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**ROCKINGHAM COUNTY, VIRGINIA**

*Zoning Ordinance*

*October 14, 1969*

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## **ROCKINGHAM COUNTY, VIRGINIA ZONING ORDINANCE**

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Section 15.1-486 through 15.1-503-1, *Code of Virginia* and amended here-to, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape, and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit and determine the following.

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

Therefore, be it ordained, by the Board of Supervisors of Rockingham County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-427, that the following be adopted as the zoning ordinance of Rockingham County, Virginia, together with the accompanying map. This ordinance has been designed

(1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, school, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; and (6) to protect against one or more of the following overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic, or other dangers.

1-1. For the purpose of this ordinance, the unincor-porated areas of Rockingham County, Virginia, are hereby divided into the following districts:

- Agricultural, General, A-1
- Residential, Limited, R-1
- Residential, Limited, R-2
- Residential, General, R-3
- Business, General, B-1
- Industrial, General, M-1

## **ARTICLE 2 - AGRICULTURAL, GENERAL, DISTRICT A-1**

### ***Statement of Intent***

This district is designed primarily to accommodate farming and kindred rural activities. While the basic aim is to preserve and promote this utilization of the land, the uses permitted are broad enough to allow development of urbanized areas, since it is recognized that certain rural areas logically may be expected to develop in this manner. This district is established for the specific purpose of

(1) providing for the orderly expansion of urban development into territory surrounding incorporated areas within or adjacent to the county, (2) encouraging such development in locations that can feasibly be supplied urban-type facilities, and (3) discouraging the random scattering of residential, commercial, and industrial uses within the area.

### **2-1 USE REGULATIONS**

In Agricultural District A-1, structures to be erected or land to be used shall be for one or more of the following uses:

- 2-1-1. Single-family dwellings.
- 2-1-1A. Two family dwelling and multiple-family of existing structures only with conditional use permit.
- 2-1-2. Agriculture, general farming, dairying and forests.
- 2-1-3. Orchards, nurseries and horticulture.
- 2-1-4. Poultry and egg production, including hatcheries with conditional use permit.
- 2-1-5. Fish hatcheries and fish processing with conditional use permit.
- 2-1-6. Manufacture and sale of feed and other farm supplies with conditional use permit.
- 2-1-7. Ranching, including fur bearing animals and pelt processing with conditional use permit.
- 2-1-8. Fruit packing plants with conditional use permit.
- 2-1-9. Sanitary fill method and garbage disposal with conditional use permit.
- 2-1-10. Golf courses.
- 2-1-11. Schools.
- 2-1-12. Parks and playgrounds.
- 2-1-13. Churches.
- 2-1-14. Convalescent and nursing homes.
- 2-1-15. Professional offices.
- 2-1-16. Gift and antique shops.
- 2-1-17. Funeral homes.
- 2-1-18. General stores as defined, and service stations.
- 2-1-19. Beauty Shops and barber shops.
- 2-1-20. Animal hospitals with conditional use permit.
- 2-1-21. Motels with a conditional use permit.
- 2-1-22. Sawmills and planing mills with conditional use permit.
- 2-1-23. Gravel pits, quarries, oil wells and gas wells with conditional use permit.
- 2-1-24. Airports, TV or radio stations, with a conditional use permit.
- 2-1-25. Hog farms, with a conditional use permit.
- 2-1-26. Small boat docks (with repair).

- 2-1-27. Preserves and conservation areas.
- 2-1-28. Lodges.
- 2-1-229. Hunting and fishing clubs.
- 2-1-30. Yacht Clubs.
- 2-1-31. Cemeteries.
- 2-1-32. Home occupations with conditional use permit.
- 2-1-33. Mobile homes, but not closer than seventy-five (75) feet from any adjacent property line, excluding the front property line, except that the distance from adjoining property line may be reduced to fifty (50) feet if written permission is obtained from the owners of adjoining property.
- 2-1-34. Mobile home park in accordance with a conditional use permit and provisions contained herein.
- 2-1-35. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 2-1-36. Off-street parking as required by this ordinance.
- 2-1-37. Accessory uses as defined, however, garages or other accessory structures such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 2-1-38. Business signs.
- 2-1-39. General advertising signs.
- 2-1-40. Location signs.
- 2-2-41. Church bulletin boards and identification signs.
- 2-1-42. Directional signs.
- 2-1-43. Home occupation signs.
- 2-1-44. Contractors office and equipment storage with a conditional use permit.
- 2-1-45. Machine shop, with equipment and materials under cover with a conditional use permit.
- 2-1-46. Wayside stand with a conditional use permit.
- 2-1-47. Radio and Television towers and their accessory buildings, meeting all requirements of all agencies having control over their use and location.
- 2-1-48. Skeet Range with a conditional use permit.
- 2-1-49. Family Camp Ground with a conditional use permit.
- 2-2. AREA REGULATIONS  
The minimum lot area for permitted uses shall be twenty thousand (20,000) square feet or more
- 2-3. SETBACK REGULATIONS  
Structures shall be thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width or sixth (60) feet or more from the center of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."
- 2-4. FRONTAGE REGULATIONS  
The minimum frontage for permitted uses shall be one hundred (100) feet at the "setback line."
- 2-5. YARD REGULATIONS  
*Side.* The minimum side yard for each main structure shall be fifteen (15) feet and the total width of the two(2) required side yards shall be thirty-five (35) feet or more.
- 2-5-1. *Rear.* Each main structure shall have a rear yard of thirty-five (35) feet or more.
- 2-6. SPECIAL PROVISIONS FOR CORNER LOTS  
Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 2-6-2. The minimum side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 2-6-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred and twenty-five (125) feet or more.

### **ARTICLE 3 - RESIDENTIAL, LIMITED, DISTRICT R-1**

#### ***Statement of Intent***

This district is composed of certain quiet, low-density residential areas plus 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 activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit 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. No home occupations (including room renting) are permitted.

