERVATION DISTRICT, C-1

SEE ALSO: SPECIAL DISTRICTS/OVERLAY DISTRICTS  
(SEE ARTICLE IV OF THIS ORDINANCE)  
Lake Surface District  
Floodplain District  
Airport Overlay Zoning District

**SECS. 35-171.-35-176. RESERVED**

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

**SEC. 35-177. PURPOSE.**

This district includes unincorporated portions of the County that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams, and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conservation of agricultural, water and other natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire.

It is expected that certain desirable rural areas of this rural district may logically develop residentially, at low density. It is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district. It should also be presumed that the agricultural and forestry activities may produce some noise, odors and other effects and a certain level of tolerance for these effects must be expected of those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses.

**SEC. 35-178. PERMITTED USES.**

Within the Agricultural District (A-1), the following uses are permitted.

accessory uses  
agricultural warehouses  
agriculture, farming  
antique shop  
assembly halls  
cemeteries, community and commercial  
cemeteries for animals  
cemeteries on joint church property  
churches  
colleges  
conservation areas (public and private)  
community center and building  
County government uses such as waste collection, recycling, recreation, etc.  
day care center, day nursery (licensed)  
dormitories  
forestry operations and management  
garages, storage of personal vehicles  
gardens, private  
home occupations, Class A  
home occupations, Class B  
homes, single-family dwelling  
homes, single-family dwelling with apartments on premises  
intensive livestock, dairy, and poultry facilities (Amended February 18, 1997)  
libraries  
lodge halls  
lodges  
manses, church-owned dwelling unit  
manufactured homes and mobile homes, individual placed in (20,000) square foot or greater lot  
nursery and greenhouse operations (Amended December 21, 1993)  
off-street parking  
piers, docks (private) for residences  
playgrounds  
portable and temporary sawmills and chipping mills  
preserves, wildlife refuge (public)  
primitive campgrounds  
roads, streets, right-of-ways, easements  
sales, service, and repairs of: farm equipment, garden equipment, logging equipment



signs – See Sections 35-95.-35-101.  
stable, commercial (riding)  
stables, private  
tenant farm  
water system  
wayside stands  
wood storage  
veterinary hospitals and clinics

**SEC. 35-179. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

**SPECIAL USES – A-1, AGRICULTURAL DISTRICT:**

anaerobic digester (Amended September 8, 2009)  
apartments in combination with business/upstairs over business  
archery ranges  
automobile graveyard  
boat club  
campground (private) See Regulations Section 35-138.  
campground (public) See Regulations Section 35-138.  
carnivals  
circuses  
clubs (private)  
clubs (public)  
convenience store  
country club  
country store  
custom meat cutting operation  
emergency service facilities-fire, rescue  
fairs  
feed and see processing mill  
festivals (bluegrass and others) (Amended December 21, 1993  
flea market  
food and groceries  
funeral homes and mortuaries  
garages, commercial for: automobiles, recreation vehicles, motorcycles  
general store  
golf clubs, club houses  
golf courses  
golf driving range  
grain mill operations  
heliports, airports  
kennels  
livestock market  
milk stations  
mining-conforming to State regulations  
meat processing-not a slaughter house  
motels, hotels, tourist, and resort facilities

non-emergency medical transport  
parks, zoos, and petting zoos (Amended December 21, 1993)  
permanent chipping mill  
permanent planing mill  
permanent sawmill  
public facilities  
public garages  
public offices  
public power generation  
public storage yards  
public substations  
public utilities  
public utilities-structures, towers  
pulpwood storage and processing  
quarrying-conforming to State regulations  
raceway  
radio & television stations  
radio & television towers  
radio & television transmission/transmitters  
recreational facilities (private)  
recreational facilities (public)  
Residential Addiction Treatment Group Home  
restaurants  
rifle range, gun clubs, shooting ranges  
sales, service, and repair of: automobiles, trucks, recreational vehicles, motorcycles  
schools (public and private)  
slaughter house  
special temporary churches (Amended December 21, 1993)  
summer camp  
swim club  
temporary uses-construction activity, including associated buildings  
temporary uses-circuses, fairs, shows, carnivals, and rodeos, not more than four (4) weeks duration  
turkey shoot  
wood preserving  
(B.S.M. 12/18/18)

#### **SEC. 35-180. AREA REGULATIONS.**

##### ***A. Minimum Lot Size***

Lots in this district shall have a minimum area of twenty thousand (20,000) square feet.

##### ***B. Maximum Percentage of Lot Coverage***

1. Not regulated.

#### **SEC. 35-181. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height on buildings in this district shall be forty (40) feet.

Belfries, cupolas, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempted.

Any building or structure shall be constructed, erected, installed, maintained and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended, and the Fire Prevention Code.

**SEC. 35-182. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

The minimum front setback from the nearest point of house or principal structure (including porches or stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way whichever is greater.

***B. Side Setback***

The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory building) shall be ten (10) percent of the road frontage distance with a minimum of ten (10) feet.

***C. Rear Setback***

The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory building) shall be a minimum of forty (40) feet. For property bordering Smith Mountain Lake and other lakes, one hundred (100) acres or greater in size, the distance will be measured from the recognized full pond level. Accessory structures up to eight hundred (800) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line.

Walkways and steps are exempt from rear yard requirements.

***D. Minimum Distance Between Main Buildings***

For fire protection in low density, agricultural areas, it is required that principal structures be no less than twenty (20) feet apart.

***E. Corner Lots***

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the right-of-way line for both main and accessory buildings.

**SEC. 35-183. FLOOR AREA REQUIREMENTS.**

Conventional lots not regulated.

**SEC. 35-184. MINIMUM OFF-STREET PARKING SPACE.**

Two (2) off-street parking space shall be required on each building lot. Parking space shall be rectangular with one (1) dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet length and/or a total of two hundred (200) square feet.

**SEC. 35-185. OPEN SPACE REQUIREMENTS.**

See Application of Regulations and General Regulations, Sections 35-15.-35-22. and 35-60.-35-66.

**SEC. 35-186. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-187. MAXIMUM NUMBER OF UNITS ALLOWED PER GROSS ACRE.**

One (1) dwelling unit is allowed per one-half (0.5) acre or two (2.0) units per acre. See also Section 35-53., Additional Dwelling on a Single Lot.

**SEC. 35-188. OTHER SPECIAL REGULATIONS – STREETS.**

Refer to Pittsylvania County Subdivision Ordinance. (Amended December 21, 1993)

**SEC. 35-189. INTENSIVE LIVESTOCK, DAIRY, POULTRY FACILITIES**

(Amended May 14, 1998)

**SECTION 35-189.1**

**1.1 Intent**

It is the intent of this chapter of this zoning ordinance to encourage economic development and to preserve farmland by providing for the viability of Pittsylvania County's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry.

Within the A-1 Agricultural district and the A-1 Agricultural classification, all agricultural production activities (e.g., tillage, crop production, harvesting, pasturing of animals, etc.), related best management practices and minor processing shall be used by right to which the provisions of Chapter 35, Article III, Division 1 of the Zoning Ordinance apply.

**SECTION 35-189.2**

**2.1 Definitions**

Livestock, includes all domestic or domesticated: Bovine animals, including but not limited to cattle; equine animals, including but not limited to horses; ovine animals, including but not limited to sheep; porcine animals, including but not limited to hogs.

Intensive livestock facility, (hereafter, "livestock facility"): A livestock operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as

referenced in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and

1. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.  
 Intensive dairy facility, (hereafter, "dairy facility"): A dairy operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period.
  
2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.  
 Intensive poultry facility, (hereafter, "poultry facility") A poultry operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and
  
3. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

<b>Type of Facility</b>	<b>Equivalent of 300 animal units</b>
Livestock	300 slaughter and feeder cattle
Livestock	750 swine each weighing over 55 pounds
Livestock	150 horses
Livestock	3,000 sheep or lambs
Dairy	200 mature dairy cattle (whether milked or dry cows)
Poultry	16,500 turkeys
Poultry	30,000 laying hens or broilers

Livestock, dairy, poultry structure: The only buildings subject to setback requirements in Section 35-189. of the Zoning Ordinance shall be those facilities that house livestock, dairy or poultry animals and any manure lagoon or manure storage facilities, or dead animal storage facilities, including incinerators, poultry disposal pits, and dead poultry storage chests.

Livestock raiser, dairy operator, poultry grower, (hereafter, "operator"): The owner or operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy, or poultry facility is located.

Existing dwelling: For the purpose of this section of the zoning ordinance, either of the following shall constitute an existing dwelling:

- (a) A structure, designed for residential use, which is occupied on the date completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator, or
  
- (b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy, or a building permit prior to the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator or

which has been occupied for a one (1) year period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator.

Existing livestock, dairy, poultry facility: (only for the purpose of determining residential setbacks in the Agriculture A-1 district under this Section.) A livestock, dairy, or poultry facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling; or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

Parcel of land: A measured portion of land separated from other portions of land by a metes and bounds description or described as separate, discrete tract in an instrument of conveyance of devise and recorded in the offices of the clerk of this county.

### **SEC. 35-189.3**

#### **3.1 Acreage Requirements**

The minimum number of acres on which an intensive livestock, intensive dairy, or intensive poultry facility may be established shall be the greater of either the number of acres required by the nutrient management plan which has been approved pursuant to Section 5 herein, or as follows:

1. For an intensive facility in which beef or dairy cattle are confined and fed, one hundred (100) acres, or
2. For an intensive facility in which swine are confined and fed, one Hundred (100) acres;
3. For intensive facility in which poultry are confined and fed, twenty (20) acres.

All such acres for any one intensive facility need not be contiguous, if the operator owns or has the right to possession of all acres on which such facility shall be established. In addition, the operator shall be able to demonstrate that he or she has a right to access between any non-contiguous acres in such operation.

Intensive livestock, intensive dairy, or intensive poultry facilities in operation as of the effective date of this amendment which do not have sufficient acres, as required above, shall be considered non-conforming existing uses and may continue so long as the operation is not abandoned for more than two years continuously.

#### **3.2 Setbacks from Existing Dwelling**

Each livestock, dairy, or poultry structure shall be set back from all existing dwellings not owned by the operator as follows:

1. From an existing dwelling in the Agriculture A-1 District, three hundred (300) feet;
2. a. From an existing dwelling in an adjacent Zoning District, six hundred (600) feet;

- b. The operator may reduce the above six hundred (600) feet setback with four hundred (400) feet buffer if he/she plants a ten (10) foot wide vegetative screen that is presently at least six (6) feet in height.

NOTE: Ref. 3.2 and 3.3 - Setback for new dwelling should be the same as setback for livestock.

The setback requirements may be reduced by mutual consent of the owner of an intensified livestock, dairy, and poultry structure and the owner of an existing dwelling. Consent shall be evidenced by a notarized affidavit stating the agreed upon setback reduction and any and all proposed livestock, dairy, and poultry structure that are intended to be subject to the setback reduction. The notarized affidavit shall be filed with the Zoning Administrator.

### **Setbacks for Swine Operations**

For swine operations of less than 7400 hogs or less than 1200 sows, setbacks are to remain the same.

For swine operations of 7400 to 9400 hogs or 1200 to 2400 sows, setbacks from all existing dwellings not owned by the operator shall be as follows:

1. From an existing dwelling in the Agriculture A-1 District, five hundred (500) feet.
2. (a) From an existing dwelling in an adjacent Zoning District, eight hundred (800) feet.  
(b) The operator may reduce the above eight hundred (800) feet setback to six hundred (600) feet setback if he/she plants a ten (10) foot wide vegetative screen that is presently at least six (6) feet in height.

For swine operations of more than 9400 hogs or 2400 sows, setbacks from all existing dwelling not owned by the operator, shall be eighteen hundred (1800) feet.

The operator may reduce the above eighteen hundred (1800) feet setback to fifteen hundred (1500) feet if he/she plants a ten (10) foot wide vegetative screen that is presently at least six (6) feet in height.

The operator may reduce the above eighteen hundred (1800) feet setback to one thousand (1000) feet if he/she plants a ten (10) foot wide vegetative screen that is presently at least six (6) feet in height and has mutual consent of the owner of an existing adjacent dwelling.

### **3.3 Setbacks from Existing Livestock, Dairy or Poultry Facilities**

Each dwelling not owned by the operator shall be set back from existing livestock, dairy, or poultry structures as follows:

1. From an existing livestock, dairy, or poultry structure in the Agriculture A-1 district, three hundred (300) feet;
2. (a) From an existing livestock, dairy, or poultry facility in an adjacent zoning district, six hundred (600) feet;

(b) The owner of the new dwelling may reduce the above six hundred (600) feet setback to four hundred (400) feet if he/she plants a ten (10) foot wide vegetative screen or other natural garden that is presently at least six (6) feet in height.

The setback requirements may be reduced by mutual consent of the owner of an intensified livestock, dairy, and poultry structure and the owner of the proposed dwelling. Consent shall be evidenced by a notarized affidavit stating the agreed upon setback reduction and any and all livestock, dairy, and poultry structure, and proposed dwellings, that are intended to be subject to this setback reduction. The notarized affidavit shall be filed with the Zoning Administrator.

### **Setbacks from Existing Swine Facilities**

Each dwelling not owned by the operator shall be set back from existing swine structure as follows:

For swine operations of 7400-9400 hogs or 1200-2400 sows, setbacks from existing swine structures shall be as follows:

1. From an existing swine structure in the Agriculture A-1 District, five hundred (500) feet;
2. (a) From an existing swine facility in an adjacent zoning district, eight hundred (800) feet;

(b) The owner of the new dwelling may reduce the above eight hundred (800) feet setback to six hundred (600) feet if he/she plants a ten (10) foot wide vegetative screen or other natural garden that is presently at least 6 feet in height.

For swine operations of more than 9400 hogs or 2400 sows, setbacks from existing swine structure shall be eighteen hundred (1800) feet.

The setback requirements may be reduced by mutual consent of the owner of the swine operation and the owner of the proposed dwelling.

### **3.4 Setbacks from Property Lines and Public Roads**

The setback for intensive livestock, intensive dairy, and intensive poultry structures from property lines and public roadways shall be at least two hundred and fifty (250) feet.

However, if the owner of the intensive livestock, intensive dairy, and intensive poultry facility is the deeded, record owner of the property, across the public roadway from the proposed intensive livestock, intensive dairy, or intensive poultry structure, the setback of said structure from the public roadway shall be at least one hundred and fifty (150) feet from the center of the public roadway.

If the record owner/owners of the property across the public roadway is not the owner of the intensive livestock, intensive dairy or the intensive poultry facility, then an affidavit must be secured from the property owner or owners of record to agree to a setback reduction from two hundred and fifty (250) feet to one hundred and fifty (150) feet.

### **3.5 Other Setbacks**



All livestock, dairy, and poultry structures shall be set back at least one thousand (1,000) feet from incorporated towns; platted residential subdivisions; residentially zoned districts; conservation districts; mobile home parks; public schools; churches; county owned buildings; county, town, and community recreation areas; public wells, public springs, and public water intakes.

The operator may reduce the above one thousand (1,000) feet setback to eight hundred (800) feet if he/she plants a ten (10) foot wide vegetative screen or other natural barrier that is presently at least six (6) feet in height.

For swine operations of more than 7400 hogs or 1200 sows, swine structures shall be set back at least eighteen hundred (1800) feet from incorporated towns; platted residential subdivisions; residentially zoned districts; conservation districts; mobile home parks; public schools; churches; county owned buildings; county, town, and community recreation areas; public wells, public springs and public water intakes.

The operator may reduce the above eighteen hundred (1,800) feet setback to fifteen hundred (1,500) feet if he/she plants a ten (10) foot wide vegetative screen or other natural barrier that is presently at least six (6) feet in height.

Any land application of manure, wastewater or nutrient of any nature from a lagoon type treatment facility shall comply with those setback requirements as outlined in Section 62.1- 44.17.1 of the State Water Control Law, 1994 and the General Permit Regulation VR 680-14-01, regulatory citation 9 VAC 25-192.

### **3.6 Certified Plat Required**

The owner of an intensive facility constructed or completed after the effective date of this chapter shall file with the Zoning Administrator a plat or similar documentation showing the entire parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat or similar documentation, the owner shall submit a written statement, sworn to and subscribed before a notary public, by which the owner certified to the Zoning Administrator that the intensive facility shown on the plat or similar documentation meets all applicable setback requirements of this ordinance.

## **SEC. 35-189.4.**

### **4.1 Livestock, Dairy or Poultry Facility Development Plans**

- (a) In the Agricultural A-1 district, an operator or a potential operator shall file with the Zoning Administrator a development plan which indicates the number, size and location of livestock, dairy or poultry structures planned for the subject parcel. When such development plan has been approved by and filed with the Zoning Administrator and during the period in which it remains in effect, the planned structures shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The Zoning Administrator shall approve within (thirty) 30 days of receipt of the development plan, or if the development plan does not meet the requirement of Sections 3 and 4, the Zoning Administrator shall return within (thirty) 30 days the development plan to the person who submitted it, together with a written

description of the portion(s) of the development plan that do not comply with such Sections.

- (b) In the event that the use, structure, or activity for which any permit is issued based upon a development plan as provided for herein is not commenced within eighteen (18) months after the issuance of said permit, the same shall be deemed abandoned and the authority granted; thereunder, shall thereupon terminate. For purposes of this ordinance, the term "commence" shall be construed to include the commencement of the construction of any structure necessary to the use of such permit eighteen (18) months from the date of the issuance thereof which is there after completed within one (1) year.
- (c) The development plan shall be based on the requirements of this chapter and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and containing all of the data required as specified pursuant to Section 3 of this chapter.
- (d) The development plan on such parcel shall remain in force only so long as the structures proposed are constructed in accordance with the development plan. The development plan shall be transferable from the owner or operator to another owner or operator unless otherwise stated in the plan by the initial owner or operator.
- (e) The operator shall notify the zoning administrator in writing within thirty (30) days of placement into service of any structure indicated in his/her development plan.
- (f) Each parcel for which a development plan has been approved by the Zoning Administrator shall display at its entrance a sign no smaller than two (2) square feet, or larger than four (4) square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Agricultural Development Site."
- (g) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan or to submitting revised development plans at any time. The Zoning Administrator shall approve the amended or revised development plan, following the standards set for in 4.1 (a) above, according to the terms of the zoning ordinance in effect at the time that the amendments or revisions are submitted to the Zoning Administrator.

## **SEC. 35-189.5.**

### **5.1 Nutrient Management Plan**

- (a) After the effective date of this amendment to the zoning ordinance, no intensive facility shall commence operation until a nutrient management plan (if required by the Commonwealth of Virginia for the proposed facility) has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.

- (b) If off-site disposal is part of the nutrient management plan the operator shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before, a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The operator shall notify the Zoning Administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination.
- (c) (1) The facility shall also provide for a site, with or without a permanent structure, for the storage of animal wastes if required by the Commonwealth of Virginia and meet all applicable standards of the Commonwealth.
- (2) Notwithstanding this, if a operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator; or, if there is a valid agreement for off-site disposal as provided in this section, the Zoning Administrator may permit the storage site be located on a parcel specified in the agreement for off-site disposal.
- (d) The nutrient management plan shall be reviewed and updated every five (5) years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management Planner.

#### **SEC. 35-189.6.**

##### **Disposal of Dead Animals**

The owner or operator, or any employee thereof; of any intensive poultry, facility shall dispose of dead poultry only by use of the following methods:

1. An on site composting facility; or
2. An off site rendering facility approved by the appropriate regulatory agency; or
3. An incineration facility, provided that an administrative permit is issued by the Zoning Administrator; or
4. Disposal of said animals in an approved Subtitle D Landfill.

##### **Open pit disposal is expressly prohibited**

No owner, operator, or employee of any intensive livestock or dairy facility shall cast any dead animals into a road or knowingly permit any dead animal to remain unburied upon his/her property when offensive to the public or, having in custody any maimed, deceased, disabled or infirm animal, leave it to lie or be in a street, road or public place.

#### **SEC. 35-189.7. EXEMPTIONS.**

The provisions of Chapter 29 and Chapter 32 of the Code of Pittsylvania County shall not apply to livestock, dairy or poultry facilities.

**SEC. 35-189.8. SEVERABILITY.**

If any provision, clause, paragraph, section or subsection of this ordinance is deemed by a court or competent jurisdiction to be invalid, unenforceable or otherwise improper, the remaining portions of this ordinance shall remain in full force and effect.

