

TOWN OF BLACKSTONE, VIRGINIA

Town of Blackstone, VA Zoning Ordinance

Adopted by the Town Council of the Town of Blackstone, VA on June 15, 2015

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Article 1 TITLE, AUTHORITY, PURPOSE

Section 1-1 Title

An ordinance regulating and restricting the use of buildings, structures, and land, and providing for the administration, enforcement and amendment thereof in the Town of Blackstone, and for said purpose of dividing the Town into districts. This ordinance shall be known and cited as the "Zoning and Development Ordinance of the Town of Blackstone, Virginia".

Section 1-2 Authority

Whereas, by act of the General Assembly of Virginia, Sections 15.2-2280 et seq. of the Code of Virginia of 1950, and amendments thereto, the governing body of any municipality may by ordinance, classify territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of the article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- 1-2.1 The use of land, buildings, structures, and other premises for agricultural, residential, business, industrial, floodplain, and other specific uses;
- 1-2.2 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- 1-2.3 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 space to be left unoccupied by uses and structures including variations in the sizes of lots based on whether a public community water supply or sewer system is available and used;
- 1-2.4 The excavation or mining of soil or other natural resources.

Section 1-3 Purpose, Intent

Be it therefore ordained by the Blackstone Town Council upon recommendation of the Town of Blackstone Planning Commission and having given due notice of public hearings on the proposed zoning ordinance and having held such hearings, that the zoning regulations and district herein set forth area for the purpose of promoting and improving public health, safety, convenience or welfare and to plan for the future development of the Town and of further accomplishing the objectives of Sections 15.2-2280 et seq. of the Code of Virginia of 1950, as amended, and therefore, the following is hereby known as the Zoning and Development Ordinance of the Town of Blackstone, Virginia, together with the accompanying Official Zoning Map. This ordinance has been designed to give reasonable consideration to each of the following purposes, where applicable:

- 1-3.1 Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- 1-3.2 Reduce or prevent congestion in the public streets;
- 1-3.3 Facilitate the creation of a convenient, attractive and harmonious community;

- 1-3.4 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;
- 1-3.5 Protect against destruction of or encroachment upon historic areas;
- 1-3.6 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, impounding structure failure, panic or other dangers;
- 1-3.7 Encourage economic development activities that provide desirable employment and enlarge the tax base;
- 1-3.8 Provide for the preservation of agricultural and forestall lands and other lands of significance for the protection of the natural environment;
- 1-3.9 Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
- 1-3.10 Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and
- 1-3.11 Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.

Section 1-4 Matters Considered in the Drawing of this Ordinance

This zoning ordinance and map are developed with reasonable consideration for the existing use and character of property; and the existing land use plan, the suitability of property for various uses, the trends of growth or change, the current and future requirement of the Town as to land for various purposes as determined by population and economic studies and other studies; the transportation requirements of the Town; the housing, parks, playgrounds, recreation areas, and other public services; for the conservation of natural resources, and the preservation of flood plain, and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the Town.

Article 2 CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

Districts

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

Residential-Suburban	R-S
Residential	R-1
Residential	R-2
Residential	R-3
Residential Business	R-B
Business, General	B-G
Industrial	M-1
Industrial	M-2
Public/Open Space	POS
Airport Overlay	AIR

Section 2-1 District Boundaries

The boundaries of said zones so designated in Section 1 of this article are hereby established as shown on the zoning map of Blackstone on file in the Zoning Administrator's office which map is hereby declared to be a part of this ordinance. All notations, dimensions, and designations shown thereon shall be as much a part of this ordinance as if the same were all fully described herein.

Article 3 RESIDENTIAL-SUBURBAN, DISTRICT R-S

Statement of Intent

This district is comprised of certain quiet, low density areas where each residential unit is located on one half (1/2) acre or more of land. This area also contains certain open areas where similar residential development appear likely to occur. The regulations of this district are designed to stabilize and protect the basic characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all intensive commercial activities. To these ends, development is limited basically to dwellings providing homes for residents. Certain additional uses such as schools, churches, parks, playgrounds, veterinary clinics, kennels, tree farms and certain public utilities are likely to be present to serve residents of this district.

Use Regulations

Section 3-1 Use by Right

- 3-1.1 Single-Family Detached Dwellings
- 3-1.2 Schools
- 3-1.3 Churches
- 3-1.4 Parks and Playgrounds
- 3-1.5 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building within twenty (20) feet of a residential property line may not be more than one (1) story in height. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.
- 3-1.6 Public Utilities: poles, lines, distribution and transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities including water and sewerage facilities.
- 3-1.7 Gardens
- 3-1.8 Home Occupations, as defined
- 3-1.9 Satellite Dish Antenna (As provided under Article 14-3.3)
- 3-1.10 Signs subject to Article 14-4

Section 3-2 Parking Regulations

- 3-2.1 Off street parking shall conform to Article 13 of this ordinance.

Section 3-3 Sign Regulations

- 3-3.1 The following sign regulations apply in Residential - Suburban district R-S.

- A. On any lot where the premises are for sale or rent, one real estate sign with a combined area not exceeding twenty (20) square feet.
 - B. On any lot one identification sign with a combined surface area not exceeding four (4) square feet in area giving only the name of the premises and / or the occupant, or announcing a home occupation on premises.
 - C. On any lot entrance to a residential neighborhood, one (1) permanently mounted sign not exceeding thirty-two (32) square feet in area, giving only the name of the neighborhood.
 - D. On any lot, one temporary sign with a combined surface area not exceeding nine (9) square feet.
- 3-3.2 The following sign regulations apply to churches, parks or playgrounds, or municipal buildings in Residential District R-S:
- A. Not more than two (2) identification signs with a combined surface area not exceeding twenty (20) square feet.
 - B. Not more than two (2) bulletin or notice boards with surfaces area not exceeding thirty (30) square feet.
 - C. Not more than two (2) temporary signs or banners with a combined surface area not exceeding thirty (30) square feet in connection with special events, provided that such banners shall be displayed no longer than the duration of the event plus one (1) week before the event begins.

None of the above signs shall be erected within ten (10) feet of any residential property line.

Section 3-4 Area Regulations

The minimum lot area for permitted uses shall be twenty-one thousand seven hundred and eighty (21,780) square feet or more. For permitted uses utilizing individual sewage disposal systems the required area for any such area shall be approved by the health official. The Health Official and the Administrator may require a greater area if considered necessary by soil and site conditions.

Section 3-5 Setback Regulations

Structures shall be located one-hundred (100) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". However, no building to be constructed on an "In Fill Lot" (See Definition Article 21-3.61) will be required to setback from the street a distance greater than the setback line presently observed by any adjoining building that is within fifty (50) feet of the proposed structure's side lot line at the setback. Structures shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 3-6 Frontage Regulations

- A. No building shall be erected on a lot which does not abut on at least one street for at least twenty-five (25) feet located within the Town which is maintained by the Town or the State Department of Transportation.
- B. The minimum lot width at the setback line shall be one hundred and fifty (150) feet, excepting lots of record that are not wide enough to accommodate a setback line of one hundred and fifty (150) feet.

Section 3-7 Yard Regulations

The following yard regulations shall apply in an R-S District:

- 3-7.1 Side- Each side yard of a main structure shall be fifteen (15) percent of the lot at the building line.
- 3-7.2 Rear- Each main structure shall have a rear yard of thirty-five (35) feet or more.

Section 3-8 Height Regulations

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

- 3-8.1 A public or semi-public building such as a church, school or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 3-8.2 Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennas, active solar collectors, wind generators, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 3-8.3 No accessory building which is within twenty (20) feet of any lot line shall be more than (1) story high. All accessory buildings less than the main building in height.

Section 3-9 Special Provisions for Corner Lots

- 3-9.1 On the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on street.
- 3-9.2 The side yard on the side facing the side street shall be thirty-five (35) feet or more for both the main and accessory building.
- 3-9.3 Each corner lot shall have a minimum lot width at the setback line of one hundred seventy-five (175) feet or more, excepting lots of record that are not wide enough to accommodate a setback line of one hundred and fifty (175) feet.
- 3-9.4 On a corner lot, a fence, wall, hedge or other planting that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the Zoning Administrator. (See Article 14-1.1)

Section 3-10 Site Plan

A site plan may be required prior to issuance of a zoning permit. See Article 14 of this ordinance for an outline of site plan requirements.

Article 4 RESIDENTIAL DISTRICT R-1

Statement of Intent

This district is composed of certain quiet, low-density areas where the density of housing may range from one (1) to three (3) units per acre. This district also contains certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all intensive commercial activities. To these ends, development is limited to relatively low concentrations and permitted uses are limited basically to dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

Use Regulations

Only one main building and its accessory buildings may be located on any lot or parcel of land in Residential District R-1. Structures to be erected or land to be used shall be for the following uses:

Section 4-1 Use by Right

- 4-1.1 Single-Family Detached Dwellings
- 4-1.2 Schools
- 4-1.3 Churches
- 4-1.4 Parks and Playgrounds
- 4-1.5 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building within twenty (20) feet of a property line may not be more than one (1) story in height. A one (1) story accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.
- 4-1.6 Public utilities: poles, lines, distribution and transformers pipes, meters and other facilities necessary for the provision and maintenance of public utilities including water and sewage facilities.
- 4-1.7 Home Gardens, as defined
- 4-1.8 Home Occupations, as defined
- 4-1.9 Satellite Dish Antenna (As provided under Article 14-3.3)
- 4-1.10 Bed and Breakfasts

Section 4-2 Conditional Use

- 4-2.1 Boarding of horses and instruction of equestrian sports on minimum lots of ten (10) acres.

Section 4-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance.

Section 4-4 Sign Regulations

- 4-4.1 The following sign regulations apply to uses in the Residential district R-1:
- A. On any lot where the premises are for sale or rent, real estate sign with a combined surface area not exceeding four (4) square feet in area and not referring to any other premises.
 - B. On any lot, one identification sign with a combined surface area not exceeding two (2) square feet in area, giving only the name of the premises and/or of the occupant.
 - C. On any lot at the entrance to a residential neighborhood, one (1) permanent sign not exceeding sixteen (16) square feet in area, giving only the name of the neighborhood only.
 - D. On any lot, one temporary sign with a combined surface area not exceeding four (4) square feet.
- 4-4.2 The following sign regulations apply to churches, schools, parks or playgrounds, or municipal buildings in Residential District R-1:
- A. Not more than two (2) identification signs with a combined surface area not exceeding twenty (20) square feet.
 - B. Not more than two (2) bulletin or notice boards each with surface area not exceeding thirty (30) square feet.
 - C. Not more than two (2) temporary signs or banners with combined surface area not exceeding twenty (20) square feet in connection with special events, provided that such signs or banners shall be displayed no longer than the duration of the event plus one (1) week before it begins.
 - D. None of the above signs shall be erected within ten (10) feet of any residential property line.
- 4-4.3 Signs shall be located fifteen (15) feet or more from any street right-of-way and this shall be known as the "setback line". Signs advertising the sale or rent of the premises are exempted from this setback and may be erected to within two (2) feet of the property line. (See Article 14-4.5(14))
- 4-4.4 Signs shall not exceed a height of five (5) feet above ground level on the street to which it is oriented. No signs shall be located on any roof or wall.
- 4-4.5 No sign shall be illuminated.
- 4-4.6 Supplemental sign regulations. (See Article 14-4)

Section 4-5 Area Regulations

The minimum lot area for permitted uses shall be fifteen thousand (15,000) square feet or more. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The health official and the administrator may require a greater area if considered necessary by soil and site conditions.

Section 4-6 Setback Regulations

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". However, no building to be constructed on an "In Fill Lot" (See Definition Article 21-3.61) will be required to setback from the street a distance greater than the setback line presently observed by any adjoining building that is within fifty (50) feet of the proposed structure's side lot line at the set back.

Section 4-7 Frontage Regulations

No building shall be erected on a lot which does not abut on at least one street for at least twenty-five (25) feet except for nonconforming buildings and lots. The minimum lot width at the building line shall be one hundred (100) feet.

Section 4-8 Yard Regulations

4-8.1 Side - Each side yard of a main structure shall be fifteen (15) percent or more of the lot width at the building line.

4-8.2 Rear - Each main structure shall have a rear yard of thirty-five (35) feet or more.

Section 4-9 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height above the finished floor elevation except that:

4-9.1 A public or semi-public building such as a school, church or library may be erected to a height of sixty (60) feet from finished floor elevation provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

4-9.2 Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennas, active solar collectors, wind generators, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

4-9.3 No accessory building which is within twenty (20) feet of any lot line shall be more than (1) story high. All accessory buildings shall be less than the main building in height.

Section 4-10 Special Provisions for Corner Lots

4-10.1 On the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

4-10.2 The side yard on the side facing the side street shall be thirty-five (35) feet or more for both the main and accessory building.

4-10.3 Each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more.

4-10.4 On a corner lot, a fence, wall, hedge or other planting that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 14-1.1)

Section 4-11 Site Plan

A site plan may be required prior to issuance of a zoning permit. (See Article 16 of this ordinance for an outline of site plan requirements)

Article 5 RESIDENTIAL DISTRICT R-2

Statement of Intent

This district is composed of certain medium density residential uses where housing densities may range from three (3) to eight (8) units per acre. This district also contains certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage insofar as compatible with the intensity of land use, a suitable environment for family life where there are children. To this end, this district is protected against encroachment of general commercial or industrial uses.

Use Regulations

In Residential District R-2, structures to be erected or used shall be for one or more of the following uses:

Section 5-1 Use by Right

- 5-1.1 Single-Family Detached Dwellings
- 5-1.2 Single-Family Semi-detached Dwellings
- 5-1.3 Two-Family Dwellings - Duplex
- 5-1.4 Schools
- 5-1.5 Churches
- 5-1.6 Parks and Playgrounds
- 5-1.7 Home Occupations, as defined
- 5-1.8 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.
- 5-1.9 Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- 5-1.10 Satellite Dish Antenna (As provided under Article 14-3.3)
- 5-1.11 Townhouses (As provided under Article 14-3.2)
- 5-1.12 Home Gardens

Section 5-2 Conditional Use

Conditional Uses as provided under Article 15, Section 17-5.

- 5-2.1 Nursing homes, convalescent homes and rest homes
- 5-2.2 Clubs and Lodges
- 5-2.3 Church operated day care centers
- 5-2.4 Church operated activity centers

- 5-2.5 Shelters
- 5-2.6 Adult Care Facilities
- 5-2.7 Child Care Center

Section 5-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance.

Section 5-4 Sign Regulations

- 5-4.1 Permitted signs and sign regulations are the same as those in residential District R-1, Article 3, Section 3-3.
- 5-4.2 See Article 14-4 for supplemental sign regulations.

Section 5-5 Area Regulations

- 5-5.1 For lots containing or intended to contain a single permitted use the minimum lot area shall be ten thousand (10,000) square feet, plus four thousand (4,000) square feet for each additional dwelling. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official.

Section 5-6 Setback Regulations

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". However, no building to be constructed on an "In Fill Lot" (See Definition Article 21-3.61) will be required to be set back from the street a distance greater than the setback line presently observed by any adjoining building that is within fifty (50) feet of the proposed structure's side lot line at the setback. Landscaping may be required for conditional uses within any established or required front setback area. The plans and execution must take into consideration traffic hazards. The minimum lot width at the setback shall be eighty (80) feet.

Section 5-7 Frontage Regulations

For permitted uses the minimum lot width at the building line shall be eighty (80) feet or more. Each lot or tract must abut for a minimum of twenty-five (25) feet upon a dedicated and approved street located within the Town Limits and maintained by the Town or the Virginia Department of Transportation.

Section 5-8 Yard Regulations

- 5-8.1 Side - Each side yard of a main structure shall be fifteen percent (15%) or more of the lot width at the building line.
- 5-8.2 Rear - Each main structure shall have a rear yard of twenty-five (25) feet.

Section 5-9 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height above the finished grade elevation except that:

5-9.1 A public or semi-public building such as a school, or church may be erected to a height of sixty (60) feet from the finished floor provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

5-9.2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, active solar collectors, wind generators, television antennae and radio aerals are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

Section 5-10 Special Provisions for Corner Lots

5-10.1 Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets. A minimum lot width on a corner lot shall be one hundred (100) feet at the building line.

5-10.2 The side yard facing the side street shall be thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "side yard setback line".

5-10.3 On a corner lot a fence, wall, hedge, or other planting that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 14-1.1)

Section 5-11 Site Plan

A site plan may be required prior to issuance of a zoning permit. (See Article 14 of this ordinance for an outline of site plan requirements).

Article 6 RESIDENTIAL DISTRICT R-3

Statement of Intent

This district is composed of certain high-density residential uses, where housing densities may range from eight (8) or greater units per acre, as well as less intensive commercial operations which do not detract from the general residential character of the area. This district also contains certain open areas where similar development appears likely to occur in the future.

Use Regulations

In Residential District R-3, structures to be erected or used shall be for one or more of the following uses:

Section 6-1 Use by Right

- 6-1.1 Any Use Permitted in Residential Districts, R-1 and R-2
- 6-1.2 Manufactured homes of at least 19' or more in width and 40' or more in length on single lots.
- 6-1.3 Multiple-Family Dwellings
- 6-1.4 Family Day Homes
- 6-1.5 Townhouses (As provided under Article 14-3.2)
- 6-1.6 Funeral Homes
- 6-1.7 Rooming and Boarding
- 6-1.8 Tourist Homes
- 6-1.9 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.
- 6-1.10 Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities.
- 6-1.11 Satellite Dish Antenna (As provided under Article 14-3.3)
- 6-1.12 Nursing homes, convalescent homes and rest homes
- 6-1.13 Assisted Living Facilities

Section 6-2 Conditional Use

- 6-2.1 Group Homes
- 6-2.2 Manufactured home Parks (As provided under Section 14-3.1)
- 6-2.3 Mini Warehouse, Self Service Storage Facilities

Section 6-3 Parking Regulations

Off-street parking shall conform to the regulations in Article 13 of this ordinance. For multiple-family developments, townhouses and commercial uses, a landscaped area of at least six (6) feet in shall be

maintained at all times between parking areas and any street right-of-way line or any lot zoned for Residential district R-S, R-1 or R-2.

Section 6-4 Sign Regulations

The same as for R-2 except that the following is permitted.

- 6-4.1 On any lot with a business use, one sign not to exceed one (1) square foot for each lineal foot of street frontage, with a maximum combined surface area of twenty-five (25) square feet and a height not to exceed ten (10) feet.
- 6-4.2 Signs attached to buildings may project up to four (4) feet above the wall of the buildings.
- 6-4.3 Wall signs are permitted with a maximum combined surface of twenty-five (25) square feet and are permitted on more than one wall only when each wall faces directly onto a public highway or where more than one wall has a public entrance to the building; service entrances at the rear of a building may have an identification sign not exceeding three (3) square feet in area. No projecting wall signs shall be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground).
- 6-4.4 See Article 14-4 for supplemental sign regulations.

Section 6-5 Area Regulations

6-5.1 For lots containing or intended to contain a single permitted use served by public water and sewer the minimum lot area shall be as follows:

- 1. Single-family and two-family dwellings shall conform with the area, width and frontage regulations of Residential District R-2.
- 2. Townhouses shall conform to the regulations specified in Article 14-3.2.
- 3. Multiple-family dwellings, other than townhouses, shall meet the following minimum lot area requirements plus 10,000 square feet for the first dwelling unit in the development:

One bedroom	1,200 square feet
Two bedrooms	1,400 square feet
Three bedrooms	1,800 square feet
Four or more bedrooms	2,000 square feet

6-5.2 Apartments and Townhouses shall be served by public water and sewer.

6-5.3 Lot Coverage - Maximum lot coverage of all buildings shall be fifty (50) percent or less.

Section 6-6 Setback Regulations

Buildings shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". No buildings shall be required to setback from the street a distance greater than the setback line observed by the one or two existing buildings on the immediate adjoining lots on either side which is further removed from the street. Landscaping may

be required for Conditional Uses within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Structures shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 6-7 Frontage Regulations

The minimum lot width at the building line shall be eighty (80) feet, plus ten (10) feet for each additional permitted use. Lots and tracts of land must abut for a minimum of twenty-five (25) feet upon a dedicated and approved street located within the Town Limits and maintained either by the Town or the Virginia Department of Transportation.