#### **3-1. USE REGULATIONS**

In Residential District R-1, structures to be erected or land to be used, shall be for one or more of the following uses:

- 3-1-1. Single-family dwellings
- 3-1-2. Schools
- 3-1-3. Churches
- 3-1-4. Parks and playgrounds.
- 3-1-5. Off-street parking as required by this ordinance.
- 3-1-6. Accessory buildings as defined, however, garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 3-1-7. Public utilities such as poles, lines, distribution transformers, pipes, and meters, including water and sewerage facilities.
- 3-1-8. Business signs only to advertise the sale or rent of the premises upon which erected.
- 3-1-9. Church bulletin boards and identification signs.
- 3-1-10. Directional signs.

3-2. AREA REGULATIONS

The minimum lot area for permitted uses shall be twenty thousand (20,000) square feet or more.

3-3. 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."

3-4. FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be one hundred (100) feet or more.

3-5. YARD REGULATIONS

3-5-1. *Side.* The minimum side yard for each main structure shall be fifteen (15) feet or more and the total width of the two required side yards shall be thirty-five (35) feet or more.

3-5-2. *Rear.* Each main structure shall have a rear yard of thirty-five (35) feet or more.

3-6. HEIGHT REGULATIONS

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

3-6-1. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

3-6-2. A public or semipublic building such as a school church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae 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.

3-6-4. No accessory building which is within twenty (20) feet of any party line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

3-7. SPECIAL PROVISIONS FOR CORNER LOTS

3-7-1. Of the two sides of corner lots the front shall be deemed to be the shortest of the two sides fronting on streets.

3-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.

3-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the set back line of one hundred and twenty-five (125) feet or more.

## ARTICLE 4 - RESIDENTIAL, LIMITED, DISTRICT R-2

### *Statement of Intent*

This district is composed of certain quiet, low-density residential areas plus 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 activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit 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. No home occupations (including room renting) except by permit.

4-1. USE REGULATIONS

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

4-1-1. Single-family dwellings.

4-1-1.1 Two Family dwellings.

4-1-2. School and churches.

4-1-3. Home occupations, as defined, conducted by occupant.

4-1-4. Parks and playgrounds.

4-1-5. Off-street parking as required by this ordinance  
4-1-6. Accessory buildings as defined, however, garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.

4-1-7. Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities.

4-1-8. Business signs only to advertise the sale or rent of the premises upon which erected.

4-1-9. Church bulletin boards and identification signs.

4-1-10. Directional signs.

4-1-11. Golf course (regular)

4-2. AREA REGULATIONS

4-2-1. For lots containing or intended to contain a single permitted use served by public water and sewerage disposal, the minimum lot area shall be ten thousand (10,000) square feet.

4-2-1.1 For lots containing or intended to contain more than a single permitted use served by public water and sewerage disposal systems one minimum lot area shall be 12,000 square feet or more.

4-2-2. For lots containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be fifteen thousand (15,000) square feet.

4-2-1. For lots containing or intended to contain more than a single permitted use served by public

- water systems, but having individual sewage disposal, the minimum lot area shall be 20,000 square feet.
- 4-2-3. For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.
- 4-2-3.1 For lots containing or intended to contain more than a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be 20,000 square feet.
- 4-2-4. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require a greater area if considered necessary by the health official.
- 4-3. **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."
- 4-4. **FRONTAGE REGULATIONS**  
The minimum lot width at the setback line shall be one hundred (100) feet or more.
- 4-5. **YARD REGULATIONS**
- 4-5-1. *Side.* The minimum side yard for each main structure shall be fifteen (15) feet or more and the two required side yards shall be thirty-five (35) feet or more.
- 4-5-2. *Rear.* Each main structure shall have a rear yard of thirty-five (35) feet or more.
- 4-6. **HEIGHT REGULATIONS**  
Buildings may be erected up to thirty-five (35) feet in height except that:
- 4-6-1. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 4-6-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 4-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae 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.
- 4-6-4. No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- 4-7. **SPECIAL PROVISIONS FOR CORNER LOTS**
- 4-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 4-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 4-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.

## **ARTICLE 5 - RESIDENTIAL, GENERAL, DISTRICT R-3**

### ***Statement of Intent***

This district composed of certain medium to high concentration of residential uses, ordinarily located between residential and commercial areas, plus 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 composed of an adult population with some children. All residential types of structures for both permanent and transient occupancy and including institutions, are permitted plus structures for commercial uses conforming to the pattern of the district. This residential district is not completely residential as it includes public and semi-public, institutional, and other related uses. However, it is basically residential in character, and, as such, should not be spotted with commercial and industrial uses.

- 5-1. **USE REGULATIONS**  
In Residential District R-3, structures to be erected or land to be used shall be for one or more of the following uses:
- 5-1-1. Single-family dwellings.  
5-1-2. Two-family dwellings.  
5-1-3. Multiple-family dwellings.
- 5-1-3.1 **TOWN HOUSES**  
5-1-4. Rooming and boarding houses.  
5-1-5. Tourist homes.  
5-1-6. Schools.  
5-1-7. Churches.  
5-1-8. Convalescent and nursing homes.  
5-1-9. General hospitals with a conditional use permit.  
5-1-10. Parks and playgrounds.  
5-1-11. Home occupations, as defined, conducted by the occupant.  
5-1-12. Mobile home park, with a conditional use permit.  
5-1-13. Off-street parking as required by this ordinance.  
5-1-14. Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.  
5-1-15. Public utilities such as poles, lines, distribution transformers, pipes, and meters, including water and sewerage facilities.

