

AN ORDINANCE TO AMEND CHAPTER 170, ZONING ORDINANCE
FOR THE TOWN OF MT. CRAWFORD, VIRGINIA

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF MT. CRAWFORD, VIRGINIA:

That Chapter 170, Zoning Ordinance, is hereby amended and adopted as follows:

CHAPTER 170
ZONING ORDINANCE

Any reference to a special use permit is being changed to reflect that a conditional use permit will be required. The following sections will have that change:

- § 170.02 Change made to the definition of "Agriculture"
- § 170.05(A) Conservation, District C-1
- § 170.06(A)(13) Residential, District R-1, home occupations
- § 170.06(A)(16) Residential, District R-1, professional offices
- § 170.06(A)(17) Residential, District R-1, multi-family residential housing
- § 170.06(A)(18) Residential, District R-1, other uses
- § 170.08(A)(35) Business, District B-1, other uses
- § 170.10(C) Public Use, District P-1
- § 170.11(E)(2) Nonconforming Uses, expansion or enlargement
- § 170.12(M) General Provisions, billboards

ADOPTED by the Town Council for the Town of Mt. Crawford this 9th day of
July, 2012.

This ordinance shall be effective from the 9th day of July,
2012.

Alfred L. Cook
Mayor

ATTEST:

Katie Nall

Clerk of Council

CHAPTER 170: ZONING ORDINANCE

Section

- 170.01 General Usage
- 170.02 Definitions
- 170.03 Districts
- 170.04 Annexed Territory
- 170.05 Conservation, District C-1
- 170.06 Residential, District R-1
- 170.07 Planned Unit Residential Development, District R- PUD
- 170.08 Business, District B-1
- 170.09 Industrial, Limited, District M-1
- 170.10 Public Use, District P-1
- 170.11 Nonconforming Uses
- 170.12 General Provisions
- 170.13 Provisions For Appeal
- 170.14 Violation and Penalty
- 170.15 Amendments
- 170.16 Administration and Interpretation

§170.01 GENERAL USAGE.

(A) For the purpose of this ordinance, certain words and terms are herein defined as follows.

(B) Words used in the present tense include the future tense; words used in the singular number include the plural number and words in the plural number include the singular number, unless the obvious construction of the working indicates otherwise.

(C) The word "shall" is mandatory; "may" is permissive.

(D) Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

(E) The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel".

(F) The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed or "moved".

(G) The terms "land use" and "use of land" shall be deemed also to include

"building use" and "use of building".

(H) The word "state" means the Commonwealth of Virginia.

(I) The word "town" means the Town of Mount Crawford, Virginia.

(J) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(K) The terms "conditional use permit" and "special use permit" shall be considered as one and the same throughout this ordinance (5/13/80).

\$170.02 DEFINITIONS.

ABATTOIR. A commercial slaughter house.

ACCESSORY USE. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

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

ADMINISTRATOR, THE. The official charged with the enforcement of this 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.

AGRICULTURE. The use of a tract of land of not less than five (5) acres for: (a) the tilling of the soil; (b) the growing of crops or plant-growth of any kind in the open, including forestry; (c) pasturage; (d) horticulture; (e) dairying; (f) floriculture; or (g) raising of poultry and livestock.

The term agriculture shall not include the following uses:

(a) the maintenance and operation of commercial greenhouses and hydroponic farms; (b) the feeding of garbage to animals; (c) the raising of furbearing animals as a principal use; or, (d) the operation or maintenance of a commercial stockyard; notwithstanding the foregoing, (a) the keeping of animals for the purpose of personal use, consumption, or enjoyment is permitted provided they do not become a public nuisance and provided written permission is granted from all adjoining landowners, and (b) gardening is permitted as an accessory use. If written permission is not obtained the keeping of animals under this section may be permitted upon the issuance of a conditional use permit by the administrator with the approval of the Town Council. Such permit may contain conditions on the keeping of animals which shall be necessary to carry out the intent of the ordinance. (Amended: May 13, 1980; July 9, 2012)

AIRPORT. A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.

ALTERATIONS, STRUCTURAL. Any change, removal, replacement, reinforcement,

or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those on fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural material used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.