**SEC. 35-190. RESERVED**

**DIVISION 2. RESIDENTIAL ESTATES DISTRICT (RE DISTRICT)**

**SEC. 35-191. PURPOSE.**

This district is established to protect persons occupying residential properties in large lot developments with three (3) or more lots or upon application by owner. Lots located in the district will have areas ranging from five (5) acres to twenty (20) acres in area. This district's regulations are designed to stabilize and protect the essential characteristics of the district, promote and encourage a suitable environment for rural family life where there are children, and to prohibit activities of a commercial nature. Development is limited to relatively low concentration and permitted uses are limited to basically single unit detached dwellings providing homes for the residents plus certain additional uses that serve the district's residents.

**SEC. 35-192. PERMITTED USES.**

Within the Residential Estates District (RE), structures to be erected or land to be used shall be permitted for one of the following uses:

accessory uses  
conservation areas (public and private)  
County government uses such as waste collection, recycling, recreation, etc.  
garages (private residential) storage of personal vehicles  
gardens (private)  
home occupations, Class A  
homes-single-family detached dwelling  
manses, church-owned dwelling units  
off-street parking  
playgrounds  
portable and temporary sawmill  
roads, streets, rights-of-way, easements  
signs- See Sections 35-95.-35-101.

**SEC. 35-193. SPECIAL USE PERMITS.**

The following uses shall be permitted only by *special* use permit:

churches  
clubs (private)  
clubs (public)  
community center and building  
barber and beauty shops (Amended July 6, 2004)  
emergency service facilities-fire, rescue  
home occupations-Class B  
non-emergency medical transport (Amended December 21, 2010)  
parks  
public facilities, office, storage yards  
public garages  
public utilities-structures, towers  
public utilities substations, water and sewage treatment plants, power generation  
schools (public and private)  
special temporary churches (Amended December 21, 1993)  
stables (private)  
swim clubs  
temporary uses-temporary buildings, portable buildings, or mobile/manufactured houses may be utilized on site during construction (time may be limited by the County). A single mobile/manufactured home may be utilized by the property owner for twelve (12) months as living space during construction. Siting of these mobile/manufactured homes for living use will require the normal required permitting by the County including public health approval.

**SEC. 35-194. AREA REGULATIONS.**

***A. Minimum Lot Size***

1. Area  
Residential lots in this district shall contain at least five (5) acres.
2. The minimum distance between side lot line at the building line is equal to one hundred (100) feet.
3. The minimum road frontage is equal to one hundred and fifty (150) feet, except in a cul-de-sac, where the measurement is lowered to fifty (50) feet.
4. The width of lots in this district shall be one hundred and fifty (150) feet.

***B. Maximum Percentage of Lot Coverage***

1. Not regulated.

**SEC. 35-195. MAXIMUM HEIGHT OF BUILDINGS.**

Same as Section 35-181.

**SEC. 35-196. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

The minimum distance from the centerline of the fronting street or highway to the nearest point on the residential or other structure (including porches, stoops, or accessory buildings) shall be sixty (60) feet on fifty (50) foot right of ways and sixty-five (65) feet on sixty (60) foot right of ways. Structures shall be at least thirty-five (35) feet from the front property line.

***B. Side Setback***

The minimum side setback, the distance from the side property line or a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be ten (10) percent of the road frontage distance with a minimum of twenty (20) feet.

***C. Rear Setback***

The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of forty (40) feet. For property bordering Smith Mountain Lake and other lakes one hundred (100) acres or greater in size, the distance will be measured from the recognized full pond level. Accessory structures up to eight hundred (800) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line.

***D. Minimum Distance between Main Buildings***

For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.

***E. Corner Lots***

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the right-of-way line for both main and accessory buildings.

**SEC. 35-197. FLOOR AREA REQUIREMENTS.**

Conventional lots not regulated.

**SEC. 35-198. MINIMUM OFF-STREET PARKING SPACE.**

Same as for Section 35-184.

**SEC. 35-199. OPEN SPACE REQUIREMENTS.**

See Application of Regulations and General Regulations, Sections 35-15.-35-22. and 35-60.-35-66.

**SEC. 35-200. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-201. MAXIMUM NUMBER OF UNITS ALLOWED PER GROSS ACRE.**

No more than one (1) residential unit shall be allowed per five (5) acres gross.

**SEC. 35-202. OTHER SPECIAL REGULATIONS. RESERVED**

**SECS. 35-203.-35-220. RESERVED**

**DIVISION 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)**

**SEC. 35-221. PURPOSE.**

This district is established for the purpose of providing for residential uses on average lot sizes of from just under five (5) acres in area to ten thousand (10,000) square feet in area. Areas designated for this zoning district will be for residential neighborhoods which might include schools and similar public uses normally found in residential neighborhoods. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses. (Amended February 7, 1994)

**SEC. 35-222. PERMITTED USES.**

Within the Residential Suburban Subdivision District (R-1), structures to be erected or land to be used shall be permitted for one of the following uses:

accessory uses  
churches  
conservation areas (public and private)  
County government uses such as waste collection, recycling, recreation, etc.,  
garages-private for storage of personal vehicles  
gardens, private  
home occupations, Class A (Amended February 18, 1992)  
manses, church-owned dwelling unit  
playgrounds (public)  
off-street parking  
roads, streets, rights-of-way, easements  
signs-See Sections 35-95.-35-101.  
single-family detached dwellings

**SEC. 35-223. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

**SPECIAL USES – R-1, RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT:**

barber and beauty shop (Amended July 6, 2004)  
clubs (private)  
clubs (public)  
community centers, buildings  
emergency services facilities-fire, rescue  
non-emergency medical transport (Amended December 21, 2010)  
parks

playgrounds  
public garages  
public utilities-including substations, power generation, water and sewer plants for treatment  
public utilities-structures, towers  
public facilities, offices  
Residential Addiction Treatment Group Home  
storage yards  
single-wide manufactured/mobile homes (Amended December 16, 1997)  
schools (public and private)  
temporary uses, construction activity-including temporary buildings, portable buildings (these uses may be limited by the County as to time)  
**(B.S.M. 12/18/18)**

**SEC. 35-224. AREA REGULATIONS.**

***A. Minimum Lot Size***

1. Area

The following minimum areas are required dependent on sewer and water services provided to a development's lots. Greater lot areas may be required where septic tank and drain field (or comparable systems) are employed or wells are employed, if the Health Department's officials determine that certain factors may cause health problems. All water systems in this district shall be approved by the Health Department prior to recordation.

With Public Water and Public Sewer System	With Public Water or Public Sewer System	With Neither Public Water nor Public Sewer System
10,000 sq. ft. (Amended December 21, 1993)	15,000 sq. ft. (Amended December 21, 1993)	20,000 sq. ft.

2. Width

With Public Water and Public Sewer System	With Public Water or Public Sewer System	With Neither Public Water nor Public Sewer System
75 ft.	100 ft.	100 ft.

3. Minimum distance between side lot lines at the building line is equal to mean width as shown in Number 2 of this section.

4. Minimum state maintained road frontage measured between side lot lines is equal to seventy-five (75) feet except in a cul-de-sac where the measurement is equal to thirty (30) feet minimum.

***B. Maximum Percentage of Lot Coverage***



1. Not regulated.

**SEC. 35-225. MAXIMUM HEIGHT OF BUILDINGS.**

Same as Section 35-181.

**SEC. 35-226. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

Setback from the nearest point on house or principal structure (including porches or stoops or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

***B. Side Setback***

The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be ten (10) percent (%) of the road frontage distance with a minimum of ten (10) feet.

***C. Rear Setback***

The minimum rear setback, the distance from the rear property line or a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake and other lakes one hundred (100) acres or greater in size, the distance will be measured from the recognized full pond level. Accessory structures up to eight-hundred (800) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line.

Rear setback requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet.

Walkways and steps are exempt from rear setback requirements.

***D. Minimum Distance between Main Buildings***

For fire protection in suburban areas, it is required that principal structures be no less than twenty (20) feet apart.

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the right-of-way line for both main and accessory buildings.

**SEC. 35-227. FLOOR AREA REQUIREMENTS.**

Conventional lots not regulated.

**SEC. 35-228. MINIMUM OFF-STREET PARKING SPACE.**

Same as for Section 35-184.

**SEC. 35-229. OPEN SPACE REQUIREMENTS.**

See Application of Regulations and General Regulations, Sections 35-15.-35-22. and 35-60.-35- 66.

**SEC. 35-230. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-231. MAXIMUM NUMBER OF UNITS ALLOWED.**

The maximum number of units per lot is one (1). See Section 35-18.

**SEC. 35-232. OTHER SPECIAL REGULATIONS. RESERVED**

**SEC. 35-233. RIGHT OF WAY WIDER THAN FIFTY (50) FEET.**

When right-of-way is wider than fifty (50) feet, then from yard setback on lots and side yard setback on corner lots shall be at least thirty-five (35) feet from the property line to the front or the structure (including porches, stoops, or any accessory buildings attached to the main building) on the lot this assumes that accessory structures separate from the main structure are placed behind the front yard setback line.

**SECS. 35-234.-35-236. RESERVED**

**DIVISION 4. RESERVED**

**SEC. 35-237.-35-265. RESERVED**

**DIVISION 5. RESIDENTIAL COMBINED SUBDIVISION DISTRICT RC-1**

**SEC. 35-266. PURPOSE.**

This district is established for the purpose of providing increased opportunities for affordable housing alternatives, to recognize modern advances in manufactured housing technology, and to promote cost effective site development. This combined district provides locations where manufactured housing communities may harmoniously develop in a residential area in which a mix of other affordable housing types: mobile homes, double-wide manufactured units, and other compact detached housing may develop along with the standard frame, brick, stone, and block houses which are non-manufactured. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.

**SEC. 35-267. PERMITTED USES.**

Within the Residential Combined Subdivision District (RC-1), the following uses are permitted.

accessory uses

Churches conservation areas (public and private)

County government uses such as waste collection, recycling, recreation, etc.

garages (private) for storage of personal vehicles

gardens (private)  
home occupations, Class A  
homes, single-family dwelling unit  
homes for the developmentally disabled persons, family care homes, group homes, as defined in Code of Virginia 15.2-2291  
manses, church owned dwelling units  
off-street parking, piers, docks (private) for residences  
playgrounds (public)  
roads, streets, rights-of-ways, easements  
signs-communication, identification, direction  
See Sec. 35-95.-35-101.  
mobile/manufactured homes  
water systems (private)

### **SEC. 35-268. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permits:

#### **SPECIAL USES – RC-1, RESIDENTIAL COMBINED SUBDIVISION:**

barber and beauty shop (Amended July 6, 2004)  
community center, building  
clubs (private)  
clubs (public)  
emergency services facilities-fire, rescue  
home occupations, Class B (Amended December 21, 1993)  
non-emergency medical transport (Amended December 21, 2010)  
parks (public)  
parks (private)  
public garages  
public utilities, including substations, power generation water and sewer treatment plants  
public utilities-structures, towers  
public facilities, offices, storage yards  
Residential Addiction Treatment Group Home  
schools (public and private)  
special temporary churches (Amended December 21, 1993)  
swim clubs  
temporary uses, construction activity, including temporary buildings, portable buildings (the County may limit use in terms of duration)  
**(B.S.M. 12/18/18)**

### **SEC. 35-269. AREA REGULATIONS.**

#### ***A. Minimum Lot Size***

1. The following minimum areas are required, dependent on sewer and water services provided to a development's lots. Greater lot areas may be required where septic tank and drain field (or comparable systems) are employed or wells are employed if Health Department officials determine that certain factors may cause health problems.

All lots located in this district shall be approved by the Health Department prior to recordation.

With Public Water and Public Sewer Systems	With Public Water or Public Sewer System	With Neither Public Water nor Public Sewer System
10,000 sq. ft./per unit (Amended December 21, 1993)	15,000 sq. ft./per unit	20,000 sq. ft.

2. Width of Lots

With Public Water and Public Sewer Systems	With Public Water or Public Sewer System	With Neither Public Water nor Public Sewer System
75 ft	100 ft	100 ft

3. Minimum distance between side lot lines at the building line is equal to mean width as shown in number 2 of this Section.
4. Minimum state maintained road frontage measured between side lot lines is equal to seventy-five (75) feet, except in a cul-de-sac, where the measurement is equal to thirty (30) feet minimum.

**SEC. 35-270. MAXIMUM PERCENTAGE OF LOT COVERAGE.**

Not regulated.

**SEC. 35-271. MAXIMUM HEIGHT OF BUILDINGS.**

Same as Section 35-181.

**SEC. 35-272 MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

Setback from the nearest point on the house or principal structure (including porches, stoops, or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

***B. Side Setback***

The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be ten (10) percent of the road frontage distance with a minimum of ten (10) feet.

***C. Rear Setback***

The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of forty (40) feet. For property bordering Smith Mountain Lake and other lakes one

hundred (100) acres or greater in size, the distance will be measured from the recognized full pond level.

Accessory structures up to eight hundred (800) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line.

Rear setback requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet.

***D. Minimum Distance between Main Buildings***

For fire protection in suburban areas, it is required that principal structures be no less than twenty (20) feet apart.

***E. Corner Lots***

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the rights-of-way line from both main and accessory buildings.

**SEC. 35-273. MINIMUM OFF-STREET PARKING REQUIRMENTS.**

Same as for Section 35-184.

**SEC. 35-274. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-275. MAXIMUM NUMBER OF UNITS ALLOWED.**

Due to the nature of this Zoning Division, no density is prescribed.

**SEC. 35-276. OTHER SPECIAL REGULATIONS. STREETS.**

(Amended December 21, 1993)

For other regulations, see Pittsylvania County Subdivision Ordinance. (Amended December 21, 1993)

**SECS. 35-277-35-278. RESERVED**

**DIVISION 6. RESIDENTAL MULTI-FAMILY DISTRICT**

**SEC. 35-279. PURPOSE.**

This district is established to provide for locations of medium density multiple-family type residences and is used for construction of apartments, townhouse developments or garden style multi-unit residential units in appropriate locations. This district is not completely residential in that it includes public and semi-public, institutional, and other related uses; however, it is basically intended to be residential in character and, as such, should not be located with heavy commercial or industrial type uses. Certain commercial type uses may be allowed through special use permits.

**SEC. 35-280. PERMITTED USES.**

Within the Residential Multi-family District (RMF), the following uses are permitted:

accessory uses  
apartment houses  
child day care centers (licensed) (Amended December 21, 1993)  
churches  
clubs (private)  
clubs (public)  
community centers, buildings  
condominiums  
conservation areas (public and private)  
County government uses such as waste collection, recycling, recreation, etc.  
duplexes  
dwellings, detached duplexes, triplexes, quadplexes, townhouses, atrium houses, patio houses  
garages-private for storage of personal vehicles  
garages (private)  
home occupations, Class A  
maintenance facility for dwelling units  
manses, church owned dwelling units  
multi-family dwellings  
off-street parking  
parks  
playgrounds (public)  
roads, streets, rights-of-way, easements  
security man's house  
signs-See Sections 35-95.-35-101.  
water system

**SEC. 35-281 SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

barber and beauty shops (Amended July 6, 2004)  
emergency services facilities-fire, rescue  
marinas  
non-emergency medical transport (Amended December 21, 2010)  
piers, docks (private)-for residential uses  
public facilities, offices, storage yards  
public garages  
public utilities-including substations, power generation, water and sewer plants for treatment  
public utilities-structures, towers  
schools (public and private)  
special temporary churches (Amended December 21, 1993)  
temporary uses, construction activity-including temporary buildings portable buildings (these uses may be limited by the County as to time)

**SEC. 35-282. AREA REGULATIONS.**

***A. Minimum Lot Size***

1. Area	<u>Two Units Duplex</u>	<u>Per additional unit</u>
Both public, public sewer	10,000 sq ft	3,000 sq ft
Public water only	21,000 sq ft	6,000 sq ft
Public sewer only	21,000 sq ft	6,000 sq ft
Neither public water nor public sewer	26,250 sq ft	7,500 sq ft

The minimum size of any Residential Multi-family District and building lots and parcels within a district shall be subject to approval of the local Department of Health.

**(B.S.M. 3/21/06)**

**2. Width**

Minimum width for lots is one hundred (100) feet. The width required is reduced to thirty (30) feet in a cul-de-sac, minimum.

***B. Maximum Percentage of Lot Coverage***

<u>Two units, duplexes</u>	<u>multi-family developments</u>
35 percent	40 percent

**SEC. 35-283. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be eighty (80) feet.

Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempted.

Any building or structure shall be constructed, erectness, installed maintained, and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

**SEC. 35-284. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

Setback from the nearest point on dwelling or principal structure (including porches or stoops or any accessory buildings) shall be fifty (50) feet from the edge of right-of-way.

***B. Side Setback***

The minimum side setback, the distance from the side property line of a lot to the nearest point on the dwelling or principal structure (including porches, stoops, or accessory buildings) shall be ten (10) percent of the road frontage distance with a minimum of ten (10) feet.

***C. Rear Setback***

The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the dwelling or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake and other lakes one hundred (100) acres or greater in size, the distance will be measured from the recognized full pond level.

***D. Minimum Distance between Main Buildings***

For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet-apart.

***E. Corner Lots***

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the right-of-way line for both main and accessory buildings.

**SEC. 35-285. FLOOR AREA REQUIREMENTS.**

Not regulated.

**SEC. 35-286. MINIMUM OFF-STREET PARKING SPACE.**

See General Regulations, Sections 35-80.-35-82.

**SEC. 35-287. OPEN SPACE REQUIREMENTS.**

See Application of Regulations and General Regulations, Sections 35-15.-35-22. and 35-60.-35-66.

**SEC. 35-288. SIGNS.**

See Special Provisions, District Regulations, Sections 35-95.-35-101.

**SEC. 35-289. MAXIMUM NUMBER OF UNITS ALLOWED PER GROSS ACRE.**

The maximum number of units per gross acre is thirteen (13).

**SEC. 35-290. OTHER SPECIAL REGULATIONS. RESERVED**

**SEC. 35-291. STREETS (B.S.M. 3/21/06 – SEC. 35-291. in its entirety)**

- A. **Alignment and layout.** The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat



their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the highway engineer.

- B. **Approach Angle.** Major streets shall approach the major or collector streets at an angle or not less than eighty (80) degrees, unless the agent upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.
- C. **Minimum Widths.** The minimum widths of proposed streets, measured from the lot line, shall be as shown on the major street plan, or if not shown on such plan shall be:
1. As identified in the VDOT subdivision street standards on 24VAC 30-90-380 Table I as revised by VDOT.
  2. Rural rustic roads, as defined by Virginia Department of Transportation, not less than thirty (30) feet. **(B.S.M. 11/19/02)**
  3. Or other minor streets which cannot be extended in the future—no less than forty (40) feet. **(B.S.M. 9/01/02)**
- D. **Construction requirements.** Unless otherwise specified, all street construction requirements shall be those of the Virginia Department of Transportation for acceptance into the State Secondary System, including but not limited to the current edition of: "Subdivision Street Requirements" and "Pavement Design Guide for Subdivision and Secondary Roads in Virginia", as both are amended from time to time. **(B.S.M. 7/1/02)**
- E. **Cul-de-sacs.** Shall meet the requirements of VDOT 24VAC 30-90-380 subdivision standard as revised by VDOT.
- F. **Alleys.** Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- G. **Private streets.** Except as provided in Section 15.2-2267 Code of Virginia, 1950, as the same may from time to time be amended, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserved strips controlling access to streets, except where the control of such strips is definitely placed within the community under conditions approved by the agent.
- H. **Names.** Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing street. In no case shall the name of proposed streets duplicate existing street names in Pittsylvania County and adjoining jurisdictions, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be

approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.

- I. Identification signs. Street identification signs of an approved design shall be installed at all intersections.

**SEC. 35-292. RESERVED**

**DIVISION 7. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT  
(RPD)**

**SEC. 35-293. PURPOSE.**

The purpose of this district is to promote large scale development of innovative and creative design as a means of creating a well planned living environment, to encourage variety in housing and supporting community facilities while, encouraging accessory commercial uses, and to protect the natural beauty of the landscape through the use of advantageous construction techniques, with the greatest amount of open area and the least disturbance of natural features, and to encourage the preservation, and the more efficient use of open space.

Residential Planned Developments are intended to provide flexibility in the development of large tracts of land through adjustment of certain lot, setback and use restrictions, and should provide for increased amenities, safety and conveniences, reduced public, and private costs, and other public and private benefits.