- 5-1-16. Business signs.
- 5-1-17. Church bulletin boards and identification signs.
- 5-1-18. Directional signs.
- 5-1-19. Home occupation signs.
- 5-1-20. Golf Course (regular)
- 5-2. AREA REGULATIONS**
- 5-2-1. For lots containing or intended to contain a single permitted use served by public water and sewage disposal, the minimum lot area shall be ten thousand (10,000) square feet.
- 5-2-2. For lots containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be fifteen thousand (15,000) square feet.
- 5-2-3. For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.
- 5-2-4. For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be:  
two units . . . Twelve thousand (12,000) square feet or more. Three units . . . Fourteen thousand (14,000) square feet or more. For each additional unit above three (3) . . . One thousand (1,000) square feet.
- 5-2-5. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require a greater area if considered necessary by the health official.
- 5-2-6. Town houses shall be governed by the regulations set out in Article 5-10 to the extent that those regulations differ from or contradict any of the regulations in this ordinance or in the Rockingham County Subdivision Regulations.
- 5-3. 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 except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the "setback."
- 5-4. FRONTAGE REGULATIONS**
- For permitted uses the minimum lot width at the setback line shall be eighty (80) feet or more, and for each additional permitted use there shall be at least ten (10) feet of additional width at the setback line.
- 5-5. YARD REGULATIONS**
- Side.* The minimum side yard for each main structure shall be ten (10) feet and the total width of the two required side yards shall be twenty-five (25) feet or more.
- Rear.* Each main structure shall have a rear yard of twenty-five (25) feet or more.
- 5-6. **HEIGHT REGULATIONS**
- Buildings may be erected up to thirty-five (35) feet in height from grade except that:
- 5-6-1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 5-6-2. A public or semipublic building such as a school, church, library, or hospital 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.
- 5-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae 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.
- 5-6-4. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- 5-7. SPECIAL PROVISIONS FOR CORNER LOTS**
- 5-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 5-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 5-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.
- 5-8. SPECIAL PROVISIONS FOR TOWN HOUSES UNDER R-3**
- 5-8-1. Town houses shall be subject to the following regulations which shall be controlling in all cases where they are in conflict with or differ from other regulations in this Ordinance and in all cases of variance or conflict with the Rockingham County Subdivision Regulations.
- 5-9. HEIGHT REGULATIONS**
- Buildings may be erected up to thirty-five (35) feet in height from the average level of the ground adjacent to the front exterior wall.
- 5-10. AREA REGULATIONS**
- 5-10-1. The minimum lot area for any town house shall be 1600 square feet. The maximum number of lots per gross acre of the development shall not exceed 10 lots per acre.
- 5-11-1. *Side.* Each main building group shall have side yards of twenty (20) feet when adjoining single family detached residence districts. In no case shall a side yard of less than (10) feet in width be provided for each end residence in the group of town houses.

5-11-2. *Rear.* Each dwelling shall have a rear yard of twenty (20) feet.

**5-11. YARD REGULATIONS**

**5-12. SETBACK REGULATIONS**

5-12-1 Structures shall be located twenty-five (25) feet or more from any street right of way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center line of any street right of way less than (50) feet in width except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the "setback line."

**5-13. WIDTH REGULATIONS**

5-13-1. The minimum lot width at the setback line shall be eighteen (18) feet.

5-13-2. In case of a corner lot of the ends of groups of town houses, the minimum width of the setback line shall be thirty (30) feet.

**5-14. SPECIAL REGULATIONS.**

5-14-1. No more than ten (10) town houses shall be included in any town house grouping.

5-14-2. Attached dwellings shall be separated by a noncombustible party wall to the roof line, with a fire resistance of not less than 2 hours duration.

5-14-3. Each town house shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement. If access is to be provided by means of a private access easement, the following Minimum standards of development shall be observed:

(a) Concrete curb and gutter on both sides or street or easement.

(b) Sidewalk four (4) feet in width on at least one side of the easement, constructed on concrete, brick, stone, gravel, or some other material or reasonable durability and safeness.

(c) The radius for all cul-de-sacs shall be at least fifty (50) feet.

5-14-4. The facades of dwelling units in a town house development shall be varied by changed front yards of not less than two (2) feet and variation in materials or design, so that no more than four (4) abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.

5-14-5. Common areas shall be maintained by and be the sole responsibility of the developer-owner of the town house development until such as the developer-owner conveys such common area to a non-profit corporate owner whose members shall be all of the individual owners of the town houses in the town house development. Said land shall be conveyed to and be held by said non-profit corporate owner solely for recreational and parking purposes of the owners of the individual town house lots in the development. In the event of such conveyance by the

developer-owner to a non-profit corporate owner, deed restrictions and covenants, shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro-rata lien upon the individual town house lots. Maintenance of town house exteriors, lawns, refuse handling, lighting and drainage shall be provided in a similar manner so as to discharge any responsibility from Rockingham County.

5-14-6. For each dwelling unit there shall be an average of (1½) off-street parking spaces provided on the lot or within 150 feet thereof.

**ARTICLE 5A - RESIDENTIAL PLANNED COMMUNITY, DISTRICT R-4**

***Statement of Intent***

This district is intended to permit development in accordance with a master plan therefor of cluster-type communities containing not less than three thousand (3,000) contiguous acres under one ownership or control, in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving as permanent open area not less than twenty-five (25) per cent of the total acreage. Within such communities, the location of all improvement shall be controlled in such manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features. "Open area" shall include parks, lakes, roads, roadways, walkways, trails, school sites, playground and recreation facilities, golf and other sports facilities, non-residential clubhouse grounds and rights of way and surface easement for drainage and other utilities over areas not within the lines of any residential lot. A planned residential district may include a variety of residential accommodations and light commercial facilities in Village Centers to an extent necessary to serve the neighborhood needs of the particular residential planned community, but no industrial development is permitted.

**Establishment**

**5A-1. REQUEST AND MASTER PLAN**

Request for establishment of a residential planned community shall be made initially to the Planning Commission and subsequently to the County Board of Supervisors accompanied by a "Master Plan" for the proposed community of not less than three thousand (3,000) contiguous acres under one ownership or control.

**5A-2. APPLICATION**

5A-2-1. The applicant shall furnish with his application for establishment of a Residential Planned Community ten (10) copies of a Master Plan prepared by a surveyor, engineer or architect, duly authorized by the State to practice as such, upon which shall be shown the approximate loca-

tion of the open areas which shall comprise not less than twenty-five (25) per cent of the whole and the general location of the various types of land uses, including the general location of any Village Centers and the residential density classifications of each residential area.

- 5A-2-2. The applicant shall further submit with his application ten (10) copies of a set of schematic preliminary plans which shall indicate a method by which the Master Plan may be implemented and show the general location of all public and private roads, the location and particular use of all open areas, the location and type of such proposed improvements and buildings as are required to be shown on the Final Plan, and a general sewer, storm drainage and water supply plan.
- 5A-2-3. Upon approval by the County Board of Supervisors of the Master Plan, the Residential Planned Community shall be deemed established. After approval, the Master Plan may not be altered without approval of the County Board of Supervisors, but the preliminary plans shall be superseded by the final Plans hereinafter provided for.