APARTMENT. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single-family.

APARTMENT HOUSE. Same as "Dwelling, Multiple-Family".

AMUSEMENT ENTERPRISE. A building or structure used to provide a safe public entertainment for which a charge is imposed in the form of an entrance fee or separate fee for the use of amusement devices therein.

ANIMAL SHELTER. Any place so designed to provide for the temporary accommodation of five (5) or more common household pets which are stray or not wanted by their owner until appropriate disposition of such pets can be effectuated.

ASSEMBLY PLANT. A structure used for the fitting together of parts or components to form a complete unit.

AUTOMOBILE SERVICE OR FILLING STATION. Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass, or other body parts, or any body repairing or painting.

BASEMENT A story having part, but not more than one-half (1/2), of its height below highest grade. A basement shall be counted as a story for the purpose of height regulations.

BLOCK. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a stream, or unsubdivided tract, or other physical barrier of such nature as to interrupt the continuity of development.

BILLBOARD. See Sign, General Advertising.

BOARD. The Board of Zoning Appeals for Mount Crawford, Virginia.

BOARDING HOUSE. A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

BUILDABLE AREA. The area of that part of the lot not included within the yards or open spaces herein required.

BUILDABLE WIDTH. The width of that part of a lot not included within the open spaces herein required.

BUILDING. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, or animals.

BUILDING COMPLETELY ENCLOSED. Any building having no outside openings other than ordinary doors, windows, and ventilators.

BUILDING, HEIGHT OF. The vertical distance from the average finished grade of the front building line to the highest point of the eave line.

BUILDING INSPECTOR. An appointed official, who is responsible for certifying building inspections.

BUILDING MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

BULK STORAGE. A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc., usually stored in large quantities.

CANOPY. A detachable, roof like cover, supported from the ground, or deck, floor, or walls of building, for protection from sun and weather.

CARPORT. Any space outside a building or contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A unenclosed carport is a carport with no side enclosure that is more than eighteen (18) inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

CELLAR. The portion of a building partly underground, having one-half (1/2) or more of its clear height below the average grade of the adjoining ground. A cellar shall not be counted as a story for the purpose of height regulations.

CIRCUIT COURT. The Circuit Court for Rockingham County, Virginia.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

CLUB, PRIVATE. Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

COMMERCIAL. Any wholesale, retail or service business activity established to carry on trade for a profit.

COMMISSION, THE. The planning commission for the Town of Mount Crawford.

COMMON OPEN SPACE. All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development and not dedicated as public lands.

COMPREHENSIVE PLAN. The Comprehensive Plan for Mount Crawford, Virginia,

as adopted and as amended.

CONCRETE WORKS. A structure or area used for the manufacturing of concrete or concrete products.

CONDITIONAL USE. A use listed as such in this ordinance and which may be permitted in a specified district under certain conditions, such conditions to be determined in each case by the terms of this ordinance and by the Town Council of Mount Crawford, after public hearing and report by the planning commission in accordance with the procedures specified by this ordinance.

CONDOMINIUM. The aggregate of dwelling units either attached to or detached from each dwelling unit and appropriate real property owned by various individuals, and with all common areas operated, owned and maintained by a non-profit organization composed of all real property owners within the project as required by the county.

COURT. An open, unoccupied space, other than a yard, with a building or group of buildings which is bound on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed, except for landscaping, from its lowest point to the sky.

DAIRY. A commercial establishment for the manufacturing, processing, and/or sale of dairy products.

DISTRICT. A portion of the territory of the Town of Mount Crawford in which certain uniform regulations and requirements of various combinations thereto apply under the provisions of the adopted zoning ordinance.

DWELLING. Any structure which is designed for use for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, motels, apartments, mobile homes, and campers.

DWELLING UNIT. One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having only one (1) kitchen.

DWELLING, MULTIPLE-FAMILY. A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.

DWELLING, TWO-FAMILY. A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING, SINGLE-FAMILY. A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

FAMILY. One (1) or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit; or a number of persons, but not exceeding four (4) persons, living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage.