**SEC. 35-294. PERMITTED USES.**

Within the Residential Planned Unit Development District (RPD), the following uses are permitted:

accessory uses  
apartment houses  
child day care centers (licensed) (Amended December 21,1993)  
churches  
clubs (private)  
clubs (public)  
community centers, buildings  
condominiums  
conservation areas (public and private)  
country clubs  
County government uses such as waste collection, recycling, recreation, etc.  
detached dwelling units: duplexes, triplexes, quadplexes, townhouses, atrium houses, patio, houses  
garages-private for storage of personal vehicles  
gardens (private)  
golf club, club houses  
golf courses  
home occupations, Class A  
homes, single-family detached dwelling  
maintenance facilities for dwelling units  
manses, church-owned dwelling units

multi-family dwellings  
parks  
playgrounds  
recreational facilities (private)  
recreational facilities (public)  
roads, streets, rights-of-way, easements  
security man's house  
signs-See Sections 35-95.-35-101.  
water systems

### **SEC. 35-295. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permits:

barber and beauty shop (Amended July 6, 2004)  
commercial uses such as stores, service centers, offices, etc., for service to the residents of the planned area and adjacent communities (Amended December 21, 1993)  
emergency services facilities-fire, rescue  
marinas  
non-emergency medical transport (Amended December 21, 2010)  
off-street parking  
public facilities, offices, storage yards  
public garages  
public utilities-including substations, power generation,  
public utilities-structures towers  
schools (public and private)  
special temporary churches (Amended December 21, 1993)  
stables (private)  
temporary uses, construction activity-including temporary buildings, portable buildings (these uses may be limited by the County as to time)

### **SEC. 35-296. AREA REGULATIONS.**

#### ***A. Minimum Lot Size***

##### **1. Area**

To be considered as a residential planned unit development, a project's area must include five (5) or more contiguous acres of land, none of which can be under water or within a flowage easement.

Minimum permitted size of any residential planned unit development or lots and parcel within shall be subject to approval by the local Department of Health.

The procedure for addition to a development shall be the same as if an original application were filed.

##### **2. Areas of the residential planned unit development used for single-family detached residences shall follow the area requirements under Section 35-224. of this Ordinance.**

**B. *Maximum Density***

<u>Residential Uses:</u>	<u>Units per Gross Acre:</u>
Single family	3
Two-family, detached dwelling	5
Duplexes	
Multi-family	15
Townhouses	10

The permitted density in dwelling units per gross acre, notwithstanding the provisions of this Chapter, shall be subject to approval by the local Health Department.

**SEC. 35-297. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be eighty (80) feet.

Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempted.

Any building or structure shall be constructed, erected, installed, maintained, and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

**SEC. 35-298. MINIMUM YARD DIMENSIONS.**

**A. *Front Setback***

Setback from the nearest point on dwelling or principal structure (including porches or stoops or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

**B. *Side Setback***

The minimum side setback, the distance from the side property line of a lot to the nearest point on a dwelling or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of ten (10) feet.

**C. *Rear Setback***

The minimum rear setback, the distance from the rear property line of a lot to the nearest point on a dwelling or principal structure (including porches, stoops, or accessory buildings) shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake and other lakes one hundred (100) acres, or greater in size, the distance will be measured from the recognized full pond level.

Rear setback requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet for single-family detached dwellings only.

Walkways and steps are exempt from rear setback requirements.

#### ***D. Minimum Distance between Main Buildings***

For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.

#### ***E. Corner Lots***

The minimum side yard depth on the side facing the side street shall be thirty-five (35) feet or more from the side building line to the right-of-way line for both main and accessory buildings.

#### **SEC. 35-299. FLOOR AREA REQUIREMENTS.**

Not regulated.

#### **SEC. 35-300. MINIMUM OFF-STREET PARKING SPACE.**

See General Regulations, Sections 35-80.-35-82.

#### **SEC. 35-301. OPEN SPACE REQUIREMENTS.**

See Application of Regulations and General Regulations, Sections 35-15.-35-22. and 35-60.-35- 66.

1. The required open space shall not be less than fifty (50) percent of the total gross area of the residential planned unit development.
2. The required developed recreational space shall not be less than five (5) percent of the total gross area of the development.
3. Open space shall be defined for the purposes of this Section as that total land or water within the boundaries or a planned unit development, designed and intended for use and enjoyment as open areas, and not improved with building, structure, street, road, parking area, or any type of sidewalk, except for recreational structures.
4. All open space, including developed open space, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

#### **SEC. 35-302. MANAGEMENT OF OPEN SPACE. (BY PROPERTY OWNERS ASSOCIATION)**

1. There shall be established a non-profit association, a stock or membership corporation, trust, or foundation of all individuals or corporations owning residential property within the planned unit development to insure maintenance of open spaces.
2. When the open space is to be maintained through a non-profit association, corporation, trust or foundation, said organization shall conform to the following requirements:
  - a. The developer must establish the organization prior to the sale of any lots.

- b. The membership in the organization shall be mandatory for all residential property owners, present or future within the planned development, and said organization shall not discriminate in its members or shareholders.
- c. The organization shall manage all open space and recreational and cultural facilities; shall provide for the maintenance, administration and operation of said land and improvements, and any other land within the planned community, and shall secure adequate liability insurance on the land.
- d. The organization shall conform to the Condominium Act, Sections 55-79.39 through 55-79.103, Code of Virginia, 1950, amended to date.

**SEC. 35-303. SIGNS**

See Special Provisions, District Regulations, Sections 35-95.-35-101.

**SEC. 35-304. OTHER SPECIAL REGULATIONS. RESERVED**

**SEC. 35-305. STREETS. (B.M.S. 3-21-06, in its entirety)**

- A. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the highway engineer.
- B. Approach angle. Major streets shall approach the major or collector streets at an angle or not less than eighty (80) degrees, unless the agent upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.
- C. Minimum widths. The minimum widths of proposed streets, measured from the lot line, shall be as shown on the major street plan, or if not shown on such plan shall be:
  - 4. As identified in the VDOT subdivision street standards on 24VAC 30-90-380 Table I as revised by VDOT.
  - 5. Rural rustic roads, as defined by Virginia Department of Transportation, not less than thirty (30) feet. **(B.S.M.11-19-02)**
  - 6. Or other minor streets which cannot be extended in the future – no less than forty (40) feet. **(B.S.M. 9-01-02)**
- D. Construction requirements. Unless otherwise specified, all street construction requirements shall be those of the Virginia Department of Transportation for acceptance into the State secondary system, including but not limited to the current edition of: "Subdivision Street

Requirements" and "Pavement Design Guide for Subdivision and Secondary Roads in Virginia", as both are amended from time to time. **(B.S.M. 7-1-02)**

- E. Cul-de-sacs. Shall meet the requirements of VDOT 24VAC 30-90-380 subdivision standard as revised by VDOT.
- F. Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- G. Private streets. Except as provided in Section 15.2-2267, Code of Virginia, 1950, as the same may from time to time be amended, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserved strips controlling access to streets, except where the control of such strips is definitely placed within the community under conditions approved by the agent.
- H. Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing street. In no case shall the name of proposed streets duplicate existing street names in Pittsylvania County and adjoining jurisdictions, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.
- I. Identification signs. Street identification signs of an approved design shall be installed at all intersections.

### **SEC. 35-306. UTILITIES.**

Within a planned unit development, all newly installed utilities, including television cable, and electrical systems, shall be installed underground. Appurtenances to these, systems which require above ground installations shall be effectively screened.

### **SECS. 35-307-35-315. RESERVED**

## **DIVISION 8. RESIDENTIAL MANUFACTURED HOUSING PARK DISTRICT (MHP)**

### **SEC. 35-316. PURPOSE.**

This district is established to accommodate manufactured housing parks exclusively, and is based on the premise that the demand for manufactured homes can best be supplied by the establishment of a manufactured housing park district to be located in the more urbanizing or developing areas of the County. The regulations are intended to insure an attractive and harmonious environment for manufactured home dwellings and their residents.

The manufactured housing park district is provided in recognition that certain land in the community may be appropriately developed as areas of moderate population concentration with special consideration for the location and provision of facilities for manufactured housing if properly related to the existing and potential development character of the vicinity and if adequate public or private services and facilities can be provided.

**Sec. 35-317. PERMITTED USES.**

Within the Manufactured Housing Park (MHP) District, permitted uses shall be for the following:

accessory uses  
child day care centers (licensed) (Amended December 21, 1993)  
churches  
conservation areas (public and private)  
County government uses such as waste collection, recycling, recreation, etc.  
garages-private for storage of personal vehicles  
gardens (private)  
home occupations, Class A  
manses, church-owned dwelling unit  
manufactured/mobile homes (see County Manufactured Housing Park Ordinance)  
off-street parking  
playgrounds (public)  
roads, streets, rights-of-way, easements  
signs-See Sections 35-95.-35-101.

**SEC. 35-318. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

clubs (private)  
clubs (public)  
convenience stores, laundries, dry cleaners and other facilities for the support of the housing park  
(Amended February 18, 1992)  
emergency services facilities-fire, rescue  
non-emergency medical transport (Amended December 21, 2010)  
parks (private)  
parks (public)  
playgrounds (private)  
public facilities, offices, storage yards  
public garages  
public utilities-including substations, power generation, water and sewer plants for treatment  
public utilities-structures, towers  
schools (public and private)  
special temporary churches (Amended December 21, 1993)  
temporary uses, construction activity-including temporary buildings, portable buildings (these uses  
may be limited by the County as to time)  
water systems (private),

**SEC. 35-319. AREA REGULATIONS.**

***A. Minimum Lot Size***

1. Area



Manufactured home lots shall not have less than six thousand (6,000) square feet. Greater lot areas may be required where individual septic systems are used if the Health Official determines that there are conditions to cause potential health problems.

## 2. Width

Manufactured home lots shall not be less than fifty (50) feet in width.

### ***B. Maximum Percentage of Lot Coverage***

Not regulated.

## **SEC. 35-320. MAXIMUM HEIGHT OF BUILDINGS.**

Buildings in this district shall be limited to thirty-five (35) feet in height.

## **SEC. 35-321. MINIMUM YARD DIMENSIONS - SETBACKS**

### ***A. Front Yards Setbacks***

The front of the manufactured home shall mean the area at or near the front door. This is not meant to be the side, which the tongue would normally be attached in order to pull the manufactured home.

The minimum front yard depth for each home shall be twenty (20) feet such distance to be measured between the lot line and front wall of the home.

### ***B. Setbacks from Public Roads***

Public roads require that the setback from the right of way line must be thirty (30) feet. For the purpose of spacing requirements, a manufactured home includes any attached enclosed structure. Detached enclosed carports (garages) and storage structures are not considered to be a part of a manufactured home nor are attached enclosed awnings, porches, and carports.

### ***C. Space between Homes; Accessory Uses Rear Setbacks for Interior Lots***

Homes shall be placed on lots so that, at the nearest point, they shall be eight (8) feet from the detached enclosed carports (garages) and twenty (20) feet from any other manufactured home, or attachment thereto, or other buildings. Effectively, this requires at least a ten (10) foot depth rear yard distance.

### ***D. Minimum Distance between Main Buildings***

For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.

### ***E. Corner Lots***

For the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on roads or streets.

The minimum side yard depth on the side facing the side private street shall be thirty (30) feet or more from the side building line to the right-of-way line for both main and accessory buildings. Public streets require that the setback be set at thirty (30) feet.

**SEC. 35-322. FLOOR AREA REQUIREMENTS.**

Not regulated.

**SEC. 35-323. MINIMUM OFF-STREET PARKING SPACE.**

At least two (2) off-road parking spaces often ten (10) feet by twenty (20) feet shall be provided for each manufactured home lot, on, or adjacent to the lot, and/or a total of two hundred (200) square feet. A consolidated parking area within sixty (60) feet of the manufactured home lot may be used to provide required space.

**SEC. 35-324. OPEN SPACE/RECREATION SPACE REQUIREMENTS. RESERVED**

**SEC. 35-325. SIGNS.**

Each manufactured home park shall, at all times, have a sign at its entrance designating the name of the manufactured home park or court. The sign and markings shall be visible from a distance of forty (40) feet in either direction; minimum letter size shall be six (6) inches.

See also Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-326. MAXIMUM NUMBER OF UNITS ALLOWED PER GROSS ACRE.**

No more than seven (7) units shall be permitted per gross acre.

**SEC. 35-327. MANUFACTURED HOUSING PARK STREETS.**

The base and surface treatment shall be a minimum of twenty (20) feet in width, with a minimum thirty (30) foot right-of-way, a maximum often ten (10) percent grade and be properly graded and ditched to ensure adequate drainage. All streets shall be of gravel construction or better. It shall be the responsibility of the owner of the park to maintain the streets.

**SEC. 35-328. PLATTING REQUIRED/SITE PLAN REQUIRED.**

See Pittsylvania County Manufactured Housing Park Ordinance.

**SEC. 35-329. OTHER SPECIAL REGULATIONS/ADDITIONAL REGULATIONS.**  
**RESERVED**

See Pittsylvania County Manufactured Housing Park Ordinance.

**SECS. 35-330-35-344. RESERVED**

**DIVISION 9. BUSINESS DISTRICT. LIMITED (B-1)**

**SEC. 35-345. PURPOSE.**

This district is established to cover the portion of the County's communities intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregations of people and passenger vehicles.

The intent of these regulations is not to limit business development in the County but to encourage it by reasoning as the specific and justifiable need arises and in appropriate locations where it will not produce noise, pollution, congestion, or safety problems for quieter, residential uses.

This district is limited to retail establishments which have no outside storage or outside displays of product.

**SEC. 35-346. PERMITTED USES.**

Within the Limited Business District (B-1), the following uses are permitted:

- accessory uses
- adult day care centers (licensed)
- antique shops
- apartments in same building with businesses (upstairs apartments)
- apparel shops
- art supplies, retail
- bakery, for retail sales
- banks and savings and loans, financial, insurance offices
- barber and beauty shops
- boat clubs
- butcher shops, meat
- candy stores
- caterers
- cemeteries-community and commercial
- cemeteries-on joint church property
- child day care centers (licensed)
- churches
- conservation areas (public and private)
- convenience stores
- country clubs
- country stores
- County Government uses such as waste collection, recycling, recreation, etc.
- craft shops
- drug stores
- dry cleaning and laundry
- emergency services facilities-fire, rescue
- food stores, groceries (convenience type)
- funeral homes and mortuaries
- garages-private for storage of personal vehicles
- gardens (private)
- general stores
- gift shops

golf clubs, club houses  
golf courses  
golf driving ranges  
greenhouses, nurseries  
hardware stores  
hobby shops and toys  
home or apartment combinations in same building with business (upstairs apartments)  
home occupations, Class A  
home occupations, Class B  
libraries  
manses-church-owned dwelling units  
medical clinics-not veterinary  
motels, hotels, tourist and resort facilities  
museums  
newsstands  
non-emergency medical transport (Amended December 21, 2010)  
novelties shop  
offices: professional offices  
off-street parking  
parks  
playgrounds  
recreational facilities (private)  
recreational facilities (public)  
retail stores and services  
roads, streets, rights-of-way, easements  
sales services, repairs of office equipment  
security man's house  
signs-See Sections 35-95.-35-101.  
sporting goods shop  
stable, commercial riding  
theatres, indoor-not drive-ins  
watches, jewelry retail  
water systems

**SEC. 35-347. SPECIAL USE PERMIT.**

The following uses shall be permitted only by special use permit:

amusement centers, game rooms, electronic games, game machines, machine arcade  
assembly halls  
auction barns  
bowling alleys  
clubs (private)  
clubs (public)  
colleges  
community centers, buildings  
dormitories  
drive-in restaurants with walk-ins

drive-in theatres  
flea markets  
garages for automobiles, recreational vehicles, motorcycles  
lodge hails  
lodges  
marinas  
parking facilities-commercial  
public facilities, offices, storage yards  
public garages  
public utilities-including substations, power generation, water and sewer plants for treatment  
radio and television stations  
restaurants  
sales, service, and repair off automobiles, trucks, recreational vehicles, motorcycles, garden equipment, appliances, televisions, radios, phonographs, electrical, plumbing  
schools (public and private)  
skating rinks  
special temporary churches (Amended December 21, 1993)  
swim clubs  
stables, commercial riding  
stables (private)  
temporary areas, construction activity including temporary buildings portable, buildings (these uses may be limited by the County as to time)  
zoos and petting zoos (Amended December 21, 1993)

### **SEC. 35-348. AREA REGULATIONS.**

There is no minimum lot area/size, minimum lot width maximum lot coverage requirements except as provided herein in special circumstances and/or as may be required by the Board of Supervisors.

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel, or tract shall be subject to approval by the local Department of Health.

### **SEC. 35-349. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be sixty (60) feet.

A belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos, and water tanks are exempt.

Any building or structure shall be constructed, erected, installed, maintained, and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

### **SEC. 35-350. MINIMUM YARD DIMENSIONS.**

#### ***A. Front Setback***

Setback from the nearest point of house or principal structure (including porches or stoops or any accessory buildings) shall be thirty-five (35) feet from the edge or right-of-way.

#### ***B. Side Setback***

No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty (20) feet from a residential district boundary.

***C. Rear Setback***

No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than forty (40) feet from any type of residential use or living quarters nor residential district boundary.

**SEC. 35-351. MAXIMUM FLOOR AREA.**

Not regulated.

**SEC. 35-352. MINIMUM OFF STREET PARKING SPACE.**

See regulations, Section 35-80.-35-82.

**SEC. 35-353. OPEN SPACE REQUIREMENTS.**

A minimum landscaped area on any lot shall not be less than ten percent (10%) the area of the lot. This area shall be used to enhance the lot's appearance. The Zoning Administrator may require buffer zones as appropriate.

**SEC. 35-354. LOADING SPACE.**

See regulations, Section 35-85.

**SEC. 35-355. SIGNS.**

See sign regulations, Section 35-95.-35-101.

**SEC. 35-356. OTHER REGULATIONS.**

Site plans are required for all uses prior to issuance of building permit and zoning permit.

**SECS. 35-357.-35-363. RESERVED**

**DIVISION 10. BUSINESS DISTRICT GENERAL (B-2)**

**SEC. 35-364. PURPOSE.**

This district is created to provide locations for general business and commercial enterprise whereby the public shall require direct and frequent access, but which is not characterized by constant heavy trucking other than for stocking and delivery of retail goods for sale at the enterprises, or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

Uses in this district should be oriented to service the entire County or substantial portions thereof, rather than toward a neighborhood focus as in limited business district (B-1).

This district is limited to commercial, retail and wholesale, establishments which may have outdoor displays of product, but not outside storage, and do not manufacture their product on the premises and have no outside storage of materials.