### **Development**

#### **5A-3. FINAL PLAN**

- 5A-3-1. Following the establishment of a Residential Planned Community by approval of the Board of Supervisors of a Master Plan therefor, the applicant shall furnish to the planning commission ten (10) copies of a Final Plan of any part or section of the community comprising not less than five (5) acres of land shown on the Master Plan and from time to time thereafter shall submit additional Final Plans comprising the whole area of the Master Plan. The final plan shall be prepared or certified by a surveyor engineer or architect. The final plans shall be consistent with the Master Plan as approved but may vary from the preliminary plans to any degree which the Planning Commission believe does not vary the basic concept or character of the development.
- 5A-3-2. The final plans shall show by metes and bounds the layout of all major and local roads, public and private, the location of all buildings and improvements, other than single family dwellings (as to these buildings the general location for improvements within the lines of each lot shall be shown) and other than school buildings or other buildings to be built by public authority (as to which the site or lot shall be shown), all parking areas, pedestrian ways, utility easements, lot lines, and shall show the different types of open areas and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.
- 5A-3-3. The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions

safeguarding the permanent use of open areas and preventing encroachment thereupon. The applicant shall furnish simultaneously with, or prior to, approval of any Final Plan a deed or deeds without consideration to any land within its area determined by the County Board of Supervisors to be reasonable required for the particular community for public school purposes.

- 5A-3-4. When the Final Plan and deed of dedication shall have been approved by the Planning Commission as being in conformity with this ordinance and the Master Plan as approved by the County Board of Supervisors, and Final Plan submitted as provided for the original Final Plan.

#### **5A-4. ADDITIONAL LAND**

Additional land area may be added to an existing Residential Planned Community if it is adjacent (except for public roads) and forms a logical addition to the existing Residential Planned Community and if it is under the same ownership or control.

The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this ordinance shall apply except the minimum acreage requirement of three thousand (3,000) acres.

#### **5A-5. COMPUTING POPULATION DENSITY**

On computing average density on any final plan of a part of a Residential Planned Community, which community at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of five (5) persons per acre of gross area in any Final Plan previously recorded may be included. So, as each successive Final Plan is submitted, the overall density of all areas shown on recorded Final Plans within the proposed Residential Planned Community as shown on the Master Plan shall be recomputed so that the average population density of the aggregate gross area within all the recorded sections of the community shall never at any time in the history of its development exceed a density of five (5) persons per acre.

On computing population density, a factor of three and seven-tenths (3.7) persons shall be used per detached single family dwelling or permanent mobile home, three (3) persons per town house, two (2) persons per unit in multi-family structures of three stories or less, and one and five-tenths (1.5) persons per unit in residential club house, hotel, motel or high rise (elevator) apartment or other structure of more than three stories above ground.

#### **5A-6. PERMITTED POPULATION DENSITY**

- 5A-6-1. The overall population density shown on the Master Plan of a Residential Planned Community shall not exceed an average density of five

- (5) persons per acre including open area and Village Centers.
- 5A-6-2. Three residential density areas shall be permitted in the Residential Planned Community generally in the location shown on the Master Plan. Such density areas shall be designated as follows:
- "A" areas for detached single family dwelling units
  - "B" areas for townhouse units
  - "C" areas for multi-family residential structures of not more than three stories above ground
- The population density within an "A" area shall not exceed ten (10) persons per acre of gross residential area which term gross residential area shall include roads within such area; the population density within a "B" area shall not exceed twenty-five (25) persons per acre of gross residential area and the population density of a "C" area shall not exceed thirty (30) persons per acre of gross residential area.
- 5A-7. USE REGULATIONS
- 5A-7-1. All uses permitted by right or by special permit in the Limited Residential District R-1, in the Limited Residential District R-2, of the Rockingham County Zoning Ordinance shall be permitted as in the respective districts in the Residential Planned Community, as well as the following non-commercial uses. All uses are subject to the limitations hereinafter provided.
- 5A-7-2. Golf courses and Country Clubs.
- 5A-7-3. Multi-family residential with conditional use permit.
- 5A-7-4. Riding stables, horse show areas.
- 5A-7-5. Dinner theaters.
- 5A-7-6. Outdoor theaters and entertainment.
- 5A-7-7. Preserves and conservation areas.
- 5A-7-8. Public and private recreation areas.
- 5A-7-9. Camp Grounds.
- 5A-7-10. Fire stations.
- 5A-8. LIMITATIONS
- 5A-8-1. Commercial uses shall be located in "Village Centers" shown on the Master Plan and on the Final Plan. Village Centers shall be light commercial and office areas within which neighborhood commercial uses are permissible.
- 5A-8-2. Not more than twelve (12) acres are to be devoted to commercial uses per thousand people permitted in the Residential Planned Community, and such commercial uses are to be limited to the areas designated as Village Centers on the Master Plan and on the Final Plan.
- 5A-8-3. Commercial uses permissible in a Village Center and not otherwise permissible in a residential district shall be limited to restaurants, stores, motels and hotels, and service uses adequate but not more than adequate to provide neighborhood shopping and business convenience for the particular community.
- 5A-8-4. Uses in a Residential Planned Community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.
- 5A-8-5. The use of any area within a Residential Planned Community shall be shown on the Final Plan as previously set forth.
- 5A-9. BUILDING LOCATION REQUIREMENTS
- The location of all structures shall be as shown on the Final Plan as required in Section 5A-3 other than single family dwellings as to which building restriction lines or construction area limit shall be shown with respect to each lot. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
- Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum set-back lines, no maximum percentage of lot coverage, no minimum width and no frontage requirement on a public street in a Residential Planned Community on a public street in a Residential Planned Community District except as shown on the approved Final Plan.
- 5A-10. UTILITIES
- Prior to approval of the Final Plan, the applicant must submit plans and specifications of a public or private sewer and a public or private water supply system adequate to serve the area covered by the Final Plan in conformity with standards of the Virginia State Water Control Board and the Virginia State Health Department.
- Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of water and sewer to the particular lot.
- 5A-11. STREET IMPROVEMENTS
- 5A-11-1. All dedicated public streets shown on the Final Plan shall meet all requirements of the Virginia Department of Highways Subdivision Standards. Before approval of any Final Plan the Resident Agent shall so certify. Such public streets shall be coordinated with the Major Transportation Network shown in the County Comprehensive Plan.
- 5A-11-2. Private streets shown on the Final Plan shall be similarly coordinated with existing or planned streets of both the Master Plan and the County Comprehensive Plan. Private streets shown on the Final Plan need not meet the requirements of the Virginia Department of Highways, but shall meet all requirements of the County Subdivision Ordinance except as these may be waived or modified by the Planning Commission as set forth hereafter.