FLOODPLAIN. Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of ex-

terior walls or from the center line of party walls separating two (2) buildings.

FRONTAGE. The minimum width of a lot measured from one (1) 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.

GARAGE, PRIVATE. Accessory building designed or used for storage of private automobiles owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC PARKING. A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.

GARDEN APARTMENT. A multi-story building of three (3) stories or less with one (1) or more separate and individual apartments found in each story.

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.

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.

GOVERNING BODY. The Town Council of the Town of Mount Crawford, Virginia.

GRADE. Grade elevation shall be determined by averaging the elevations of the finished ground at all corners and/or other principal points in the perimeter wall of the building.

GUEST HOUSE. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no separate utility meters, and not rented or otherwise used as a separate dwelling.

HEALTH OFFICIAL. The legally designated health authority of the Department of Health, Commonwealth of Virginia, for the Town of Mount Crawford or his authorized representative.

HOME OCCUPATION. An occupation carried on by the residents of a dwelling as a secondary use. (5/13/80)

HOSPITAL. A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

HOTEL, MOTEL, MOTOR COURT, TOURIST COURT OR MOTOR LODGE.
A building in which lodging or boarding are provided for individuals, primarily transient, and offered to the public for compensation and in which room assignments are made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction in a

boarding, rooming or lodging house, or multiple-family dwelling which are herein separately defined. A hotel or motel may include restaurants, taverns or club rooms, public banquet halls, ballroom, and meeting rooms.

JUNKYARD OF AUTOMOBILE GRAVEYARD. The use of any area of land lying within three hundred (300) feet of a state highway or the use of more than fifty (50) square feet of land area in any location for the storage, keeping or abandonment of junk including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia, as "any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind incapable of being operated, are placed".

KENNEL. Any place, so designed that dogs cannot escape, where five (5) or more dogs more than four (4) months of age are kept or maintained; or any place, so designed that dogs cannot escape, where any number of dogs over four (4) months in age are kept for the sole purpose of sale, rental, boarding or breeding for which any fee is charged. A kennel shall not be interpreted to include a pet shop, the housing of dogs for purposes of biological research, or an animal shelter.

LAUNDROMAT. A building or part thereof where clothes or other household articles are washed in self-service machines with a capacity for washing not exceeding twenty pounds dry weight and where such washed clothes and articles may also be dried or ironed and no delivery service is provided in connection therewith.

LAUNDRY. A building, or part thereof, other than a laundromat, where clothes and other articles are washed, dried and ironed.

LIMITED INDUSTRY. Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumber yards, warehouses, laboratories, seafood preparation or processing, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication.

LIVESTOCK MARKET. A commercial establishment wherein livestock is collected for sale and auctioned.

LOADING SPACE. A space within a building or on the premises providing for the standing, loading or unloading of vehicles.

LODGE, PRIVATE. Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

LOT. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yard open space, lot width, and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER. A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed

to be the shorter of the two (2) sides fronting on streets.

LOT, DEPTH OF. The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) streets.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, WIDTH OF. The average horizontal distance between side lot lines.

LOT OF RECORD. A lot, a plat, or description of which has been recorded in the Clerk's Office of the Circuit Court.

LOT LINE, FRONT. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

MAJOR THOROUGHFARE: A street or highway so designated on the Major Thoroughfare Plan of Rockingham County.

MANUFACTURE AND/OR MANUFACTURING. The procession 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.

MARQUEE. A roof-like structure or awning projecting over an entrance, as to a theater.

MOBILE HOME. A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expendable or nonexpendable in accordance with U.S.A. - A119.1 Standard of Mobile Homes 1972 currently in use or as may be amended by the U.S.A. Committee on Mobile Homes and Travel Trailers. It is a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at the 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, connections to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a mobile home. Use of such a unit for other than living purposes does not alter its classification as a mobile home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia (1950, as amended).

MOBILE HOME LOT. Any area or tract of land used by or designated to accommodate one (1) mobile home.

MODULAR HOME. An off-site, factory-fabricated, transportable building designed to be used by itself or to be incorporated with similar units at a

building site into an occupiable structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated supplements which are to be incorporated into a structure at the site.