**SEC. 35-365. PERMITTED USES.**

Within the General Business District (B-2), the following uses are permitted:

- accessory uses
- amusement centers; game rooms, electronic games; game machines; machine arcades amusement shops
- antique refinishing
- antique shops
- apartments in same building with business (upstairs apartment)
- apparel shops
- art supplies
- assembly halls
- bakeries
- banks
- savings and loans, finance, insurance offices
- barber shops, beauty shops
- blacksmiths
- boat clubs
- bowling alleys
- brick, block sales
- building material sales
- butcher shops
- candy shops
- car and vehicle wash operations
- carpet cleaning
- cemeteries-community and commercial
- cemeteries-on joint church property
- child day care centers (licensed) (Amended February 18, 1992)
- churches
- clubs (private)
- clubs (public)
- cold storage lockers, facilities
- colleges
- community centers, buildings
- contractors offices and facilities
- convenience stores
- country clubs
- country stores
- County Government uses such as waste collection, recycling, recreation, etc..
- craft shops
- custom meat cutting operations

dormitories  
drive-in restaurants/walk-ins  
dry cleaning and laundry  
drug stores  
eldercare centers, homes, facilities (licensed)  
emergency services facilities-fire, rescue  
feed and seed stores  
flea markets  
food and groceries  
funeral homes and mortuaries  
furniture  
garages-private, storage of personal vehicles  
garages-for repair of automobiles, recreational vehicles, motorcycles, trucks  
gardens (private)  
gasoline stations  
gift shops  
golf clubs, club houses  
golf courses  
golf courses (miniature)  
golf driving ranges  
greenhouses and nurseries  
hardware  
hobby shops and toys  
home, and apartment combinations with business  
homes for developmentally disabled  
hospitals  
laundromats  
libraries  
lodge halls  
lodges  
manses-church-owned dwelling units  
manufactured/mobile home sales  
marinas  
medical clinics, not veterinary  
milk distribution, milk and dairy products  
motels, hotels, tourist, and resort facilities  
museums  
newsstands  
non-emergency medical transport (Amended December 21, 2010)  
novelty shops  
nursing homes  
off-street parking  
offices; professionals  
paint contractors  
paint stores  
parks  
parking facilities-commercial  
piers, docks-commercial



playgrounds  
print shops  
printing plants-newspapers only  
radio and television stations  
railroad facilities  
recreational facilities (private)  
recreational facilities (public)  
restaurants  
roads, streets, rights-of-way, easements  
sales, service, and repair of automobiles, trucks, recreational vehicles, motorcycles, farm equipment, garden equipment, appliances, televisions, radios, phonographs, plumbing, boats, motors (gas, electrical), mobile homes, machinery, office equipment, sewage disposal systems, tires, telephones, upholstery, watches, jewelry, construction equipment  
senior citizens homes, centers  
signs-See Sections 35-95.-35-101.  
skating rinks  
sporting goods  
stables, commercial riding  
swim clubs  
temporary uses, construction activity-including temporary buildings, portable buildings (these uses may be limited by the County as to time)  
theatres, indoor  
wayside stands  
woodworking  
water systems

**SEC. 35-366. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

arenas  
auditoriums  
cabinet shops  
carnivals  
circuses  
dance halls  
drive-in theatres  
fairs  
heliports,  
airports  
horse shows  
kennels  
laboratories, research facilities  
machine shops, no presses  
meat processing, not a slaughter house  
outdoor displays, on business property  
outdoor theatres  
pool halls  
public facilities, offices, storage yards

public garages  
public utilities-including substations, power generation, water and sewer treatment  
public utilities-towers, structures  
raceways.  
radio and television towers  
radio and television transmission/transmitters  
schools  
shopping centers, malls, complexes  
special temporary churches (Amended December 21, 1993)  
stables (private)  
stadiums  
veterinary clinics, hospitals  
zoos and petting zoos (Amended December 21, 1993)

### **SEC. 35-367. AREA REGULATIONS.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel, or tract shall be subject to approval by the local Department of Health.

### **SEC. 35-368. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be sixty (60) feet.

Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempt.

Any building or structure constructed, erected, installed, maintained shall be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

### **SEC. 35-369. MINIMUM YARD DIMENSIONS.**

#### ***A. Front Setback***

Setback from the nearest point of house or principal structure (including porches or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

#### ***B. Side Setback***

No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty (20) feet from a residential district boundary. (Amended December 21, 1993)

#### ***C. Rear Setback***

No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

**SEC. 35-370. MAXIMUM FLOOR AREA.**

Not regulated.

**SEC. 35-371. MINIMUM OFF-STREET PARKING SPACE.**

See Regulations, Sections 35-80.-35-82.

**SEC. 35-372. OPEN SPACE REQUIREMENTS.**

A minimum landscaped area on any lot shall not be less than ten percent (10%) the area of the lot. This area shall be used to enhance the lot's appearance. The Zoning Administrator may require buffer zones as appropriate.

**SEC. 35-373. MINIMUM LOADING SPACE.**

See Regulations, Section 35-85.

**SEC. 35-374. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-375. OTHER REGULATIONS.**

Site plans are required for all uses prior to issuance of zoning permit and building permit.

**SECS. 35-376-35-381. RESERVED**

**DIVISION 11. INDUSTRIAL DISTRICT (M-1); LIGHT INDUSTRY**

**SEC. 35-382. PURPOSE.**

This district is established to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust and other nuisances; who operate primarily within enclosed structures and who do not deal with large volumes of customers on a continuous basis throughout the day.

Limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, or noise, landscaping and the number of persons employed may be imposed to protect and foster environmental desirability while permitting industries of certain types to locate near a labor supply, provided buffering districts or buffering land is provided, buffer zones may be required by the Zoning Administrator to mask industry operations from adjacent non-industrial zoned districts. This buffering may take several forms including but not limited to fencing, barriers, trees, shrubs, or other ornamental landscaping. This buffering action will be the responsibility of the industry and the requirements described on the zoning document and/or building permit.

This district is limited to commercial establishments, retail and wholesale, and light manufacturing on and off the premises all of which may have outside storage of materials and outside displays of product for sale.

**SEC. 35-383. PERMITTED USES.**

Within the light industry industrial district (M-1) the following uses are permitted:

accessory uses  
adult care (licensed)  
agricultural warehouses  
aircraft assembly, mfg.  
amusement shop  
auditorium  
auction barn, auction house  
apartments in same building with business (upstairs apartments)  
apparel mfg.  
appliance mfg.-small, household type  
appliance mfg.-large, household type  
arenas  
art supplies mfg.  
assembly hails  
automobile mfg.  
automobile, other vehicle wash operations  
bakery-large, commercial type  
beverage and bottling operations  
blacksmith  
boat building  
brick and block, retail/wholesale, not mfg.  
broom and brush mfg.  
butcher shop  
business equipment mfg.  
building materials retail/wholesale  
building materials mfg.  
cabinet shops  
candy and confectionery mfg.  
canvas mfg.  
cardboard mfg.  
carpet cleaning  
caterers  
cellophane mfg.  
cemeteries-community and commercial type  
cemeteries-on joint church property  
child day care (licensed)  
churches  
clocks mfg,  
cloth mfg., assembly of products from cloth  
coal, coke storage yards

cold storage locker facilities  
colleges  
communication equipment mfg.  
computer equipment mtg.  
construction equipment mfg.  
conservation areas public and private  
contractors office and facilities  
convenience store  
cosmetics mfg.  
country store  
county government uses such as waste collection, recycling, recreation, etc.  
crafts mfg.  
crafts shop  
custom meat cutting operations  
cut and sew operation  
dairy products mfg.  
day care centers; adult day care centers (licensed)  
die-cut paperboard mfg.  
dormitories  
drafting equipment mfg.  
drive-in restaurant, with walk-in  
drugs compounding, mfg.; packaging  
dry-cleaning and laundry shop  
eldercare center, facilities (day care); licensed  
electrical machinery and equipment mfg.  
emergency services facilities-fire, rescue  
farm equipment mfg.  
feed and seed stores  
fire extinguisher mfg.  
flea markets  
flooring mfg.  
floor covering mfg.  
food and grocery stores  
food products mfg.  
freight stations  
frozen food products mfg.  
fruit processing  
furniture and cabinet mfg.  
furniture fixtures mfg.  
furniture store  
gasoline stations  
garages, private, for storage of personal vehicles  
garages for repair of autos, recreational vehicles, trucks, motorcycles  
gardens-private  
general store  
glass, clay products mfg.  
greenhouses, nurseries  
hardware store  
heliports, airports

hobby shop, toy store  
homes for developmentally disabled  
home or apartment in combination with a business  
hospitals  
ice mfg.  
industrial controls mfg.  
instrument mfg.-electronic, scientific, engineering, medical or dental  
jewelry mfg.  
kennels  
laboratories and research facilities  
lamp, lampshade mfg.  
laundries, commercial type  
libraries  
lighting equipment mfg.  
lithography  
lodge halls  
lodges  
lumber and wood products mfg.  
machine shops, with no presses  
machinery mfg., other than appliances-no presses  
manufacture of products from bone, canvas, cellophane, cloth cork, feathers, felt, fiber, fur, glass,  
hair, horn, leather, paint, plastic, precious metals, precious stones, rubber, shell, textiles, wood-  
previously prepared  
malt products mfg.  
manses, church owned dwelling units  
marinas  
meat processing, not a slaughter house  
medical clinics, not veterinary  
milk distribution, retail  
milk and dairy products retail  
milk stations  
milk and dairy products mfg.  
milk bottling  
manufactured/mobile home mfg.  
manufactured/mobile home sales  
mortician supply mfg.  
motels, hotels, tourist and resort facilities  
motion picture productions  
motors, motor parts mfg., no presses  
moving and storage firms  
museums  
musical instruments  
newsstands  
non-emergency medical transport (Amended December 21, 2010)  
novelty shops  
nursing homes  
offices; professional  
office products mfg.

off-street parking  
optical goods mfg.  
outdoor theatres  
outdoor displays on business properties  
paint store  
paint contractor  
paint mfg.  
paperboard mfg.  
paper products mfg., not raw paper, pulp processing  
parking facilities-commercial  
pasta mfg.  
pens and pencils and artists materials mfg.  
perfume mfg.  
permanent chipping mill  
permanent planning mill  
permanent sawmill  
pharmaceutical laboratories, mfg.  
phonograph, related audio products mfg.  
photography equipment mfg.  
piers, docks-commercial  
plumbing parts mfg.  
pottery, figurine mfg., from previously prepared materials  
portable and temporary chipping mill  
portable and temporary planing mill  
portable and temporary sawmill  
precious metals processing  
precious stones processing  
print shop  
product development  
public garages  
public utilities, including substations, power generation, water and sewer plants for treatment public  
utilities structures, towers  
public facilities, offices, storage yards  
pulpwood storage and processing  
radio and TV stations  
railroad facilities  
restaurants  
roads, streets, right of ways, easements  
roasted coffee, tea products mfg.  
rubber, and rubber products mfg.  
sales, service, and repairs of: autos, trucks, recreational vehicles, motorcycles, farm equipment,  
garden equipment, appliances, television, radios, phonographs, electrical equipment, plumbing,  
logging equipment, boats, motors (gas and electrical), manufactured/mobile homes, machinery,  
sewage disposal systems, tires, telephone, upholstery, watches, jewelry, construction equipment  
security man's house  
senior citizens center (day care); licensed  
sewage disposal system mfg.  
sheet metal shop  
sheet metal mfg.

shell processing  
signs-See Sections 35-95.-35-101.  
sign mfg.  
shopping centers, malls, complexes  
spice mfg.  
sporting goods store  
sporting goods and athletic goods mfg.  
sugar mfg.  
straw processing  
telephone exchanges, manned or unmanned  
telephone mfg.  
temporary uses, construction activity, including temporary buildings, portable buildings these uses may be limited by the County as to time  
textile mfg., yarn mfg.  
theatres-indoor  
tire mfg., recycling  
tobacco products mfg.  
toiletries mfg.  
toys and amusements mfg.  
TV set manufacture  
umbrella and cane mfg.  
upholstery firms  
veterinary clinic, hospital  
vegetable processing  
watch mfg.  
wayside stands  
welding operations  
wine, spirits mfg., licensed  
wood products mfg. wood storage  
wood working shops

#### **SEC. 35-384. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permits:

adult use-See Section 35-395.  
appliance mfg. industrial/commercial type  
billboards, panels  
biological compounding  
feed milling  
fibre plants  
flour milling  
feed and seed processing mill  
grain milling  
metal-stamping:  
mining  
parks  
poultry processing and packaging



publishing house, printing  
quarrying  
raceways  
radio and TV towers  
radio and TV transmission/transmitters  
recycling centers, commercial (Amended December 21, 1993)  
research, development, and testing  
science, technology, research facilities  
schools-public and private  
special temporary, churches (Amended December 21, 1993)  
stadiums  
transportation facilities, terminals  
trucking facilities, terminals  
truck stops  
vegetable oil milling, processing  
water systems-private  
wood preserving

**SEC. 35-385. SPECIAL PERFORMANCE STANDARDS.**

**RESERVED** See Section 35-90.

**SEC. 35-386. AREA REGULATIONS.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel, or tract shall be subject to approval by the local Department of Health.

**SEC. 35-387. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be eighty (80) feet. Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempt.

Any building or structure shall be constructed, erected, maintained, and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

**SEC. 35-388. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

Setback from the nearest point of house or principal structure (including porches, stoops or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

***B. Side Setback***

No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

***C. Rear Setback***

No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

**SEC. 35-389. MAXIMUM FLOOR AREA.**

Not regulated.

**SEC. 35-390. MINIMUM OFF-STREET PARKING SPACE.**

See Regulations, Sections 35-80.-35-82.

**SEC. 35-391. OPEN SPACE REQUIREMENTS.**

A minimum landscaped area on any lot shall not be less than ten percent (10%) the area of the lot. This area shall be used to enhance the lot's appearance. The Zoning Administrator may require buffer zones.

**SEC. 35-392. MINIMUM LOADING SPACE.**

See Regulations, Section 35-95.

**SEC. 35-393. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-394. OTHER REGULATIONS.**

Site plans are required for all uses prior to issuance of zoning permit and building permit.

**SEC. 35-395. ADULT USES.**

**SEC. 35-395.1. APPLICATION.**

In any district in which a use is otherwise permitted, if such use constitutes an "adult use," as defined herein, the minimum requirements and standards set out in this division shall apply to such use.

**SEC. 35-395.2. DEFINITIONS.**

In this section, unless the context otherwise requires, the following words or terms are defined as set out herein:

**Adult bookstore:** An establishment that devotes more than fifteen percent (15 %) of the total floor area utilized for the display of books and periodicals to the display and sale of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15 percent (15 %) of the total floor area of the establishment to the sale of books and periodicals.

**Adult use:** Any adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult motion picture arcade, adult model studio, adult drive-in theatre, or massage parlor, as defined herein.

**Adult motion picture theatre:** An establishment, with a capacity of fifty (50 ) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown; and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction of description of "specified sexual activities" or "specified anatomical areas" for observation by patrons. Movies rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America shall be exempted from Adult Use standards/regulations.

**Adult mini-motion picture theatre:** An establishment, with a capacity of more than five but less than fifty (50) persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons. Movies rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America shall be exempted from Adult Use standards/regulations.

**Adult motion-picture arcade:** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or specified "anatomical areas." Movies rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America shall be exempted from Adult Use standards/regulations.

**Adult drive-in-theatre:** An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons. Movies rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America shall be exempted from Adult Use standards/regulations.

**Adult model studio:** Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Code of Virginia, 1950, as amended, for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

**Certified massage therapist:** Any person who administers a massage to a client, in exchange for consideration, and who is qualified as a certified massage therapist pursuant to the requirements of the § 54.1-3029, Code of Virginia, 1950, as amended.

**Massage:** A method of treating the external parts of the human body for comfort or the general well-being of the body, consisting of rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

**Massage parlor:** Any establishment, whether private or public, that is not licensed or certified by the Commonwealth of Virginia, operated as a massage salon, bath parlor, or similar type of business where any physical or mechanical contact is made to a recipient's body by another person or mechanical device for the purpose of massaging or stimulating the recipient's body. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, physical therapist, chiropractor, osteopath, or certified message therapist, or any employees thereof, working under the direction and supervision of the above-referenced individuals duly licensed and/or certified by the Commonwealth of Virginia.

**Specified anatomical areas:**

- a. Less than completely and opaquely covered:
  1. Human genitals, pubic region;
  2. Buttock, and
  3. Female breast below a point immediately above the top of the areola.

- b. Human male genitals in discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities:**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SEC. 35- 395.3. REQUIREMENTS AND STANDARDS.**

A. No Adult use shall be permitted:

- 1. Within three (3) miles of any other existing Adult Use; and
- 2. Within two thousand five hundred (2,500) feet of any existing residential use or residentially zoned district, or any of the following uses:
  - a. Churches, monasteries, chapels, synagogues, convents, or other places of worship;
  - b. Public and private schools, or other educational institutions, up to and including twelfth (12<sup>th</sup>) grade, and their adjunct play areas, and colleges; and
  - c. Public playgrounds, community swimming pools, day-care center, public parks, and public libraries; and
- 3. All distances specified in this section shall be measured from the property line of one use to another. The distance between an Adult Use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district; and
- 4. The "establishment" of an Adult Use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to any Adult Use;
- 5. In addition to the requirements set forth in this section, all Adult Uses shall be required to comply with any and all other local, state, or federal ordinances, regulations, and law applicable to the same; and

B. Signs and other visible messages.

- 1. Signs:
  - a. Sign messages shall make no reference to specified anatomical areas or specified sexual activities; and
  - b. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises; and

- c. Signs shall also meet all additional requirements contained in this ordinance.
2. Other visible messages.
  - a. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentations of persons performing or services offered on the premises.

**SEC. 35- 395.4. EXEMPTIONS.**

The provisions of this Chapter shall not be applicable to the following persons, while such persons are engaged in the performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, osteopaths, physical therapists, and certified massage therapists, duly licensed to practice in the Commonwealth of Virginia;
2. Any employees, working under the direction and supervision of the individuals listed in § 35-396.3.1;
3. Nurses duly licensed by the Commonwealth of Virginia;
4. Trainers of any amateur, semi-professional, or professional athlete or athletic team;
5. Barbers and beauticians duly licensed by the Commonwealth of Virginia who administer massages only to the scalp, face, neck, or shoulders of clients; and
6. Students of state-approved massage therapy programs, provided said students are acting under the direction and supervision of a certified massage therapist.  
(B.S.M. 4/7/2014)

**SECS. 35-396.-35-400. RESERVED**

**DIVISION 12. INDUSTRIAL DISTRICT (M-2); HEAVY INDUSTRY**

**SEC. 35-401. PURPOSE.**

This district is established to provide locations for larger scale manufacturing, processing, and warehousing operations which may require extensive community facilities and access to transportation facilities have open storage and service areas and generate heavy truck traffic. These districts may be established by amendment to the Zoning Map to permit industries which have a public nuisance potential and will therefore be subject to intensive review for locational impact on surrounding land uses and environment. These districts may be established in areas: a) that are served by major highways, rail or air service, or secondary road improved to state standards; b) that are either served by public water and sewer or meet requirements of the local office of the State Health Department, and c) that are clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development. This district is designed to encompass heavy manufacturing with large outside storage, warehousing, and large product display areas. Buffering zones may be required by the Zoning Administrator to mask industry operations from

adjacent non-industrial zoned districts. This buffering may take several forms including but not limited to fencing, barriers, trees, shrubs, or other ornamental landscaping. This buffering action would be the responsibility of the industry and requirements described on the zoning document and/or building permit.

**SEC. 35-402. PERMITTED USES.**

Within the heavy industry industrial district (M-2), the following uses are permitted:

accessory uses  
abrasives mfg.  
agricultural warehouses  
animal fats, oils mfg.  
apparel mfg,  
appliances mfg. small household type  
appliances mfg. large household type  
appliances mfg. industrial/commercial type  
arenas  
asphalt mixing  
auditoriums  
automobiles mfg.  
batteries mfg.  
billboards, panels  
blast furnaces, iron and steel works  
block mfg.  
boilers mfg.  
brick mfg.  
building materials mfg.  
cabinet shops  
cement, concrete mixing  
chemicals mfg.  
cut stone operations  
coal, coke storage yards  
conservation areas-public and private  
construction equipment mfg.  
County government uses such as waste collection, recycling, recreation, etc.  
crematories  
distilling liquors, licensed  
dry cleaning-industrial  
electrical machinery equipment mfg.  
electric transformers-private  
electric power generation-private  
emery cloth mfg.  
emergency service facilities-fire, rescue  
farm equipment mfg.  
feed lots  
feed mill  
feed and seed processing  
flooring mfg.

floor covering mfg.  
furniture and cabinet mfg.  
furniture fixtures mfg.  
fur dressing, dyeing  
fur products mfg.  
garages, commercial for: autos, recreational vehicles, motorcycles, trucks  
glass, clay products mfg.  
greenhouses, nurseries-retail/wholesale  
gypsum products mfg.  
heliports, airports  
homes, modular type, mfg.  
iron and steel foundries  
kennels  
leather tanning operations  
lime, lime products, mfg.  
linoleum mfg.  
livestock markets  
lumber, wood products, mfg.  
machine shop with punch presses  
manufactured/mobile homes mfg.  
meat processing, not slaughterhouse  
metal works, fabricators  
microwave transmission tower  
milk stations  
metal stamping  
monumental stone works  
motors, motor parts, mfg.  
non-emergency medical transport (Amended December 21, 2010)  
non-ferrous foundry  
offices; professional  
off-street parking  
outdoor displays on business properties  
paint mfg.  
paperboard mfg.  
paper mfg., raw product  
parking facilities-commercial  
permanent chipping mill  
permanent planning mill  
permanent sawmill  
plaster mfg.  
plastics mfg.  
portable and temporary chipping mill  
portable and temporary planing mill  
portable and temporary sawmill  
pottery products mfg.  
publishing house, printing firms  
public garages



public utilities, including substations, power generation, water and sewer plants for treatment  
public utilities structures, towers  
public facilities, offices, storage yards  
public recreational facilities  
pulpwood storage and processing  
radio and TV stations  
railroad facilities  
recycling centers, commercial (Amended December 21, 1993)  
roads, streets, rights-of-ways, easements  
rubber, rubber products mfg.  
sand and gravel operations  
science, technology, research facilities  
security man's house  
sewage disposal systems mfg.  
seed oil milling  
sheet metal mfg.  
signs-See Sections 35-95.-35-101.  
slaughter houses  
smelting operations  
soap mfg.  
soybean milling  
stadiums  
steam generation  
telephone exchanges, manned and unmanned  
temporary uses, construction activity, including temporary buildings, portable buildings-these uses  
may be limited by the County as to time  
temporary uses, including circuses, fairs, shows, carnivals-limited to four (4) months duration  
tires mfg., recycling  
tool and die works  
transportation mfg., large equipment  
transportation facilities, terminal  
trucking facilities, terminal  
truck stops  
vegetable oil milling  
veterinary clinic, hospital  
wine, spirits, production; licensed  
wood preserving operations  
wood storage

### **SEC. 35-403. SPECIAL USE PERMITS.**

The following uses shall be permitted only by special use permit:

abattoirs (rendering plants)  
acetylene mfg.  
acid mfg.  
automobile, vehicle graveyards  
canning  
child day care (licensed) (Amended February 18, 1992)  
crushed stone operations

curing food  
electric transmission-private  
electric towers-private  
fertilizer mill  
feed and grain storage  
flour milling  
food products mfg.  
frozen food products mfg.  
fruit processing  
gasoline stations  
gasoline storage bulk  
grain milling  
incineration of animals, garbage, wastes-non-radioactive  
junkyards, salvage yards  
LP gas, natural gas storage  
malt products mfg.  
matches mfg.  
milk bottling  
milk, dairy products mfg.  
mining (conforming to State regulations)  
oil, gas transmission facility  
ordnance (explosives) mfg.  
petroleum, petroleum by-products refining, processing, storage  
poultry processing, packaging  
private recreational facilities  
public landfills non-hazardous, non-radioactive materials, approved by the Virginia Department of Waste Management and Pittsylvania County Waste Ordinance (Chapter 29)  
public recreational facilities  
special temporary churches (Amended December 21, 1993)  
quarrying (conforming to State regulations)  
raceway  
roasted coffee, tea products  
radio and TV towers  
radio and TV transmission/transmitters  
salvage yards  
spice processing, packaging

**SEC. 35-404. SPECIAL PERFORMANCE STANDARDS.**

**RESERVED** See Section 35-90.

**SEC. 35-405. AREA REGULATIONS.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel, or tract shall be subject to approval by the local Department of Health.