Section 6-8 Yard Regulations

6-8.1 Single-family and two-family dwellings shall conform to the regulations for Residential District R-2.

6-8.2 Townhouses shall conform to the requirements of Article 14-3.2.

6-8.3 Multiple-family dwellings and other permitted uses shall have the following minimum yards:

Side - Each side yard shall be a minimum of twenty-five feet plus one (1) foot for each foot of height over twenty-five (25) feet.

Rear - Each main building shall have a minimum rear yard twenty-five (25) feet.

Interior - For dwelling groups, each interior yard shall be a minimum of thirty (30) feet between the front of a building and another exterior; a minimum of fifteen (15) feet between the side of a building with windows and another exterior; a minimum of ten (10) feet between the side of a building without windows and another exterior; and a minimum of twenty (20) feet from a rear side of a building and another exterior.

Section 6-9 Height Regulations

6-9.1 Single-family and two-family dwellings shall comply with regulations for Residential District R-2.

6-9.2 Townhouses shall comply with the regulations in Article 14-3.2.

6-9.3 Multiple-family dwellings may be erected to a maximum height, from the first-floor elevation of thirty-five (35) feet.

6-9.4 Other buildings may be erected to a maximum height of thirty-five (35) feet, except that:

1. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, television antennae, flagpoles, active solar collectors, wind generators and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
2. No accessory buildings shall be more than one (1) story in height.

Section 6-10 Provisions for Corner Lots

The side yard facing the side street shall be thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "side yard setback line".

Section 6-11 Screening Regulations

Screen planting shall be maintained for all uses in this (R-3), except for single-family and two-family dwellings, on all sides fronting on Residential Districts R-1 or R-2.

Section 6-12 Site Plan

A detailed site plan will be required by the administrator for all uses prior to the issuance of a zoning permit unless otherwise provided for. See Article 16 of this ordinance for an outline of site plan requirements.

Article 7 RESIDENTIAL BUSINESS DISTRICT R-B

Statement of Intent

The purpose of this district is to allow certain types of neighborhood commercial uses to be developed in an area that is generally residential in character. The purpose is to stabilize neighborhood esthetics by enabling light density commercial purposes that will not detract from the residential character of a neighborhood.

This zoning district is characterized by a number of smaller lots of insufficient lot areas to comply with the minimum lot requirements for an R-1 and R-2 district. Consequently, the light density commercial uses add value and flexibility of use to residential property which might otherwise diminish in value.

Traffic and parking congestion is held to a minimum to protect and preserve property values in the surrounding residential area. Commercial uses shall provide off street parking in accordance with this ordinance. The commercial uses permitted should include only activities which will not detract from the normal operation of area households. Business related activities hours of operation shall not be conducted later than 8:00 pm or earlier than 8:00 am such as to maintain the residential harmony of the area. No outside sales, service or storage is permitted. Direct on-site retail sales are prohibited in an R-B district. (See definition of retail stores and shops).

Use Regulations

In Residential Business District R-B, structures to be erected or land to be used shall be for one or more of the following uses:

Section 7-1 Use by Right

- 7-1.1 Single-Family Detached Dwellings
- 7-1.2 Single-Family Semi-detached Dwellings
- 7-1.3 Two-Family Dwellings
- 7-1.4 Churches
- 7-1.5 Personal service establishment as defined
- 7-1.6 Real estate office
- 7-1.7 Insurance offices
- 7-1.8 Professional offices
- 7-1.9 Medical or dental clinics
- 7-1.10 Photocopy service
- 7-1.11 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of-the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.

- 7-1.12 Public utilities; poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities.
- 7-1.13 Barber shops
- 7-1.14 Beauty shops
- 7-1.15 Satellite Dish Antenna (As provided under Article 14-3.3)
- 7-1.16 Music instruction and dance
- 7-1.17 Bed and breakfast establishments
- 7-1.18 Family Day Homes
- 7-1.19 Bakeries and off premises food catering
- 7-1.20 Wholesale Businesses and Warehouse Storage activities must be conducted within the main structure. Outside storage of materials, or performance of any service is strictly prohibited. All activities must be within the main structure.
- 7-1.21 Home Occupations as defined
- 7-1.22 Nursing home, convalescent home and rest homes

Section 7-2 Conditional Use

- 7-2.1 General Hospitals
- 7-2.2 Assisted Living Facilities
- 7-2.3 Group Homes

Section 7-3 Area Regulations

- 7-3.1 For lots containing or intended to contain a single permitted use the minimum lot area shall be as follows:
 1. Single-family and-two-family dwellings shall conform with the area, width and frontage regulations of Residential District R-2.
 2. Permitted Business activities shall maintain the prescribed setback, side and rear yard requirements as provided for in Article 8-5. No minimum lot area is prescribed for business activities listed above.
 3. Other conditions related to area and parking follow.
- 7-3.2 For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

Section 7-4 Setback Regulations

Buildings shall be located thirty-five (35) feet or more from street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line".

Section 7-5 Frontage Regulations

The minimum lot width at the building line shall be eighty (80) feet. Each lot or tract of land shall abut for a minimum of twenty-five (25) feet upon a dedicated and approved street located within the Town Limits and maintained either by the Town or the Virginia Department of Transportation.

Section 7-6 Yard Regulations

7-6.1 Single-family and two-family houses shall comply with the yard regulations as specified for Residential District R-2.

7-6.2 Commercial uses shall have the following minimum yards:

Side - The combined side yard for both sides shall equal or exceed fifteen (15) feet, with no structure being closer than five (5) feet to any property line. When abutting residential districts R-1 or R-2, the side yard shall comply with Article 14-6.4.

Rear - Each main building shall have a minimum rear yard of (15) feet. When abutting Residential Districts R-1 or R-2, the rear yard shall not be less than twenty-five (25) feet.

Section 7-7 Height Regulations

7-7.1 Single-family and two-family, shall comply with the height regulations as specified for Residential District R-2.

7-7.2 Other buildings may be erected to a maximum height of thirty-five (35) feet above finished grade elevation, except that:

1. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, television antennae, flagpoles, active solar devices, wind generators and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
2. Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.

Section 7-8 Provisions for Corner Lots

The side yard facing the side street shall be thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "side yard setback line".

Section 7-9 Parking Regulations

Off-street parking shall conform to Article 13.

Section 7-10 Sign Regulations

7-10.1 Permitted signs and sign regulations are the same as those in Residential District R-3 (Article 6-4)

7-10.2 See Article 14-4 for supplemental sign regulations.

Section 7-11 Screening Regulations

Buffering and screening shall be in conformance with section 14-6.

Section 7-12 Site plan

Site Plan Before a zoning permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance (Article 16) shall be submitted. For all commercial uses, a statement in sufficient detail to show the operations and processes of the use shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation.

Article 8 BUSINESS, GENERAL DISTRICT B-G

Statement of Intent

This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access and is characterized by heavy traffic, and noise and congestion of people and passenger vehicles. This district includes numerous commercial activities serving the needs of the community such as retail stores, business offices, restaurants and garages, located predominantly on primary arteries. Special conditions exist within this zone to permit the operation of business traditionally located within the central business district, and those traditionally found along arterial strip developments.

Use Regulations

In business, General District B-G, structures to be erected or land to be used shall be for one or more of the following uses:

Section 8-1 Use by Right

- 8-1.1 Retail Stores and Shops except those engaged in Adult Businesses as defined in Article 8A
- 8-1.2 Medical or Dental Clinics and Laboratories
- 8-1.3 Professional Offices, as defined
- 8-1.4 Business Schools
- 8-1.5 Music Instruction and Dance
- 8-1.6 Wholesale Merchandising Brokers, excluding wholesale storage. Storage shall be within a fully enclosed building.
- 8-1.7 Personal service establishments, as defined
- 8-1.8 Nursing homes, convalescent homes and rest homes
- 8-1.9 General hospitals
- 8-1.10 Funeral homes
- 8-1.11 Hotels and motels
- 8-1.12 Churches
- 8-1.13 Libraries
- 8-1.14 Non-Profit Clubs and lodges
- 8-1.15 Parking lots
- 8-1.16 Public utilities
- 8-1.17 Car washes
- 8-1.18 Gasoline service stations with repairs within a completely enclosed building
- 8-1.19 Cemeteries
- 8-1.20 Banks, and Credit Unions
- 8-1.21 Real estate offices
- 8-1.22 Insurance offices
- 8-1.23 Satellite Dish Antenna (As provided under Article 14-3.3)
- 8-1.24 Farmers Markets
- 8-1.25 Auto, Truck, and similar rolling stock Sales and Service (As provided under Article 14-3.4)
- 8-1.26 Nursery (See "child care center" definition)

- 8-1.27 Miniature golf course, driving range
- 8-1.28 Restaurants and catering establishments except those requiring a Use By Special Exception and which are governed by Section 8-2 below.
- 8-1.29 Indoor theaters and assembly halls
- 8-1.30 Outdoor homemade or non-profit made or sponsored craft/food sales
- 8-1.31 Laundromats
- 8-1.32 Building supply (with storage within a completely enclosed area)
- 8-1.33 Recycling Collection Centers
- 8-1.34 Greenhouses, Garden Centers
- 8-1.35 Sports and Fitness Complex
- 8-1.36 Mini Warehouses, Self Service Storage Facilities
- 8-1.37 Certified Massage Therapists
- 8-1.38 Rental or Sales of Equipment commonly used by contractors with all servicing under cover, excluding the Historic Business District

Section 8-2 Conditional Use

For the purposes of this Ordinance, the Town Council reserves unto itself the right to grant or refuse special exceptions as provided by Sections 15.2-2286 of the Code of Virginia, as amended.

- 8-2.1 Public billiard parlor and pool rooms (which are defined for purposes of the Zoning Ordinance as being any structure that houses one or more pool or billiard tables and which serves or sells alcoholic beverages on or off the premises); bowling alleys, dance halls (which are defined for purposes of this Zoning Ordinance as being any structure with open space in which dancing is permitted and which provide live music or music provided in conjunction with a DJ (disc jockey) or MC (Master of Ceremonies) and in which alcoholic beverages are provided or sold on or off premises; restaurants and catering establishments which provide live music or music provided in conjunction with a DJ (disc jockey) or MC (Master of Ceremonies) and in which alcoholic beverages are provided or sold on or off premises; video or game arcades and similar forms of public amusement and flea markets.
In approving any such application after a recommendation from the Planning Commission and a public hearing, the governing body may establish such special requirements and regulations for the protection of adjacent property, set hours of operation and make requirements as they may deem necessary in the public interest.
- 8-2.2 Veterinary Hospitals, Kennels
- 8-2.3 Single Family residences
- 8-2.4 Custom Manufacturing
 - a. Ornamental Cement Products
- 8-2.5 Accessory Buildings
- 8-2.6 Apartments on First Floor and Second Floor. In approving any such applications after recommendation from the Planning Commission and a public hearing, the Town Council may establish the number, size and layout of units, the number of bedrooms, access to street, compliance with Virginia State Building Code and Fire Code.
- 8-2.7 Assisted Living Facilities
- 8-2.8 Small Engine Repair
- 8-2.9 Adult Care Facilities

Section 8-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance except that uses allowed under Article 8-2.6 may have off street parking requirements reduced or eliminated upon request to the Town Council.

Section 8-4 Sign Regulations

- 8-4.1 On any lot with a business or industrial use, one sign permanently attached to the ground is permitted for each street where the lot has frontage, and such sign shall not exceed one hundred (100) square feet and thirty-five (35) feet in height.
- 8-4.2 Wall signs are permitted with a maximum combined surface of four hundred (400) square feet. No sign structure shall be attached to a structure in such a manner as to obstruct any window, door, or stairway.
- 8-4.3 Signs may be illuminated provided that any lighting which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, shall be so effectively shielded to prevent beams or rays flight from being directed at any portion of the traveled way of any public street. No flashing or moving sign is permitted.
- 8-4.4 Signs may be erected to within two (2) feet of the property line except for signs which may be erected in accordance with Article 14-4. (Supplemental Sign Regulations see Article 14-4.5)
- 8-4.5 Horizontal and vertical projecting signs are permitted. A horizontal projecting sign is a sign which is greater in width than in height. A vertical projecting sign is a sign which is greater in height than in width. Projecting signs shall be limited in areas follows: horizontal projecting signs fifty (50) square feet each side, vertical projecting signs one hundred (100) square feet each side.
Horizontal Sign- a sign greater in width than height.
Vertical Sign- a sign greater in height than width.
- 8-4.6 Temporary signs shall have a combined surface area not exceeding fifty (50) square feet. A temporary sign does not permit the location of a portable trailer mounted sign which are prohibited in this ordinance.
- 8-4.7 Reserved for future use.
- 8-4.8 On any lot where the premises are for sale or rent, no more than two (2) real estate signs with aggregate surface area not exceeding twenty (20) square feet in area and not referring to any other premises. Real estate signs shall be limited to ten (10) feet in height.
- 8-4.9 On any lot with a sports complex, one sign permanently attached to the ground not to exceed one hundred and twenty (120) square feet in area and thirty-five (35) feet in height.
- 8-4.10 See Article 12-4 for supplemental sign regulations.
- 8-4.11 See Article V-Section 18-123 of the Town of Blackstone Code for permits for all signs proposed within the Historical District as defined in Article V. Section 18-117.

Section 8-5 Area Regulations

None. However, area regulations may be imposed by the Health Official and Zoning Administrator if a private water and or sewer system is utilized. Residential uses shall conform to the area regulations of Residential District R-3, excluding dwelling units contained within the same building as other permitted principal uses.

Section 8-6 Setback Regulations

Residential uses shall conform to the setback regulations of Residential District R-3, excluding dwelling units contained within the same building as other permitted principal uses.

All other structures shall be located thirty feet (30) feet or more from street right-of-way on all dual lane divided highways.

Structures shall be located twenty (20) feet from other primary street right-of-way which is fifty (50) feet or greater in width or forty-five (45) feet from the center line of any street right-of-way less than fifty (50) feet in width. However, no building to be constructed on an "In Fill Lot"(See Definition Article 21-3.61) will be required to setback from the street a distance greater than the setback line presently observed by any adjoining building that is within fifty (50) feet of the proposed structure's side lot line at the setback.

In event of a planned road improvement (See Article 14-8, of this ordinance) the Planning Commission shall establish a greater setback of sufficient distance to minimize disruption to any structure and/or its use. Structures shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 8-7 Frontage and Yard Regulations

8-7.1 For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall comply with Article 14-6.4.

8-7.2 On a corner lot a fence, wall, hedge or other planting or structure that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 14-1.1)

Section 8-8 Height Regulations

8-8.1 Buildings may be erected up to fifty (50) feet in height from grade subject to Building Code Compliance. Any variance in height shall be subject to approval of the Board of Zoning Appeals. Any variance will not be granted until due consideration is given to fire safety and fire flow capabilities of the community.

8-8.2 Church spires, belfries, cupolas, monuments, cooling towers municipal water towers, chimneys, flues, flagpoles, television antennae, radio aerials, active solar collectors and wind generators are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

Section 8-9 Requirements for Permitted Uses

8-9.1 Before a zoning permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance (Article 16) and a statement in sufficient detail to show the operations and processes of the use shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation.

8-9.2 Buffering and screening shall be in conformance with Section 14-6.

Article 8A BUSINESS, SPECIALIZED DISTRICT S-B

Statement of Intent

This district covers that portion of the business community which has developed into shopping centers with off street parking. The area is characterized by heavy traffic and congestion by people and traffic. Businesses in the area do not front directly on a street or highway and there is limited visibility by the public as concerns on the premises advertising by the business. The area is not close to any Town churches, schools or playgrounds. These Special conditions allow for the location of adult use business in the district.

Use Regulations

In Business, Specialized District S-B, structures to be erected or land to be used shall be for one or more of the following uses:

Section 8A-1 Use by Right

8A-1.1 Any use permitted in the General Business District

8A-1.2 Shopping centers and strip malls

Section 8A-2 Conditional Use

For the purposes of this Ordinance, the Town Council reserves unto itself the right to grant or refuse special exceptions as provided by Title 15.2-2286 of the Code of Virginia, 1950 as amended.

8A-2.1 Public billiard parlor and pool rooms (which are defined for purposes of the Zoning Ordinance as being any structure that houses one or more pool or billiard tables and which serves or sells alcoholic beverages on or off the premises); bowling alleys, dance halls (which are defined for purposes of this Zoning Ordinance as being any structure with open space in which dancing is permitted and which provide live music or music provided in conjunction with a DJ (disc jockey) or MC (Master of Ceremonies) and in which alcoholic beverages are provided or sold on or off premises;

restaurants and catering establishments which provide live music or music provided in conjunction with a DJ (disc jockey) or MC (Master of Ceremonies) and in which alcoholic beverages are provided or sold on or off premises; video or game arcades and similar forms of public amusement, flea markets and Adult Use Businesses as defined herein.

In approving any such application after a recommendation from the Planning Commission and a public hearing, the governing body may establish such special requirements and regulations for the protection of adjacent property, set hours of operation and make requirements as they may deem necessary in the public interest.

8A-2.2 Computer Based Gaming Establishments

Section 8A-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance.

Section 8A-4 Sign Regulations

- 8A-4.1 Wall signs are permitted with a maximum combined surface of four hundred (400) square feet. No sign structure shall be attached to a structure in such a manner as to obstruct any window, door or stairway.
- 8A-4.2 Signs may be illuminated provided that any lighting which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, shall be so effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any public street. No flashing or moving sign is permitted.
- 8A-4.3 Horizontal and vertical projecting signs are permitted. A horizontal projecting sign is a sign which is greater in width than in height. A vertical projecting sign is a sign which is greater in height than in width. Projecting signs shall be limited in areas follows: horizontal projecting signs fifty (50) square feet each side, vertical projecting signs one hundred (100) square feet each side.
- 8A-4.4 Where the premises are for sale or rent, no more than two (2) real estate signs with aggregate surface area not exceeding twenty (20) square feet in area and not referring to any other premises. Real estate signs shall be limited to ten (10) feet in height.
- 8A-4.5 See Article 14-4 for supplemental sign regulations.

Section 8A-5 Area Regulations

None.

Section 8A-6 Setback Regulations

Structures shall be located twenty (20) feet or more from street right-of-way on all dual lane divided highways.

Structures shall be located twenty (20) feet from other primary street right-of-way which is fifty (50) feet or greater in width or forty-five (45) feet from the centerline of any street right-of-way less than fifty (50) feet in width. However, no building to be constructed on an "in Fill Lot" (See Definition Article 19-3.49. 1) will be required to set back from the street a distance greater than the setback line presently observed by any adjoining building that is within fifty (50) feet of the proposed structure's side lot line at the set back.

In event of a planned road improvement (See Article 15-6, of this ordinance) the Planning Commission shall establish a greater setback of sufficient distance to minimize disruption of any structure and/or its use. Structures shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 8A-7 Frontage and Yard Regulations

- 8A-7.1 For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall comply with Article 12-6-4.
- 8A-7.2 On a corner lot a fence, wall, hedge or other planting or structure that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 12-1-1)

Section 8A-8 Height Regulations

8A-8.1 Building may be erected up to fifty (50) feet in height from grade subject to Building Code Compliance. Any variance in height shall be subject to approval of the Board of Zoning Appeals. Any variance will not be granted until due consideration is given to fire safety and fire flow capabilities of the community.

8A-8.2 Church spires, belfries, cupolas, monuments, cooling towers municipal water towers, chimneys, flues, flagpoles, television antennae, radio aeriels, active solar collectors and wind generators are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

Section 8A-9 Requirements for Permitted Uses

8A-9.1 Before zoning permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance (Article 14) and in sufficient detail to show the operations and process€ S of the use shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation.

8A-9.2 Buffering and screening shall be in conformance with Section 12-6.