- 5A-11-3. To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the Planning Commission that a property owners' community association or similar organization has been legally established under which the lots within the area of the Final Plan will be assessed for the cost of maintaining private streets, and that such assessments shall constitute a pro-rate lien upon the individual lots shown on the Final Plan.
- 5A-11-4. Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of public or private roads to the particular lot.
- 5A-11-5. The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, street lights, and storm water drainage shall be subject to modification from the specified, waive or modify the specifications otherwise applicable for a particular facility where the Planning Commission finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county.
- 5A-11-6. It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Planning Commission with respect to any requested waiver or modification:
- a. That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
  - b. That the waiver or modification is reasonable because of the uniqueness of the Residential Planned Community or because of the large area of the Residential Planned Community

within which the nature and excellence of design and construction will be coordinated, pre-planned and controlled;

- c: That any waiver or modification as to streets is reasonable, with respect to the generation of vehicular traffic that is estimated will occur within the area of the Master Plan;
- d: That any waiver or modification as to sidewalks in "B", "C", density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic;
- e. That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten (10) feet wide; and
- f. That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage way be based upon soil tests for CBR value and erosion characteristics of the particular Sub-grade soils in the area.

**5A-12. MINIMUM STREET REQUIREMENTS CHART**

In no case shall the Planning Commission grant waivers or modifications as to width of streets, curbs, gutters and sidewalks that will permit less than the followng:

**5A-13. SPECIAL PROVISIONS**

The provisions hereof shall not be limited by any provisions of any other part of the Rockingham County Zoning or Subdivision Regulations herewith.

If following the establishment of a Residential Planned Community a Final Plan shall be submitted to the Planning Commission as herein-before provided, such Final Plan shall be deemed approved by the Planning Commission if no action has been taken by the Planning Commission within sixth (60) days after such submission.

**MINIMUM STREET REQUIREMENTS CHART**

	"A" Density Area			"B" & "C" Density Areas and Business Districts		
	Traffic Lanes	Parking Lanes	Traffic Lanes	Parking Lanes	Width	Width
Vehicles Per Day	Number	Width	Number	Width	Number	Width
Up to 400	2	10'	1*	8'	2	10'
401 to 3000	2	11'	1*	8'	2	11'
3001 to 5500	2	12'	2***	8'	2	12'
Over 5500	4	12'	2**	10'	4	12'

\*Not required if curb is not used but in such case shoulders shall be a minimum of 5' wide.

\*\*Not required if curb is not used but in such case shoulders shall be a minimum of 8' wide.

\*Not required if off street parking is provided in the form of parking bays or parking lots at the rate of 1½ parking spaces per living unit in "B" and "C" density areas.

## **ARTICLE 6—BUSINESS, GENERAL, DISTRICT B-1**

### ***Statement of Intent***

Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.

#### **6-1. USE REGULATIONS**

In Business District B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

- 6-1-1. Retail food stores.
- 6-1-2. Bakeries.
- 6-1-3. Drycleaners.
- 6-1-4. Laundries.
- 6-1-5. Wearing apparel stores.
- 6-1-6. Drug stores.
- 6-1-7. Barber and beauty shops.
- 6-1-8. Auto and home appliance services.
- 6-1-9. Theaters, assembly halls.
- 6-1-10. Hotels, motels.
- 6-1-11. Office buildings.
- 6-1-12. Churches.
- 6-1-13. Libraries.
- 6-1-14. Hospitals, general.
- 6-1-15. Funeral homes.
- 6-1-16. Service stations (with major repair under cover).
- 6-1-17. Clubs and lodges.
- 6-1-18. Auto sales and service.
- 6-1-19. Lumber and building supply (with storage under cover).
- 6-1-20. Plumbing and electrical supply (with storage under cover).
- 6-1-21. Wholesale and processing not objectionable because of dust, noise or odors with a conditional use permit.
- 6-1-22. Machinery sales and service.
- 6-1-23. Furniture stores.
- 6-1-24. Public utilities.
- 6-1-25. Off-street parking as required by this ordinance.
- 6-1-26. Public billiard parlors and pool room, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body shall request that the commission submit a recommendation to them concerning such use applications. In approving any such application the governing body may establish such special requirements and regulation for the protection of adjacent property, set the hours of operation, and make requirements

as they may deem necessary in the public interest.

- 6-1-27. Business signs.

- 6-1-28. General advertising signs.

- 6-1-29. Location signs.

#### **6-2. AREA REGULATIONS**

None, except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official.

#### **6-3. 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, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

#### **6-4. FRONTRAGE AND YARD REGULATIONS**

For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet, and off-street parking shall be in accordance with the provisions contained herein.

#### **6-5. HEIGHT REGULATIONS**

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

- 6-5-1. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

- 6-5-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot over thirty-five (35) feet.

- 6-5-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae 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.

- 6-5-4. No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

## **ARTICLE 7—INDUSTRIAL, GENERAL, DISTRICT M-1**

### ***Statement of Intent***

The primary purpose of this district is to permit certain industries which do not in any way detract from residential desirability to locate in any area adjacent to resi-

dential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

#### 7-1. 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:

- 7-1-1. 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.
- 7-1-2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture.
- 7-1-3. Blacksmith shop, welding or machine shop.
- 7-1-4. Laboratories—pharmaceutical and/or medical.
- 7-1-5. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.
- 7-1-6. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- 7-1-7. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- 7-1-8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
- 7-1-9. Building material sales yards, plumbing supplies storage.
- 7-1-10. Coal and wood yards, lumber yards, feed and seed stores.
- 7-1-11. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- 7-1-12. Cabinets, furniture and upholstery shops.
- 7-1-13. Boat building.
- 7-1-14. Monumental stone works.
- 7-1-15. Veterinary or dog or cat hospital, kennels.
- 7-1-16. Airports with conditional use permit.
- 7-1-17. Wholesale businesses, storage warehouses.
- 7-1-18. Off-street parking as required by this ordinance.
- 7-1-19. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and

sewerage installations.