**SEC. 35-406. MAXIMUM HEIGHT OF BUILDINGS.**

The maximum height of buildings in this district shall be eighty (80) feet.

Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempt.

Any building or structure shall be constructed, erected, installed, maintained, and be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

**SEC. 35-407. MINIMUM YARD DIMENSIONS.**

***A. Front Setback***

Setback from the nearest point of house or principal structure (including porches, stoops, or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

***B. Side Setback***

No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

***C. Rear Setback***

No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

**SEC. 35-408. MAXIMUM FLOOR AREA.**

Not regulated.

**SEC. 35-409. MINIMUM OFF-STREET PARKING SPACE.**

See Regulations, Sections 35-80.-35-82.

**SEC. 35-410. OPEN SPACE REQUIREMENTS.**

A minimum landscaped area on any lot shall not be less than ten percent (10%) the area of the lot. This area shall be used to enhance the lot's appearance. The Zoning Administrator may require buffer zones.

**SEC. 35-411. MINIMUM LOADING SPACE.**

See Regulations, Section 35-45.

**SEC. 35-412. SIGNS.**

See Sign Regulations, Sections 35-95.-35-101.

**SEC. 35-413. OTHER REGULATIONS.**

Site plans are required for all uses prior to issuance of zoning permit and building permit.

**SECS. 35-414.-35-528. RESERVED**

**DIVISION 13. CONSERVATION DISTRICT, C-1**

**SEC. 35-529. PURPOSE.**

This district covers portions of the County which are occupied by various open spaces such as steep slopes, forest, parks, marshland, lakes, watersheds needing protection since they supply public water impoundments, or stream valleys. This district is established for the specific purpose of conserving water and other natural resources, reducing soil erosion, protecting watersheds, reducing hazards from flood and fire and preserving wildlife areas of the County. This district is distinguished from agricultural districts in that fewer permitted uses and special uses are allowed secondly, density and intensity of land use activities should be less overall to produce less chance for pollution problems to critical water supplies, for example, and thus protect public health.

**SEC. 35-530. PERMITTED USES.**

Within Conservation District C-1, the following uses are permitted:

accessory buildings and uses

agriculture, provided that no structure containing poultry, or livestock and no storage of manure or odor or dust-producing substance shall be located within two hundred (200) feet of a district boundary

churches, manses, parish houses, and adjacent cemeteries

commercial horse riding stables

commercial plant nurseries and greenhouses, wholesale.

County government uses such as waste collection, recycling, recreation, etc.

emergency services, fire stations, or watch towers

fish hatcheries

forestry operations including necessary temporary buildings and uses incidental thereof (not including sawmills)

garages, private (for storage of personal vehicles, trucks, and farm machinery)

home occupations, Class A

home occupations, Class B (Amended February 18, 1992)

manufactured/mobile homes (Amended February 18, 1992)

non-emergency medical transport (Amended December 21, 2010)

public or private preserves, parks, and conservation areas

public utilities-poles, lines, transformers, pipes, meters, and related or similar facilities

public water and sewer distribution lines, treatment facilities, and pumping facilities

signs-See Section 35-95.-35-101.

single-family dwellings

temporary sawmills, provided that no operation related to the sawmill shall be located within a thousand (1,000) feet of the property line of a church, school, or other place of assembly timber harvesting

**SEC. 35-531. SPECIAL USE PERMIT REQUIRED.**

The following uses shall be permitted only by special use permit:

cemeteries

church or summer camps with interior dining facilities

country clubs, community centers, swimming, and/or tennis clubs, and golf courses

feed lots when located within a thousand (1,000) feet of a residential district and village district boundary line, but in no case shall a feed lot be located within two hundred (200) feet of a residential district and village district boundary line

oil, gas, uranium, and mineral exploration, extraction and production, provided the provisions of Section 45.1-106 through 45.1-144, 45.1-272 through 45.1-285 of the Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to

home occupations-Class B

kennels

permanent sawmills, provided that no operation related to the sawmill shall be located within two thousand (2,000) feet of a church, school, or other places of assembly

public utilities-electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave transmission and relay towers and sub-stations; unmanned telephone exchange centers, and similar such facilities

radio and television transmitters and towers

signs-See Section 35-95.-35-101.

special temporary churches (Amended December 21, 1993)

travel trailers or parks

horse show grounds

marinas

waterslides

### **SEC. 35-532. OTHER REQUIREMENTS.**

Area regulations, Maximum Height of Buildings, Minimum Yard Dimensions, Minimum off-Street Parking Spaces, Open Space Requirements, Maximum Number of Units Allowed for Agricultural District (A-1) shall apply to this District.

The Site Development Plans/Concept Plans for Permitted Uses or Special Uses within designated Conservation Zones shall require specific and detailed plans and measures by the owner/agent for control or erosion and sediment and shall satisfy the Zoning Administrator, the Planning Commission, and the Board of Supervisors that any possible authorized activities *will not* contaminate or otherwise incapacitate the land and waters of the zone. Failure to properly document these plans to conserve and protect the water, the watershed, the natural resources, and the land will result in denial of use.

Commercial timber harvesting of more than five (5) acres in Conservation Districts shall have a written Preharvesting Plan (Forest Management Plan). The purpose of this plan is to reduce soil erosion and subsequent stream sedimentation through the proper design, layout, construction, maintenance, and use of Logging roads, Skid roads, and Loading decks used in conjunction with timber harvesting operations. This plan will be prepared by a professional forester and shall be submitted to and approved by the Zoning Administrator prior to commencing operations.

### **SEC. 35-533.-35-544. RESERVED**

**ARTICLE IV.**  
**SPECIAL PROVISIONS**

**DIVISION 1. OVERLAY DISTRICT/SPECIAL DISTRICT: LAKE  
SURFACE DISTRICT**

**SEC. 35-545. PURPOSE.**

It is the intent of this Section to establish standards for the surface of Smith Mountain Lake, Leesville Lake, and other lakes of one hundred (100) acres or more lying within Pittsylvania County's jurisdiction for the purpose of enhancement of public recreation and water safety on these lakes. Lakes covered are those with land ownership contiguous to its shoreline more than four (4) or more landowners.

**SEC. 35-546. AREA CONSIDERED.**

This Section shall apply to the surface waters (and flowage easement area) of lakes and to land uses bordering on and directly affecting the use of water of Smith Mountain Lake, Leesville Lake, and other lakes of one hundred (100) acres of greater in size.

**SEC. 35-547. OVERLAY DISTRICT.**

This district may be considered as an overlay zone its peripheral boundaries may overlap district zones adjacent to Smith Mountain Lake, Leesville Lake, and other lakes of one hundred (100) acres of greater in size.

**SEC. 35-548. PIERS AND DOCKS REGULATED.**

**Piers**

Piers may extend over the water for a distance of eighty (80) feet from the shore regardless of the depth, or may extend beyond eighty (80) feet to a depth often ten (10) feet, measured at full pond height, to a maximum extension over the water of one hundred twenty (120) feet from shore. However, in no event shall a pier facility, when located in a cove, extend more than one-third (1/3) the width of the cove measured from the shore at the point of the proposed construction to the nearest point on the opposite shore. Two (2) piers, built from opposite sides of a cove, cannot through their combined lengths extend greater than two-thirds (2/3) the distance across a cove; the intent here is to reserve at all points an open channel equal to at least one-third (1/3) of the cove's width at all points. Also, the pier shall extend into the water so as to remain confined within a projection of the side lot lines of the lot on which the pier is located, maintaining the side yard requirements of this or any other Ordinance or regulation, and shall conform to all applicable local, state, and U.S. Army Corps of Engineers regulations (the responsible federal agency).

Exception: The following applies only to private pier facilities: Individuals who own waterfront property and who cannot build a pier or boathouse facility which will meet the one-third rule (width of the channel or cove) may apply for a variance to the rule and, with the approval of all the persons who will be affected by the proposed pier, may be granted such variance by the Board of Zoning

Appeals. The variances shall be limited to docks and piers which extend no further than eighty (80) feet into a lake from the seven hundred ninety-five (795) full pond level.

**Boat Houses and Similar Marine Structures**

Boat houses and other like structures shall be required to conform to the length requirements set out above for piers. For example, when included on piers and docks, they shall not cause the piers or docks to exceed the one hundred twenty (120) foot or one-third (1/3) distance, requirement set out.

**SEC. 35-549. MOORINGS AND FLOATS.**

When placed in the lakes for navigational purposes, moorings and floats shall be so placed only with the expressed written approval of the Board of Supervisors or its delegated agent. Guiding regulations shall include:

1. When placed for the purpose of mooring boats or other legal and authorized floating objects, the mooring shall be separated on every side from any other mooring by a distance of fifty (50) feet.
2. Moorings and floats shall be located so as to permit unobstructed passage on the lakes of through boats.
3. Moorings and floats shall not be anchored in such manner as to deny or obstruct in any manner access to the lakes from boat docks or piers, boat houses, or boat launching ramps.

**SEC. 35-550.-35-563. RESERVED**

**DIVISION 2. OVERLAY DISTRICT/SPECIAL DISTRICT: FLOODPLAIN DISTRICT**

**SEC. 35-564. REGULATIONS FOR USE, ACTIVITIES AND DEVELOPMENT IN**

**FLOODPLAIN AREAS SHALL BE CONTROLLED BY THE PITTSYLVANIA COUNTY**

**FLOODPLAIN ORDINANCE AS AMENDED FROM TIME TO TIME.**

(Amended February 18, 1992)

**DIVISION 3. MANUFACTURED HOMES (AMENDED JUNE 7, 1999)**

**SEC.35-565. INTENT.**

To insure manufactured homes locating into Pittsylvania County satisfy the standards of quality, durability and safety established under the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, and to help preserve the health, safety and general welfare of the citizens of Pittsylvania County, Virginia, any manufactured home not meeting the Federal Standards as promulgated under the aforesaid Federal Act will not be allowed to be brought into Pittsylvania County.

**SEC. 35-566. DEFINITIONS.**

**Federal Act** - means the National Manufacturing Housing Construction and Safety Standards Act of 1974, as amended. (42 U. S. C. Sec. 5401 et sec.)

**Federal Regulation** - means the Federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by Sec. 625 of the act, and designated as part 3282, Chapter XX, title 24 of HUD's regulations (24.CFR Part 3282), and any and all future modifications and codifications thereof as from time to time are adopted (part 3282 consists of sub-parts A through L, with sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976).

**Federal Standards** - means the Federal Manufactured Home Construction and Safety Standards.

**HUD** - means the United States Department of Housing and Urban Development.

**Label or Certification Label** - means the approved form of certification by the manufacturer that, under 24 CFR. 3282.362 (c)(2)(7) of the Manufactured Home Procedural and Enforcement Regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

**Manufactured Home** - a structure subject to federal regulation, that meets or exceeds manufactured home construction and safety standards promulgated by the U. S. Department of Housing and Urban Development (the "Federal Standards"), which is transportable in one or more sections, is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three-hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling with or without a permanent foundation, and is designed to be connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Note: Pittsylvania County considers mobile homes and manufactured homes to be synonymous as regards to its subdivision and Manufactured Housing Park ordinances.

**Mobile Home** - a manufactured home as defined in this Ordinance.

**Skirting** - means a weather resistant material used to enclose the space from the bottom of the manufactured home to grade.

**SEC. 35-567. FEE.**

- A. A permit fee of seven cents (\$0.07) per square foot shall be charged each time a mobile home is set up.
- B. An inspection fee of one hundred dollars (\$100) shall be charged upon each inspection of a manufactured home to insure it meets federal standards.

**SEC. 35-568. MANUFACTURED HOME STANDARDS.**

- A. The federal standard shall be the sole standard applicable regarding design, construction, and safety of any manufactured home as defined in this ordinance. The local building official



shall accept certificates of compliance with the Federal Standards for manufactured homes when such certifications are made according to federal regulations.

- B.
1. Manufactured homes displaying an unaltered certification label as prescribed by the federal standard shall be accepted by the local building official as meeting the requirements of this ordinance.
  2. Any manufactured home that is brought into Pittsylvania County, or for which a building permit, zoning permit, or certificate of occupancy is sought, that does not bear such certification label shall be subject to inspection by the local building official to insure the manufactured home meets the federal standards. To such end, the owner or applicant must prepare any non-certified manufactured home for inspection such to permit unobstructed access by the building official to all wiring, insulation, plumbing, wall studs, floor joists, and ceiling joists.

**SEC. 35-569. SKIRTING.**

Manufactured homes installed or relocated pursuant to the building code shall having skirting installed within sixty (60) days occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one closeable opening in the skirting providing access to any water supply or sewer drain connections under the home. Such opening shall be a minimum of eighteen (18) inches in any dimensions and not less than three (3) square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the building code.

**SEC. 35-570. ENFORCEMENT.**

Pursuant to the authority granted in Virginia Code Section 36-85.11, the local building official is authorized and shall enforce this ordinance.

**SEC. 35-571.-673. RESERVED**

**DIVISION 4. AIRPORT OVERLAY ZONING DISTRICT**

**SEC. 35-674. PURPOSE.**

The purpose of this section is to regulate and restrict land development and the use of property in the vicinity of the Danville Regional Airport through the establishment of the Airport Overlay Zoning District. It is hereby declared that land development which constitutes an airport hazard endangers the lives and property of the users of the airport and of the occupants of land in its vicinity. It is also hereby declared that airport hazards in effect reduce the size of the area available for landing, taking off and maneuvering of aircraft thus tending to destroy or impair the utility of, and public investment in the Danville Regional Airport. Accordingly, it is declared necessary in the interest of the public health, safety, and general welfare of the citizens of Pittsylvania County, Virginia, that the

prevention of hazards shall be accomplished by the application and enforcement of special regulations relative to hazards referred to in this section.

*All regulations set forth in this section shall apply in addition to other regulations set forth elsewhere in this Zoning Ordinance.*

**SEC. 35-675. ESTABLISHMENT OF AIRPORT OVERLAY ZONING DISTRICT.**

The boundaries of the Airport Overlay Zoning District are established on the Pittsylvania County Zoning District Map.

**SEC. 35-676. INTERFERENCE WITH AIR COMMUNICATION OR NAVIGATIONAL EQUIPMENT OR OPERATIONS.**

No use may be made of and within the Airport Overlay Zoning District which (a) creates electrical interference with radio communications between aircraft and the airport (b) makes it difficult for flyers to distinguish between airport lights and other lights; (c) results in glare in the eyes of pilots using the airport; (d) emits smoke which impairs visibility of the airport; or (e) otherwise endangers the landing, take-off, or maneuvering of aircraft.

**SEC. 35-677. HEIGHT LIMITATIONS.**

No structure, building, tower, antenna, smokestack, chimney, overhead transmission line, or any other object shall be erected, constructed, altered or enlarged in such a manner as to create a hazard or obstruction in the Airport Overlay Zoning District. All applications for building permits, rezoning, variances, and special exception permits shall be reviewed by the Zoning Administrator to ensure compliance with this section. All such applications shall also be reviewed by the Zoning Administrator to ensure compliance with applicable regulations enforced by the Federal Aviation Administration (FAA) and the Virginia Department of Aviation. Any such application shall be so conditioned as to require the owner of the property or structure in question, at his expense, to install, operate, and maintain thereon, such markings and lights as may be deemed necessary by Pittsylvania County Board of Supervisors or Board of Zoning Appeals acting with the advice and recommendation of the FAA and the manager of the Danville Regional Airport.

**SEC. 35-678. SPECIFIC USES PROHIBITED IN THE AIRPORT OVERLAY ZONING DISTRICT.**

Within the Airport Overlay Zoning District, no land, building, nor any premises shall be constructed or used for any of the following uses, notwithstanding the fact that such uses may otherwise be permitted in the Zoning District in which such land, building, or premises are located:

1. Multiple-family developments exceeding a gross density of one (1) dwelling per five thousand (5,000) square feet of lot area and/or exceeding forty (40) feet in height.
2. Mobile Home Parks exceeding a gross density of one (1) mobile home per six thousand (6,000) square feet of land within the park.
3. Public or private school or college

4. Theatres
5. Churches or other places of religious worship
6. Hospitals
7. Nursing homes or group homes of any type
8. Recreational facilities for the assembly of more than one hundred (100) persons
9. Shopping center exceeding one hundred and fifty thousand (150,000) gross square feet or exceeding forty (40) feet in height
10. Motels, hotels.

**SEC. 35-679. SPECIAL AIRPORT ZONING CLEARANCE PROCEDURES.**

***Application:*** It shall be unlawful to construct, alter, repair, or remove or demolish, or to commence the construction, alteration, removal, or demolition of a building or structure without first filing with the Zoning Administrator an application in writing and obtaining a zoning clearance.

An application for a zoning clearance shall be submitted in such form as established by the Zoning Administrator. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder in connection with the proposed work. The application shall contain the full names and addresses of the owner and agent, if applicable, and if the owner is an entity other than an individual, such as a corporation, then the application shall include the name of the responsible officer of the entity. The application shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Administrator. There shall be submitted a Site Development Plan/Concept Plan as described elsewhere in this Ordinance.

Nothing in this Article shall prohibit the filing of amendments to an application. Any amendment(s) shall be filed and processed in the manner of a new application. Nothing in the Ordinance shall require changes in the plans, construction, or designated use or a building for which a lawful permit has been heretofore issued or applied for and could have been issued prior to the adoption or amendment of this Zoning Ordinance, and which entire building shall be completed as authorized, within two (2) years thereafter.

***Review of Application: Issuance of Zoning Clearance:*** It shall be the duty of the Zoning Administrator to rule on applications for a zoning clearance within ten (10) working days after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application. If his examination reveals otherwise, he shall reject the application, noting his findings in a report to be attached to the application and notify the applicant accordingly. The Zoning Administrator shall make every effort to expedite all applications. Nothing in this Article shall be construed to prevent the Zoning Administrator from issuing a zoning clearance for the construction of part of a building or structure before the entire plans and detailed segments of the building or structure have been submitted or approved, if adequate site and building plans and detailed statements have been found to comply with the Zoning Ordinance.