NET ACREAGE. The acreage of the site less the acreage of public and private streets, group parking areas, and floodplains.

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.

NONCONFORMING LOT. An otherwise legally platted lot that does not conform to the minimum area of width requirements of the ordinance for the district in which it is located.

NONCONFORMING STRUCTURE. An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

NURSING HOME, CONVALESCENT HOME, REST HOME. A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities, or injuries, not requiring the extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

PARKING LOT. An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted and no fees are charged.

PARKINGSPACE, OFF-STREET. An all-weather surfaced area not in a street or alley and having an area of not less than two hundred (200) square feet and dimensions of at least ten (10) feet by twenty (20) feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

PARTY WALL. A separating barrier common to two (2) or more adjacent townhouses consisting of a masonry wall. Projection above the roofline may be eliminated.

PLACE. An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

PORCH. The term "porch" shall include any porch, veranda, gallery terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

PREMISES. A lot, together with all buildings and structures thereon.

PROFESSIONAL OFFICE. The office, studio, or occupational room of a doctor, architect, artist, musician, lawyer, or similar professional person, excepting any mortuary, or any establishment where goods are offered for sale.

PUBLIC ACCESS EASEMENT. Any area through which ingress and egress is not restricted or limited to any individual occupant of the development or guest.

PUBLIC BUILDING. A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the United States of America, the Commonwealth, the county or the town.

PUBLIC WATER AND SEWER SYSTEMS. A water or sewer system owned and operated by a municipality or county, or owned and operated by a corporation approved by the governing body and properly charted and certified by the State Corporation Commission, and subject to special regulations as herein set forth.

RECREATIONAL EQUIPMENT, MAJOR. Travel trailers, pickup campers, motorized trailers, houseboats, and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

REGULATIONS. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this ordinance.

RENTAL UNIT. A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as a permanent dwelling.

REQUIRED OPEN SPACE. Any space required in any front, side, or rear yard.

RESTAURANT. Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

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).

ROOMING HOUSE. A dwelling which, for compensation, lodging is furnished three (3) or more but not exceeding nine (9) guests; a boarding house.
SAWMILL: A sawmill located on public or private property for the processing of timber.

SETBACK. The minimum distance by which any building or structure must be separated from the front lot line.

SERVANTS' QUARTERS. Living quarters within a portion of a main building, or in an accessory building located on the same lot with the main building, used for servants employed on the premises, and not rented or otherwise used as a separate dwelling.

SHOPPING CENTER. A group of stores, shops, and other commercial establishments within a single architectural unit sharing access, parking, and other common areas.

SIGN. For definitions pertaining to signs, see Section 170.12(K) of this ordinance.

SITE PLAN. A drawing illustrating a proposed development and prepared in accordance with the specifications of section 170.12(A)(3) of this ordinance.

SPECIAL EXCEPTION. A use listed as such in this ordinance and which may be permitted in a specified district, or in any district if so specified, under certain conditions, such conditions to be determined in each case by the terms of this ordinance and by the Board of Zoning Appeals after public hearing in accordance with the procedures specified by this ordinance and applicable state law.

STABLE, PRIVATE. An accessory building, not related to the ordinary operation of a farm, for the housing of horses or mules owned by a person or persons living on the premises and which horses, donkeys, ponies, or mules are not for hire or sale.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use.

STREET, ROAD. A public thoroughfare.

STREET, CENTER LINE. The center line of a street shall mean the center line thereof as shown in any of the official records of the county, or any municipality therein, or as established by the Virginia Department of Highways and Transportation. If no such center line has been established, the center line of a street shall be a line lying midway between the sidelines of the right-of-way.

STREET LINE. The dividing line between a street or road right-of-way and the contiguous property.

STRUCTURE. Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, except utility poles.

SWIMMING POOL. Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and two hundred fifty (250) square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or to be used for swimming or wading.

TOWNHOUSE. A single-family dwelling unit being one (1) of a group of not less than three (3) nor more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

TOURIST HOME. A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.