Business signs.

General advertising signs.

Location signs.

#### 7-2,

#### 7-2-1,

#### REQUIREMENTS FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator shall refer these plans to the planning commission for recommendation. Modification of the plans may be required by the planning commission or administrator.

#### 7-2-2,

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 evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

#### 7-2-3.

Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from the corner of any intersecting streets.

#### 7-2-4.

Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential districts, and (b) for off-street parking of vehicles incidental to the industry, its employees and clients.

#### 7-2-5.

Automobile graveyards and junkyards in existence at the time if the adoption of this ordinance are to be considered as nonconforming uses. They may be allowed up to three (3) years after adoption of this ordinance in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge eight (8) feet in height.

#### 7-2-6.

The administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-(30) day period.

#### 7-3.

#### AREA REGULATIONS

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official.

#### 7-4.

#### 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, or sixty (60) feet or more from the center line of any

- street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."
- 7-5. FRONTAGE AND YARD REGULATIONS**  
For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be thirty (30) feet. Off-street parking shall be in accordance with the provisions contained herein.
- 7-6. HEIGHT REGULATIONS**  
Building may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the planning commission. Chimneys, flues, cooling towers, flag poles, 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.
- 7-7. COVERAGE REGULATIONS**  
Buildings or groups of buildings with their accessory buildings may cover up to seventy per cent (70%) of the area of the lot.

## **ARTICLE 8—NONCONFORMING USES**

- 8-1. CONTINUATION**
- 8-1-1.** If at the time of enactment of this ordinance, any legal activity, except those dealt with in section 7-2-5, 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 purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have twenty-four (24) months within which to relocate in a permitted area.
- 8-1-2.** If any change in title of possession or renewal of a lease of any such lot or structure occurs, the existing may be continued, so long as the requirements of section 8-1-3 are complied with.
- 8-1-3.** If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- 8-1-4.** Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 8-1-5.** Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.
- 8-2. PERMITS**
- 8-2-1.** All owners and/or operators or nonconforming uses shall apply to the zoning administrator for a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance. Zoning permits and certificates of occupancy will be issued within one-hundred twenty (120) days after the adoption of this ordinance, provided that the owners and/or operators of such nonconforming uses are in compliance with the terms of this ordinance.
- 8-2-2.** The construction of use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year.
- 8-3. REPAIRS AND MAINTENANCE**  
On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) per cent of the current replacement value of the structure provided that the cubic content of the structure as it 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 thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 8-4. CHANGES IN DISTRICT BOUNDARIES**  
Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.
- 8-5. EXPANSION OR ENLARGEMENT**  
**8-5-1.** A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.
- 8-5-2.** A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.
- 8-6. NONCONFORMING LOTS**  
Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the board of zoning appeals regarding setbacks, side and rear yards are met.
- 8-7. RESTORATION OR REPLACEMENT**  
**8-7-1.** If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty per cent (50%) if the cost of reconstructing the entire activity or structure, it shall be restored only if such use

- complies with the requirements of this ordinance.
- 8-7-2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five per cent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.
- 8-7-3. When a conforming structure devoted to a nonconforming activity is damaged less than fifty per cent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five per cent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.
- 8-7-4. 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.

## **ARTICLE 9—GENERAL PROVISIONS**

- 9-1. Zoning, Building and Mobile Home Placement Permits
- 9-1-1. Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning OR BUILDING permit has been obtained from the administrator.
- 9-1-1-1. A mobile home shall be placed only after a mobile home placement permit has been obtained from the zoning administrator.
- 9-1-2. The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 9-1-3. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing if required by the zoning administrator. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance a permit shall be issued to the applicant by the administrator.
- 9-2. **CERTIFICATE OF OCCUPANCY**  
Land used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the administrator. Such a permit

shall state that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within thirty (30) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

9-3.

### **CONDITIONAL USE PERMIT AMENDED**

The location of hotels, motels, mobile homes parks, commercial amusement parks, hospitals, airports, borrow pits, hog farms, Sanitary fill method garbage, refuse sites and other uses not specifically permitted shall require, in addition to a zoning and/or building permit, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance. No permit for a use not specifically permitted shall be issued unless application therefor has been submitted and recommendation made by the Planning Commission.

9-4.

### **USES NOT PROVIDED FOR**

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the governing body within sixty (60) days. If the recommendation of the planning commission is approved by the governing body, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both planning commission and board of supervisors shall hold a public hearing after advertising in accordance with Section 15.1-431. Code of Virginia.

9-6.

### **MINIMUM OFF-STREET PARKING**

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobiles, as follows:

9-6-1.

In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building; such parking space shall be behind the setback line.

9-6-2.

Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each accommodation.