***Conditions of the Zoning Clearance:*** All work performed under a zoning clearance issued by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereof. The location and height of all new construction, as shown on the approved site plan or approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area for which a site plan has been filed and has been used as the basis for a zoning clearance, unless a revised site plan showing the proposed change in conditions shall have been filed and approved, provided that this requirement shall not apply when the area is reduced by reason of a street opening or widening or other public action. Every zoning clearance issued by the Zoning Administrator under the provisions of the Zoning Ordinance shall have the Zoning Administrator's signature affixed thereto. A zoning clearance shall expire if work has not commenced after six (6) months from the date of issue. The Zoning Administrator may issue one (1) extension not to exceed six (6) months, if the conditions under which the original zoning clearance was granted have not changed. A copy of the approved site development plan/concept plan shall be kept on the premises at all times from the commencement of the work to the completion thereof.

***Certification of Zoning Compliance:*** Subsequent to the effective date of this Zoning Ordinance, no change in the use of occupancy of land, nor any change of use or occupancy in an existing building (except for an existing single-family dwelling) shall be made, nor shall any new building be occupied for any purpose until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. Every Certificate of Zoning Compliance shall state that the new occupancy complies with all applicable provisions of the Zoning Ordinance. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person have a proprietary or tenancy interest in land or buildings affected by such Certificate of Zoning Compliance.

***Nonconforming Uses:*** A Certificate of Zoning Compliance shall be required of a nonconforming use of land or buildings created at the time of adoption of this Zoning Ordinance prior to the issuance of a building permit at that location. An application for a Certificate of Zoning Compliance for a nonconforming use shall be filed with the Zoning Administrator by the owner or lessee of the land or building, or portion therefore, occupied by such nonconforming use.

***Relationship of Airport Safety Zoning with Other Land Use Zoning:*** Airport Zoning Districts are districts that overlay normal Zoning Districts for safety purposes. Rules, regulations, and restrictions for both land use zoning and overlay zoning apply to all land in these areas. The Zoning Administrator shall insure that applicants use their land in accordance with all applicable ordinance law.

**SECS. 35-680.-35-684. RESERVED**

## **ARTICLE V.**

### **PROCEDURE**

#### **DIVISION 1. ADMINISTRATION, ENFORCEMENT AND INTERPRETATION**

**SEC. 35-685. APPOINTMENT OF ZONING ADMINISTRATOR.**

This Ordinance shall be administered by the Zoning Administrator in accordance with the provisions herein. The Zoning Administrator shall be appointed by the County Administrator and may also hold another office in the County.

**SEC. 35-686. ENFORCEMENT: RESPONSIBILITY OF ZONING ADMINISTRATOR.**

The Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce the Zoning Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance and the bringing of legal action to ensure compliance with this Ordinance, including injunction, abatement or other appropriate action or proceeding. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the purposes, intent and spirit of this Ordinance and the standards set forth in this Ordinance. This Ordinance also provides standards, by zoning district, special provisions, overlay district regulations, and Performance Standards, Section 35-90. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the local offices of the Virginia Department of Health, sheriff and all other officials of Pittsylvania County pursuant to their respective authorities and responsibilities.

In addition, the Zoning Administrator shall maintain the Zoning Map, and such map shall be kept current and shall reflect amendments as soon as practicable after adoption by the Board of Supervisors.

The Building Official and Zoning Administrator shall develop procedures and arrangements through which coordinated and efficient permit processes shall occur. These may be in writing and available to applicants and the general public.

**SEC. 35-687. ENFORCEMENT OF BOARD OF ZONING APPEALS DECISIONS.**

It shall be the duty of the Zoning Administrator to see that the decisions of the Board of Zoning Appeals are complied with.

**SEC. 35-688. ENFORCEMENT OF MINIMUM REQUIREMENTS.**

In enforcing the minimum requirements in zoning districts, the Zoning Administrator shall notify by registered mail/return receipt any person responsible for an alleged violation, stating the reason why it is believed that a violation exists in fact.

**SEC. 35-689. INTERPRETATION BY ZONING ADMINISTRATOR.**

In case of any dispute over the meaning or a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance as set forth in Section 35-2; provided however, that an appeal may be taken from any such determination as provided in Section 35- 850.

**SECS. 35-690.-35-699. RESERVED**

**DIVISION 2. PERMITS**

## **SEC. 35-700. PERMITS REQUIRED; CONFORMANCE.**

Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit and building permit has been obtained from the Zoning Administrator and Building Official. No building permit or certificate of occupancy shall be issued in violation of zoning or other local Ordinances.

The Pittsylvania County Zoning Ordinance provides for a number of types of zoning permits:

1. *Basic Zoning Permit for Permitted Use.* This type of permit is issued to applicants/owners/developers who are going to use a parcel for a purpose, which is permitted by a right to said person(s) when they are developing a parcel lying in the appropriate zoning district for the permitted use under application.
2. *Zoning Permit for Special Uses (Special Exception).* This type of permit is required when the applicants/owners/developers are planning to use a parcel for a purpose which is not permitted specifically by right by which is listed under the Special Uses allowed within the zoning district in which the subject parcel lies. This permit requires a review process with first contact being made with the County Zoning Administrator or other assigned agent and the process continuing through the Planning Commission and then to the Board of Zoning Appeals which, under Pittsylvania County's Zoning Ordinance, is delegated the responsibility for approval of special, use (Special Exception) permits. (See Section 35-712.)

A number of additional actions are subject to this Ordinance:

1. *Zoning Ordinance or Zoning Map Amendment.* This action may be brought about through a number of initiating actions which are described later in Section 35-803. through 35-821.
2. *Rezoning.* A rezoning involves a review procedure by which a parcel is re-designated from one zoning district classification to a new zoning district classification. (See Sections 35-80. - 35-843.)
3. *Variance.* This action is required when a parcel(s) configuration or other characteristic may role out its use by its owner or the owners use being applied for, the processing or a variance begins by initiating contact with the Zoning Administrator and then passing through the Planning Commission and thence to the Board of Zoning Appeals for final approval.

## **SEC. 35-701. BUILDING PERMITS AND ZONING PERMITS.**

The Zoning Administrator shall review each application for a zoning permit and building permit to ensure that the building or structure proposed is in accordance with the terms of this Ordinance. No permit (building or zoning) shall be issued for any construction for which a site development plan and/or concept plan approved by the Planning Commission in accordance with Sections 35-741.-35-772., of this Ordinance, unless and until such plan shall have been so approved. Thereafter, any item shown on such plan as approved shall be deemed prima facie in accordance with the terms of this Ordinance.

Each applicant's zoning and building permits require a copy of the most recent plat of record of the land to be built upon. If no such plat exists, the applicant shall provide a copy of the most recent deed description thereof.

Any other information which the Zoning Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a zoning permit(s) shall be issued to the applicant by the Zoning Administrator.

**SEC. 35-702. APPLICATION REQUIREMENTS FOR A ZONING PERMIT. RESERVED**

**SEC. 35-703. CERTIFICATES OF OCCUPANCY.**

It shall be unlawful to use or permit the use of any building or premises, or part thereof; hereafter created, erected, changed, converted, altered or enlarged; wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued therefore by the Building Official and/or Zoning Administrator. Such certificate shall show that such building, premises, or part thereof, and the proposed use thereof is in conformity with the provisions of this Ordinance; provided that where structures are completed and ready for occupancy prior to the completion of all improvements required by the original permits and any required site development plan, and the Zoning Administrator and Building Official shall determine that the site may be occupied consistently with the public health, safety and welfare, the owner may provide bond with surety adequate to guarantee the completion by time certain of such site development plan improvements as related to the building for which the permit is sought, and upon the providing of such bond with surety, a permit may be issued for the occupancy of those structures already completed. Improvements deemed directly related to health and safety, such as any required fire hydrants and safe and convenient access to public roads shall not be bonded and occupancy shall not be permitted until such improvements have been installed and are operational. The Zoning Administrator and Building Official are authorized to accept instead of corporate surety, cashier's check made payable to the Board of Supervisors which may be placed in an escrow account whereby the developer may draw interest. If a cashier's check is provided as a performance bond, there shall be a reasonable fee paid by the developer for cost incurred by the County to perform necessary work involved.

**SEC. 35-704.-35-711. RESERVED**

**DIVISION 3. SPECIAL USE PERMITS**

**SEC. 35-712. ISSUANCES DELEGATED TO THE BOARD OF ZONING APPEALS.**

The Pittsylvania County Board of Supervisors hereby delegates to the Pittsylvania County Board of Zoning Appeals the right to issue all Special Use zoning permits permitted hereunder. Special Use zoning permits for uses as provided in this Ordinance may be issued upon a finding by the Pittsylvania County Board of Zoning Appeals that such use will not be of substantial detriment to adjacent property, that the character of the Zoning District will not be changed thereby, and that such use will be in harmony with the purpose and intent of this Ordinance, with the uses permitted by right in the zoning district with additional regulations provided in Sections 35-111.-35-160, Supplemental Regulations and amendments of this Ordinance, and with the public health, safety, and general welfare.

**SEC. 35-713. APPLICATION.**

Application for a special use permit shall be made by the filing thereof by the owner or contract purchaser of the subject property with the Zoning Administrator, together with a fee as set forth in Section 35-866, Fees of this Ordinance. No such permit shall be issued unless the Board of Zoning Appeals shall have referred the application therefore to the Planning Commission for its recommendations. Failure of the Planning Commission to report within sixty (60) days after the first meeting of the Planning Commission, after the application has been referred, to the Planning Commission shall be deemed recommendation of approval. The Planning Commission may conduct a public hearing under Section 15.2-2204 of the Code of Virginia. No such permit shall be issued by the Board of Zoning Appeals except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia. Also, a notification sign shall be posted by the applicant upon the subject property and adjacent to the nearest state highway at the point of access to the subject property for a period of fourteen (14) days prior to the first public hearing of the Commission. See Section 35-817 for further instructions on signing.

#### **SEC. 35-714. CONDITIONS.**

The Pittsylvania County Board of Zoning Appeals may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest and may require a bond with surety or other approved security to ensure that the conditions so imposed shall be complied with. Such conditions shall relate to the purposes of this Ordinance, including, but not limited to, the prevention of smoke, dust, noise, traffic congestion, flood an/or other hazardous, deleterious or otherwise undesirable substance or condition; the provisions of adequate police and fire protection, transportation, water, sewerage, drainage, recreation, landscaping and/or screening or buffering; the establishment of special requirements relating to the building set backs, front, side and rear yards, off-street parking, ingress and egress, hours of operation, outside storage of materials, duration and intensity of use, building height and/or other particular aspects of occupancy or use. (See also Sec. 35-90, Performance Standards, which may be imposed) Except as the Pittsylvania County Board of Zoning Appeals may otherwise specifically, provide in a particular case, any condition imposed under the authority of this Ordinance shall be deemed to be essential to and nonseverable from the issuance of the permit itself.

Conditions for consideration set forth herein and in Division 4-Site Development Plan for the various special exceptions are minimum. In approving a proposed special exception, the Board of Zoning Appeals may stipulate such additional requirements as are necessary to the public interest. The Board of Zoning Appeals may require the applicant to furnish a performance bond in an amount sufficient for, and conditional, upon, the fulfilling of any and all conditions and requirements stipulated by the Board of Zoning Appeals.

If the Board of Zoning Appeals approves the application for a zoning permit for a proposed special use permit, the Zoning Administrator shall issue a zoning permit in accordance with Section 35-713., herein and this Section, indicating the special nature of the use.

If the Board of Zoning Appeals disapproves the application for a zoning permit for a proposed special use permit, the Board of Zoning Appeals shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the original application and any site plan and two (2) copies of the refusal, and keep them as a public record.



The County shall not consider a later application that is substantially the same as that considered earlier within a period of twelve (12) months of the last date of action.

Prior to an expansion of an approved special exception, the owner, or his agent, must submit an application for an amended zoning permit for a special exception, in accordance with the special exception provisions herein, whenever the cumulative expansion or expansions, exceeds twenty-five (25) percent in the aggregate of floor area of the structure, or use, originally approved for the current special exception.

**SEC. 35-715. EXPIRATION OF SPECIAL USE PERMITS.**

Special use permits shall expire in eighteen (18) months if no commencement of use, structure, or activity has taken place. See Sec. 35-717., Revocation.

**SEC. 35-716. RECORDING OF SPECIAL USE PERMITS. MAP AND INDEXING.**

It shall be the responsibility of the Zoning Administrator to develop an index of special use permits and referencing system on a set of official Zoning Maps.

**SEC. 35-717. REVOCATION.**

Any permit issued pursuant to this Ordinance may be revoked by the Zoning Administrator, after notice and hearing pursuant to Section 15.2-2204 of the Code of Virginia, for willful noncompliance with this Ordinance or any conditions imposed under the authority of this Ordinance. In the event that the use, structure or activity for which any such permit is issued shall not be commenced within eighteen (18) months after the issuance of such permit, the same shall be deemed abandoned and the authority granted thereunder shall thereupon terminate. For purposes of this Ordinance, the term "commenced" shall be construed to include the commencement of construction of any structure necessary to the use of such permit within eighteen (18) months from the date of the issuance thereof which is thereafter completed within one (1) year, provided that the Board of Zoning Appeals may, as a condition of approval, impose such alternative time limits as may be reasonable in a particular case.

**SEC. 35-718. PRIOR SPECIAL USE PERMITS.**

Any use, structure or activity lawfully in existence on the effective date of this Ordinance which would be permitted under the provisions of this Ordinance relating to the zoning district in which it is located by the issuance of a special use permit, may be continued; provided, however, that such use, structure or activity shall not be expanded or enlarged; and provided further that if any such use, structure or activity shall be discontinued for a period exceeding two (2) years, the same shall conform in all respects to the provisions of this Ordinance relating to the zoning district in which it is located. Whenever the boundaries of any zoning district are changed, any use, structure or activity which shall therefore become nonconforming as a result of such change through want of a required special use permit shall be subject to the provisions of this Section.

**SEC. 35-719. REVIEW OF PUBLIC USES FOR COMPLIANCE WITH THE COMPREHENSIVE PLAN.**

No street, park or other public area, or public structure, or public utility, public building or public service corporation other than railroads, whether publicly or privately owned, shall be constructed, established or authorized unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. In connection with any such determination, the Commission may establish such conditions of approval as deemed necessary to insure compliance with the Pittsylvania County Comprehensive Plan.

Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

The foregoing notwithstanding, the provisions of Section 15.2-2232 of the Code of Virginia shall apply to any such review.

**See: Sec. 35-50. Exemptions.**

#### **SEC. 35-720. CONDOMINIUM CONVERSION.**

Whenever any land, buildings, or structures, or the use thereof, are proposed to be converted to condominiums or cooperatives, and such land, buildings, or structures do not conform to the regulations of this zoning ordinance, then before such proposed conversion may take place, a special exception use permit pursuant to section 35-712, hereof shall be obtained, unless a variance of the requirements of zoning or land use regulations, which may be granted by the Board of Zoning Appeals pursuant to Title 15.2 of the Code of Virginia, is in fact granted. A request for such a special exception or variance filed after July 1, 1982, shall be granted if the applicant can demonstrate that the continuance of any existing nonconformities, as proposed by the conversion, is not likely to affect adversely the property or adjacent properties, the intention of the Comprehensive Plan, or the public welfare or safety.

#### **SECS. 35-721-35-740. RESERVED**

### **DIVISION 4. SITE DEVELOPMENT PLAN**

#### **SEC. 35-741. SITE DEVELOPMENT PLANS REQUIRED.**

There is a mutual responsibility between Pittsylvania County and the applicant/developer to develop land in an orderly manner. The purpose of this Section is to encourage innovative and creative design and facilitate use of the most advantageous techniques and highest standards in the development of land in Pittsylvania County; and to ensure that land be used in a manner which is efficient, harmonious with neighboring property and in accordance with the adopted Comprehensive Plan for Pittsylvania County and with the provisions of this Ordinance; and to ensure public safety, health, and welfare.

Site development plan as a requirement to receive a zoning permit also provides the appropriate approving authority information on which to base their decisions. Site development plans or concept

plans required are to be considered as part of an application package to be submitted for various zoning requests.

It is also recognized that, in some instances, subdivision plats and site development plans may be filed coincident in time and it is the intent that requirements for each document be interrelated as much as possible.

**SEC. 35-742. USES REQUIRING SITE DEVELOPMENT PLAN AND REVIEW BY PLANNING COMMISSION. (UNLESS EXEMPTED UNDER SECTION 35-752)**

Site development plans for the following major uses and additions and expansions are required (unless exempted under Section 35-752) and shall be subject to review for approval by the appropriate authority. The following list is not a complete list; therefore, the Zoning Administrator may require site development plans for other uses not listed.

1. Multiple-dwellings.
2. Townhouses and condominiums.
3. Churches; temples; synagogues; cemeteries.
4. Docks, marinas, wharves, piers, bulkheads and the like and any over-water structures, except private over-water piers and boathouses accessory to single-family dwelling. Excluded are individual structures, marine or otherwise, that serve a single-family home as an accessory use specific to that dwelling.
5. Hotels; motels; and motor lodges or inns.
6. Business or commercial buildings and developments (B-1, B-2 uses).
7. Industrial buildings and developments (M-I, M-2 uses).
8. Mobile home parks.
9. Campgrounds.
10. Public parks, recreation facilities.
11. Public utilities or, public service or transportation uses. Public buildings. Public utility generating, purification, or treatment plants. Water storage tanks, pumping or regulator stations. Telephone exchanges, transformer or substations; and power transmission lines.
12. Schools and state institutions.
13. Hospitals and nursing homes.
14. State and public buildings.
15. Towers.
16. Two (2) or more two (2) family dwellings on the same parcel.
17. Three (3) or more single-family dwellings on the same parcel.
18. Off-street parking areas with ten or more spaces, or any additions to existing off-street parking areas except for single-family residences. *See Section 35-772, Exceptions-Uses Not Requiring Site Plans.*
19. Apartment complexes.
20. Subdivisions (unless exempted by the County Subdivision Ordinance).
21. Planned Unit Development.
22. Landfills; waste disposal facilities; utilities not exempted.

**SECS. 35-743-35-749. RESERVED**

**SEC. 35-750. PREAPPLICATION CONFERENCE.**

Before filing an application for approval of a site development plan, the developer may confer with the Zoning Administrator or his designee and such other agencies of the County and the Commonwealth as the developer or the Administrator deems advisable concerning the general proposal. At that time, the developer or his representative may submit unofficial preliminary studies of the concept of the proposed development of the tract. Such action does not require formal application or filing of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto.

**SEC. 35-751. SITE DEVELOPMENT PLAN-SUBMITTAL GENERALLY.**

Where required, eight (8) copies of a site development plan, in addition to a reproducible print on mylar or similar transparentized type of film/material, shall be submitted to the Zoning Administrator, or his designee, who shall review the plans for compliance with these regulations and the requirements for site development plans. The Zoning Administrator shall transmit such plans to the appropriate approving agency if necessary with his comments for their review. The site development plan shall be presented to the County Planning Commission within forty-five (45) days from when the site development plan, meeting all submittal requirements, is submitted to the Zoning Administrator's office.

**SEC. 35-752. CONDITIONS FOR APPROVAL. (WITHOUT PLANNING COMMISSION REVIEW.)**

Upon application and review, the Zoning Administrator may approve the site development plan provided that:

1. All materials are presented in accordance with the requirements set forth in this Chapter.
2. No unresolved problems exist between the applicant, adjacent property owners, or any departmental reviewing agency, and the site plan is for either.
  - a. An addition to an existing use with a floor area no greater than seventy-five (75) percent of the total floor area of the existing use, or
  - b. A single business, commercial, or industrial building with a total floor area not to exceed five thousand (5,000) square feet, and a maximum height of thirty-five (35) feet from grade to the top of the structure.
  - c. Single-family or two (2) family dwellings.
  - d. No building to be placed on the lot.
3. The plan accompanies a zoning permit application for a permitted use and permit application is subject therefore for zoning administrative review only.

**SEC. 35-753. SUBMITTAL CONTENTS FOR THE SITE DEVELOPMENT PLAN.**

The site development plan shall at a minimum contain:  
(See also, Section 35-762.)