TRAVEL TRAILER. A vehicular, portable structure designed in accordance with the U.S.A. standards for travel trailers (A119.2) currently in use, or as may be amended by the U.S.A. Commission on Mobile Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation, or vacation uses. Its design and type shall be clearly identified by the manufacturer, by a visible identifiable seal or plate of permanent nature, as a travel trailer.

TRUCK STOP. An area, usually on or near a major thoroughfare, which has been designed for and is being used for the parking of tractor-trailers or other trucks. These areas, which are equipped with facilities to supply maintenance and fuel for these trucks, may also include motels and restaurants.

TRUCK TERMINAL. A building or area on which semi-trailers, including tractors and/or trailer units or other trucks, are parked or serviced, and where freight, brought in by truck, is assembled and/or stored for routing and reshipment.

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 or nonconformities in the zoning district of adjoining zoning district.

VETERINARY CLINIC. A facility rendering surgical and medical treatment to animals, but having overnight accommodations for no more than four (4) small animals. For the purpose of this ordinance, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys or other such animals not normally housed or cared for entirely within the confines of a residence.

VETERINARY HOSPITAL. A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital. For the purpose of this ordinance, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

WATERWAY. Any body of water, including any creek, canal, river, or lake or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

WATERWAY LINE. A line marking the normal division between land and a waterway as established by the Administrator or Town Ordinances.

YARD. An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

YARD, FRONT. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

YARD, REAR. An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

YARD, SIDE. An open, unoccupied space on the same lot as a building between the side line of the building (excluding the steps) and the side line of the lot, and extending from the front yard to the rear yard line.

\$170.03 DISTRICTS

For the purpose of this ordinance, the incorporated areas of the Town of Mount Crawford, Virginia are hereby divided into the following districts: (5/13/80)

Conservation District C-1
Residential District R-1
Business District B-1
Public Use District P-1

\$170.04 ANNEXED TERRITORY

All territory, which may hereafter be annexed to the Town of Mount Crawford, Virginia, shall be considered as being in the Residential District R-1 until such time as it may be changed by amendment to this ordinance.

\$170.05 CONSERVATION, DISTRICT C-1

Statement of Intent

This district covers portions of the Town which are occupied by various open uses, such as forests, parks, farms, lakes and mountains. This district is established for the specific purpose of facilitating existing and future farming operations, conserving water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. Uses not consistent with the existing character of this district are not permitted.

(A) USE REGULATIONS

In Conservation General, District C-1, structures to be erected, or land to be used shall be for one (1) or more of the following uses provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

- (1) Agriculture.
- (2) Cabins, groups of cabins, or camps for seasonal occupancy.
- (3) Parks and recreational facilities.

(4) Preserves and conservation areas.

(5) Deleted (5/13/80).

(6) 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.

(7) Accessory uses as defined.

(8) Signs in accordance with Section 170.12(K) of this ordinance.

(9) Off-street parking as required by Section 170.12(F) of this ordinance.

(10) All other uses which are similar to the foregoing (5/13/80).

(B) AREA REGULATIONS

The minimum lot area for any use in this district shall be twenty-five (25) acres.

(C) SETBACK REGULATIONS

Structures shall be located one hundred (100) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred fifty (150) 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".

(D) FRONTAGE REGULATIONS

The minimum frontage for permitted uses shall be five hundred (500) feet at the "setback line".

(E) YARD REGULATIONS

(1) Side. The minimum side yard for each main structure shall be one hundred (100) feet and the total width of the two (2) required side yards shall be two hundred (200) feet or more.

(2) Rear. Each main structure shall have a rear yard of one hundred (100) feet or more.

(F) SPECIAL PROVISIONS FOR CORNER LOTS

(1) Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

(2) The minimum side yard on the side facing the side street shall be one hundred fifty (150) feet or more for both main and accessory building.

Statement of Intent

The R-1 district is composed of quiet, low-density, residential areas plus undeveloped area where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration and permitted uses are limited to single-unit dwellings, plus selected additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district. No mobile homes or rooming houses are permitted.

(A) USE REGULATIONS

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

(1) Single-family detached dwellings.

(2) Two-family dwelling.

(3) Schools.

(4) Churches.

(5) Parks and playgrounds.