- 9-6-3. For church, high school, college and university auditoriums, and for theatres, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.
- 9-6-4. For hospitals, at least one (1) parking space for each four (4) beds' capacity, including infants' cribs and children's beds.
- 9-6-5. For medical and dental clinics, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- 9-6-6. For tourist courts, apartments and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment motels at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one parking space for each three (3) sleeping rooms over twenty (20).
- 9-6-7. For mortuaries and liquor stores, at least thirty (30) parking spaces.
- 9-6-8. For retail stores selling direct to the public, one (1) parking space for each one hundred (100) square feet of retail floor space in the building.
- 9-6-9. Any other commercial building not listed above hereafter erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.
- 9-6-10. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.
- 9-7. **PERMANENT MOBILE HOME PARKS**  
The location of mobile home parks shall require, in addition to the zoning permit, a conditional use permit issued by the governing body. Operators of such parks shall comply with the following provisions:
- 9-7-1. *Area Requirements.* For each mobile home space within a park having a central water and sewer system, and designed to accommodate one (1) mobile home there shall be provided twenty-four hundred (2,400) square feet of area or more which shall front on an internal street, road, or right of way.
- 9-7-2. *Width.* Each mobile home space shall have a minimum width of forty (40) feet.
- 9-7-3. *Distance Between Mobile Homes.* Parking space for mobile homes shall be arranged so as to provide a distance of fifteen (15) feet or more between individual units, but in no case closer than five (5) feet to the individual lot line of the mobile home space.
- 9-7-4. *Sanitary Facilities.* Each mobile home space shall be provided with individual water and sewer connections to a public system, or systems approved by the Health Department.
- 9-7-5. *Electrical Connections.* Each mobile home space shall be provided with electrical outlets installed in accordance with the National Electrical Code.
- 9-7-6. Two (2) years are allowed for mobile home parks to bring their facilities into conformity with these regulations. Failure to comply shall be grounds for the refusal to issue an annual operating license and to revoke the zoning permits required.
- 9-8. **TEMPORARY MOBILE HOME PARKS**  
Conditional use permits for temporary mobile home parks may be issued by the governing body, subject to the following conditions:  
 9-8-1. That the location of a temporary mobile home park is necessary for the housing of construction workers employed on an industrial or highway construction project.  
 9-8-2. That the request is filed by or certified to by the industry or State Department of Highways as being essential to the construction.  
 9-8-3. That a minimum area of two thousand (2,000) square feet be provided for each space.  
 9-8-4. That sanitary facilities conform to the State Health Department's "Trailer Camp Sanitation" requirements.  
 9-8-5. That the period for operating such temporary park shall concur with the anticipated period of the construction. Applications for renewal may be submitted if more time is required to complete the project. However, such renewal applications must be filed at least ninety (90) days prior to the expiration of the original temporary use permit.  
*Bond.* The governing body, in granting a conditional use permit, may require the posting of a bond to assure that the temporary mobile home park will be removed and the site left in good order at the expiration of the permit.  
 9-8-7. The governing body shall establish such additional requirements as are in the best interest of the public.
- 9-9. **RESTRICTIONS ADJACENT TO AIRPORTS**  
*Establishment of Approach Zones.* The commission shall determine whether there exists any areas which would be involved under the Federal Aviation Agency's criteria for determining obstruction to air navigation. If there are, they shall be marked on a copy of a zoning map in the office of the administrator. It shall be available to the public for examination.  
The administrator shall prepare such height and other regulations governing the construction of buildings within such areas. They are to be consistent with the Federal Aviation Agency's recommendations. Following approval by the governing body, the administrator shall enforce

- these regulations.
- 9-9-3. Places of public assembly such as schools, churches, hospitals, apartment houses, theaters and assembly halls shall not be erected or otherwise located in any area which would be classified as an "approach zone." This "zone" includes an area of eleven thousand (11,000) feet from the end of any runway. The "approach zone" for airports accommodating heavy jet aircraft extends out three and one-half miles from the end of the runway.

## ARTICLE 10—PROVISIONS FOR APPEAL

### 10-1. BOARD OF ZONING APPEALS

- 10-1-1 A board consisting of five (5) members shall be appointed by the circuit court of Rockingham County. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 10-1-2. The term of office shall be for five years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One of the five appointed members shall be an active member of the planning commission.
- 10-1-3. Members may be removed for cause by the appointing authority upon written charges and after public hearing.
- 10-1-4. 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 an interest.
- 10-1-5. The board shall choose annually its own chairman and the vice chairman who shall act in the absence of the chairman.

### 10-2. POWERS OF THE BOARD OF ZONING APPEALS.

- Boards of zoning appeals shall have the following powers and duties:
- 10-2-1. 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.
- 10-2-2. To authorize upon appeal in specific cases such variance from the terms of the 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 hardships; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary

situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of 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.

No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1050 as amended.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

### 10-3. RULES AND REGULATIONS

- 10-3-1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary not inconsistent with this ordinance.
- 10-3-2. The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.
- 10-3-3. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 10-3-4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 10-3-5. All meetings of the board shall be open to the public.

- 10-3-6. A quorum shall be at last three (3) members.
- 10-3-7. 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.
- 10-4. APPEAL TO THE BOARD OF ZONING APPEALS**
- An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. 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.
- 10-5. APPEAL PROCEDURE**
- 10-5-1. Appeals shall be mailed to the board of zoning appeals c/o the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.
- 10-5-2. Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty dollars (\$20.00).
- 10-6. PUBLIC HEARING**
- The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty days. 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 members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official action which shall be filed in the office of the board and shall be open to inspection and compel the attendance of witnesses. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 10-7. **DECISION OF BOARD OF ZONING APPEALS**
- 10-7-1. Any person or persons jointly or severally by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the county may present to the circuit Court of the county a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the board.
- 10-7-2. 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 relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- 10-7-3. 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 material to show the grounds of the decision appealed from and shall be verified.
- 10-7-4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

## **ARTICLE 11—VIOLATION AND PENALTY**

- 11-1. All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licensese shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance.
- 11-2. Any person, firm or corporation, whether as principal, agent, employed 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 up to two hundred and fifty dollars (\$250.00), such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted

by such person, firm or corporation, and shall be punishable as herein provided.

## ARTICLE 12 AMENDMENTS

- 12-1. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:
- 12-1-1. The planning commission shall hold at least one public hearing on such proposed amendment after notice as required by Section 15.1-431, 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 to the governing body together with its recommendations and appropriate explanatory materials.
- 12-1-2. Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.1-431, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.1-431. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

## ARTICLE 13—ADMINISTRATION AND INTERPRETATION

- 13-1. This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 13-2. Nothing contained herein shall require any change in the plans of 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 a period of six (6) months or more, further construction shall be in conformity with the provisions for the district in which the operation is located.

### INTERPRETATION

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

- 13-3-1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.
- 13-3-2. 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.
- 13-3-3. 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.

### 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.

### 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.

### CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

13-7. This zoning ordinance of Rockingham County, Virginia, shall be effective at and after 12:01 a. m., October 14, 1969.

13-8. A certified copy of the foregoing zoning ordinance of Rockingham County, and in the office of the Clerk of the Circuit Court of Rockingham County, Virginia.

## ARTICLE 14—DEFINITIONS

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 singular include the plural, and the plural includes the singular.