1. Title of project; name of subdivision.
2. Name of owner, subdivider, surveyor or engineer.

3. True north pointer.
4. Date of drawing; number of sheets; voting district.
5. Scale of the drawing which shall be one hundred (100) feet per inch. Original drawing(s) shall be black line on polyester film or comparable transparentized materials; size of drawing(s) shall be twenty (20) inches by eighteen (18) inches. A blank oblong space of three (3) inch by five (5") inch shall be reserved for the use of the approving authorities.
6. A three (3) inch by five (5) inch area shall be reserved on drawings for signatures and/or stamps of approving agencies.
7. Location of the proposed subdivision by an inset map at a scale of not less than two (2) inches per one (1) mile, showing adjoining roads,, their names and numbers, towns, subdivisions and other landmarks, and streams, bodies of water, railroads, subdivisions, to clearly identify the location of the property.
8. A boundary survey or existing survey, of record; provided that such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500); total acreage; acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
9. Zoning of the tract and all surrounding tracts include parcel number, other identifying numbers from County tax maps.
10. All existing, platted and proposed streets, their names, numbers, and widths, existing utility and other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
11. Location, type and size of all entrances to the site.
12. All parcels of land to be dedicated for public use and the conditions of such dedication.
13. Existing topography and proposed finished contours shown at intervals satisfactory to the Resident Engineer, when applicable.
14. Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed grade lines, connecting therewith.
15. Grades of roads shall not exceed those recommended by the Resident Engineer's Office, when applicable. Street grades shall not exceed ten (10) percent.
16. Provisions for off-street parking, loading spaces and pedestrian walk-ways; including sidewalks; calculations indicating the number of parking spaces required and the number provided.
17. Number of floors, floor area, height and location of each building.

18. For a multi-family residential development, the number, size and type of dwelling units; density, location type, and percentage of total acreage of recreation facilities.
19. Proposed connections with existing sanitary sewers and existing water supply or the alternate means of sewage disposal and water supply.
20. Detailed utility layout including water and sanitary sewer plan with profiles; density, location of electrical transmission lines, gas pipelines, street, lights, and fire hydrants; and showing the locations of garbage and trash disposal facilities; location of standpipes for fire protection.
21. Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required; other provisions for the adequate control of storm water drainage and erosion and sedimentation indicating all proposed temporary and permanent control measures, and including drainage calculations.
22. Computations notation to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family residential developments.
23. Bylaws of Homeowners Association when applicable.
24. Notification of adjacent property owners. It shall be the responsibility of the applicant to pay for notification of all adjoining property owners, advising them of the submission of plans to the County and that plans are on file and available for review in the Zoning Administrator's office. No site plan shall be approved until the Zoning Administrator or his designee, is satisfied that all property owners contiguous to and sharing a common property line with said applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site plan is approved. Evidence that such notice was sent by mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

If the Zoning Administrator determines that one (1) or more of the submittal, requirements is not applicable to the proposed project, the Administrator may waive those requirements.

The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

**SECS. 35-754.-35-759. RESERVED**

**SEC. 35-760. SOURCES OF GUIDANCE IN DESIGN. - SUBDIVISION ORDINANCE**

Particularly for residential developments, the Pittsylvania County Subdivision Ordinance provides guidance in project design, and layout under Ordinance divisions: (1) Improvements; (2) Lots; (3) Blocks; (4) Streets.

**SEC. 35-761. PUBLIC ACCESS. RESERVED**

**SEC. 35-762. SITE DEVELOPMENT PLAN - REVIEWED CRITERIA.**

The Zoning Administrator or his designee, Planning Commission, Board of Zoning Appeals or Board of Supervisors shall examine and consider site plans with respect to:

1. Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan.
2. Design and layout of the site including buildings; sign; recreation facilities; garbage and trash disposal facilities; sedimentation and erosion controls; storm drainage, storm water management, sanitary sewage disposal, and water supply exit and entrance points on the site including line sizes; areas to be landscaped with approximate arrangement and plant types and sizes indicated; and provisions for pedestrian and vehicular traffic movements within and adjacent to the site.

Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservations; efficient layout of buildings, parking areas, off-street loading and unloading; and. movement of people, goods, and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress.

Projects near edges of Smith Mountain Lake, Leesville Lake, and other lakes of one hundred (100) acres of greater in size may be required to employ perforated pipe in gravel catch basins or trenches to prevent runoff pollutants from eroding the lake.

Design standards contained in this chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site development plan approval. The design criteria established in the Pittsylvania County Subdivision Ordinance and applicable standards of the Virginia Department of Transportation shall apply where appropriate, to site development plan approval.

**SEC. 35-763. TRANSITIONAL SCREENING REQUIREMENTS. RESERVED**

**SEC. 35-764. NOTIFICATION OF FINDINGS; PROCESSING.**

The Zoning Administrator or his designee shall notify in writing the applicant, owner or developer regarding the findings of the Planning Commission, Zoning Administrator, Board of Zoning Appeals, or Board of Supervisors. Notification shall be given within ten (10) working days following the review.

**SEC. 35-765. PRELIMINARY APPROVAL - TERM OF VALIDITY; EXTENSION; RESUBMITTAL.**

Preliminary approval of a site development plan shall be valid for a period of six (6) months. A revised site development plan must be presented and properly filed with the Zoning Administrator, or his designee, prior to the termination date of the preliminary approval. However, if an extension of this period is needed due to extenuating circumstances, it may be granted only after submittal of the reasons for the requested extension in writing to the Zoning Administrator. The Zoning Administrator may grant an extension of up to six (6) months, after which time the preliminary approval shall no longer be valid.

**SEC. 35-766. REVISED SITE DEVELOPMENT PLAN - SUBMITTAL GENERALLY.**

Eight (8) copies of a revised site development plan, in addition to a reproducible as specified in Section 35-75.(I), shall be submitted to the Zoning Administrator or his designee who shall within forty-five (45) days review the plans for compliance with applicable County regulations and ordinances, the requirements for final approval and any conditions of the preliminary approval. The Zoning Administrator shall provide a set of all submittals to relevant agencies or departments for their review and written comments.

**SEC. 35-767. REVISED SITE DEVELOPMENT PLAN - SUBMITTAL CONTENTS.**

The revised site development plan shall be submitted in separate sheets or overlays as appropriate for accurate representation of the project.

Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Zoning Administrator or his designee. The revised site development plan shall as a minimum contain those items set forth in Sections 35-753. (1) through 35-753. (24).

**SEC. 35-768. REVISED SITE DEVELOPMENT PLAN - ACTION UPON COMPLETION OF REVIEW.**

Upon final approval of the site development plan by the Zoning Administrator, the Zoning Administrator or his designee shall transmit an approved set of plans to the developer, owner or authorized project agent, and one copy of any correspondence and plans is to be retained by the Zoning Administrator or his designee.

**SEC. 35-769. REVISED SITE DEVELOPMENT PLAN - TERM OF VALIDITY; TERMINATION; EXTENSION, RESUBMITTAL.**

After final approval, a site development plan shall be valid for a period of eighteen (18) months. If after eighteen (18) months from the date such plans were approved, construction has not commenced on the site, the Zoning Administrator or his designee shall notify the Building Inspector that approval of such plans has terminated. However, if due to extenuating circumstances an extension for approval is needed; it may be granted only after the submittal of the approved site development plan with reasons for the requested extension attached. The Administrator may grant one extension of up to one (1) year, after which time the site development plan must be resubmitted for approval. See also Sec. 35-717.

**SEC. 35-770. REVISED SITE DEVELOPMENT PLAN – AMENDMENT.**

Upon application, an approved site development plan may be amended with the approval of the Administrator, provided, that such proposed amendment does not:

1. Alter a recorded plat.
2. Conflict with the specific requirements of this Article.
3. Change the general character or content of an approved development plan or use.
4. Have an appreciable affect on adjoining or surrounding property.
5. Result in any substantial change of major external access points.



6. Increase the approved number of dwelling units or other buildings or height of buildings.
7. Decrease the minimum specified yards and open spaces, minimum, or maximum specified parking and loading spaces.

Amendments not in accordance with (1) through (7) of this Section shall be considered as new site plans and submitted under Section 35-751.

**SEC. 35-771. FINAL "AS-BUILT" PLANS REQUIRED.**

For all projects subject to site development plan review in accordance with Section 35-742, a copy of "as-built" plans and specifications for all utilities, permanent drainage and stormwater management facilities, water and sewer facilities, and fire hydrants shall be submitted to the Building Official (With copy to Zoning Administrator) prior to the issuance of any permanent Certificate of Occupancy.

**SEC. 35-772. EXCEPTIONS-USES NOT REQUIRING SITE DEVELOPMENT PLAN.**

A site development plan is required in all zoning districts for any construction use, change in use or other development activity, provided that no such plan shall be required for the following:

1. The construction or change in occupancy of any single-family detached dwelling unit which is located upon a tract or parcel whereon are located or proposed to be located an aggregate of two (2) or fewer such units.
2. The location of a two (2) family dwelling on any lot or parcel not occupied by any other dwellings.
3. Any accessory structure to a single-family or two (2) family dwelling.
4. Any agricultural activity except as otherwise provided in the Ordinance section covering supplementary regulations.

The Planning Commission, Board of Zoning Appeals, or the Zoning Administrator may waive the requirement for a site development plan in a particular case upon a finding that they have the authority to act after finding that the requirement of such plan would not forward the purposes of this Ordinance or otherwise serve the public interest.

Compliance with the provisions of this Section shall in no event be construed to relieve the applicant of the duty of compliance with all other provisions of the law applicable to the development in question found elsewhere in this Ordinance or in other County Ordinances.

**SEC. 35-773. CONCEPT PLANS.**

The Zoning Administrator may require the attachment of a frill site development plan to applications for zoning permits for permitted uses, zoning permits for special uses, rezoning, amended zoning ordinances, and variances. A concept plan may be substituted for a site development plan at the discretion of the Zoning Administrator.

The contents of and inclusions in concept plans shall be:

1. Project title

2. Name of applicant and project designer, surveyor, where applicable
3. Date of preparation
4. North arrow and graphic scale
5. Lot size (s) in acres and square feet
6. Lot dimensions in feet
7. Adjacent streets, alleys, railroads, water bodies, physical features; tax parcel identification numbers, deed book references; plat book reference
8. Impacting natural features
9. Locations, dimensions, and heights of all structures

**Some additional requirements of the applicant may include:**

1. Number, type, size, and gross density of all units
2. Location, size, and type of recreational amenities
3. Location and dimensions of driveways, off-street parking spaces, and loading facilities.
4. Location and description of screening and buffering along the lot perimeter
5. Type, area, height, and placement on site of all signs
6. Building elevations
7. Descriptions of landscape improvements

Concept plans should be on 11" x 17" paper, with accompanying report documents on 8 1/2" x 11" paper. Eight (8) copies and an original should be submitted. If plans are larger than 11"x 17" applicant will provide twenty (20) copies.

The purpose of the concept plan is to depict graphically the concept or reasons for the requested action relative to the Zoning Ordinance and its provisions.

The plan should describe the proposed use or development in the level of detail appropriate to the proposed project. During initial consultation with the Zoning Administrator, the applicant will be informed of which of the optional items listed above should be included in the applicant's concept plan. The plan does not have to be prepared by a professional site planner but should be printed in ink and clearly legible on the paper used. The applicant should date and sign the concept plan, and the name of the preparer, if different, should be listed along with an address and daytime telephone number.

The County's permitting the use or a concept plan will be discretionary on a case-by-case basis.

Additionally, the Zoning Administrator can make a finding that a full site development plan is also required. He may also waive the submission of either a site development plan or a concept plan should neither appear necessary, due to the nature of the use or construction indicated by the applicant. For simple straightforward applications, the Zoning Administrator may accept a reasonable freehand sketch drawn on a copy of the owner's land plat as a substitute for the site development plan/concept plan.

**SECS. 35-774.-35-779. RESERVED**

**DIVISION 5. ADMINISTRATION OF SITE DEVELOPMENT PLAN  
REQUIREMENT**

**SEC. 35-780. GENERAL GUIDELINES.**

The Zoning Administrator is hereby designated the agent of the Board of Supervisors of Pittsylvania County for purposes of the administration of this Article.

Approval of site development plan and/or concept plan pursuant to this article shall expire eighteen (18) months after date of approval unless actual construction shall have commenced and is thereafter, prosecuted in good faith.

All County and state officers and employees responsible for the supervision and enforcement of this article shall have the right to enter upon the property at all reasonable times during the period of construction for the purpose of making periodic inspections for compliance with this article. It shall be the responsibility of the developer to notify the Zoning Administrator when each stage of the development shall be ready for inspection for compliance with the approved site development plan in accordance with schedules and regulations promulgated by the Zoning Administrator and as approved by the proper authority.

No change, revision or erasure shall be made on any pending or final site development plan or on any accompanying data sheet where approval has been endorsed on the plat or sheet unless authorization for such change is granted in writing by the approving authority. Any site development plan may be revised, provided that request for such revision shall be filed and processed in the same manner as the original site development plan.

The foregoing notwithstanding, the Zoning Administrator may approve administratively, without submission, minor changes to approved site development plans in any case in which he shall determine that the site development plan, as amended, is in compliance with the terms of all applicable law is substantially in compliance with the approved site development plan as approved, together with all conditions imposed, and will have no additional adverse impact on adjacent properties or public facilities.

The developer shall pay to the County a fee for the examination and approval or disapproval of site development plans submitted pursuant to this article. Such fees to be paid at the time of filing of the site development plan. Such fees shall be paid as set forth in Division 8-Fees.

The Zoning Administrator may from time to time establish such reasonable administrative procedures as shall be necessary for the proper administration of this Article of the Ordinance.

**SEC. 35-781. PROCEDURE.**

The Zoning Administrator shall submit within forty-five (45) days of receiving a site development plan application the plan to the Commission, if necessary, for any comment or recommendation needed to take action. The forty-five (45) day period will start over each time the plan is returned to the owner/developer for revisions.

Any person aggrieved by any decision of the Planning Commission or the Zoning Administrator in the administration of this section may demand a review of the application by the Board of Supervisors or Board of Zoning Appeals whichever is applicable. Such demand shall be made by filing a request in writing with the County agent within ten (10) calendar days of the date of such decision.

The Board of Zoning Appeals or Board of Supervisors may affirm, reverse or modify, in whole or in part, the decision of the agent or Commission. In so doing, due consideration shall be given to the recommendations of the County agent and the Commission. In addition, it may consider such other evidence as it deems necessary for a proper review of the application. For purposes of this Section, the term "person aggrieved" shall be limited to the applicant, persons required to be notified pursuant to Section 35-753.(24), the Commission, or any member thereof the County Agent/Zoning Administrator, the County Administrator, and the Board of Supervisors or any member thereof. It is understood that certain of the aforementioned may have combined positions in Pittsylvania County.

**SECS. 35-782.-35-802. RESERVED**

**DIVISION 6. AMENDMENTS TO ZONING ORDINANCE: REZONINGS;  
CHANGES TO ORDINANCE AND MAPS**

**SEC. 35-803. CODE PROVISIONS.**

The Board of Supervisors may, amend, supplement, or change the regulations in the zoning Ordinance, or the zoning boundaries or classifications of property on the zoning map, in conformity with the provisions of Title 15.2, Article 22, Chapter 7 of the Code of Virginia ,1950, as amended, and the provisions and purposes of this division.

**SEC. 35-804. STATEMENT OF PURPOSE AND INTENT.**

The Board of Supervisors finds that a portion of the police power of the Commonwealth of Virginia has been delegated to each County to be exercised reasonably in determining the manner of its development. The Virginia Legislature has left much discretion to the County in making such determinations, relying on the local governing body's knowledge of local conditions and the needs of its individual communities. Public necessity, health, safety, convenience, general welfare, good zoning practice and the aesthetic values and priorities of the local citizenry provide guiding factors for the Board of Supervisors in its quest to exercise its legislative mandate in formulating a reasonable policy of County planning for the general good and welfare.

**SEC. 35-805. INITIATION OF AMENDMENTS.**

The Board of Supervisors may amend this Ordinance (1) by amending the text thereof; or (2) by changing any district boundary shown on the adopted Zoning Map, provided that proceedings for any amendment shall be initiated only in the following manner.

**SEC. 35-806. BY PROPERTY OWNER PETITION - BY MOTIONS.**

- a. By the filing with the Board of Supervisors of a petition of any owner or owners of land proposed to be rezoned, which petition shall be addressed to the Board of Supervisors and shall be on a standard form and accompanied by County fee schedules.
- b. By motion of the Commission.
- c. By motion of the Board of Supervisors.

**SEC. 35-807. PROCEDURE FOR REQUESTING A ZONING AMENDMENT.**

Proposals for zoning amendments, whether initiated by the Board of Supervisors, the Planning Commission, or any person, firm, or corporation shall be treated in accordance with the following procedure:

1. An application must be submitted in writing to the Zoning Administrator and must be accompanied by eight (8) copies of an acceptable site development plan, where applicable, of the proposed amendment in accordance with Division 4-Site Development Plan-herein and with such other reasonable information shown thereon as shall be required by the Zoning Administrator. Copies should be accompanied by a reproducible as specified in Section 35-751. The Zoning Administrator shall submit said application to the Planning Commission and the Board of Supervisors. The Zoning Administrator may waive full site plan requirements allowing substitution or a concept plan.
2. The Planning Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Planning Commission shall present its recommendation to the Board of Supervisors within sixty (60) days of the first meeting of the Commission after the proposed amendment has been referred to it, otherwise the Planning Commission shall be deemed to have approved the proposed amendment.
3. The Board of Supervisors shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within sixty (60) days from the date of the public hearing.

**SEC. 35-808. PROFFER OF CONDITIONS.**

Prior to any public hearing before the Board of Supervisors, applicant for rezoning may voluntarily proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such

conditions shall comply, with the provisions of Section 15.2-2297 of the Code of Virginia, 1950, as amended, provided that the proffering thereof by the applicant shall be deemed prima facie evidence of such compliance.

**SEC. 35-809. EFFECT OF CONDITIONS.**

Upon the approval of any, such rezoning, all conditions so proffered and accepted by the Board of Supervisors shall be deemed a part thereof and nonseverable therefrom and shall remain in force until amended or varied by the Board of Supervisors in accordance with Section 15.2-2241(5.) of the Code of Virginia, 1950, as amended. All such conditions shall be in addition to the regulations provided for the district by the Ordinance.

Proposed amendments to the Zoning Map may include the voluntary proffering in writing, signed by the property owner of record (and the petitioner if different from the property owner of record), and of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must be made prior to the public hearing held by the governing body and must adhere to the following:

1. The rezoning itself must give rise to the need for the conditions.
2. Such conditions shall have a reasonable relation to the rezoning.
3. Such conditions shall not include a cash contribution to the County.
4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Section 15.2-2241(5.) of the Code of Virginia, 1950.
5. Such conditions shall not include payment for or construction of off-site improvements except those provided for in Section 15.2-2241(5.) of the Code of Virginia, 1950.
6. Relates to physical development. (Amended December 21, 1993)
7. Conforms to Comprehensive Plan. (Amended December 21, 1993)

**SEC. 35-810. ZONING MAP NOTATION.**

Each such rezoning shall be designated on the zoning map by an appropriate symbol designed by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the zoning index and any required zoning index showing conditions which shall provide ready access to the Ordinance creating such conditions.

The Zoning Administrator shall notify applicants of the action of the Board of Supervisors.

**SEC. 35-811. AUTHORITY OF ZONING ADMINISTRATOR.**

The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors of the County to administer and enforce conditions attached to a rezoning including the

ordering in writing of the remedy of any noncompliance with such conditions and the bringing of legal action for injunction, abatement or other appropriate action or proceeding.

**SEC. 35-812. PUBLIC HEARING - NOTICE.**

The Planning Commission and the Board of Supervisors shall hold a public hearing on any such rezoning petition, Ordinance amendment, or resolution, as provided by Section 15.2-2285 of the Code of Virginia, 1950, after notice as required by Section 15.2-2204 of the Code of Virginia, 1950.

**SEC. 35-813. REPORT BY PLANNING COMMISSION TO BOARD OF SUPERVISORS AFTER HEARING.**

After the conclusion of the hearing provided for in this Section, unless proceedings are terminated as provided herein, the commission shall report to the Board of Supervisors its recommendation with respect to the proposed amendment. In acting favorable with respect to a proposed amendment initiated by the petition of a property owner or owners, the Commission need not confine its recommendation to the proposed amendment as set forth in the petition, but may reduce or enlarge the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different Zoning classification than that petitioned for, if the Commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this Ordinance and section, provided, that before recommending an enlargement of the extent of land or a rezoning to a less restricted classification than was set forth in the petition, the Commission shall hold a further hearing on the matter, pursuant to the requirements of Section 15.2-2204 of the Code of Virginia.