Section 8A-10 Application For Special Use Permit - General

8A-10.1 An applicant for a special exception shall file an application in accordance with the following procedures.

8A-10.2 *Determination of completeness.* Upon receipt of an application for a special exception, the zoning administrator shall make a determination of completeness of application.

8A-10.3 *Completed application.* A completed application shall contain at least the following information, unless deemed unnecessary by the zoning administrator, to appropriately evaluate an application:

- A. The applicant's name and address and interest in the subject property.
- B. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
- C. The street address and legal description of the subject property.
- D. The zoning classification and present use of the subject property.
- E. A complete description of the proposed special exception use.
- F. A plan or drawing drawn to a scale of 1-inch equals 20-feet or larger which includes the following information:
 - (1) Actual dimensions of the lot.
 - (2) Exact sizes and location of all existing and proposed buildings or other structures.
 - (3) Driveways.
 - (4) Parking spaces.
 - (5) Safety curbs.
 - (6) Landscaping.
 - (7) Location of trash receptacles.
 - (8) Location and size of restroom facilities.

- (9) Location and size of facilities, such as kitchen, storage, restaurant tables, bar, pool table area, massage or tattoo rooms.
- (10) Maximum occupancy permitted by Code.
- (11) Traffic impact analysis
- (12) Environmental impact analysis
- (13) Such other and further information or documentation as the zoning administrator may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular application.

8A-10.4 *Report.* A report evaluating the application and its impacts will be prepared by the Town Manager. A copy of the report will be made available prior to the public hearing.

8A-10.5 *Notice of public hearing.* Before making any recommendation on a proposed amendment, the planning commission will hold a public hearing with notice as set forth in the Code of Virginia, as amended.

8A-10.6 *Planning commission action.* The Manager's written recommendation shall be considered at the commission's public hearing. Following the conclusion of the public hearing, the commission shall recommend to the council in writing that the council either (1) approve the special exception, (2) approve the special exception subject to specific conditions, or (3) deny the special exception.

8A-10.7 *Town council decision.* Upon receipt of the recommendation of the planning commission, the council shall either (1) approve the special exception, (2) approve the special exception subject to specific conditions, or (3) deny the special exception.

Section 8A-11 General standards and considerations for special exception uses.

8A-11.1 No application for a special exception shall be approved unless the council, after review of the recommendation of the planning commission, shall determine that the proposed special exception use is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the special standards for specific uses. No application for a special exception shall be recommended or granted pursuant to this chapter unless the application is determined to be in compliance with the following:

Compliance with ordinance and district purposes. The proposed use and development will be in harmony with the objectives and policies of the adopted general plan of Blackstone and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established.

No substantial impairment of property value. The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

No undue adverse impact. The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified herewith to mitigate potential adverse impacts.

No interference with surrounding development. The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools.

No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

No destruction of significant features. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

No pollution of environment. The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated.

No negative cumulative effect. The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole.

Compliance with standards. The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use.

Any use allowed by Special Exception:

- A. Shall not become an annoyance to the adjacent neighborhood(s).
- B. Shall not be operated or maintained in a loud, obnoxious or offensive manner.
- C. Shall not permit disorderly or offensive behavior of any sort by patrons, employees or visitors.
- D. Shall not contribute to a decline in property values or have a propensity to depress property values.

Section 8A-12 General conditions to be applied to all special exception uses.

Unless specifically waived or modified by the council in approving a particular special exception application, the following conditions shall apply to all special exceptions granted by the council. These conditions shall be in addition to any other conditions set by the council or required by this ordinance for certain special exception uses.

Upon change of ownership and/or management of the business, the previous owner/operator as well as the new owner/operator shall both notify the zoning administrator and the town clerk, in writing, of the change in ownership and/or management. Such notification shall include documentation that the new owner/operator has been advised of the conditions of the special exception.

The zoning administrator shall have the authority to inspect all properties for compliance with special exception conditions as often as necessary to assure continued compliance. However, the zoning

administrator shall conduct at least one inspection within one month after the time the operation begins and a second scheduled inspection within 18 months thereafter.

Where considered appropriate, the council may require a bond or letter of credit (in an amount satisfactory to the Town attorney) prior to the issuance of a special exception to insure compliance with all conditions.

In cases where the conditions of a special exception or this ordinance in general are not met and all administrative enforcement processes have been pursued without success, then the zoning administrator may initiate action to revoke a special exception. The council shall hold a hearing to decide whether to revoke the special exception.

Section 8A-13 Special Conditions to be applied to Adult Business Use

In addition to the general standards and considerations contained herein which apply to all special exception uses, the following standards and regulations shall apply to the particular uses listed below:

Adult uses.

8A-13.1 Intent. Within the Town, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to residential neighborhoods, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the concentration or location of these uses in a manner that would create such adverse effects. Uses subject to these controls are as follows:

- A. Adult book store, video, DVD, adult material store.
- B. Adult motion picture theater.
- C. Adult mini-motion picture theater.
- D. Massage parlor.
- E. Adult Motel.
- F. Tattoo Parlor.
- G. Adult Business as defined herein.

8A-13.2 Location and extent. Special exceptions in this class shall involve only property in Zoning District S-B, Specialized Business and further provided that.

- A. The business shall be located at least 500 feet away from any residential zoning district, and at least 500 feet from the property line of any land used for any of the following:
 - (1) A dwelling;
 - (2) A nursing home, assisted living facility, or similar institution;
 - (3) An adult day care center;
 - (4) A child day care center;
 - (5) A public or private school, college or university;
 - (6) A public park;

- (7) A public or private library, museum or cultural center;
 - (8) A church or other place of worship;
 - (9) Any other adult business.
- B. Adult merchandise shall not be visible from any point outside the establishment.
 - C. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.
 - D. The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight local time.
 - E. In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD- ROMs, DVD-ROMs, virtual reality devices, internet sites or files transmitted over the internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein while on the premises.
 - F. Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under 18 years of age with the room configured so that it remains open to plain view at all times.
 - G. The interior of the enclosed premises shall be equipped with overhead lighting fixtures that at all times illuminate every place patrons are permitted access with an illumination of not less than two-foot candles measured at floor level.
 - H. Wide angle mirrors must be used to provide the manager with continuous monitoring of all areas of the establishment.
 - I. All owners, operators, managers, employees, associates and entertainers shall be at least 18 years of age.
 - J. The owner or operator shall operate and maintain a security camera and videotape or digital file system designed and installed by a private security service business licensed by the Commonwealth of Virginia. Surveillance cameras shall continuously monitor and record images of all entrances, exits, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's premises, patrons and their vehicles and of any vehicles otherwise entering the premises. Videotapes or digital file systems recording activities in the areas under surveillance shall be preserved for a period of not less than four months. Authorized representatives of the Blackstone police or the Town Manager's office shall have prompt access to recovery and possession or a complete and accurate copy of such videotapes or digital files upon request.
 - K. The owner or operator shall provide adequate lighting for all entrances, exits and off-street parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient

lighting for clear visual and security camera surveillance and recording of all images on the premises at all times one hour before dusk and one hour after dawn.

Section 8A-14 Definition of Adult Business

The following businesses are hereby denominated as Adult Businesses and defined as follows:

1. "Adult bookstore" or "adult video store" means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
2. "Adult business" means any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons,
3. "Adult entertainment" means dancing modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes; slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
4. "Adult merchandise" means magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.
5. "Adult model studio" means a commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.
6. "Adult motel" means a motel, hotel, or similar commercial establishment that: (1) provides patrons with closed-circuit television transmissions, internet selections or sites, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (2) offers a sleeping room for rent for a time period of less than 10 hours; or (3) allows a tenant or occupant to sub rent the sleeping room for a time period of less than 10 hours.

7. "Adult movie theater" means an enclosed building regularly used for 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, excluding movies that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.
8. "Adult nightclub" means a restaurant, bar, club, or similar establishment that regularly features adult entertainment.
9. "Adult store" means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.
10. "Associate" means any entity or person acting in concert with an owner, operator, manager or employee in the management or control of the adult business, whether or not compensated.
11. "Employee" means an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, pays the permittee or manager for the right to perform or entertain in the adult business.
12. "Massage Parlor" as defined in Section 8A-21 herein.
13. "Live entertainment" means entertainment provided in person including, but not limited to musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.
14. "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
15. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.
16. "Tattoo Parlor" means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

Section 8A-15 Additional Application Requirements For Adult Business

8A-15.1 Every person either operating or desiring to operate an adult business, in addition to obtaining any required business license and in addition to the application requirements set forth for any Special Use Permit, shall provide the following additional information in his or her application and pay a \$300 application fee:

8A-15.2 Information required on and with the application shall include, but not be limited to, the following:

- A. The applicant's full name, any previous or current aliases, age, sex, weight, height, hair and eye color, address, telephone number, date and of birth and Social Security number.

- B. Names and addresses of at least three references.
- C. Whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.
- D. Whether the applicant holds or has held, in the name of this business or any other permits under this chapter or similar adult use provisions from another locality within the past five years, and, if so, the names and locations of such other permitted businesses.
- E. Whether the applicant has been denied a permit or has had a permit revoked or suspended under any statute or ordinance requiring a permit to operate an adult business and, if so, when and where the denial or revocation or suspension occurred.
- F. Photograph and fingerprints of applicant.
- G. Name, including any fictitious names, and address of the business for which a permit is sought.
- H. A criminal record check of the applicant shall be provided by the applicant with the application, along with the applicant's written authorization to investigate whether the information provided by the applicant is true.
- I. A description of the intended business activity and, if adult entertainment is to be provided, a detailed description of such entertainment.
- J. Written declaration, dated and signed by the applicant, in affidavit form that the information contained in the application is true and correct.

8A-15.3 For a corporation, partnership or other legal entity, "applicant" includes each director, partner, member or principal of the entity and the managers and other associates of the business.

8A-15.4 The Town Manager or designee shall act on the application within 30 days of the filing of an application containing all the information required by this section, unless information requested from other law enforcement agencies is not received within that 30-day period, in which case the chief of police or designee shall have an additional 30 days to act on the application.

8A-15.5 The application shall not be forwarded to the planning commission if the investigation the information furnished by the applicant shows any of the following:

- A. The applicant has failed to provide information required by this section or falsely or has misleadingly answered a question.
- B. The applicant has been convicted of a felony within the past five years. The applicant has been convicted of a crime of moral turpitude or a crime involving obscenity laws within the past five years.
- C. The applicant has been convicted of a crime of moral turpitude or a crime involving obscenity laws within the past five years.
- D. The applicant has been denied a permit or has had a permit revoked or suspended within the past 12 months under any statute or ordinance requiring a permit to operate an adult business.
- E. Failure of the applicant's business to comply with the Town's business license or zoning, building, plumbing, utility, health, electric or fire prevention codes, with any other applicable Town or state laws or regulations.
- F. The application fee has not been paid.

8A-15.6 If the application is defective, the Town Manager or designee shall notify the applicant of the denial and state the reasons for the denial.

Section 8A-16 Duration of Special Use Permit

8A-16.1 Permits issued for Adult Business Uses, Dance Halls, Restaurants and Catering Establishments shall be valid for 12 months from the date thereof. An Adult Business Use Permit shall be renewed in the same manner as it was initially obtained. The application fee for a permit shall be \$300.00. The application fee for an Adult Business renewal denied permit shall be \$300.00. Permits for uses other than Adult Businesses shall be renewed by vote of the Town Council but a permit shall not be renewed until after a public hearing conducted by the Town Council. The applicant shall pay the cost of advertising for the public hearing. No permit shall be transferable.

8A-16.2 Any changes in the ownership or principals of the business entity to which the permit is issued or in the managers or other associates of the business will automatically make the permit void. Such changes shall be immediately reported to the Town Manager or designee, and a new application may be submitted for review.

8A-16.3 *Grounds for revocation.* The Town Manager or designee may revoke any permit issued pursuant to this chapter for the following:

- A. Fraud, misrepresentation or any false or misleading statement contained in the application.
- B. As concerns an Adult Business, conviction of the permittee for any felony, crime involving moral turpitude, or crime involving the obscenity laws after the permit is issued.
- C. The permittee or an employee or associate of the permittee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises.
- D. The permittee or an employee or associate of the permittee has knowingly allowed prostitution on the premises.
- E. The permittee or an employee or associate has refused to allow an inspection the business premises as authorized by this chapter.
- F. As concerns an Adult Business, on two or more occasions within a 12-month period, employees or associates of the adult business at the time of the offenses committed an offense in or on the permitted premises for which a conviction has been obtained constituting:
 - (1) Aiding, abetting or harboring a runaway child;
 - (2) Prostitution or promotion of prostitution;
 - (3) Exposing minors to harmful materials;
 - (4) Dissemination of obscenity;
 - (5) Sexual assault.

The fact that a conviction is being appealed shall have no effect on the vocation of the permit.

- G. The permittee is convicted of violations regarding any taxes or fees related to the adult business.
- H. The permittee has failed to operate or manage the business in a peaceful and law-abiding manner.

- I. As concerns an Adult Business, the permittee or an employee of the permittee, except a permittee or employee of a permittee of an adult motel, has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual activity to occur in or on the permitted premises.
- J. The permittee has been operating the business not approved under the applicable permit
- K. The permittee has failed to comply with the provisions of this chapter.
- L. The permittee's business fails to comply with other applicable Town or state laws or regulations.

Section 8A-17 Inspection

8A-17.1 In addition to any existing legal authority, representatives of the Town and state departments shall have the authority to inspect the business for the purpose of determining compliance with the provisions of this chapter.

8A-17.2 No person shall provide adult entertainment for patrons of an adult business except upon a stage located in an area open to all patrons of the business. The stage shall be at least 18 inches above the level of the floor and separated by a distance of at least three feet from the nearest area occupied by patrons. No patron shall be permitted within three feet of the stage while the stage is occupied by an entertainer.

8A-17.3 The adult business shall provide separate dressing room facilities for female and male entertainers, which shall not be occupied or used in any way by anyone other than them.

8A-17.4 The adult business shall provide entertainers access between the stage and the dressing rooms which is completely separated from the patrons. If separate access is not physically feasible, the establishment shall provide a walk aisle at least four feet wide for entertainers between the dressing room area and the stage with a railing, fence or other barrier separating the patrons and the entertainers which prevents any physical contact between patrons and entertainers.

8A-17.5 No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while in or on the premises of the adult business.

8A-17.6 No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to an entertainer shall place the gratuity in a container that is at all times located separately from the entertainers for the purpose of preventing any physical contact between a patron and an entertainer. No entertainer shall solicit any gratuity from any patron.

8A-17.7 Patrons must be at least 18 years of age.

8A-17.8 No operator or manager of an adult business shall cause or allow an entertainer contract to or engage in any entertainment such as a "couch," a "straddle," or "lap" dance with a patron while in or on the premises of an adult business. No entertainer shall contract to or engage in a "couch," "straddle," or "lap" dance with patron while in or on the establishment premises. For purposes of this subsection, "couch," "straddle," or "lap" dance is defined as an employee of the establishment intentionally touching any patron while engaged in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or the exposure of any specified anatomical area

8A-17.9 This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within three feet patron. No employee shall engage in any specified sexual activity or other activity intended for the sexual stimulation or titillation

of patrons, or expose any specified anatomical area while acting as a waiter, waitress, host, hostess, or bartender.

Section 8A-18 Regulations pertaining to adult motels

8A-18.1 Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined herein.

8A-18.2 No person who is in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an adult business permit shall rent or sub rent a sleeping room to a person, and, within 10 hours from the time the room is rented, rent or sub rent the same sleeping room again.

8A-18.3 For purposes of subsection (2) of this section, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

Section 8A-19 Transfer of permit prohibited

8A-19.1A permittee shall not operate an adult business at any place other than at the address designated in the approved permit.

8A-19.2A permittee shall not transfer its permit to another person.

Section 8A-20 Violations

8A-20.1 Operation of an adult business without a special use permit is prohibited.

8A-20.2 Violations of this chapter shall be unlawful and punished as provided in Virginia Code § 15.2-2286 (5) and Section 15.2-2208

Section 8A-21 Massage Parlors

8A-21.1 For the purposes of this chapter, certain words and phrases shall have the meanings ascribed to them by this section:

1. **Massage parlor:** Any place, establishment or institution which provides one or more of the following services at such establishment or on a house call basis: physical massage of the body of another, steam bath, hot box, electrical, mechanical or chemical magnetic bath, and/ or stimulation exercises.
2. **Massage parlor operator:** A massage parlor operator is the owner, assignee, agent, contractor, employee, individual, officer of a firm, company, corporation, association, club, institution or any other person or entity operating a health parlor.
3. **Massage therapy:** The treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation, or application of pressure to the muscular structure of soft tissues of the human body.
4. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.
5. **Masseur; masseuse; massage therapist:** A person who practices or administers one or more of the acts of body massage, either by hand, towel or mechanical apparatus, oil rubs,

corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sits bath, vapor, steam or any other special bath.

6. Masseurs and masseuses shall provide proof of successful completion of a minimum of five hundred (500) hours of training in massage therapy from a school accredited by the Virginia State Board of Nursing. Masseurs and masseuses possessing a valid health certificate prior to the adoption of this chapter shall be granted one year from the adoption of this chapter to comply with its training requirements.
7. For the purposes of this section, the following are excluded:
 - a. Personnel working in hospitals, nursing homes, medical clinics, rehabilitation centers, the offices or quarters of a licensed physician, surgeon, osteopath, chiropractor, registered nurse, licensed practical nurse or licensed registered physical therapist; or
 - b. Personnel of barber shops or beauty parlors, when such massage is confined to the scalp, head, face or neck of the recipient of services; or
 - c. Members of the recipient's family.

8A-21.2 Violations of Article

- A. Any person who violates any provisions of this article shall be guilty of a Class 2 misdemeanor.
- B. Any employee who shall accept any employment in any massage parlor in order to perform the duties of a masseur, masseuse, or massage therapist in violation of this article shall be guilty of a Class 2 misdemeanor. Each day of employment shall constitute a separate offense and any touching of another person with the intention of performing the duties of a masseur or masseuse or massage therapist in violation of this article shall constitute a separate offense as to each person touched.

8A-21.3 General Maintenance Requirements

- A. The premises shall be maintained in a clean condition and free of litter, rubbish, refuse or any material which affords development or harborage places for rats, mosquitoes or other vermin.
- B. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, toilet rooms, lavatories, sinks and all other physical facilities shall be in good repair and maintained in a clean condition. Wet and dry steam rooms and steam or vapor rooms shall be thoroughly cleaned each day the business is operated. Portable basins and bathtubs shall be cleaned and disinfected after each use. Non-disposable equipment shall be cleaned and disinfected after each use upon one person. No towel or linen shall be used for more than one person without being properly laundered.
- C. All continuous-use tanks and tubs shall meet the state requirements governing swimming pools and spas.
- D. A minimum of ten (10) foot candles of light, as provided by natural and artificial sources, shall be maintained in all rooms in which services are provided.
- E. Ventilating facilities shall be maintained and operated in every health parlor, so as to adequately ventilate the parlor and keep the facility free from excessive heat, steam, condensation, vapor or odors.