(6) Agriculture use - not to include related marketing functions such as fruit packing plants or dairies.

(7) Off-street parking as required by section 170.12(F) of this ordinance.

(8) Accessory buildings, however, garages, carports, porches, and stoops attached to the main buildings shall be considered part of the main building. No accessory building may be closer than ten (10) feet to any property line or to any other structure.

(9) Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

(10) Public and semipublic uses. —

(11) Signs in accordance with Section 170.12(K) of this ordinance.

(12) Travel trailers, which shall be stored on the property and shall be prohibited, from occupancy.

(13) Home occupations as defined in this ordinance provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

(14) Fences.

(15) Cemeteries.

(16) Professional offices as defined in this ordinance provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

(17) Multi-family residential housing provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

(18) All other uses which are similar to the foregoing provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

(B) AREA REGULATIONS

The minimum lot area shall be twenty thousand (20,000) square feet.

(C) SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty-five (55) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be setback more than the average of the setback of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line".

(D) FRONTAGE REGULATIONS

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

(E) YARD REGULATIONS

(1) Side. The minimum total width of the two (2) side yards for each main structure shall be twenty-five(25)feet, with no one (1) side yard being less than ten (10) feet.

(2) Rear. Each main structure shall have a minimum rear yard of thirty (30) feet.

(F) HEIGHT REGULATIONS

(1) Buildings may be erected up to thirty-five (35) feet in height.

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

(3) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, 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) 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.

(G) SPECIAL PROVISIONS FOR CORNER LOTS

(1) Of the two (2) sides of a corner lot the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

(2) The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory building.

(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 twenty-five (125) feet.

\$170.07 Planned Unit Residential Development, District R- PUD

(A) PLANNED UNIT RESIDENTIAL DEVELOPMENT, DISTRICT R-PUD

(1) General Description. The regulations established in this article are intended to provide optional methods of land development which encourage imaginative solutions to design problems. Residential areas thus established are characterized by unified building and site development programs, open space for recreation, and the provision for religious, educational, and cultural facilities which are integrated with the total project.

(2) Permitted Principal and Accessory Uses and Structures. In a planned unit development, only the following uses are permitted:

(a) Single family detached dwellings.

(b) Two-family dwellings.

(c) Townhouses.

(d) Multiple-family dwellings.

(e) Recreational uses including community centers, golf courses, swimming pools, parks, playgrounds or any other public recreational uses.

(f) Nursing homes.

(g) Community facilities, churches and other religious institutions, and schools.

(h) Retail Stores in which all stock is kept enclosed, convenience shops personal service type establishments, restaurants, food and drug stores. (This is a PUD Commercial Use)

(i) General service facilities. (This is a PUD Commercial Use)

(j) Banks and other financial institutions. (This is a PUD Commercial Use)

(k) Barbershops and beauty parlors. (This is a PUD Commercial Use)

(l) Professional offices. (This is a PUD Commercial Use)

(m) Public utilities, as defined.

(n) Accessory uses and buildings incidental to the principal use.

(3) No more than ten percent of the gross development area shall be set aside or used for PUD Commercial Uses.

(4) Density Requirements. The overall density shall not exceed ten dwelling units per net acre. Individual final plans are not limited to this density ceiling, but at no stage of the development shall the aggregate density of final plans approved exceed ten dwelling units per net acre.

(5) Size of Planned Unit Development, Ownership, Zoning. There is no minimum size for any planned unit development. The land need not be under common ownership, but subject to § 10, all owners of any portion of the land within a planned unit development must sign all applications, plans, and other documents concerning any portion of the development.

(6) Area Regulations, etc. There shall be no minimum lot area, no frontage requirements, no minimum depth, no front, no side or rear yard requirements, and no coverage maximums other than any specified in the master plan and related submissions. Furthermore, to the extent a master plan shows buildings taller than allowed under this Article or signs not in conformity with the Mt. Crawford Town Zoning ordinance and the council explicitly approves thereof, the requirements of this Article shall be relaxed to the extent of the approval.

(7) Off-Street Parking. Off-street parking shall be subject to any regulations of the Mt. Crawford Town Zoning ordinance.