No amendment to the Zoning Map shall be approved for a change in zoning classification different from that applied for and contained in the public notice of hearing nor for any land not included thereto without referring said change to the Commission for its review and recommendations and proceedings pursuant to this Section and Section 35-808; provided, however, that an amendment may be approved for only a portion of the area proposed for rezoning if the portion rezoned is accurately and sufficiently delimited in the approval action, or if a portion is reclassified pursuant to Section 35-564 and following, where land may be reclassified as in Floodplain Districts.

**SEC. 35-814. LIMITATION ON FILING NEW PETITION AFTER ORIGINAL DENIAL.**

Upon denial by the Board of Supervisors of any petition filed pursuant to Section 35-806. above, substantially the same petition shall not be reconsidered within twelve (12) months of the date of denial.

**SEC. 35-815. WITHDRAWAL OF PETITIONS.**

Any petition filed pursuant to Section 35-806. above, may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after the publication of the notice of hearing, such withdrawal shall be only with the consent of either the Commission or the Board of Supervisors, whichever body has advertised the hearing, and substantially, the same petition shall not be reconsidered within twelve (12) months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

**SEC. 35-816. POSTING OF PROPERTY.**

Additional notice of public hearings involving zoning map amendments initiated pursuant to Section 35-806. above shall be provided by means of signs posted on the property proposed for rezoning, in the manner prescribed in Sections 35-817. and 35-818.

**SEC. 35-817. POSTING OF PROPERTY- PLANNING COMMISSION HEARING.**

At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

**SEC. 35-818. POSTING OF PROPERTY- BOARD OF SUPERVISORS HEARING.**

When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817. above.

**SEC. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.**

Any sign erected in compliance with this Section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected. (B.S.M. 3/15/16)

**SEC. 35-820. MATTERS TO BE CONSIDERED IN REVIEWING PROPOSED AMENDMENTS.**

Proposed amendments shall be reviewed in regard to Sections 35-3, Purpose and Intent; 35-4, Relationship to Environment; and 35-5, Relationship to Comprehensive Plan of this Ordinance.

**SEC. 35-821. SCHEDULE OF REVIEW.**

For the purposes of providing for orderly growth and reasoned consideration of the potential impact of proposed rezoning, zoning text amendments, and special use permits upon the Pittsylvania County Comprehensive Plan, the Board of Supervisors will meet on an as-needed basis for consideration of rezoning applications.



**SEC. 35-822. CONDITIONAL ZONING. RESERVED**

**SECS. 35-823.-35-843 .RESERVED**

**DIVISION 7. BOARD OF ZONING APPEALS & PROCESSING OF VARIANCES**

**SEC. 35-844. BOARD OF ZONING APPEALS: APPOINTMENT AND ORGANIZATION.**

A Board of Zoning Appeals, consisting of seven (7) members shall be appointed in accordance with the provisions of Section 15.2-2308 of the Code of Virginia, 1950, as amended, and shall have such powers and duties as set forth in Section 15.2-2309 of the Code of Virginia, 1950, as amended.

**SEC. 35-845. STAFF.**

Within the limits of funds appropriated the Board of Supervisors, the Board of Zoning Appeals may employ or contract for such secretaries, clerks, legal counsel, consultants and other technical and clerical services as the Board of Zoning Appeals may deem necessary for transaction of its business. These services may also be prodded by the County staff with concurrence of the Board of Supervisors.

**SEC. 35-846. COMPENSATION.**

Members of the Board of Zoning Appeals shall receive such compensation as may be authorized by the Board of Supervisors, from time to time, by Ordinance or Resolution.

**SEC. 35-847. REMOVAL.**

Pursuant to the Code of Virginia, 1950, as amended, Section 15.2-2308, any board member may be removed for malfeasance or nonfeasance in office or for other just cause, the Court in which appointed him after hearing held after at least fifteen (15) days notice.

**SEC. 35-848. BYLAWS.**

The Board of Zoning Appeals may, from time to time, adopt such rules and regulations consistent with the Ordinances of the County and the laws of the Commonwealth as it may deem necessary, to carry out the duties imposed by this Ordinance. The meetings of the Board shall be held at the call of its chairman or at such times as a quorum of the Board may determine. The Board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of official actions shall become part of the permanent records of the Board. A quorum shall be a majority of all members of the Board.

**SEC. 35-849. POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall have the following powers and duties in accordance with Section 15.2-2309 of the Code of Virginia, 1950, as amended.

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this Ordinance or of any regulation adopted pursuant hereto.
2. To authorize upon appeal or original application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provision will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, as follows:
  - a. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this Ordinance, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property, immediately adjacent thereto, the strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this Ordinance.
  - b. No such variance shall be authorized by the Board of Zoning Appeals unless it finds: (1) that the strict application of this Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity, and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
  - c. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended.
  - d. No variance shall be authorized unless the Board of Zoning Appeals finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation or a general regulation to be adopted as an amendment to the Ordinance.
  - e. In authorizing a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.
3. To hear and decide appeals from the decision of the Zoning Administrator.
4. To hear and decide applications for interpretation of the Zoning Map where there is any uncertainty as to the location or a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, the Board of Zoning Appeals may interpret the map in such way as to carry out the intent and the purpose of this Ordinance for the particular section or district in question. The Board of Zoning Appeals shall not have the

power, however, to rezone property or substantially to change the locations of district boundaries as established by this Ordinance and the Zoning Map.

5. To hear and to decide applications for Special Use Permits as delegated by the Pittsylvania County Board of Supervisors and detailed in Sections 35-712.-35-740.

#### **SEC. 35-850. APPEAL TO THE BOARD OF ZONING APPEALS.**

Appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department board or bureau of the County affected by any decision of the Zoning Administrator. Such appeal shall, be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. (Amended December 21, 1993)

#### **SEC. 35-851. APPLICATION FOR VARIANCES.**

Application for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Zoning Administrator in accordance with the provisions of this Section and with rules adopted by the Board of Zoning Appeals. The application and accompanying maps, plan or other information shall be transmitted promptly to the secretary of the Board of Zoning Appeals who shall place the matter on the docket to be acted on by the Board of Zoning Appeals. An application shall be accompanied by an acceptable site development plan and/or concept plan in accordance with Article V herein shown thereon as may be required by the Zoning Administrator. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Zoning Administrator shall also transmit a copy of the application to the Commission which may send a recommendation to the Board of Zoning Appeals or appear as a party at the hearing. Each application for a variance shall be accompanied by payment of a fee in accordance with fees as set forth in Article V, Division 8-Fees. The applicant shall include a letter or other written attachment to the variance application form, citing justification for requesting a variance.

Eight (8) copies of a site development plan and/or concept plan in addition to reproducible print as specified in Section 35-751., are required. The Zoning Administrator may waive full site development plan requirement, allowing substitution or a concept plan.

#### **SEC. 35-852. PROCEDURE.**

Appeals and applications for variances shall be filed with the Zoning Administrator, together with fee as set forth in County fee schedules.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may

modify the order, requirement, decision or determination appealed from. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from this Ordinance.

A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Zoning Appeals relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board of Appeals.

Any petition for a hearing before the Board of Zoning Appeals may be withdrawn prior to action thereon by the Board of Zoning Appeals at the discretion of the person, firm or corporation initiating such a request upon written notice to the Zoning Administrator.

#### **SEC. 35-853. DECISION OF BOARD OF ZONING APPEALS.**

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer, or any officer, department, board or bureau of the County, may present to the Circuit Court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals, which petition shall proceed in accordance with Section 15.2-2314 of the Code of Virginia, 1950, as amended.

#### **SEC. 35-854. DUTIES OF THE PLANNING COMMISSION.**

The Planning Commission shall serve in an advisory capacity to the Board of Supervisors and the Board of Zoning Appeals in the administration of this Ordinance. Specifically, the Planning Commission will have the following responsibilities:

1. Review applications for amendments to the text of this Ordinance or to the official zoning map and make recommendations to the Board of Supervisors as necessary.
2. Review applications for variances, rezoning, and special use permits and make recommendations to the Board of Supervisors or Board of Zoning Appeals, as applicable.
3. Review and make comments and/or recommendations on special matters referred to the Planning Commission by the Board of Supervisors or Board of Zoning Appeals as required in this Ordinance or for the purpose of carrying out the intent of this Ordinance.
4. Reviews site development plans, forty-five (45) day limit. (See Sections 35-751. and 35-752.)

#### **SECS. 35-855.-35-865. RESERVED**

### **DIVISION 8. FEES**

#### **SEC. 35-866. ADMINISTRATIVE FEE STRUCTURE.**

In order to cover some costs incurred by the Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, and the Zoning Administrator incidental to the review, hearing, and

reporting of the processing of applications for a zoning permit for a permitted use or a special use zoning permit, a zoning amendment (rezone), an administrative appeal review, a variance and site development plan, the following fees shall be required to accompany appropriate applications:

1. **Rezoning**s. One hundred twenty-five dollars (\$125.00) to cover processing, signs and advertising, plus certified postage for each adjoining property owner.
2. **Variance**. One hundred twenty-five dollars (\$125.00) to cover processing, signs and advertising, plus certified postage for each adjoining property owner.
3. **Permitted Use Zoning Permits/Site Development Plan Review/Timber Preharvesting Plan Review**. Five dollars (\$5.00) to cover processing, plus certified postage for each adjoining property owner.
4. **Special Use Zoning Permits**. One hundred twenty-five (\$125.00) to cover processing, signs and advertising, plus certified postage for each adjoining property owner.
5. **Appeal to Administrative Action/BZA Review**. One hundred fifteen dollars (\$115.00) to cover processing, signs and advertising, plus certified postage for each adjoining property owner, if notice necessary.
6. **Airport Safety Zoning Clearance**. Five dollars (\$5.00) to cover processing, plus certified postage for each adjoining property owner, if notice required.

**SECS 35-867.-35-872. RESERVED**

**ARTICLE VI  
VIOLATIONS AND PENALTIES  
DIVISION I. VIOLATIONS**

**SEC. 35-873. VIOLATIONS-GENERALLY.**

Any building or structure erected contrary, to any of the provisions of this Ordinance and any use of any building, structure, or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful. The Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance.

**SEC. 35-874. NOTICE OF VIOLATION.**

Upon becoming aware of any violation of any provisions of this Ordinance, the Zonings Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

**SEC. 35-875. REMEDIES NOT EXCLUSIVE.**

The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**SEC. 35-876. COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.

**SEC. 35-877. PENALTIES.**

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure on any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) no more than One thousand dollars (\$1,000.00). Each day upon which such violation continues shall constitute a separate offense.

**SECS. 35-878.--35-898. RESERVED**

**SUPPLEMENTARY DEFINITIONS TO  
THE PITTSYLVANIA COUNTY ZONING ORDINANCE**

**Abattoir** - A commercial slaughterhouse.

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

**Amenities** - Land or improvements that are included within a development that are not employed for the primary use, but which increases material or physical comfort of users or inhabitants of the development and may often add intangible value to a development.

**Amusement Center** - Any establishment, business, or location in which there are more than three (3) amusement games/devices.

**Amusement Game/Device** - A mechanical, electrical, or electronic coin or token-operated machine or device which may be operated by the public for use as a game, entertainment or amusement, including but not limited to such devices as pinball machines, video games or any game utilizing a video tube to produce or reproduce symbolic figures but excluding machines or devices which provide an electronic reading or weight, photograph, lamination or item of merchandise such as blood pressure machines, photo booths, vending machines and the like. The definition shall also include such devices as pool tables, billiard tables, carom tables, shuffle bowling, and other devices and gaming tables whether or not the same shall be coin or token-operated.

**Automobile Graveyard** - Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind; incapable of being operated, and which it would not be

economically practical to make operative, are placed, located or found. This does not apply to farm vehicles in agricultural districts.

**Automobile Service Station or Garage** - Automobile service, stations shall be considered as businesses having buildings (including accessory buildings), which are designed and used for the service and repair of automotive and general body repair painting and engine overhaul. Noise, glare, fumes, and smoke are common characteristics of automobile service stations and garages.

**Barber and Beauty Shop** – An establishment where hairdressing, facials, manicures and tanning are performed. (Amended July 6, 2004)

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

**Camp, Day** - A lot, tract or parcel of land operated as either a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing.

**Campground** - Any area, place, parcel, or tract of land of four (4) acres or more on which three (3) or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly, or in part, for the accommodation of camping units for periods overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions and easements. "Campground" includes but is not limited to a travel camp, recreation camp, family campground, camping resort, recreational vehicle park and camping community. "Campground" does not include a summer camp, migrant labor camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenant, restrictions, and conditions for providing his sanitary facilities within his property lines.

**Club: Private** - An establishment operated for the social, education; or recreation benefit of the members thereof in which no enterprise is conducted, except for the convenience of the members thereof and their guests.

**Club: Public** - Any for-profit or nonprofit organization organized and operated to provide facilities for dining, golf, tennis, swimming, boating, fishing, and/or other similar activities to its private or public self-perpetuating membership.

**Community Center** - A building, group of buildings or other place designed and/or used for the cultural, educational and/or recreational activities of the inhabitants of a definable geographic area and not operated for profit. Area may include a single development.

**Country Store or General Store** - A retail store the ground floor area of which, is four thousand (4,000) square feet or less, and which offers for sale a wide variety of goods.

**Dairy** - A commercial establishment for the manufacture and sale of dairy products.

**Day Care, Child Care Facility** - Any facility or center operated for the purpose of providing care, protection and guidance to a group of five (5) or more children separated from their parents or guardian during a part of the day only, except:

- a facility required to be licensed as a summer camp under Title 35. Chapter 4, Sections 35-43. through 35-53. of the Code of Virginia;
- a public school or private school unless it is determined that such private school is operating a child care center outside of regular classes.
- a school operated primarily for the educational instruction of children from two (2) to five (5) years of age at which children two (2) through four (4) years of age do not attend in excess of six and one-half (6 1/2) hours per day.
- a facility which provides child care on an hourly basis which is contracted for by a parent only occasionally.
- a Sunday School conducted by a religious institution where children are cared for during religious services.

**Demolisher** - means any person, firm, or corporation whose business is to convert a motor vehicle, trailer or semi-trailer into processed scrap or scrap metal or otherwise to wreck, or dismantle such vehicles.

**Eave** - The lower portion or a roof that overhangs the wall.

**Emergency Medical Transport** - Emergency citizen transportation which includes fire and rescue departments, emergency medical services (such as Region One EMS). The emergency medical transport organization must meet all State requirements as specified by the Department of Motor Vehicles (DMV).

**Feedlot** - (Commercial) Commercial livestock feeding operation shall mean a lot, yard, structure, corral, or other area in which animals are confined primarily for the purpose of feeding, growing, raising, holding, and birthing prior to slaughter or sale. The term does not include areas which are being used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed. This term also does not include a farm operation to which the farmer is raising crops on the property to feed the animals.

**Garage, Private** - A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles/equipment with no facilities for mechanical service or repair or a commercial or public nature.

**Garage, Public** - A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor driven vehicles.

**General Convenience Store** - A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store and no more than five (5) gasoline and/or diesel fuel pumps shall be permitted.

**Group Home** - A single-family dwelling occupied by an adult and his family and not more than eight (8) boys and/or girls unrelated to the adult under the supervision of that adult. All such children shall have been previously placed in such home by order of a court or by agreement with their respective legal guardians.



**Home for Developmentally Disabled Persons** - A building or group of buildings containing one (1) or more dwelling units designed and/or used for housing mentally retarded or otherwise developmentally disabled persons not related by blood or marriage.

**Home for the Aged** - A building or place in which the establishment is providing housing, board, lodging, and maintenance for three (3) or more aged persons who are not infirmed, chronically ill or incapacitated.

**Inoperable Vehicle** - An inoperable vehicle means any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, and for which there is no valid inspection sticker. (This does not include farm use vehicles or antique vehicles.)

**Junkyard** - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard the term shall also include private garbage dumps, private sanitary landfills, and salvage yards.

**Kennel, Commercial** - A place designed or prepared to house, board, breed, handle or otherwise keep or care for dogs and/or cats for sale or in return for compensation except as an accessory to a single-family dwelling.

**Livestock** - Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep.

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

**Marina** - A facility situated on a lake shore which provides launching and secure moorings for water borne craft and may also provide supplies, fuel and marine repair services.

**Non-Emergency Medical Transport** - Non-emergency transportation which may include common carrier bus services (intra-city and inter-city), commercial taxicab services, wheelchair van services, stretcher van services, gas reimbursement and commercial air carrier services. The non-emergency medical transport organization must meet all State requirements as specified by the Department of Motor Vehicle (DMV).

**Non-Public Water system** - A water system which, as a general rule, does not provide water to the public for drinking or does not meet the requirements for a public water system; or a well used for obtaining water for drinking or domestic use located on an individual lot for the purpose of serving the main dwelling on said lot, with any new well to be at least a Class III-A drilled well as approved by the Health Department.

**Nursing Home** - Includes rest homes and convalescent homes, and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities, or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

**Office Complex** - Four (4) or more professional offices with a cumulative square footage of five thousand (5,000) square feet or greater, which are planned, owned, or managed as a unit and provide on-site parking for employees and customers.

**Parapet** - That part of a wall entirely above the roof.

**Patio House, Atrium House** - A single-family dwelling having an open, landscaped courtyard partially or completely surrounded by living areas, which courtyard provides the main source of light and air for such dwelling.

**Preserves and Conservation Areas** - An area in which the renewable resources of soil, water, wildlife, and forest are protected and managed in accordance with principles that assure their optimum economic and social enjoyment.

**Primitive Campground** - An undeveloped lot or parcel of land operated without electrical utilities (public or private), or a man-made water supply. The primary use being camping with a tent or without shelter. Recreational vehicles are prohibited.

**Private Recreational Facilities** - A commercial enterprise, open to the public, whereby a fee is charged for admission or a fee is charged to participate, where recreational activity is conducted on privately owned land.

**Private School** - Shall include private schools, colleges or universities, private instructional/training institutions.

**Professional Offices** - The office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural in which a knowledge or skill in some, science, or area of learning is used in its practical application to the affairs of others, either advising or guiding them in serving their interests or welfare through the practice of an act founded thereon.

**Public Recreational Facilities** - A location where recreational activity is made available to the general public on publicly owned land.

**Quarry or Quarrying** - Facility for the extracting of granite, marble, and similar geologic materials for commercial use.

**Raceway** - A commercial enterprise, open to the public, whereby a fee is charged for admission or a fee is charged to participate, where competitions are conducted on a privately owned land involving mechanical or motorized vehicle.

**Recycling Center** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, clashed, or bundled, essentially by hand within a completely enclosed building.

**Recycling Collection Point** - An incidental use, that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools; includes compactor and green box sites.

**Recycling, Plant** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

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

**Retail Stores and Shops** - Buildings for display and sale of merchandise at retail or for the rendering of personal services. Examples includes: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music store, barber shop, beauty shop, and boutiques. Discount stores are also included.

**Sanitary Landfill** - A place for the disposal of solid wastes approved in accordance with the regulations of the Department of Health.

**Sawmill Permanent** - A sawmill permanently located for the processing of timber without regard to the point of origination.

**Sawmill Temporary** - A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

**Shopping Center** - A group of four (4) or more commercial establishments with a cumulative square footage of ten thousand (10,000) square feet or greater, which are planned, owned, developed, and managed as a unit, with common off-street parking provided on the property for customers, and employees located on a parcel of land ten (10) or more acres in size.

**Shopping Complex** - Two (2) or more commercial establishments planned, and developed as a unit with common off-street parking provided on the property, located on less than a ten (10) acre parcel of land.

**Stable, Commercial** - A building or group of buildings where, for compensation members of the public are provided with horses for hire, accommodations for their homes and/or lessons in riding.

**Temporary Structure** - A structure without any foundation or footings, which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. (The Zoning Administrator shall determine and/or approve the duration of time.)

**Theatre, Indoor** - A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of displays, acts, dramas by actors and/or actresses.

**Theatre, Outdoor** - An area not to exceed five (5) acres containing a screen projection booth, refreshment stand, parking spaces, and sound transmission devices to individual parking spaces only

for the purpose of commercial exhibition of motion pictures to the general public or used for performance of displays, acts, dramas by actors and/or actresses.

**Temporary Use** - A prospective use of any land, property, or structure, intended for a limited duration (to be determined by and/or approved by the Zoning Administrator), regardless of which Zoning District is involved.

**Wayside Stand: Roadside Stand: Wayside Market** - Any structure or land used for the sale of agricultural or horticultural produce or merchandise produced by the owner or his family on their farm.