- F. In health parlors, the number of toilet facilities shall be provided in accordance with the Virginia Uniform Statewide Building Code and shall be connected to an approved sewer system.
- G. The doors to all toilet rooms shall fit tightly and be self-closing. Toilet rooms shall be cleaned and maintained in good repair, provided with a minimum of ten (10) foot candles of light and mechanically vented to the outside air.
- H. Adequate hand-washing facilities connected to an approved sewer system shall be provided which are conveniently located to each toilet room and areas where services are rendered. Each hand-washing facility shall have hot and cold running water, tempered by means of a mixing valve or combination faucet. Each facility shall also have a soap dispenser with soap, an approved sanitary towel dispenser with towels or hot-air dryer, and waste receptacle for disposal of trash and debris. The use of common towels is prohibited.
- I. All sewage and liquid waste shall be disposed of in a public sanitary sewage system.
- J. All refuse shall be stored in approved containers. At least one covered receptacle shall be provided in restrooms used by females. All refuse stored on the outside shall be suitable vermin-tight containers with lids and the refuse disposal method shall meet applicable Town ordinances.
- K. No room or any part of any room shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such parlor, except for limited periods incidental to or directly related to a massage or bath service.
- L. If male and female patrons are served simultaneously in a health parlor, separate massage rooms for each sex shall be provided.
- M. Patrons shall be provided with dressing areas and a locker or other suitable space to maintain separate areas for each patron's clothing. If male and female patrons are served simultaneously, each health parlor shall contain separate dressing areas for male and female patrons.
- N. Linen used shall be cleaned and laundered. All towels, sheets, or other covering shall be used only once for each patron and discarded for laundry or disposal immediately after use. Closed containers shall be required for the storage of wet or soiled linens. Disposable items shall be discarded after each use.
- O. The common use of brushes, combs, towels and drinking utensils shall be prohibited in a health parlor.
- P. Lotions, tonics, astringents, and balms shall be kept free of contamination. When only a portion of a preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.
- Q. Items utilized in providing massage services shall be thoroughly cleaned and rinsed after each use and then disinfected with an EPA-registered hospital disinfectant or EPA-registered hospital disinfectant labeled as a tuberculocidal. Strict adherence to manufacturer's directions must be followed. Fresh solution shall be prepared daily and changed more often if visibly cloudy or dirty.
- R. In the event that items of work surfaces are contaminated with blood or body fluids, the involved items and areas are to be thoroughly cleaned, rinsed, dried and then

disinfected at a minimum with an EPA-registered hospital disinfectant labeled as a tuberculocidal or classified by Centers for Disease Control as an intermediate disinfectant.

- S. Whenever an operator or proprietor of a massage parlor employs a person to work or to provide service as a masseur, masseuse, or massage therapist in such establishment, such operator or proprietor shall so inform Town Manager and furnish the Manager with the employee's health certificate number, name, date of birth, sex, social security number, and address.
- T. No person who has a communicable disease shall work or be employed in a massage parlor. It shall be the duty of each employee concerned to notify the manager of such establishment immediately if such conditions exist and to obtain from a physician licensed in the state a certification that the employee may safely provide service. The Town Manager of public health may require an employee suspected of having a communicable disease to submit himself for examination by a physician licensed in the state, such examination to be at the expense of the employee.
- U. All employees shall wear clean outer clothing and maintain a high degree of personal cleanliness while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting service to and completing service for each patron, after using toilet facilities, and as often as may be necessary to remove soil and contamination.
- V. No person shall provide any of the services of a massage parlor to any patron exhibiting symptoms of being infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation, eruptions or conditions; unless a physician licensed in the state certifies that the person may be safely served.
- W. No person shall provide any of the services of a massage parlor if that person exhibits symptoms of being infected with any fungus or other skin infections, nor shall service be performed by any employee exhibiting skin inflammation, eruptions or conditions, unless a physician licensed in the state certifies that the employee is free of communicable disease and may safely provide service.
- X. No operator of a health parlor shall permit therein any activity or behavior prohibited by the laws of the Town or the state.

Article 9 INDUSTRIAL, LIMITED DISTRICT M-1

Statement of Intent

This district is established primarily as an area for wholesale activities, warehouses and industrial operations of a light nature that will not create serious problems or incompatibility with other land uses. Features of noise, smoke, dust and fumes should be minimal.

Use Regulations

In Industrial District M-1 any structure to be erected or land to be used shall be for one or more of the following uses:

Section 9-1 Use by Right

- 9-1.1 Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also, the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
- 9-1.2 Automobile painting, upholstery, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling.
- 9-1.3 Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- 9-1.4 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries and food products.
- 9-1.5 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fur, fiberglass, hair, horn leather, paper, glass, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yam, and paint
- 9-1.6 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- 9-1.7 Manufacture of musical instruments, toys, novelties and metal stamps.
- 9-1.8 Coal and Wood Yards, Lumber Yards
- 9-1.9 Building Material Sales Yards, Plumbing Supplies Storage
- 9-1.10 Contractor's equipment storage yards or plants, rental or sales of equipment commonly used by contractors
- 9-1.11 Boat Building and repair
- 9-1.12 Monumental Stone Works
- 9-1.13 Wholesale Business, Sheet Metal Shops, Storage Warehouse Mills
- 9-1.14 Public utility generating booster or relay stations, transformers, substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations.
- 9-1.15 Satellite Dish Antenna (As provided under Article 14-3.3)
- 9-1.16 Enclosed laboratories and facilities for manufacturing, and research and development.

- 9-1.17 Cabinet, furniture, upholstery shops if conducted within a completely enclosed building.
- 9-1.18 Lumber and building supply (with storage within a completely enclosed building).
- 9-1.19 Plumbing and electrical supply (with storage within a completely enclosed building).
- 9-1.20 Machinery sales and service (under cover).
- 9-1.21 Veterinary Hospitals or Kennels
- 9-1.22 Landscaping businesses with exterior display and offices

Section 9-2 Conditional Use

- 9-2.1 Retail outlet stores
- 9-2.2 Airport

Section 9-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance.

Section 9-4 Sign Regulations

- 9-4.1 Permitted signs and sign regulations are the same as those found in Business General District B-G.
- 9-4.2 See Article 14-4 for supplemental sign regulations.

Section 9-5 Requirements for Permitted Uses

- 9-5.1 Before a zoning permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance (Article 16) and in sufficient detail to show the operations and processes of the use shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation.
- 9-5.2 Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, uniformly painted solid board fence, or an evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation maybe exempt from this provision. This exception does not include storing of any materials.
- 9-5.3 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards.
- 9-5.4 Buffering and screening shall be in conformance with section 14-6.
- 9-5.5 Sufficient area as determined by the zoning administrator shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking vehicles incidental to the industry, its employees and clients.

Section 9-6 Area Regulations

None, except those as may be imposed by the Administrator based on the recommendation of the Health official if a private water or sewage treatment system is used.

Section 9-7 Setback Regulations

Buildings shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width and fifty (50) feet from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". Structures shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 9-8 Frontage and Yard Regulations

- 9-8.1 For permitted uses the minimum side yard adjoining or adjacent to a residence or residential district shall comply with Article 14-6.4. The side yard or corner lots shall be twenty (20) feet or more.
- 9-8.2 On a corner lot a fence, wall, hedge, or other planting that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 14-1.1)

Section 9-9 Height Regulations

Buildings may be erected up to sixty (60) feet in height above the finished floor subject to Building and Fire Code regulation. Chimneys, flues, active solar collectors, wind generators cooling towers, their flagpoles, radio or communication towers or their accessory facilities not normally occupied by work excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.

Section 9-10 Coverage Regulations

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the tract. Any area not enclosed or covered by buildings, pavement or designed for parking shall be landscaped and maintained.

Article 10 INDUSTRIAL, GENERAL DISTRICT M-2

Statement of Intent

The primary purpose of this district is to establish an area where the principle use of land is for heavy industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments.

The specific intent of this district is to: (a) encourage the construction of and continued use of the land for heavy commercial and industrial purposes; (b) discourage residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; (c) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

Section 10-1 Use by Right

In Industrial District M-2, buildings to be erected or land to be used shall be for one or more of the following uses:

- 10-1.1 Any use permitted and in the same manner permitted in District M-1
- 10-1.2 Truck Terminals, Automobile Assembly, Tire Recapping or Battery Manufacturing
- 10-1.3 Sand and Gravel and Crushed Stone Operations
- 10-1.4 Wood Preserving Operations
- 10-1.5 Petroleum Refining, including By-Products and Petroleum
- 10-1.6 Asphalt Mixing Plant
- 10-1.7 Brick Manufacture
- 10-1.8 Boiler Shops
- 10-1.9 Feed Manufacturing
- 10-1.10 Public Utilities
- 10-1.11 Accessory Uses as Defined
- 10-1.12 Sawmills and Planing Mills
- 10-1.13 Fiber Optics and Wire Manufacture
- 10-1.14 Dye Manufacturing
- 10-1.15 Spinning and textile Mills
- 10-1.16 Concrete Mixing Plants
- 10-1.17 Steel Fabricating
- 10-1.18 Satellite Dish Antenna (As provided under Article 14-3.3)
- 10-1.19 Flea Markets
- 10-1.20 Farmers Market

Section 10-2 Conditional Use

- 10-2.1 Slaughterhouse
- 10-2.2 Junk Yards, Automobile Graveyards
- 10-2.3 Meat, Poultry and Fish Processing

10-2.4 Paper and Pulp Manufacture

10-2.5 Acid Manufacture and Cement, Lime, Gypsum and Fertilizer

Section 10-3 Parking Regulations

Off-street parking shall conform to Article 13 of this ordinance.

Section 10-4 Sign Regulations

10-4.1 Permitted signs and sign regulations are the same as those found in Business General District B-G, except that general advertising signs (billboards) are allowed in District M-2.

10-4.2 See Article 14-4 for supplemental sign regulations.

Section 10-5 Area Regulations

None, however if a private water and or sewer system is utilized, the Health Official and the Zoning Administrator may require minimum areas to assure proper operation of these private system(s).

Section 10-6 Requirements for Permitted Uses

10-6.1 Before a zoning permit shall be issued or construction commenced any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of the ordinance (Article 16) and in sufficient detail to show the operations and processing of the use shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation.

10-6.2 Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or an evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation maybe exempt from this provision. This exception does not include storing of any materials.

10-6.3 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards.

10-6.4 Buffering and screening shall be utilized on all lots fronting or adjacent to a residential or commercial zone. That portion of the lot shall be enclosed by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation may be exempt from this provision.

10-6.5 Buffering and screening shall be in conformance with Article 14-6.

Section 10-7 Setback Regulations

Buildings shall be located twenty-five (25) feet or more street right-of-way which is fifty (50) feet or greater in width, fifty (50) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line". Structures to be built on infill lots or tracts shall observe the setback alignment of adjoining structures, unless otherwise approved by the Zoning Administrator.

Section 10-8 Frontage and Yard Regulations

10-8.1 For permitted uses the minimum side yard adjoining or adjacent to a residential district shall comply with Article 14-6.4. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

10-8.2 On a corner lot a fence, wall, hedge, or other planting that will materially obstruct vision so as to create a traffic hazard shall be prohibited by the zoning administrator. (See Article 14-1.1)

Section 10-9 Coverage Regulations

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the tract. Any area not enclosed or covered by buildings, pavement or designed for parking shall be landscaped and maintained.

Section 10-10 Height Regulations

Buildings may be erected up to sixty (60) feet in height from the finished floor elevation, chimneys, flues, active solar collector wind generators, cooling towers, flagpoles, radio or communication towers, or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

Article 11 PUBLIC/OPEN SPACE

Statement of Intent

A purpose of this district is to preserve specific areas from private development, as these areas have been identified as currently undeveloped, unlikely to be developed, or unsuitable for private development. This Zone is not considered to be a main district within the Zoning Ordinance. These areas may either have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation or an interaction between the aforesaid which makes such lands unsuitable for urban development or which are of a public nature which is inappropriate for private development. In order to protect the natural environment in these sensitive areas, the permissible uses there are limited to public recreation-oriented activities. Yard Regulations will be determined by the Zoning Administrator upon consultation with the Planning Commission.

This district is also intended to specify, the location of public and private facilities of either a recreational, educational or philanthropic nature as well as to reserve areas for location of other public facilities. The zoning administrator and health official shall approve any proposed area requirements for any proposed use.

Section 11-1 Use by Right

11-1.1 Schools

11-1.2 Municipal/county/state/federal buildings

11-1.3 Parks, playgrounds, golf courses

11-1.4 Recreational facilities

11-1.5 Cemeteries

11-1.6 Swimming Pools

11-1.7 Water storage and distribution, detention ponds, dry dams.

11-1.8 Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance including water and sewage facilities

11-1.9 Bicycle and pedestrian paths and trails

11-1.10 Accessory buildings as defined; however, garages or other buildings such as carports, porches, and stoops attached to the main structure shall be considered part of the main building. An accessory building may comprise not more than 50% of the area of the main structure. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten (10) feet to the main structure. An accessory building within twenty (20) feet of a residential property line may not be more than one (1) story in height. An accessory building may be no closer than five (5) feet to any property line of an adjoining property owner.

11-1.11 Public parking facilities

11-1.12 Churches and church supported facilities.

Section 11-2 Parking Regulations

Off street parking shall conform to Article 13 of this ordinance.

Section 11-3 Sign Regulations

11-3.1 The following sign regulations apply to permitted uses in the Public/Open Space District.

- E. On any lot where the premises are for sale or rent, one real estate sign with a combined surface area not exceeding four (4) square feet in area and not referring to any other premises.
- F. Not more than two (2) identification signs with a combined surface area not exceeding twenty (20) square feet.
- G. Not more than two (2) temporary signs or banners with a combined surface area not exceeding twenty (20) square feet in connection with special events, provided that such signs or banners shall be displayed no longer than the duration of the event plus one week before it begins.
- H. None of the above signs shall be erected within ten (10) feet of any residential property line.

11-3.2 Signs shall be located fifteen (15) feet or more from any street right-of-way and this shall be known as the "setback line." Signs advertising the sale or rent of the premises are exempted from this setback and may be erected up to the property line.

11-3.3 Signs shall not exceed a height of five (5) feet above ground level.

11-3.4 See Article 14-4 for supplemental sign regulations.

Article 12 AIRPORT SAFETY ZONING OVERLAY DISTRICT

Statement of Intent

This article is written to promote airport safety and establish regulations requiring and restricting the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Blackstone Allen C. Perkinson Municipal Airport by creating the appropriate zones and establishing the boundaries thereof providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

These regulations are adopted pursuant to the authority conferred by Section § 15.2-2294 of the Code of Virginia 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in the Town of Blackstone; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investments therein. Accordingly, it is declared:

1. That, if necessary, in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That the Town of Blackstone derives economic development and enhanced interstate commerce from the Blackstone Allen C. Perkinson Municipal Airport that are held strictly to reasonable safety standards; and
4. That the prevention of these obstructions should be accomplished to the extent legally possible, by the exercise of the police power without compensation.

This section of the Zoning and Development Ordinance shall be known and may be cited as the Town of Blackstone Airport Safety Zoning Ordinance.

Section 12-1 Definitions

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

- 12-1.1 Administrator - The Zoning Administrator is charged with the enforcement of this ordinance.
- 12-1.2 Airport - Blackstone Allen C. Perkinson Municipal Airport
- 12-1.3 Airport Elevation - The highest point on any usable landing surface expressed in feet above mean sea level.
- 12-1.4 Approach Surface - A surface, whose design standards are referenced in Article 12-2 of this ordinance, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height

- limitation slope set forth in Article 12-4 of this ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- 12-1.5 Approach, Transitional, Horizontal, and Conical Zones - The airspace zones as set forth in Article 12-2 of this ordinance.
- 12-1.6 Conical Surface - A surface, whose design standards are referenced in Article 12-2 of this ordinance, extending and sloping horizontally and vertically from the periphery of the horizontal surface.
- 12-1.7 Hazard to Air Navigation - An obstruction determined by the Virginia Department of Aviation or Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
- 12-1.8 Height - For the purpose of determining the height limits in all zones set forth in Article 12-3 of this ordinance and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
- 12-1.9 Horizontal Surface - A horizontal plane 150 feet above the established airport elevation, whose design standards are referenced in Article 12-2 of this ordinance, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- 12-1.10 Nonconforming Use - Any preexisting structure or object of natural growth which is inconsistent with the provisions of this ordinance or any amendment to this ordinance.
- 12-1.11 Obstruction - Any structure, growth, or other object, including a mobile object which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Article 12-3 of this ordinance.
- 12-1.12 Permit - A document issued by the Town of Blackstone allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this ordinance.
- 12-1.13 Person - Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, and assignee, or a similar representative of any of them.
- 12-1.14 Primary Surface - A surface, whose design standards are referenced in Article 12-2 of this ordinance, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 2000 feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 12-1.15 Runway - A specified area on an airport prepared for landing and takeoff of aircraft.
- 12-1.16 Structure - Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, poles and electric lines of overhead transmission routed, flag poles, and ship masts.
- 12-1.17 Transitional Surfaces - Surfaces, whose design standards are referenced in Article 12-2 of this ordinance, which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- 12-1.18 Vegetation - Any object of natural growth.
- 12-1.19 Zone - All areas provided for in Article 12-2 in this ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation,

horizontal distance from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 12-3 of this ordinance.

Section 12-2 Airport Safety Zones

12-2.1 In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all the area and airspace of the Town of Blackstone lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Blackstone Allen C. Perkinson Municipal Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Articles 12-3 and 12-4 of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation.

These zones are as follows:

- 12-2.2 AIRPORT ZONE - A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
- 12-2.3 APPROACH ZONE - A zone that extends away from the runway ends along the extended runway centerline, with the floor set up by the approach surface.
- 12-2.4 TRANSITIONAL ZONE - A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- 12-2.5 CONICAL ZONE- A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.
- 12-2.6 The source of the specific geometric standards for these zones are to be found in Part 77.25, 77.28, and 77.29 Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these standards may be found in the Office of the Town Manager.

Section 12-3 Airport Safety Zone Height Limitations

- 12-3.1 Except as otherwise provided in this ordinance, in any zone created by this ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Article 12-2 of this ordinance at any point.
- 12-3.2 The height restriction, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these standards may be found in the Office of the Town Manager.

Section 12-4 Use Restrictions

- 12-4.1 Notwithstanding any other provisions of this ordinance, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:
- 12-4.2 Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;

- 12-4.3 Diminish the ability of pilots to distinguish between airport lights and other lights;
- 12-4.4 Result in unreasonable glare in the eyes of pilots using the airport;
- 12-4.5 Impair visibility in the vicinity of the airport;
- 12-4.6 Create the potential for bird strike hazards; or
- 12-4.7 Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 12-5 Nonconforming Uses

- 12-5.1 Except as provided in Section 12-5-2 and 12-6-2 of this ordinance, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.
- 12-5.2 Notwithstanding the provision Section 12-5-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

Section 12-6 Permits

- 12-6.1 Except as provided in Sections 12-6-1, 12-6-2 and 12-6-3 of this Article, no structure shall be erected or otherwise established in any zone created by this ordinance unless a permit therefore shall have applied for and granted. Each application for a permit shall indicate the purpose for which desired with and sufficient geometric specificity to determine whether the resulting structure would conform to the regulation prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless a variance had been approved as provided in Section 12-6-4.
- 12-6.2 No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation that it was on the effective date of this ordinance or any amendments thereto other than with relief as provided for in Section 12-6-4. Whenever the administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in Section 12-6-4.
- 12-6.3 Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this ordinance, may apply for a variance from such regulation to the Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered through a public hearing. Prior to being considered by the Board of Zoning

Appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen days after receipt, the Board of Zoning Appeals may act independent of the airport owner's position to grant or deny the variance.

12-6.4 Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator.

12-6.5 If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

Section 12-7 Enforcement

The administrator shall administrator and enforce the regulations prescribed in this ordinance. He or she shall be vested with the police power incumbent to carry out and effectuated this ordinance, including the action of injunction, prosecution and other available means through the circuit court. Applications for permits and variances shall be made to the administrator on a form published for that purpose.

Section 12-8 Appeals

Any person aggrieved, or any officer, department, board, or bureau of the Town of Blackstone affected by a decision of the administrator may appeal such decision to the Board of Zoning Appeals.

Section 12-9 Judicial Review

Any person aggrieved or any taxpayer adversely affected by any decision of the Board of Zoning Appeals may appeal to the circuit within 30 days of final decision by the board.

Section 12-10 Penalties

Each violation of this ordinance or of any regulation, order, or ruling promulgated under this ordinance shall constitute a misdemeanor and be punishable by a fine of no more than five hundred dollars. Each day on which a violation occurs shall constitute a separate offense.

Section 12-11 Conflicted Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height

of structures or vegetation and the use of land, or any other matter, the more stringent limitation or requirements shall govern.