(8) Ownership of Streets and Common Areas. Title to private streets and other common open space shall be vested in the developer or in a nonprofit corporation of property owners consisting of property owners within the development and for which the Mt. Crawford Zoning Administrator has approved the articles of incorporation and by-laws.

(9) Streets. Lots are required to front on dedicated streets. Private street may be utilized if each lot in the development has vehicular and pedestrian access to a dedicated street through a prescribed easement or common area. Except as otherwise provided by law, the town shall have no responsibility for maintenance, snow removal, or other matters concerning private streets.

(10) Administrative Procedure for a Planned Unit Development. No planned unit development shall be permitted until the following conditions have been met:

(a) A conditional use permit must be obtained under the provisions of the Mt. Crawford Town Zoning ordinance. The application must be accompanied by

(1) A master plan which may consist of one or more sheets shall show

(A) The boundaries of the proposed development.

(B) The overall scheme of development including the general location of the various types of uses.

(C) The location of any open space within the development.

(D) For each residential area shown, the total number of dwelling units in each.

(E) For any nursing homes in the development, the maximum number of residents of each home.

(F) The general location of all streets and easements of right-of-way, and a notation as to whether the streets will be dedicated to the town or will be private.

(G) The general location of all parking areas, and a notation as to the number of parking spaces in each.

(H) The proposed location of all buildings and other improvements, except single-family and two-family dwellings (and accessory buildings) to be constructed by purchasers of residential lots within the development.

(I) Notations showing the gross development acreage, the net acreage, acreage devoted to PUD commercial uses, the number of dwelling units within the project and the proposed density.

(J) General plans for water, sanitary sewer, storm sewer, and other utilities.

(K) The manner of compliance with all applicable Town ordinances.

(L) The minimum standards for residential screening, if any.

(2) Proposed agreements, rules, or covenants which will govern the use of any property within the development.

(3) A statement of intention regarding future selling or leasing of land areas, dwelling units, or commercial areas.

(4) Proposed building types, including architectural style, height, and floor areas.

(b) The Zoning Administrator shall review the master plan and other documents filed and shall issue to the Council and Planning Commission a recommendation for approval, disapproval, or approval with modification of the layout, scheme of development, deed restrictions, or other matters concerning the development.

(c) If the Council approves the conditional use permit, after receiving a recommendation from the Planning Commission or after the time for receiving a recommendation from the Planning Commission has expired, the owner or developer may proceed to develop any section of the project upon the submission and approval of a final plan for that section. The final plan shall comply in all respects with the requirements for final plats set forth in the subdivision ordinance. The final plan shall be approved by the Zoning Administrator, which shall issue approval if it complies with this section and it is in substantial compliance with the master plan. Such approval shall be contingent upon the guaranty requirement of paragraph (d) of this section.

(d) Any of the Town's standards and policies concerning streets, utilities, drainage, and monuments as expressed in this code and related addenda shall apply to improvements within planned unit developments. The town's standards shall apply to private streets, but the town shall incur no obligations with respect to private streets. Before a final plan is approved, the installation of all improvements required by any other provision of law shall be guaranteed to the satisfaction of the Council.

(11) Amendment of Plans.

(a) If the Zoning Administrator finds that a proposed master plan amendment does not materially alter the factors required to be shown by this ordinance, he shall approve the amendment without further process.

(b) If the Zoning Administrator finds that the proposed amendment would constitute a material alteration of those factors, the master plan shall be amended through the approval of a superseding plan, except as provided in paragraph (c) below. The procedure for approval of a superseding plan shall be as for the approval of a new plan.

(c) In existing planned unit developments, the owner or owners of a portion of the property in the development may apply for the amendment of the master plan as it relates to their property only. Such amendment will be approved only if the amendment would not materially change the character of the development, all other requirements are met, and the council determines that the amendment is appropriate.

(d) Any amendments to final plans shall be made in accordance with the law pertaining to the amendment of subdivision plats. If a final plan amendment does not entail a master plan amendment, no additional procedures need to be followed. If the final plan as amended would materially deviate from the master plan, the master plan must also be amended.