- 14-1. ABATTOIR: A commercial slaughter house.
- 14-2. ACCESSORY USE OR STRUCTURE: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 14-3. ACREAGE: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

- 14-4. **ADMINISTRATOR, THE:** 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.
- 14-5. **AGRICULTURE:** The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowls, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.
- 14-6. **ALTERATION:** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 14-7. **APARTMENT HOUSE:** A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 14-8. **AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.
- 14-9. **BASEMENT:** A story having part but not more than one-half ( $\frac{1}{2}$ ) of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 14-10. **BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 14-11. **BUILDING:** Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
- 14-12. **BUILDING, ACCESSORY:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.
- 14-13. **BUILDING, HEIGHT OF:** The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of 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, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 14-14. **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.
- 14-15. **CELLAR:** A story having more than one-half ( $\frac{1}{2}$ ) of its height below grade and which may not be occupied for dwelling purposes.
- 14-16. **COMMISSION, THE:** The planning commission of Rockingham County, Virginia.
- 14-17. **DAIRY:** A commercial establishment for the manufacture and sale of dairy products.
- 14-18. **DISTRICT:** Districts as referred to in the State Code, Section 15.1-486.
- 14-19. **DWELLING:** Any structure which is designed for use for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers.
- 14-20. **DWELLING, MULTIPLE-FAMILY:** A structure arranged or designed to be occupied by more than one (1) family.
- 14-21. **DWELLING, TWO-FAMILY:** A structure arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.
- 14-22. **DWELLING, SINGLE FAMILY:** A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 14-22-1. **TOWN HOUSE:** A single-family dwelling unit being one of a group of three or more such units attached to the adjacent dwelling or dwellings by party walls with lots, utilities and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.
- 14-23. **DWELLING UNIT:** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 14-24. **DUMP HEAP (TRASH PILE):** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State Highway, a residence, a dairy barn, or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 14-25. **FAMILY:** One or more persons occupying a premises and living in a single dwelling unit as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.
- 14-26. **FRONTAGE:** The minimum width of a lot measured from one side lot 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.

- 14-27. GARAGE, PRIVATE: Accessory building designed or used for the storage or 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 (1-½) times as many automobiles as there are dwelling units.
- 14-28. 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.
- 14-29. GENERAL STORE, COUNTRY: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 14-30. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 14-31. GOLF DRIVING RANGE: A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.
- 14-32. GOVERNING BODY: The Board of Supervisors of Rockingham County, Virginia.
- 14-33. GUEST ROOM: A room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests paying direct compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.
- 14-34. HISTORICAL AREA: As indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.
- 14-35. HOG FARM: A farm where hogs are kept and fed primarily on garbage transported from other places.
- 14-36. 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.
- 14-37. HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural conducted within a dwelling by the occupant.
- 14-38. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes, and homes for the aged may be "home occupations" if they comply with the definition herein.)
- 14-39. HOSPITAL, SPECIAL CARE: A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 14-40. 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.
- 14-41. JUNK YARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.
- 14-42. KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.
- 14-43. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale and auctioned off.
- 14-44. LOT: A parcel of land occupied or to be occupied by a main structure or group of main 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.
- 14-45. LOT, CORNER: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 14-46. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- 14-47. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 14-48. LOT, INTERIOR: Any lot other than a corner lot.
- 14-49. LOT, WIDTH OF: The average horizontal distance between side lot lines.

- 4-50. **LOT OF RECORD:** A lot which has been recorded in the clerk's office of the Circuit Court of Rockingham County, Virginia.
- 4-51. **MANUFACTURE AND/OR MANUFACTURING:** The processing 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.
- 4-52. **MOBILE HOME:** A mobile home is a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. (See Travel Trailers, 14-76.)
- 4-53. **MOBILE HOME PARK OR SUBDIVISION:** Any area designed to accommodate two or more mobile homes intended for residential use where residence is in mobile homes exclusively.
- 4-54. **NONCONFORMING 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.
- 4-55. **NONCONFORMING ACTIVITY:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 4-56. **NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 4-57. **OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the dedicated street right of way.
- 4-58. **PEN:** A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 4-59. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system owned and 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.
- 14-60. **REQUIRED OPEN SPACE:** Any space required in any front, side, or rear yard.
- 14-61. **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.
- 14-62. **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, newsstand, wood store, candy shop, milk dispensary, dry-goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.
- 14-63. **SAWMILL:** A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.
- 14-64. **SETBACK:** The minimum distance by which any building or structure must be separated from the front lot line.
- 14-65. **SIGN:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.
- 14-65-1. **Business.** A sign which directs attention to a product, commodity, or service available on the premises.
- 14-65-2. ***Home Occupation.*** A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.
- 14-65-3. ***General Advertising.*** A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
- 14-65-4. ***Location.*** A sign which directs attention to the approximate location of an establishment from

- which the advertised product may be obtained.
- 14-65-5. **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 four (4) square feet or less in area giving the name only of a farm or business responsible for the erection of same.
- 14-66. **SIGN STRUCTURE:** Includes the supports, uprights, bracing, and framework of any structure be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.
- 14-67. **SIGN, TEMPORARY:** A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.
- 14-68. **STORE:** See Item 14-62, Retail Stores and Shops.
- 14-69. **STORY:** That portion of a building, other than the basement, included between the surface of the flood 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.
- 14-70. **STORY, HALF:** A space under a sloping roof which has the line 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-third (2/3) of the floor area is finished off for use.
- 14-71. **STREET, ROAD:** A public thoroughfare which affords principal means of access to abutting property.
- 14-72. **STREET LINE:** The dividing line between a street or road right of way and the contiguous property.
- 14-73. **STRUCTURE:** Anything constructed or erected the use of which requires 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.
- 14-74. **TOURIST COURT, AUTO COURT, MOTEL, AUTEL, 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.
- 14-75. **TOURIST HOME:** A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradiction to hotels and boarding houses) and open to transients.
- 14-76. **TRAVEL TRAILER:** A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.
- 14-77. **USE, ACCESSORY:** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 14-78. **VARIANCE:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the 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 by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 14-79. **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.
- 14-80. **YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- 14-80-1. *Front.* An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- 14-80-2. *Rear.* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- 14-80-3. *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.