Section 12-12 Severability

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall be affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

Section 12-13 Adoption

This Article of the Zoning Ordinance has been properly drawn, legally advertised, and presented through a public hearing before the Town Council of the Town of Blackstone on January 21, 1997. The effective date of this ordinance is January 22, 1997 and that the ordinance from that date forward carries the full weight of law within the Town of Blackstone until and unless altered otherwise by the Town Council.

Article 13 OFF-STREET PARKING REGULATIONS

Section 13-1 Parking Regulations

- 13-1.1 Automobile Parking Space: There shall be provided at the time of erection of any main building, enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard sized automobiles as follows:
- 13-1.2 Parking space of dwelling - In all residential districts be provided either in a private garage or on the lot, space for parking two (2) automobiles for each dwelling unit in a new dwelling, each dwelling unit added in case of the enlargement of an existing building, notwithstanding parking regulations for residential units in business districts as provided in Article 7-9 and Article 8-3.
- 13-1.3 Commercial trucks shall not be parked beyond any public highway in a R-S, R-1 R-2, or R-B residential districts at any time, with the following exceptions: commercial trucks moving furniture, commercial trucks delivering retail goods, commercial trucks used for the construction of housing, and commercial trucks used for installing utilities. For regulations on parking for commercial vehicles on a public highway in residential districts, see Section 58-116 of the Blackstone Code of Ordinances.
- 13-1.4 For buildings other than dwellings – For a new building enlargement or increase in seating capacity, floor area, or guest rooms of any existing main buildings, there shall be at least one (1) permanently maintained parking space of not less than one hundred and ninety (190) square feet net area ten (10) feet by nineteen (19) feet, exclusive of driveways and aisles. For parallel parking there shall be a minimum of thirty (30) feet; for diagonal parking there shall be a minimum of twenty-four (24) feet. Other specific requirements are as follows:

TYPE OF USE	MINIMUM NO. OF PARKING SPACES
Lodging, rooming or boarding houses	One space for each accommodation.
Theaters, general auditoriums, stadiums and similar places of assembly	One space for every 3 fixed seats.
General Hospitals	One space for each 2 patient beds.
Medical and dental clinics	At least 3 spaces for each doctor or dentist having an office in such clinic.
Motels, hotels and tourist homes	1 parking space for each individual sleeping or living unit.
Funeral Homes	At least 40 spaces. Additional spaces may be required administratively by the zoning administrator in consultation with the Planning Commission.
Liquor stores and flea markets	One space per 100 feet of floor area.
Manufactured home parks	At least 2 on-site parking spaces per dwelling unit.
Nursing homes, convalescent homes, and rest homes	One space for each 2 patient beds.

Gasoline service stations (with repair)	Adequate spaces to be determined administratively by-the zoning administrator in consultation with the Planning Commission.
Bowling Alleys	Five spaces for each alley.
Laundromats	One space per 4 machines.
Office building	Two (2) spaces for each separate office. Additional spaces may be required by the zoning administrator based on the character of the building.
Churches	One space for every 5 seats in the main auditorium or sanctuary.
Auto and recreational vehicle sale lots	Four (4) spaces per 1,000 square feet of sales area.
Restaurants	One space per 100 square feet of floor area. One space per 200 square feet of floor area. One space per 400 square feet of floor area.
Banks and professional offices Warehouses and wholesale stores Industrial uses	0.75 times the maximum number of employees on premises at any one time.
Retail business	One space per 200 square feet of floor area.
Mini-warehouses	One space for each 8 storage cubicles equally distributed throughout the storage area.
Personal Service Establishments	One space for each 500 square feet of floor area.
All other permitted uses	Adequate spaces to be determined administratively by the zoning administrator in consultation with the Planning Commission.

Section 13-2 Parking Standards

- 13-2.1 General Standard for Parking Lots - When lots with parking spaces for more than four (4) cars are permitted or required in district, the following conditions shall be complied with:
- 13-2.2 The parking space required in any industrial or commercial district shall be provided upon the premises, or within 500 feet of an authorized or public parking area, such distances to be measured along lines of public access to the property. The administrator may request that the location of parking for employees be identified before a zoning permit is issued. If insufficient parking is evident the Zoning Permit shall not be issued.
- 13-2.3 The parking space required for any use located in any residential district shall be located on the same plot as the principal building except that the parking spaces required for any church may be on a separate lot within 500 feet, as measured along lines of public access thereto, of the lot on which the church is located.
- 13-2.4 All parking spaces shall have direct access to a public street. Adequate space shall be provided for maneuvering of vehicles. A site plan of a parking lot showing entrances, exits, barricades, bumper guards and drainage plans shall be submitted to the Zoning Administrator for approval prior to issuance of a construction permit.
- 13-2.5 Any light fixture used to illuminate such parking area shall be arranged as to direct the light away from adjoining premises used or zoned for residential purposes.

- 13-2.6 Parking areas for zones other than residential uses which adjoin premises zoned or used for residential uses shall be screened with a solid wall, a fence, an evergreen tree or shrub fence at least six (6) feet in height, located on a strip of land not less than six (6) feet in width, guarded with wheel bumpers. Where any parking lots abut a street line, wheel bumpers shall be placed thereon and properly maintained.
- 13-2.7 All off-street parking spaces shall be properly graded and maintained in such manner as to permit use thereof at all times. Such parking spaces shall not be reduced in total extent, after their provision thereunder, except upon the approval of the zoning administrator after proof that the parking spaces provided are no longer needed by reason of a change in use of the premise to which the parking facilities are adjunct.
- 13-2.8 All non-residential driveways and parking spaces are to be paved with asphalt, concrete, plant mix, or brick.
- 13-2.9 The Zoning Administrator with approval of the Planning Commission may impose additional parking requirements for any zoning applicant if conditions are present that if not controlled could affect the health and safety of the public.

Article 14 SUPPLEMENTARY DISTRICT REGULATIONS

Section 14-1 General Provisions

In addition to regulations indicated for individual districts in the district regulations, the regulations below apply in more than one district.

14-1.1 On a corner lot, no fence, wall, hedge, or other planting or structure that will, as determined by the zoning administrator, materially obstruct vision between a height of two and a half (2 ½) feet and eight (8) feet above the center line grades of the intersecting streets shall be erected, placed or maintained within the area formed by the intersection of right-of-way lines at points which are:

1. Fifteen (15) feet distance from the intersection of the right-of-way lines at the corner of the lot in industrial and commercial districts, and;
2. Twenty (20) feet distance from such intersection in other districts.

14-1.2 Erection of more than one principal structure on a lot:

In any district (except in R-1 and R-2), more than one structure housing a permitted or permissible use may be erected on a single lot or tract provided that yard and other requirements on this chapter shall be met for each structure as though it were on an individual lot. A lot with more than one permitted structure shall be served by public water and sewer.

Section 14-2 Application of 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 except particularly as hereinafter provided:

14-2.1 Use, Occupancy and Construction:

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

14-2.2 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 families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this ordinance.

14-2.3 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 for any other building.

14-2.4 Reduction of Lots or Areas Below Minimum Requirements Prohibited

No lot or area existing at the time for 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 areas created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

14-2.5 Reduction of Yards Below Minimum Requirements

No yards existing at the time of passage of this ordinance shall be reduced in dimensions below the minimum requirements set forth herein, unless such yard restrictions reduce the building area to unreasonable dimensions. In such cases, the Board of Zoning Appeals shall determine the minimum requirements consistent with provision of adequate light, air, prevention of loss of life, health, and safety from fire or other dangers, and prevention of danger in travel. Yards created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

14-2.6 Reduction of Required Off-Street Parking or Loading Space

No existing off-street parking or loading space, and no 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 requirements, shall be reduced or eliminated so that resulting reduction results in areas 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.

Section 14-3 Regulations for Certain Uses

14-3.1 Manufactured Home Park Regulations

1. No manufactured home within a manufactured home park shall be located within fifty (50) feet of an existing residence.
2. Prior to the development of a manufactured home park, the developer must submit a sketch development plan to the planning commission and the town council for approval. The plan shall be prepared at 1"=100' or 1"=200' and shall depict the following items.
 - a. Location and size of the manufactured home park.
 - b. Location and size of the manufactured home lots.
 - c. Location and width of the proposed internal streets, and common walkways.
 - d. Location and size of the proposed sanitary facilities.
 - e. Location and size of the proposed service building and recreation area.
 - f. Location and size of water facilities.
3. The manufactured home park shall be developed in accordance with the approved plan.
4. The manufactured home park shall be well-landscaped.
5. Each manufactured home lot shall meet the following minimum requirements:
 - a. Minimum lot area: five thousand (5,000) square feet.
 - b. Distance between manufactured homes and parking spaces shall be arranged to provide a distance of twenty (20) feet between units, but in no case closer than ten (10) feet to

the individual lot line of the manufactured home space. Setback from the front right-of-way should be ten (10) feet and ten (10) feet from the rear property line.

- c. Minimum lot width - fifty (50) feet.
 - d. Minimum lot length - one hundred (100) feet.
 - e. Minimum yard requirements - front-twenty (20) feet; rear-twenty (20) feet; side- twelve (12) feet.
 - f. Maximum height - No manufactured home shall exceed sixteen (16) feet in height. This provision does not apply to utility poles and TV and radio aerials.
6. Street Improvements

Surfaced streets and pedestrian walkways, having a minimum way width of thirty (30) feet, shall be provided within the manufactured home park to accommodate vehicular and pedestrian movement. The minimum right-of-way width shall include twenty (20) feet for cartway (moving lanes), eight (8) feet for parallel guest parking and two (2) feet for pedestrian use. All streets shall be constructed in accordance with the construction standards of the Virginia Department of Transportation.

14-3.2 Townhouses

- 1. For the purposes of this section, townhouses are defined as single-family dwelling units constructed in a series of including three or more units with common walls.
- 2. No more than eight (8) townhouses shall be contiguous.
- 3. Minimum Width: Minimum width for the portion of the lot on which the townhouse is to be constructed shall be eighteen (18) feet from center of wall to center of wall.
- 4. Lot Area - Minimum lot area shall be as required to meet other provisions of these regulations.
- 5. Separation Requirements - Any building containing a group of five (5) or more townhouses shall be separated by at least forty (40) feet from any other townhouse building. Any building containing a group of four or less townhouses shall be separated by at least twenty (20) feet from any other building containing a group of four or less townhouses.
- 6. Setback Regulations - The minimum setback shall be (25) feet from any common vehicular drive, street or parking space. Lots need not front on a dedicated street.
- 7. Side Yard Regulations - Where a group of townhouses adjoins another zone district or use, a side yard thirty (30) feet in width shall be provided for the end residence within the group. Where a group of townhouses adjoins a private drive or parking area or walkway intended for the common use of townhouse occupants, a side yard fifteen (15) feet in width shall be provided, but half the width of such private drive or parking area or walkway shall be allowed to be counted as a portion of the required fifteen (15) feet; provided, that in no case shall a side yard of less than ten (10) feet in width be provided for each end residence in any group of townhouses. No accessory building shall be erected in any required side yard.
- 8. Rear Yard Regulations - Each townhouse shall have a minimum rear yard of forty (40) feet, except when the rear yard abuts such yard shall be at least twenty-five (25) feet. An accessory building not exceeding ten (10) feet by ten (10) feet may be constructed in any rear yard.

9. Individual Lot Area - Each townhouse shall have a yard containing not less than sixteen hundred (1,600) square feet for interior lots and twenty-five hundred (2,500) square feet for end lots. Townhouses shall be served by public water and sewer.
10. Height Regulations - The height of all townhouses shall be limited to thirty-five (35) feet. Accessory buildings shall not exceed fifteen (15) feet.
11. Visibility at Access Points for Automobiles – At the intersection of any private drive or entrance or exit for a common parking area with a public street, no fence, wall, hedge, other planting or structure forming a material impediment to visibility between a height of two and a half feet and ten feet shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:
12. Beginning at the point where the midline of the-private entrance or exit for a common parking area intersects the public right-of-way, thence to a point thirty-five (35) feet along the right-of-way line in the direction of approaching traffic, thence a point twenty-five (25) feet toward the interior of the property along the previously described midline, and thence to point of beginning.

14-3.3 Satellite Dish Antenna

1. Private non-commercial radio and television satellite dish antennas may be permitted to be constructed to a height not in excess of twenty (20) feet only when installed at ground level,
2. Antenna shall be located behind the setback line of the main structure.
3. All towers, antennas, guy anchorages or similar devices shall be at least three (3) feet from any property line, except on the side yard facing the side street the setback requirement shall be twenty-five (25) feet.
4. The installation of a ground or roof-mounted satellite dish antenna shall be permitted in accordance with the Virginia Uniform Statewide Building Code.

14-3.4 Auto, Truck, and similar rolling stock Sales and Service

1. Sales and service must be under cover.
2. If the use is within fifty (50) feet of a residential district, the use must be screened according to Article 7-9-2 of this ordinance. The planning commission reserves unto itself the right to alter screening requirements where (a) natural land characteristics would achieve the same intent of section 7-9-2 or (b) innovative landscape or architectural design is employed to achieve an equivalent buffering and screening effect.
3. A paved lot for all parking areas (minimum prime and double seal asphalt treatment).
4. No activity or display within a five-foot area of any property line.
5. Fifteen thousand (15,000) square feet minimum land area for the use.
6. One hundred (100) feet minimum road frontage for the use.
7. Permanently affixed lighting, if the use is to be lighted.
8. A permanent structure meeting the requirements of the statewide building code is required for use. (Trailers are not permitted as a sales office or for any type storage).

9. If a new garage, workshop, or repair building is to be constructed for the use, no motor vehicle entrance to the building will be within twenty-five (25) feet of an existing right of way.

Section 14-4 Supplemental Sign Regulations

14-4.1 No person except a public officer or employee in performance of a public duty shall paste, paint, print, nail, tack, erect maintain or fasten any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible to any public street or public open space, except as provided or in this ordinance.

14-4.2 Excluded Signs

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
2. Flags and insignia of any government except when displayed in commercial promotions.
3. Legal notices; identification, informational, or directional signs erected or required by governing bodies.
4. Integral decorative or architectural features of the buildings, except for trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic on private property, but bearing no advertising matter.
6. Signs or emblems of a civic philanthropic, educational, or religious organization temporary in nature.
7. Memorial tablets or signs.
8. Signs placed by a public utility showing the location of underground utilities.
9. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, freight entrances, no trespassing and posted signs or the like.

14-4.3 Sign Permits

Applications for sign permits shall be made to the building inspector and handled in accordance with the provisions of the uniform statewide building code. Applications for sign permits within the Historical District as defined in the Town of Blackstone Code Article V Section 18-117 shall be made to the zoning administrator of the Town of Blackstone and approved by the Review Board in accordance with the provisions of Article V Section 18-123. A fee for processing and inspection will be charged as set forth in the separate fee schedule as approved by the Town Council.

14-4.4 Signs Excluded from Obtaining a Permit

1. All signs pertaining to motor vehicle traffic or directional signs that are installed or approved by the Virginia Department of Transportation or the Town of Blackstone.
2. Temporary signs denoting firms, such as architectural, engineering or construction firms, engaged in the work on a construction site, or announcing future use of the property. All other temporary signs are required to obtain a permit.

- a. Unless otherwise specified permits for temporary signs shall authorize the erection of said signs and their maintenance for a period not exceeding thirty (30) days.
- b. Real Estate Agencies are required to obtain one sign permit for all real estate signs within the Town.
- c. Real Estate Signs shall be removed within five (5) days of closing on the advertised property. Permits may be required for every sign if the real estate sign regulations are not observed.

14-4.5 General Sign Prohibitions and Regulations

The following prohibitions and general regulations shall apply to signs in all zoning districts:

1. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold or activity or campaign being conducted, shall be painted out or otherwise removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within thirty (30) days of such cessation. Upon failing to comply within the time specified, the zoning administrator is hereby authorized to order painting out or removal of such sign, within thirty (30) days of a written notification, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.
2. Any sign to be painted directly onto the surface of a wall must obtain approval from the building official.
3. Pennants, banners, sandwich-type signs and balloons or other gas-filled figures shall be permitted only for a new business in a business or industrial district for a period of not more than fifteen (15) days after the opening of such new business: For businesses located within the Historical Districts as defined in Article V Section 18-117 of the Town of Blackstone Code, regulations specified in Article V Section 18 shall govern use of these devices as described above. At no other time shall such devices be permitted.
4. No sign shall be permitted to be nailed or tacked upon or otherwise affixed to any existing sign structure unless it is to become an integral part of such existing sign structure.
5. Location: No sign shall be located or hung over the right-of-way of any street, sidewalk, driveway, walkway or access way except that a sign attached to the wall of a building may project fifteen (15) inches from the wall and into such right-of-way, provided that projection does not occur within ten (10) feet vertical clearance of the ground. No sign shall extend nearer to the curb line than two (2) foot.
6. In unified shopping centers under single ownership or control except for drive-in type uses such as service stations, no free-standing business signs shall be permitted to be erected in - the required front yard except one sign for each street frontage to such center not to exceed six hundred (600) square feet in area.
7. No revolving beam or beacon of light resembling or simulating any emergency vehicle or facility shall be permitted to be erected as part of any sign display.
8. No wall sign shall be attached as to obstruct any window, door, stairway or other opening intended for ingress or egress or for needed ventilation and light.
9. Neon lighting and tubing may be used on permitted signs in business and industrial districts, but it is not permitted to outline buildings by use of exposed neon tubing, strings of lights or

otherwise. For businesses located within the Historical Districts as defined in Article V Section 18-117 of the Town of Blackstone Code, regulations specified in Article V Section 18 shall govern use of these devices as described above.

10. Any regulations not referred to in the Town of Blackstone Zoning and Development Ordinance but included in the adopted Statewide Building Code for Blackstone also become regulations and standards to be met by all signs.
11. Any variances to these regulations must go-through the Board of Zoning Appeals to be approved.
12. Signs, other than authorized traffic signs, near a street right-of-way: No sign shall be erected at the intersection of a lot or tract of land with the right-of-way of any street in such a manner as to create a traffic hazard by obstructing vision between the heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign or cause any other hazard to the public health and safety as determined by a building official or engineering department representative of the Town of Blackstone.
13. Banners within the public right-of-way announcing a community service permitted provided: (1) The advertised activity is open to the general public. (2) No commercial advertisement of personal businesses will be permitted. (3) The requestor provides written approval of the property owner or utility company whose structure will be used to support the banner. (4) The banner must have a clear height from grade level to bottom of banner at least eighteen (18) feet. (5) The Zoning Administrator may issue a permit for not more than fifteen (15) days.
14. In residential zones, one (1) subdivision development sign, advertising the prospective sale, rental, lease or trade of not more than four lots, not exceeding twenty (20) square feet in area and located therein adjacent to one street bordering said development; provided that no such sign shall be displayed for a period longer than one year after the first offering of sale of property in the subdivision to which the sign pertains.
15. Portable signs are strictly prohibited in all Zoning Districts by this ordinance.

14-4.6 Non-conforming Signs

1. It is intended to eliminate non-conforming signs except as otherwise specifically set forth in this section as rapidly as the police power of the Town permits.
Any lawfully erected sign, the maintenance of which is made unlawful by this ordinance, may continue to be maintained exactly as such existed at the time prior to enactment of this ordinance.
2. No Non-Conforming Sign:
 - A. Shall be changed to another non-conforming sign.
 - B. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design.
 - C. Shall be re-established after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer; or
 - D. Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost.

3. The Zoning Board of Appeals may consider variances from 14-4.5(2) or variances permitting the erection or maintenance of a non-conforming sign only upon the grounds established by law for the granting of zoning variances or upon a finding that the grant of a variance will reduce the degree of non-conformance of an existing sign or will result in the removal of one or more lawfully non-conforming signs and replacement by a sign or signs more in keeping with the spirit, purpose, and provisions of this ordinance.

Section 14-5 Storm Water Management Regulations

Storm water management regulations are administered by Nottoway County, as provided by Title § 62.1-44.15:27 (b) of the Code of Virginia, 1950 as amended.

Section 14-6 Screening and Transitional Yards

14-6.1 Where screening is required in this ordinance, it is the intent to provide a physical integration of uses which promotes the public health, welfare and safety by preventing visual pollution, the overcrowding of land, the undue congregation of people and vehicles and to promote the peaceful enjoyment of property within the Town of Blackstone. Screening is to limit the view and reduce the noise between incompatible abutting uses to ease the transition from one zone to another.

14-6.2 Certain activities shall be screened by structures, walls, fences, landscaping or a combination thereof in order to ease the transition of one land use or activity to another. In addition, as required by this Article, a transitional yard shall be provided when zones of different intensities abut. Such transitional yard shall be provided in accordance with section 14-6.3 below.

14-6.3 Specific Standards

- A. Required screening shall be provided in accordance with the following standards to achieve the intent of this section, except where otherwise provided in the district regulations of this ordinance:
 1. The screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.
 2. Architectural screening (fences, man-made barriers, berms, etc.) shall be at least six (6) feet in height and shall be subject to the provisions of section 14-7. Vegetative material shall be alive and in good health. Evergreen vegetation shall be not less than one and one-half (1 1/2) inches diameter measured six (6) inches aboveground. Vegetative material shall be maintained in good condition and allowed to grow at least six (6) feet in height.
 3. Screening design and development shall be compatible with the existing and proposed land use and the development character of the surrounding land structures.
 4. Screening shall be of sufficient density and diversity to achieve the intent of this section.
- B. The following list of specific screening provisions is descriptive of configurations which, among others, meet the standards of "A" above:
 1. White pines, Lob pines, Eastern red cedar, Norway spruce, Canada hemlock, or similar tree.
 2. Yew, box honey suckle or similar dense hedge.

3. A six-foot-high architectural screen (fences, man-made structures, berms, etc.) supplanted with plantings

14-6.4 Specific Transitional Yard Standards

- A. A transitional yard shall be required in any zoning district when that district abuts or adjoins a zoning district of lower intensity, and shall be measured from the zoning district line to produce a transitional yard of at least minimum depth in accordance with the following chart:

DISTRICT (Higher Intensity)	TRANSITIONAL YARD STANDARDS			
	ABUTTED DISTRICT (LOWER USE INTENSITY)			
	R-1 & R-S (ft)	R-2 (ft)	R-3 (ft)	Commercial (ft)
R-2	20			
R-3, R-R	30	20		
Commercial	50	50	30	
Industrial	60	60	50	30

- B. Nothing in this section shall be interpreted as authorizing the reduction of any yard in any district.
- C. The transitional yard shall be provided in the higher intensity use yard. A screen meeting the provisions of this section shall be provided in the transitional yard.

14-6.5 Along Public Streets

For Zoning Permits involving new construction the following list of activities in addition to being screened as prescribed, shall be screened so that the activity is not visible from a public street within three hundred (300) feet of the lot on which the activity is located: Articles or materials being stored, maintained, repaired processed, erected, fabricated, dismantled, or salvaged.

Section 14-7 Sight Triangles Established

At every intersection of street rights-of-way a sight triangle shall be established within a triangular area formed by the intersection of each street right-of-way line, the apex of said triangle being at the intersection of such right-of-way lines and the two (2) legs of such triangle running back from the apex being twelve (12) feet in length for existing development and twenty-five (25) feet for new construction. Within the sight triangle there shall be maintained a clear visibility zone above the height of three (3) feet when measured from the level of the curb nearest to such street or three and one-half (3 1/2) feet when measured from the level of the street at its center line where there is no curb.

Section 14-8 Widening of Highways and Streets

Whenever there shall be plans in existence approved by either the State Department of Transportation or by the governing body for the widening of any street or highway, the Commission may require additional front yard setbacks for any new construction, addition or relocation of structures adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening or planned improvement.

Article 15 NONCONFORMING USES

Section 15-1 General Provisions

Within the districts established by this ordinance or amendments that may later be adopted there exist:

- A. Lots,
- B. Structures,
- C. Uses of land and/or structure, lawful before this ordinance was passed or amended but which would not conform to regulations and restrictions under terms of this ordinance or future amendments thereto may continue. It is the intent of the ordinance to abide by-the letter and spirit of the provisions of Section 15.2-2307 of the Code of Virginia. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 15-2 Continuation

- 9-21.4 If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or property may be continued as herein provided.
- 9-21.5 If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- 9-21.6 If any non-conforming use (structure or activity) is discontinued for a period exceeding two (2) years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- 9-21.7 Whenever a non-conforming structure, lot, or activity has been changed to a more limited non-conforming use, such existing use may only be changed to an even more limited use.
- 9-21.8 Temporary seasonal non-conforming uses that have been in operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

Section 15-3 Permits

The construction or use of a nonconforming building or land area for which a permit or any significant affirmative governmental act, as defined by Section 15.2-2307 of the Code of Virginia, was issued legally prior to any amendment of this ordinance may proceed.

Section 15-4 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-load bearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the current replacement value of the structure provided that the cubic content of the structure as existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part the declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.

Section 15-5 Changes in District Boundaries

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

Section 15-6 Expansion or Enlargement

15-6.1 A non-conforming structure to be extended or enlarged shall conform to the provisions of this ordinance.

15-6.2 A non-conforming activity may be extended throughout any structure which was arranged or designed for such activity at the time of enactment of this ordinance but no such use should be extended to occupy any land outside such structures.

15-6.3 No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming uses of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.

Section 15-7 Non-Conforming Lots

Any lot of record at the time of the adoption of this ordinance or which is less in area or width than the minimum required by this ordinance may be used when the requirements regarding setbacks, side and rear yards are met.

Section 15-8 Non-Conforming Signs

Any nonconforming sign that has been abandoned may be removed by order of the Town. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Following such two-year period, the locality shall make a reasonable attempt to notify the property owner of the non-conforming use and direct the owner to remove the sign. If the owner refuses to do so, the Town may enter the property upon which the sign is located and remove any such sign. The cost of such removal shall be chargeable to the owner of the property.

Section 15-9 Non-Conforming Manufactured Homes

The owner of a valid nonconforming manufactured home located within a manufactured home park or on an individual lot, may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home as required by Virginia Code Section 15.2-2307.

Section 15-10 Restoration or Replacement

15-10.1 The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God shall be permitted to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have a

right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and the provisions of the floodplain.

15-10.2 Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of this ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two years to repair, rebuild or replace the building as otherwise provided in this section.

15-10.3 For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia § 18.2-77 or 18.2-80, and obtain vested rights under this section.

15-10.4 The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Section 15-11 Movement

No non-conforming use and/or structure shall be moved in part to any portion of the land or parcel other than that occupied by such use and/or structure at the effective date of adoption of this ordinance unless said move results in decreasing the degree of non-conformity or results in conformity with the requirements for the district.

Section 15-12 Changes in Use

15-12.1 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use, in permitting such safeguards in accord with the provisions of this ordinance.

15-12.2 When any non-conforming use, or structure and use in combination, is superseded by a permitted use and/or structure, the use shall thereafter conform to the regulations for the district, and no non-conforming use and/or structure shall thereafter be resumed.

15-12.3 If any such non-conforming use of land and/or structure any reason for a period of more than two years (except when government action impedes access to the premises) any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 15-13 Special Exception Provisions Not Non-Conforming Uses

Any use which is approved as a special exception under the terms of this ordinance (Article 15-5) shall be deemed a non-conforming use in such district so long as that excepted use and occupancy is not changed, except as provided in Article 15-12 of this ordinance.

Section 15-14 Use Regulations for Junkyard and Automobile Graveyards

Automobile graveyard(s) and junkyard(s) in existence at the time of adoption of this ordinance may not be enlarged and shall be screened from public view by means of visual screening as provided in Article 14-6 of this ordinance.

Article 16 SITE PLAN REVIEW REQUIREMENTS

Statement of Intent

The purpose of these requirements is to promote the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this ordinance, site plans for certain uses or land shall be submitted to and reviewed by the Zoning Administrator.

The Zoning Administrator may authorize the submission of a preliminary site plan for communicative purposes to minimize the expense of a proposed project for the owner. The preliminary plan is intended to serve as a conceptual document for planning uses only. The final site plan containing all information and proffers, as required under this article shall be submitted to the Zoning Administrator for compliance review before the project is determined to be in compliance with this ordinance.

Section 16-1 Developments and Uses Requiring a Site Plan

16-1.1 A site plan may be required for any development in any zoning district; however, a site plan is required and shall be submitted for each of the following developments or uses:

- A. All multi-family developments and commercial activities
- B. All industrial uses
- C. All Conditional Uses

Section 16-2 Procedure for Preparation

16-2.1 Site plans or any portion thereof shall be prepared by Licensed Professional who is authorized by the Commonwealth of Virginia to practice as such.

16-2.2 Site plans shall be prepared to a scale of one inch equal to 50 feet (1"=50') or larger, unless otherwise authorized by the Zoning Administrator.

16-2.3 A site plan may be prepared on one or more sheets to show clearly the information required by this Article and to facilitate the review and approval of the site plan.

16-2.4 All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one hundredth of a foot (0.00); and all bearings in degrees, minutes and seconds.

16-2.5 Every site plan shall show the name and address of the owner or developer, the north-point, the date, the scale of the drawing, and the number of sheets. In addition, it shall reserve a blank space three inches wide by five inches long for the use of the approving authority.

16-2.6 Six (6) copies of the site plan shall be submitted to the Zoning Administrator for review.

Section 16-3 Required Information on the Site Plans

16-3.1 All site plans shall contain the following information:

- A. Location of the tract on an insert map at a scale of not less than one inch equal to two thousand feet (1"=2,000') indicating the scale, the north-point, and such information as the names and numbers of adjoining roads, streams, subdivisions, or other landmarks, sufficient to clearly identify the location of the property.

- B. A boundary survey of the tract by bearings and distances certified by a Licensed Professional authorized by the Commonwealth of Virginia to practice as such.
- C. The location and dimensions of the required sidewalk and gutters along all public street frontages.
- D. All existing property lines; existing streets and easements, their names, numbers and widths; the location and size of existing sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses; and any other prominent physical features on or adjoining the tract.
- E. Existing zoning and zoning district boundaries on the tract and on adjoining properties.
- F. The present use of all adjoining properties.
- G. Existing topography with contours drawn at two (2) foot contour intervals. Where the existing slope is less than two (2%) percent, either one-foot contours and/or spot elevations where necessary but not more than fifty (50) feet (horizontally) apart in any direction.
- H. Proposed changes in zoning, if any.
 - I. The proposed location, general use, number of floors, height and floor area for each building; and, where applicable, the number, size and type of dwelling units.
 - J. All off-street loading spaces, parking and walkways the type of surfacing, size, angle of parking spaces, width of aisles, and a specific schedule showing the number of parking spaces provided.
- K. All proposed water and sanitary sewer facilities, in pipe sizes, types and grades and where connection is to be made to Town or other utility systems; all proposed gas lines and other utilities and their easements.
- L. The location dimensions and character of construction of proposed streets, alleys, driveways; and the location, type and size of vehicular entrances to the site.
- M. Proposed finished grading at two (2) foot contour intervals with spot elevations.
- N. Provisions for the adequate disposition of natural and storm water indicating location of any identified drainage district, location, sizes, types and grades of ditches, catch basins, pipes, and connections to existing drainage systems or suitable outlet. Drainage Calculations shall be submitted to verify validity of the drainage plan (Refer to Section 14-5 of this ordinance).
- O. Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction. A copy of the approved development plan including the developer's planned erosion and sedimentation control measures will be forwarded to the legally responsible soil and erosion control agent who exercises jurisdiction within the town limits.
- P. Delineation of any flood plains.
- Q. The location of impounding structures and dam break inundation zones.
- R. The location of any grave, object or structure marking a place of burial.
- S. Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this or any other Town Ordinance.
- T. The location of wooded areas on the property and the trees and wooded areas that will be retained.

- U. The location and dimensions of proposed recreation space and required amenities and improvements.
 - V. The location, character, size, height and orientation of proposed signs and outdoor lighting systems.
- 16-3.2 All features and elements of the sight plan shall, in all respects, conform to all applicable provisions and standards of the Code of Virginia; the ordinances of the Town of Blackstone; and the standards and requirements of the Virginia Department of Transportation and the Virginia Department of Health.

Section 16-4 Procedure for Processing

16-4.1 Initial Review

Except as otherwise provided in this section, the Zoning Administrator shall act on any proposed site plan within 60 days after it has been officially submitted for approval by either approving or disapproving the site plan in writing, and giving with the latter specific reasons therefor. The Administrator shall thoroughly review the site plan and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. The Administrator shall forward the site plan to the appropriate state agency or agencies, as required, for review within 10 business days of receipt of such site plan. The state agency or agencies shall respond within 45 days of receipt of the site plan upon first submission and within 45 days for any proposed site plan that has previously been disapproved, pursuant to § 15.2-2222.1 and § 15.2-2259 of the Code of Virginia, as amended. Such response time shall extend the time for action by the Administrator.

16-4.2 Preliminary Disapproval

Specific reasons for disapproval shall be contained either in a separate document or on the site plan itself. The reasons for disapproval shall identify deficiencies in the site plan that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the site plan. The Administrator shall act on any proposed site plan that it has previously disapproved within 45 days after the site plan has been modified, corrected and resubmitted for approval. Upon the second resubmission of such disapproved site plan or plat, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval unless

- i. Any uncorrected deficiency would violate local, state or federal law, regulations, and other mandatory engineering and safety requirements,
- ii. The changes include a revision of infrastructure or physical improvements, or
- iii. the changes create a new required review by a state agency or public authority.

The provisions of this subsection shall not apply to deficiencies caused by changes, errors or omissions occurring in the applicant's site plan, site plan or plan of development filings after the initial submission of such site plan, site plan or plan of development. The provision of this subsection shall not apply to the review and approval of construction plans.

16-4.3 Final Disapproval and Appeal

An applicant may appeal any decision of the Zoning Administrator within thirty (30) days of such decision to the Board of Zoning Appeals pursuant to § 15.2-2311 as amended.

16-4.4 Site Plan Pre-Requisite to Issuance of Permits

No permit shall be issued to construct, erect, build or modify any structure nor shall any permit or authorization be granted to improve or develop land subject to the provisions of this article unless a site plan has been submitted to and approved by the Blackstone Zoning Administrator, except as otherwise provided by Ordinance.

16-4.5 Site Plan Termination or Extension

An approved site plan shall expire and become null and void after five (5) years of the final approval pursuant to § 15.2-2261 as amended.

16-4.6 Amendments to the Site Plan

After a site plan has been approved by the Zoning Administrator, minor adjustments of the site plan which comply with the spirit of this article and other provisions of this chapter may be approved the Zoning Administrator. Deviation from an approved site plan without prior written approval of the Zoning Administrator shall void the plan and the Zoning Administrator shall require the applicant to submit new site plan for consideration. Any major revision of an approved site plan shall require a new site plan be drawn and submitted for review and action in accordance with this article.

Section 16-5 Exemptions from Site Plan Requirements

The lawful construction, alteration, and occupancy of a one or two-family dwelling, with or without a garage, on a lot on which there exists no other building or use.

Section 16-6 Compliance with Approved Site Plan

16-6.1 Inspections shall be made during the installation of on-site improvements by the administrator or his designated representative according to responsibility to ensure compliance with the approved site plan.

16-6.2 The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed. Such plans shall be available for inspection by authorized regulatory officials upon their introduction and presentation of official credentials.

Article 17 USE PERMITS AND VARIANCES

Section 17-1 Zoning Permits

17-1.1 No permitted principal or accessory building or structure or use of buildings, structures and uses permissible shall be constructed, reconstructed, moved, added to or otherwise allowed without a permit issued by the Zoning Administrator. No building and zoning permit shall be issued except in conformity with the provisions of this ordinance, unless the Building Inspector receives a written order from the Board of Zoning Appeals and Zoning Administrator in the form of an administrative order, special exception or variance as provided by this ordinance.

17-1.2 A zoning permit is not required for reconstruction of conforming buildings or structures which do not involve a change in structure size, and use.

17-1.3 The Commission may request a review of a zoning permit in order to determine if the contemplated use is in accordance with the district in which the construction lies.

17-1.4 An application for a zoning permit shall be made to the zoning administrator on forms to be provided by the Zoning Administrator who shall require and be furnished with all such plans and documents as may be required to determine whether the proposed structure and facilities will be in compliance with the provisions of this ordinance. Each such application for zoning permit shall be accompanied by the following items or as much thereof as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require as being pertinent:

- A. A statement from the Water and Sewer Superintendent that applicable regulations and requirements have been complied with.
- B. A grading permit, as required by the Erosion and Sedimentation Ordinance.
- C. The intended use.
- D. If a dwelling, the number of families or dwelling units.
- E. Two copies of a site plan signed by the applicant drawn to scale showing dimensions and location of the structure with respect to property lines and public highways; and streets provided, no part of which is to be located less than the setback distance from any property line right-of-way of any public highway or street. Any other information which the administrator may deem necessary for consideration of the application may be required.
- F. Number, size, location and lighting of signs, if any
- G. Off-street parking and other facilities.

17-1.5 Structures in Violation:

No zoning permit shall be issued where it appears that the structure to be constructed or the use contemplated would be in violation of the provisions of this ordinance or any other applicable law, ordinance or regulations. The issuance of such zoning permit, however shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance, or regulation.

17-1.6 Issuance of Zoning Permit:

If it appears that the proposed structure and use of land or structure is in conformity with the provisions of this ordinance, a zoning permit shall be issued to the applicant by the Zoning Administrator.

A. Certificate. Whenever a zoning permit is issued, the zoning administrator shall also furnish the applicant with a certificate indicating that the said zoning permit has been issued and is valid for the period stipulated therein. The applicant shall thereupon deliver said certificates to the Building Inspector.

17-1.7 Lots previously Platted:

Residential lots platted before enactment of this ordinance must obtain a zoning permit before construction of structures may begin.

17-1.8 Conformance to Plans

Zoning permits issued on the basis of the application authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, and construction at variance with the authorized use shall be deemed a violation of this ordinance, and punishable as provided under Article 19 thereof.

17-1.9 Fire Code and Safety Regulations

Buildings to which State Fire Safety Regulations apply as set by the Department of Housing and Community Development shall conform to such regulations.

Section 17-2 Rezoning

17-2.1 The Town Council may amend, supplement, repeal or change, by ordinance, the text of the Zoning Ordinance and the zoning district maps from time to time, whenever required by the public necessity, convenience, general welfare or good zoning practice. Any such amendment may be initiated by (1) resolution of the Town Council, (2) motion of the Planning Commission, or (3) by petition of the owner, contract purchaser with the owner's written consent, or the owner's attorney in fact, of the property which is the subject of the proposed zoning map amendment.

17-2.2 Rezoning Procedures

Rezoning requests will be submitted to the Zoning Administrator and referred to the Planning Commission for its review and recommendation. The final determination on the rezoning request will be made by the governing body after the following procedure is completed.

1. The written request for rezoning shall be submitted to the planning commission by the Zoning Administrator;
2. Notice shall be given of the required public hearing in accordance with the requirements of the Code of Virginia. Adjacent property owners (front, back and side) and the applicant shall be notified in writing as to the rezoning or conditional zoning request and public hearing date;

3. A public hearing shall be held by the Planning Commission. If requested, the Zoning Administrator may make a report and recommendation to the Planning Commission on the subject request. Other parties may appear in person and present their views;
4. The Commission shall make a recommendation to go on the rezoning request after the public hearing is held;
5. The governing body shall then hold its own public hearing in conformity with all notice requirements under Code of Virginia, Title 15.2-2204, and make the final determination on the rezoning request.

17-2.3 Conditional Zoning

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. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations where competing and incompatible uses conflict and traditional zoning methods and procedures are inadequate. If zoning districts and uses exist within the Zoning Ordinance and Map to accommodate the activity or use requested, a detailed explanation shall be provided to both planning commission and council as to why a conditional zoning is necessary.

17-2.4 Requirements for Conditional Zoning

Conditional zoning shall be a voluntary proffer in writing, by the owner, prior to a public hearing before the governing body and shall follow the same requirements as a conventional rezoning. Any such proffered conditions must be in writing in such format as directed by the Town Attorney prior to the public hearing held by the governing body. Council may direct that any permanent proffers affecting the real estate or real property be recorded in the instrument of legal title. The document must adhere to the following requirements:

1. The zoning itself must give rise for the need for the conditions.
2. Such conditions shall have a reasonable relation to the zoning.
3. 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 the Zoning Ordinance of the Town of Blackstone.
4. The conditions shall not include a requirement that the applicant create a property owners' association.
5. Such conditions shall not include payment for or construction of off-site improvements except those provided for in the Zoning Ordinance of the Town of Blackstone.
6. No condition shall be proffered that is not related to the physical development or physical operation of the property.
7. All such conditions shall be in conformity with the Comprehensive Plan, as may be formulated from time to time.
8. A detailed preliminary site plan as provided for under Article 14 of this ordinance shall accompany the application.
9. The Town Council reserves unto itself the right to specify special condition related to signs, parking, transition yards, hours of operation.

17-2.5 Enforcement of Conditional Zoning

The Zoning Administrator shall be vested with all necessary authority on behalf of the governing body to administer and enforce conditions attached to the amendment to this Article, including:

1. The ordering in writing of the remedy of any non-compliance with such conditions.
2. The bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding.
3. Requiring a guarantee satisfactory to the governing body in an amount sufficient for, and conditioned upon, the construction of any physical improvements required by the condition, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part to the satisfaction of the Governing Body. Provided, that failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permit, as may be appropriate.

17-2.6 Conditional Zoning Records

The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. The zoning administrator shall update the Index annually and no later than November 30 of each year.

17-2.7 Petition for Review of Decision

Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of subsection 17-2.5 may petition the governing body for review of the decision of the Zoning Administrator. All petitions for review shall be filed with the Zoning Administrator and with the clerk of the governing body within 30 days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the governing body on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. The provisions of subsection F of § 15.2-2285 of the Code of Virginia shall apply to such petitions to the circuit court, with the necessary modifications.

17-2.8 Amendments of Variations of Conditions

There shall be no amendments or variation of conditions created pursuant to the provisions of this subsection until after a public hearing before the governing body and advertised pursuant to the provisions of the Article.

Any landowner subject to the conditions proffered may apply to the governing body for amendments to or variations of such proffered conditions provided that only written notice of

such application be provided to any landowner subject to such existing proffered conditions, as prescribed by subsection H of § 15.2-2204 of the Code of Virginia.

The Town of Blackstone may waive the requirement for a public hearing under this section where an amendment to such proffered conditions is requested by a landowner subject to the proffered conditions and the amendment does not affect conditions of use or density.

Section 17-3 Certificates of Compliance (Occupancy Permits)

17-3.1 General:

It shall be unlawful to use or occupy or permit the use of any building or premises, or both, or part there of hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the administrative official stating the proposed use of the building or land conforms to the requirements of this ordinance.

17-3.2 Nonconforming Structures and Uses:

No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance. This sub-section shall be administered in conformity with, and governed by the provisions of the Code of Virginia, Section 15.2-2307.

17-3.3 Temporary Certificates:

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

17-3.4 Administrator:

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

17-3.5 Violation:

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Article 19 of this ordinance.

Section 17-4 Uses Not Provided For

A use not provided for is a use that is not included within the text of the permitted district uses. Because of their nature and anticipated impact, these uses require a review by the Commission and governing body before approval is granted. Uses not provided for are treated as a zoning amendment and the Town Council hereby reserves unto itself the right to approve or disapprove uses not provided for.

Section 17-5 Conditional Uses

17-5.1 A conditional use is a special exception that is expressly permitted within a use district after review and recommendation by the Commission and approval by the governing body. The Town Council hereby reserves unto itself the right to issue such conditional use permits with "suitable regulations and safeguards" (Title § 15.2-2286 (A) (3) of the Code of Virginia). Wherever a use or structure is listed as a conditional use, application shall be made to the Zoning Administrator

who shall refer said application to the Planning Commission. Procedures and standards for determinations affecting conditional uses shall be as provided in the District Regulations and as follows:

17-5.2 Procedures:

Conditional use requests will be reviewed by the Commission upon referral by the Zoning Administrator. The final determination of the request will be made by the governing body after the following procedure is completed:

1. A written application for a conditional use or uses not provided for shall be submitted to the Zoning Administrator indicating the Section of this ordinance under which the conditional use or use not provided for is sought and stating the grounds on which it is requested. The application shall include:
 - A. Conditional Use Permit request, as provided by Town staff
 - B. Applicants Report, including:
 - i. ordinance under which the conditional use is sought,
 - ii. the reasons for the request, and
 - iii. proposed conditions that would abate potential nuisances.
 - C. Site Plan
 - D. Survey Plat, if available
 - E. Required fees
 - F. And additional reports that may include:
 - i. Business/Operations Plan which details scale, use, and hours of operation, as necessary
 - ii. Preliminary Environmental Impact Study which details scale and scope of smell, noise, and other potential impacts, as necessary
2. The Zoning Administrator will circulate the application materials to appropriate Town agencies as necessary and will prepare a report to the planning commission indicating the manner in which the proposed conditional use complies or does not comply with this chapter and his recommendations regarding approval, disapproval or conditions to be attached. The report shall be submitted to the Commission within thirty (30) days of receipt of all application materials unless additional time is agreed upon between the applicant and Zoning Administrator.
3. Notice of a public hearing or joint hearing shall be held by the Planning Commission in accordance with Section § 15.2-2204 of the Code of Virginia. Any party may appear in person, or by agent or attorney.
4. The Commission shall make a recommendation to the Town Council within 30 days of the public hearing.
5. Before any conditional use shall be allowed and a use permit issued, the Town Council shall hold a second public hearing or joint hearing advertised in accordance with Section § 15.2-2204 of the Code of Virginia and make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made in accordance with Section 17-5.3.

17-5.3 Assessment Criteria:

1. Town Council shall make final determination of required conditions to ensure that the proposed use will not:
 - A. Affect adversely the health or safety of persons living or working in the neighborhood of the proposed use;
 - B. Be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the neighborhood;
 - C. Be in conflict with the purpose of the Comprehensive Plan of the Town of Blackstone.
2. In order to address items A-C of Article 17-5.3(1), the Council may mandate conditions that include, but are not limited to:
 - A. Adequate ingress and egress to property and proposed structure with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - B. Off-street parking and loading areas as required;
 - C. Refuse and service areas;
 - D. Utilities, with reference to locations, availability, compatibility;
 - E. Screening and buffering with reference to type, dimensions, and character;
 - F. Signs, if any, and proposed exterior lighting with reference to any glare, traffic, safety, economic effect, and compatibility and harmony with other properties in the district;
 - G. Required yards and other open space;
 - H. Hours of operation, with reference to noise, light, smell or other deleterious impacts; and
 - I. General compatibility with adjacent properties and other property in the district.

Section 17-6 Temporary Use Permits

- 17-6.1 In case of catastrophe deemed sufficient in the judgment of the town manager involving instances wherein the replacement, reconstruction or major repair of improvements, which have been substantially damaged or destroyed and rendered unusable, is required, the Town Manager may under conditions hereinafter set forth, issue a special temporary use permit for the use of a temporary structure or mobile unit, as a temporary substitute for any structure or use permitted by this chapter, upon being satisfied that the intended use is only temporary and will alleviate a hardship during periods required for reconstruction, replacement or repair. Such permit shall be issued for a period not exceeding ninety (90) calendar days and which may, upon application to the Town Manager, be renewed or extended for an additional period of ninety (90) calendar days by the Town Manager for good cause shown, but not thereafter. No such permit shall be renewed by the Town Manager unless reasonable progress has been made toward the replacement, reconstruction and repair of such improvements.
- 17-6.2 Any such temporary structure or unit approved by the Town shall be required to meet the setback requirements contained in the chapter for accessory buildings as defined in this chapter and as applicable to the district in which such temporary structure is to be located.
- 17-6.3 No such permit shall be issued for more than one such structure on any one lot, the same to be only for single occupancy.

- 17-6.4 Upon granting such permit, evidence thereof in the form of a card or a suitable placard, at least eight inches square shall be issued to the applicant containing information indicating the date of the issuance of the permit, its purpose, and its expiration date, which shall be prominently displayed upon the premises during the period for which the permit is valid. Such placard may also be used to indicate a date of renewal and the expiration of such renewal.
- 17-6.5 No extension or renewal beyond the periods above mention permitted except by application to the Town Council, which may grant the same by an affirmative vote of a majority of the members of Council, which such extension of Council shall in no case exceed one hundred eighty (180) calendar days.
- 17-6.6 Nothing herein contained shall be construed to modify any provisions of this chapter related to non-conforming uses, nor shall any temporary structure or unit be used to continue any non-conforming use or activity, the restoration or replacement of which would be prohibited.
- 17-6.7 Nothing herein contained shall be deemed to prohibit the tool sheds and usual temporary structures normally and necessarily associated with the construction, reconstruction, replacement or repair of improvements.
- 17-6.8 The Town Manager may permit sewer and water utilities to the temporary structure. Application for the cost of temporary utilities shall be under the standard procedures and at the standard rate for sewer and water connections and service. Such utilities shall be permanently abandoned once the temporary use permit expires, and sewer connections shall be sealed off permanently in accordance with the instructions of the Town Engineer and the water connection shall be cut at the main.
- 17-6.9 Upon the expiration of the period for which any such special temporary use permit is issued, or lawful extension thereof, or within fifteen (15) days after occupancy of the main structure. The unit shall forthwith be removed from the property upon which it is located, by the applicant (or other person then in possession of-the property if not the applicant), and failure to do so shall constitute a misdemeanor under this chapter and shall be punishable as herein provided.

Section 17-7 Variances

17-7.1 General

In the 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 may be permitted 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.

17-7.2 Conditions for Approval

No variance shall be authorized by the board unless the Board determines conditions identified in (a), (b), (c), and (d) below exist under the following conditions:

- a) The strict application of the ordinance would produce undue hardship relating to the property;
- b) The hardship is not shared generally by other properties in the same zoning district and the same vicinity in a general or recurring nature best suited for an amendment to the general district regulations.

- c) The authorization of the 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; and
- d) The authorization of the variance shall be in harmony with the intended spirit and purpose of this Ordinance.

17-7.3 Public Notice and Hearing Required

No variance shall be authorized except after notice and hearing as required by § 15.2-2204 of the Code of Virginia. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

17-7.4 Conditions May Be Imposed

In authorizing a variance, the board 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 ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and this Ordinance.

17-7.5 Expansion May Not Be Permitted

The structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

Section 17-8 Fees

Fees are allowed by Code of Virginia, Section § 15.2-2286 (6) for administrative review and processing of Zoning permits, certificates of zoning compliance (occupancy), site plans, rezoning requests, Conditional Uses, amendments, public hearing advertising, variances and nonconforming uses shall be published under a separate fee schedule and reviewed annually by the Zoning Administrator prior to approval by the Town Council.

FEE SCHEDULE

DESCRIPTION OF ACTION		DISTRICT	FEE \$
A)	Conditional Zoning, Zoning Amendment and Rezoning	R-S	\$ 250.00
		R-1	
		R-2	
	Conditional Zoning, Zoning Amendment and Rezoning	R-3	\$ 250.00
		R-B	
		B-G S-B	
	Conditional Zoning, Zoning Amendment and Rezoning	M-1	\$ 250.00
		M-2	
B)	Conditional Use	R-S	\$ 250.00
		R-1 R-2	
	Conditional Use (Continued)	R-3	\$ 250.00
		R-B B-G S-B M-1 M-2	
C)	Variance	R-S	\$ 250.00
		R-1 R-2	
	Variance (Continued)	R-3	\$ 250.00
		R-B B-G S-B M-1 M-2	
D)	Site Plan Review	R-3 R-B B-G S-B M-1 M-2	\$ 200.00
E)	Signs Including Temporary	All Districts	\$10.00 Plus \$4.00 Per \$1000.00
F)	Zoning Permit	All Districts	\$ 25.00
G)	Occupancy Permits	All Districts	\$ 25.00
H)	Yard Sale Permits	All Districts	\$ 5.00

Section 17-9 Administration

17-9.1 Zoning Administrator

The Zoning Administrator shall have all necessary authority on behalf of the governing body 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 insure compliance with the 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 Article 1 of this ordinance. The Zoning Administrator may be assisted in the enforcement of this ordinance by the Chief of Police, Town Attorney, Commonwealth Attorney and all other officials of the Town of Blackstone, and Nottoway County, Virginia, pursuant to the respective fields.

Section 17-10 Interpretation

17-10.1 Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts are shown [as shown] on the zoning map, the following rules should apply:

17-10.2 Where district boundaries are indicated as approximately following or being at right angles to the center line of streets, highways, alleys, railroad main tracts, such center lines or line at right angles to such center lines shall be construed to be such boundaries as the case may be.

17-10.3 Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

17-10.4 If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

Section 17-11 Existing Plans or Construction

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

Article 18 PROVISIONS FOR APPEAL

Section 18-1 Board of Zoning Appeals

- 18-1.1 A Board consisting of five (5) members shall be appointed by the Circuit Court of Nottoway County. The Board shall serve without pay other than for traveling expenses. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 18-1.2 The term of office shall be for five (5) years. One of the appointed members shall be an active member of the Planning Commission.
- 18-1.3 Members may be removed for cause by the Circuit Court upon written charges and after a public hearing held after at least 15 days' notice.
- 18-1.4 Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has interest.
- 18-1.5 The Board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman.

Section 18-2 Powers of the Board of Zoning Appeals

- 18-2.1 To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
- 18-2.2 To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary in accordance with Section § 15.2-2309(4) of the Code of Virginia, as amended. The board shall not have the power to change substantially the locations of district boundaries or rezone property as established by this Ordinance.
- 18-2.3 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 provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as outlined in Article 17-7 of this ordinance.
- 18-2.4 When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size of shape of a specific piece of property at the time of the effective date of the ordinance, or whereby reason of exceptional topographic conditions or other extraordinary situations or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

Section 18-3 Rules and Regulations

- 18-3.1 The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.
- 18-3.2 The meeting of the Board shall be held at the call of its chairman or at such times as a quorum of the Board may determine.
- 18-3.3 The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 18-3.4 The Board shall keep minutes of its proceedings showing each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 18-3.5 All meetings of the Board shall be open to the public.
- 18-3.6 A quorum shall be at least three (3) members.
- 18-3.7 A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

Section 18-4 Appeal to the Board of Zoning Appeals

- 18-4.1 Period of Time for Appeal
- 18-4.2 In accordance with Section 15.2-2311 of Code of Virginia, as amended, an appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision or requirement of the Zoning Administrator or any other administrative officer in the enforcement of the Ordinance. Any written notice of a zoning violation or a written order of the Zoning Administrator shall include (a) a statement informing the recipient that he may have a right to appeal the notice within 30 days, or the decision shall be final and unappealable, (b) the appeal fee, and (c) a reference to where additional information may be obtained regarding the filing of an appeal. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator and with the board a notice of appeal specifying the grounds thereof.
An appeal period of not less than 10 days may be established for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.
- 18-4.3 Mailing of Appeal
Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed the individual, official, department, or agency concerned, if any.
- 18-4.4 Stay of Proceedings
The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining

order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

No written order, decision or requirement shall be subject to change, modification or reversal by the Zoning Administrator or any other administrative officer after 60 days from the date of the written order where the person aggrieved has materially changed his position in good faith on the administrative action. This does not apply if it is proven that the administrator's action is considered malfeasance or fraud or if modification is required to correct clerical errors.

18-4.5 Public Hearing

The Board shall fix a reasonable time for the hearing of an application of appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within ninety (90) days in accordance with Section 15.2-2311 of Code of Virginia, as amended. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of three (3) 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 affect any variance from the ordinance. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

18-4.6 Decision

The Board of Zoning Appeals shall render a decision of any application submitted to it within sixty (60) days after the date of the hearing. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

18-4.7 Decision of Board of Zoning Appeals

1. Any person or persons jointly or severally aggrieved by of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county, or municipality, may present to the Circuit Court of the county, a petition pursuant to Section 15.2-2314 of Code of Virginia, as amended, specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the Board of Zoning Appeals or, if no secretary exists, the chair of the Board of Zoning Appeals, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
3. Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be

necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

4. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and materials to show the grounds of the decision appealed from and shall be verified.
5. If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for study.
6. Cost shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

Article 19 VIOLATION AND PENALTY

Section 19-1 Issuance of Permits

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

Section 19-2 Penalty for Violation

Any person, firm, or corporation, whether as principal, agent, employer, or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, may be fined not less than ten (\$10) dollars, not more than five hundred (\$500) dollars. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

Section 19-3 Service of Notice of Violation

Upon becoming aware of any violation of any provision of this ordinance, the Zoning 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.

Article 20 AMENDMENTS

Section 20-1 Amendment Procedure

The regulations, restrictions and boundaries established within this ordinance may, from time to time, be amended, supplemented, change modified, or repealed by a majority of votes of the Town Council provided:

- 20-1.1 The Planning Commission shall hold at least one public hearing on such proposed amendment after notice as required by Section 15.2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Commission shall present the proposed amendment, including the district maps, as necessary, to the governing body together with its recommendations and appropriate explanatory materials.
- 20-1.2 Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to the public notice as required by Section 15.2-2204 of the Code of Virginia after which the governing body may make appropriate changes or corrections in the proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Section 15.2-2204. Zoning ordinances shall be enacted in the same manner as all other ordinances.
- 20-1.3 Amendments may be initiated by resolution of the governing body, by motion of the Planning Commission, or by petition of any property owner or his agent addressed to the governing body.
- 20-1.4 The Governing Body and the Planning Commission shall refuse to hold further hearings on a renewed application for the same amendment or zoning permit by the same applicant, or applicants, their successors or assigns for a period of twelve (12) months after the Commission's action thereof except and -unless the Planning Commission or Governing Body shall find and determine from the information supplied by a request for a rehearing that is unusual, changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort property and general welfare and that a reconsideration is justified. If the rehearing is denied, the case shall not be reopened for at least twelve (12) months from the date of the original action by the Planning Commission.
- 20-1.5 No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

Article 21 DEFINITIONS

Section 21-1 General Usage

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future. Words in the single tense include the plural, and the plural includes the singular. The word "person" includes a firm association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the "may" is permissive. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel". The word "building" includes the word "structure". The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building". The word "State" means the Commonwealth of Virginia. The word "Town" means the Town of Blackstone, Commonwealth of Virginia and the term "town boundary" means any exterior boundary of the Town. The term "construction standards" means those construction standards as approved by Town Council and the Town's Building Inspector and included in the Uniform Statewide Building Code. The word "Code of Virginia" shall include "as amended". The word "adjacent" means "nearby" and not necessarily "contiguous".

Section 21-2 Interpretation by the Zoning Administrator

In case of any dispute over the meaning of a word, phrase, or a 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 Article 1, provided however, that an appeal may be taken from any such determination as provided in Article 16. -

Section 21-3 Definitions

2. **ACCESSORY USE OR STRUCTURE:** A subordinate use of structure customarily incidental to and located upon the same lot occupied by the main use or building, provided that no such accessory building shall be used for dwelling purposes with the exception of a Temporary Health Care Structure, as defined.
3. **ACREAGE:** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
4. **ADMINISTRATOR, THE ZONING:** The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
5. **ADULT CARE FACILITIES:** An agency, organization or individual providing daytime care for adults, in conformance with licensing regulations.
6. **AGRICULTURE:** The tilling of soil, the raising of crops, horticulture, forestry, gardening, including the keeping of animals, and fowl, and including agricultural industry such as fruit packing plants, dairies or similar uses.
7. **ALTERATION:** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
8. **ANTIQUe AND GIFT SHOPS:** A commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware

and other curios and collectibles, the value of which is derived from age, rarity and materials of such items and/or the workmanship of a particular historic period; flea markets and furniture stores shall not be included.

9. APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
10. ASSISTED LIVING FACILITY: Any congregate residential setting that is licensed by the appropriate agency and that provides or coordinates personal and health care services, twenty-four-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. The following shall not be considered an "assisted living facility:"
 - a. A facility or portion of a facility licensed by the state board of health or the state department of behavioral health and developmental services;
 - b. The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;
 - c. Any housing project for persons sixty-two (62) years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the state housing development authority.
 - d. A facility in which no more than eight (8) aged, infirm or disabled persons reside, with one (1) or more resident counselors or other staff persons, and for which the state department of social services is the licensing authority shall be considered residential occupancy by a single family.

For the purposes of this definition, "maintenance or care" means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

11. 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 are placed. (Code of Virginia, Section 33.2-804)
12. BASEMENT: A story having part but not more than one-half its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is subdivided and used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
13. BED AND BREAKFAST ESTABLISHMENT: A home occupation involving the rental of up to four (4) rooms to overnight guests and offering breakfast meals only to said guests.
14. BOARDING HOUSE: A building where, for compensation, lodging or meals are provided for at least five (5) and up to fourteen (14) persons.
15. BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
16. BUILDING, HEIGHT OF: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front to the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings setback

- from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
17. **BUILDING LINE:** The imaginary line extending across the frontal most portion of a structure from side property line to opposite property line.
 18. **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.
 19. **CELLAR:** A story having more than one-half (1/2) of its area below grade and which may not be occupied for dwelling purposes.
 20. **CHILD CARE CENTER:** A structure either wholly or partially used for the temporary care and lodging, for compensation, of young children. Three types of child care centers are:
 - a. **Home Care:** Use of the residential structure or part thereof for the temporary lodging and care of not more than four children for compensation.
 - b. **Day Care Center:** A commercially zoned structure utilized for the temporary care of not more than 10 ten (10) children for compensation. This use must meet the necessary state licensing requirements.
 - c. **Nursery:** A structure utilized for the reception, board, and care for compensation of 10 or more children. This use must meet the necessary state licensing requirements.
 21. **CHURCH:** An institution of the community for the practice of established religion including worship, religious education, and conduct of approved church programs and activities within the church and upon its grounds.
 22. **COMMERCIAL:** Any wholesale, retail or service business activity established to carry on trade for a profit.
 23. **COMMERCIAL TRUCK:** Any vehicle weighing more than 12,000 lbs. (empty weight) which is used for commercial purposes will be considered in this ordinance as a commercial truck.
 24. **COMMISSION, THE:** The Planning Commission of Blackstone, Virginia.
 25. **CONDITIONAL ZONING:** Flexible provisions to provide the Council and Planning Commission a degree of flexibility in proposed developments by use of special conditions agreed to by the owner and the governing body. In return for an owner agreeing to certain improvements or protection felt by the governing body to be necessary for the public good, a conditional zoning permit and contract called a proffer may be entered with the owner. Any proffered conditions must be presented before the required hearing. Provisions for Conditional Zoning are found under Section 15.2-2296 through 15.2-2297 of the Code of Virginia. Council may direct that any permanent proffers affecting the real estate or real property be recorded in the instrument of legal title.
 26. **CONDOMINIUM:** Real Property lawfully in existence pursuant to a condominium instrument created under the Virginia Condominium Act, Section 55-79.39 et seq., Code of Virginia. Condominiums shall be treated pursuant to this ordinance the same as any physically identical project under the different form of ownership.
 27. **DAIRY:** A commercial establishment for the manufacture and sale of dairy products.
 28. **DANCE SCHOOL:** Any place, however designated, operated for the purpose of providing instruction in the art of dancing during any part of the day between the hours of 8:00 a.m. and 8:00 p.m., exclusive of Sundays and holidays.

29. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
30. **DISTRICT:** A portion of the town within which, on a uniform basis certain uses of land and buildings are permitted and certain other uses of land and buildings are not permitted as set forth by this ordinance, and within which certain yards and other open spaces are required within certain lot areas are established or within which a combination of such conditions apply.
31. **DWELLING:** Any building, or portion thereof which is designated for use for residential purposes, except hotels, motels, boarding houses, lodging houses, tourist cabins, automobile trailers.
32. **DWELLING, ATTACHED:** One of two or more residential buildings having a common or party wall separating dwelling units.
33. **DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.
34. **DWELLING, SINGLE-FAMILY:** A residential dwelling unit other than a manufactured home dwelling, designed for and occupied by
 - a. one family, or
 - b. eight (8) or fewer persons defined under ASSISTED LIVING FACILITY and GROUP HOME with one or more resident counselors or other staff persons.
 - c. a Family Day Home, as defined, with 5 or fewer children, exclusive of the provider's own children and any children who reside in the home
 - d. A Modular Home, as defined.
35. **DWELLING, SINGLE-FAMILY SEMI-DETACHED:** One of two buildings, arranged as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.
36. **DWELLING, SINGLE-FAMILY DETACHED:** A single-family dwelling separated from structures on adjacent lots.
37. **DWELLING, TEMPORARY:** A portable dwelling but not necessarily attached to a permanent foundation.
38. **DWELLING, TWO-FAMILY OR DUPLEX:** A residential building not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families
39. **DWELLING UNIT:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
40. **FAMILY:** One or more persons occupying a premise and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist

home, or hotel, but inclusive of eight (8) or fewer persons defined under ASSISTED LIVING FACILITY and GROUP HOME with one or more resident counselors or other staff persons.

41. **FAMILY DAY HOME:** A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.
Family Day Homes with more than 5 children, exclusive of the provider's own children and any children who reside in the home, may be permitted as a Conditional use in the R-2 district according to Section 15.2-2292 of the Code of Virginia.
42. **FARMERS MARKET:** Any structure or land used for the sale or offering for sale (of) agricultural or horticultural produce, excluding livestock.
43. **FLEA MARKET:** An occasional or periodic market held in an open area, building or structure where groups of individual sellers offer goods for sale to the public and where there are ordinarily no long-term leases between sellers and operators.
44. **FLOOD:** A general and temporary inundation of normally dry land areas.
45. **FLOOD PLAIN:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
46. **FLOODWAY:** The designated area of the floodplain required to carry the discharge flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
47. **FRONTAGE:** The minimum width of a lot measured from one line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
48. **GARAGE, PRIVATE:** Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1/2) times as many automobiles as there are dwelling units.
49. **GARAGE, PUBLIC:** A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
50. **GASOLINE SERVICE STATION:** A retail activity operated for the sale of gasoline, oil, minor accessories and vehicle repair work. All repair work, other than the sale of fuel and other products, shall be conducted within a completely enclosed building.

51. **GASOLINE STATION - SELF SERVICE:** A retail activity operated for the sale of gasoline, oil, minor accessories and other retail products (e.g., grocery items). No vehicle repair work is permitted on the premises.
52. **GOVERNING BODY:** The Town Council of Blackstone, Virginia.
53. **GREENHOUSE:** A structure for the raising of plants or flowers indoors for retail purposes.
54. **GROUP HOME:** A residential facility for nine (9) or more persons with mental illness, intellectual disability, or developmental disabilities, with one or more resident or nonresident counselors or other staff persons, and is licensed by the state board of health or the state department of behavioral health and developmental services.
55. **GUEST ROOM:** A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
56. **HARDSHIP:** A situation used in appealing for variances that borders on confiscation. Inconvenience does not constitute hardship.
57. **HOME GARDEN:** A garden in a residential district for the production of vegetables fruits and flowers generally for use and/or consumption by the occupants of the premises.
58. **HOME OCCUPATION:** An occupation carried on by the occupant of a dwelling unit as a secondary use, provided that:
 - a. no person other than members of the family residing on the premises shall be engaged in occupations;
 - b. the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - c. there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. One Sign not greater than two (2) square feet is permitted in the conduct of a home occupation.
 - d. no home occupation shall be conducted in any accessory building.
 - e. no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
 - f. there shall be no sales in connection with such home occupation;
 - g. no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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 or cause fluctuations in line voltage off the premises.
59. **HOME-OWNERS' ASSOCIATION:** A non-profit organization operating under recorded land agreements through which:
 - a. each lot and/or home owner in a clustered or planned development is automatically a member, and

- b. each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and
- c. the charge, if unpaid, becomes a lien against the property.
60. **HOSPITAL:** A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.
61. **HOTEL:** A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
62. **IN FILL LOT:** Any lot, or parcel of land which legally existed at the time of the enactment of this ordinance with less than one hundred (100) feet of frontage on a public street. In Fill Lots are undeveloped lots surrounded by developed property. An "In Fill Lot" may have been the earlier site of a building which was razed. The distinguishing feature of an "In Fill Lot" is its being an undeveloped lot within a wholly developed area. Lots, Tracts and Acreage with more than one hundred (100) feet of frontage is not considered "In Fill" for purpose of this ordinance.
63. **JUNK YARD:** The use of any area of land lying within one (100) feet of a State highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia.
64. **KENNEL:** An enclosure or structure used to house, shelter, restrain, exercise, board, breed, handle or otherwise keep or care for more than two (2) dogs six (6) months of age or older, from which they cannot escape. The enclosure or structure shall not mean a dwelling or a fence used to demarcate a property line. The kennel shall meet sanitary conditions as directed by the local sanitarian.
65. **LIVESTOCK MARKET:** A commercial establishment wherein livestock is collected for sale and auctioned off.
66. **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.
67. **LOT, CORNER:** A lot abutting on two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
68. **LOT, DEPTH OF:** The average horizontal distance between and rear lot lines.
69. **LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) streets
70. **LOT, INTERIOR:** Any lot other than a corner lot.
71. **LOT, WIDTH OF:** The average horizontal distance between lines.

72. **LOT OF RECORD:** A lot which has been recorded in the clerk's office of Circuit Court.
73. **MANUFACTURE AND/OR MANUFACTURING:** The process and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.
74. **MANUFACTURED HOME:** A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
For the purposes of this Ordinance, manufactured housing not located within a Manufactured Home Park shall be allowed only in an R-3 district or as required by Virginia Code Section 15.2-2290 provided that the manufactured houses (i) are on a permanent foundation and on individual lots and are subject to equivalent development standards applicable to site-built single family dwellings, and (iii) have a minimum width of nineteen (19) feet.
75. **MANUFACTURED HOME PARK:** A parcel of land under single or common ownership upon which ten or more manufactured homes are located on a continual, nonrecreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the manufactured homes.
76. **MINI-WAREHOUSE:** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares. Additionally, this allows for outside storage of properly licensed boats, campers and commercial vehicles weighing less than 7,500 GVW. Mini- warehouses shall not be used as a site for the sale of goods or services.
77. **MODULAR HOME:** A combination of one (1) or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site without a permanent chassis and transported to the point of use for installation or erection upon a permanent foundation to be used as a single-family dwelling and regulated as a single-family dwelling for the purposes of this Ordinance.
78. **MOTEL:** Any group of dwelling units, combined or separated, used for the purpose of housing more than fourteen transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility.
79. **NEIGHBORHOOD GROCERY:** A single-store, the ground floor of which is three thousand square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, fresh produce, canned and bottled foods and drinks, tobacco products, candy, papers, magazines and books. Gasoline may also be offered for sale but only as a secondary activity. No more than three gasoline pumps are permitted at a neighborhood grocery and no auto repair work is allowed on the premises.

80. **NURSING HOME, CONVALESCENT HOME AND REST HOME:** A nursing home is a facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals. Nursing homes are regulated by the Virginia Department of Health (VDH) but exclude clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured. An "assisted living facility" shall not be considered to be a "nursing home, convalescent home and rest home."
81. **NON-CONFORMING LOT:** An otherwise legally platted lot that does not conform to the minimum area or 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.
82. **NON-CONFORMING ACTIVITY:** An otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
83. **ONE HUNDRED (100) YEAR FLOOD:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).
84. **OUTDOOR CRAFT/FOOD SALES:** During a Town festival, the sale of crafts, bake goods and other food items to the general public. These sales are limited to 5 days duration at any one time and no more than two (2) events are allowed in a calendar year.
85. **PARKING, OFF STREET:** Any space specifically allotted to the parking of motor vehicles; such space shall not be in a public right-of-way.
86. **PERSONAL SERVICE ESTABLISHMENT:** Any building wherein the occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this ordinance, personal service establishments shall include barber shops, beauty parlors, pet grooming establishments, tailors, dressmaking shops, shoe cleaning, repair shops, photographic studios, linen and diaper service establishments.
87. **PHOTOCOPY SERVICE:** A business that reproduces drawings, plans, maps or other copies by means of blueprinting or photocopying.
88. **PROFESSIONAL OFFICE:** An office for the conduct of a professional use by persons generally engaged in rendering personal, executive, sales or administrative services or activities, including law, medicine, theology, architecture, accounting, engineering, insurance, real estate, stock brokers, and administrative agencies considered professional in character. The term, however, does not include repairs on sales or tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors.
89. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

90. **RECYCLING COLLECTION CENTERS:** A neighborhood drop off point for temporary storage of recoverable resources. No processing of such items is allowed. A collection point for bottles, newsprint, paper, aluminum can, and plastic containers generated from residential areas.
91. **RETAIL STORES:** A business enterprise whose principal use is the sale of goods, merchandise, and products directly to the consumer.
92. **REQUIRED OPEN SPACE:** Any space required in any front, side or rear yard.
93. **RESTAURANT:** Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.
94. **RETAIL OUTLET STORES:** A retail activity offering for sale goods or products which are produced only on the same premises. Outlet Stores shall not exceed 25% of the total floor area of the manufacturing facility.
95. **RETAIL STORES AND SHOPS:** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustration: drug store, news stand, 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 and radio store, tailor shop, barber shop and beauty shop.
96. **ROOMING HOUSE:** A building where, for compensation, lodging and meals are provided for one to four persons.
97. **SATELLITE DISH ANTENNA (OR EARTH STATION):** Satellite Dish antenna shall mean an accessory use that is a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals to the exterior of the building.
98. **SATELLITE DISH ANTENNA (OR EARTH STATION) HEIGHT:** This shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish, when positioned for operation, to the grade or permanent structure to which the antenna or its base is attached.
99. **SAWMILL:** A portable sawmill located on a private proper processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.
100. **SCREEN PLANTING:** The installation of and maintenance of plant material arranged so as to provide a visual barrier at least six (6) feet in height between abutting uses.
101. **SELF SERVE STORAGE:** See definition for MINI-WAREHOUSE (Article 21-3.75).
102. **SETBACK:** The minimum distance by which any building or structure must be separated from the front lot line.
103. **SHELTER:** means a building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:
 - a. The use is operated on a not-for-profit basis;

- b. Sleeping areas are provided in a dormitory or other configuration;
 - c. Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff;
 - d. Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers; and supervision of residents is provided.
104. SIGN: Any display of any letters, words, numerals, figures, logos, emblems, pictures, flags, pennants, banners, or any parts or combinations thereof attached to, or as part of a structure, surface, or any other things included within a specific use district in an on or off-premises manner and which is visible both on and beyond the boundaries of the parcel of land on which the same is located.
- a. Sign, Business - A sign which directs attention to a profession, product, service or activity conducted, sold or offered on the premises where such sign is located.
 - b. Sign, Directional - A directional sign is one (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called), giving only the name of the firm or business responsible for the erection of the sign, and being two (2) square feet or less in area.
 - c. Sign, Flashing - An illuminated sign on which artificial light is not kept constant in intensity at all times, when in use. Illuminated signs which indicate public service information such as time, date, temperature, weather or similar information should not be considered "flashing" signs.
 - d. Sign, General Advertising (billboards) - A free standing sign that is over one hundred (100) square feet in size, which directs attention to a product, commodity or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.
 - e. Sign, Home Occupation - A home occupation sign direction to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
 - f. Sign, Identification - A sign used strictly for identifying the name of the structure, the subdivision or community and not used for commercial or advertising purposes.
 - g. Sign, Location - A location sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
 - h. Sign, Projecting - A wall sign which is attached to the building wall and which extends not more than fifteen (15) inches from the face of such wall.
 - i. Sign, Real Estate - A sign that advertises a real estate company, and/or a real estate agent and their intention to sell, rent, or lease a structure or a piece of property on which the sign is located.
 - j. Sign, Wall - A sign which is attached to the wall of a building, with the face in the plane parallel to such wall and not extending more than eighteen (18) inches from the face of such wall.

105. SIGN AREA: The surface area of a sign shall be considered as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed, but not including the opposite face of a double-faced sign.
106. SIGN, DOUBLE FACED: A sign in which the opposite sides used to display information, provided that the opposite side is not placed at more than a sixty (60) degree angle with the observed side.
107. SIGN STRUCTURE: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting sign.
108. SIGN, TEMPORARY: A sign advertising a candidacy for public office or an event of public interest, such as a public or general election, church or public meeting, fair, horse show, turkey shoot, entertainment for charitable purposes and other similar social activities of temporary duration or non-recurring nature.
109. CONDITIONAL USE: A conditional use, or "Special Exception" is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to -the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses if specific provision for such special exception is made in this zoning ordinance.
110. SPORTS and FITNESS COMPLEX: A facility including the following activities or sports: aerobics, hockey, gymnastics, basketball, football, wrestling, handball, tennis, racquet ball, exercise, running, weight lifting, volleyball, and indoor soccer. The facility may also provide other regular organized or franchised events, health club facilities, swimming pool, athletic courts, snack bar, restaurant and retail stores supporting persons utilizing the complex.
111. STORE: See Section 22-3(94)(95). Retail Stores and Shops.
112. STORY: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it. See Virginia Uniform Statewide Building Code for identification of heights associated with various building use classifications.
113. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
114. STREET [or] ROAD: A thoroughfare which affords principal means of access to abutting property.
115. STREET LINE: The dividing line between a street or road right-of-way and the contiguous property.
116. STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

117. **SUBSTANTIAL IMPROVEMENTS:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement is started or if the structure has been damaged, and is being restored, before the damage occurred.
118. **TEMPORARY FAMILY HEALTH CARE STRUCTURE:** a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person as defined by Virginia Code section 15.2-2292.1. Placing the temporary family health care structure on a permanent foundation shall not be permitted
119. **THEATER, INDOOR:** A building designated and/or used for the commercial exhibition of motion pictures or plays to the general public. For the purpose of this ordinance, a dinner theater shall be deemed a restaurant.
120. **TOURIST COURT, AUTO COURT, MOTEL, INN, CABINS, OR MOTOR LODGE:** One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
121. **TOURIST HOME:** A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.
122. **TOWNHOUSE:** Three or more single-family dwelling units constructed in a series or group with some common walls in which no dwelling unit is located over another.
123. **TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, as a temporary dwelling for travel, recreation, and vacation, having body width not exceeding eight (8) feet and being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds or being of any Weight provided its body length does not exceed twenty-nine (29) feet.
124. **USE, ACCESSORY:** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
125. **VARIANCE:** A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed for variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts. No exception to or variance from the terms of this chapter shall be granted for any proposed use, development or activity within the floodway as herein defined which will cause any increase in flood levels during the one hundred (100) year flood, or in the floodway fringe and/or additional floodway fringe where applicable, which will increase flood levels beyond the point which the floodplain provisions of this chapter are designed to prevent.
126. **WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET:** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

127. **WHOLESALE:** Any business which deals in the bulk supply of goods that are sold to others who will retail the same goods in smaller quantities at a marked-up retail price. A **WHOLESALE** business is a supply source for goods and raw materials.
128. **YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- a. **Yard, Front** - An open space on a lot 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. **Yard, Rear** - An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full lot.
 - c. **Yard, Side** - An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Article 22 SEVERABILITY, CONFLICT, EFFECTIVE DATE

Section 22-1 Severability

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

Section 22-2 Conflicting Ordinance

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 22-3 Effective Date

The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

A Certified Copy of the Foregoing Zoning and Development Ordinance of the Town of Blackstone, Virginia, Shall Be Filed in the Office of the Zoning Administrator of Blackstone, Virginia, and in the Office of the Clerk of the Circuit Court of Nottoway County, Virginia.