(11) Abandonment of Project. Upon the abandonment of a project authorized under this article or upon the expiration of two years from the authorization of the planned development which has not by then been commenced, the authorization shall expire and the land and structures thereon may be used for any other lawful purpose permissible within the use-area district in which the planned development is located.

S170.08 BUSINESS, DISTRICT B-1

Statement of Intent

The Business District B-1 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 retail goods, or by any nuisance factors other than those occasioned by incidental light and noise from the 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.

(A) USE REGULATIONS

Commercial District B-1 structures to be erected or land to be used shall be for one of the following uses.

- (1) Retail food stores.
- (2) Bakeries.
- (3) Drycleaners.
- (4) Laundries, and laundromats.
- (5) Florist shops.
- (6) Wearing apparel store.
- (7) Jewelry stores.
- (8) Drug stores.
- (9) Fabric shops.
- (10) Barber and beauty shops.
- (11) Auto and home appliance services.
- (12) Theaters, assembly halls.
- (13) Marine supply stores.
- (14) Banks.

- (15) Music shops.
- (16) Restaurants.
- (17) Furniture stores.
- (18) Hotels, motels, tourist homes, boarding houses, rooming houses.
- (19) Office buildings.
- (20) Office supply stores.
- (21) Churches.
- (22) Libraries.
- (23) Hardware Stores.
- (24) Deleted (5/13/80).
- (25) Funeral homes or mortuaries.
- (26) Automobile service stations (with major repair under cover.)
- (27) Clubs and lodges.
- (28) Auto sales and service.
- (29) Public utilities.
- (30) Antique shops.
- (31) Off-street parking as required by Section 8-6 of this ordinance.

(32) Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body of an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such applications, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest, before granting approval to said application.

- (33) Public and semipublic uses.
- (34) Signs in accordance with Section 170.12(F) of this ordinance.

(35) All other uses which are similar to the foregoing provided a conditional use permit is obtained from the council. (Amended: May 13, 1980; July 9, 2012)

(B) AREA REGULATIONS

There shall be no minimum area requirements; however, the administrator may impose area requirements if considered necessary by the health official.

(C) SETBACK REGULATIONS

Buildings shall be located five (5) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or thirty (30) 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".

(D) FRONTAGE AND YARD REGULATIONS

No requirement except that, should a side or rear yard be utilized, or should the property be adjacent to a residential district, the minimum side yard shall be ten (10) feet and the minimum rear yard shall be twenty (20) feet.

(E) HEIGHT REGULATIONS

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

(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.

(3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, 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) 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.

\$170.09 INDUSTRIAL, LIMITED, DISTRICT M-1

Deleted (5/13/80).

§170.10 Public Use, District P-1

(A) Legislative Intent. This district is intended to allow cultural, recreational, educational, and governmental uses. The Council intends that this classification will apply primarily to governmentally-owned property, but it may also apply to privately-owned property being put to similar uses.

(B) Uses Permitted as a Matter of Right.

- (1) Schools not housing students overnight.
- (2) Police Stations.
- (3) Fire Stations.
- (4) Rescue Squad Stations.
- (5) Parks, playgrounds, and recreational facilities.
- (6) Libraries.
- (7) Administrative offices for governmental entities.
- (8) Community centers and other assembly halls.
- (9) Water treatment facilities.
- (10) Sewage treatment facilities.
- (11) Neighborhood Public Utilities.
- (12) Water tanks.
- (13) Cemeteries.
- (14) Municipal Maintenance Facilities.

(C) Uses Permitted with Conditional Use Permit.

- (1) Festival parks, in which occasional celebrations, sales, lawn parties, fund raisers, and similar events are held.
- (2) Telecommunications Towers and Telecommunications Antennas.
- (3) Wide-Area Public Utilities.

(Amended: July 9, 2012)

(D) Area Regulations. There are no requirements for minimum lot areas, front yards, street frontage, lot width, depth, side yards, rear yards, or lot coverage.

(E) Height. Buildings shall not exceed three stories or 40 feet in height, whichever is less. There is no height limit for other types of structures, except as may be provided in section 170.12(F) for signs.

(F) Off-Street Parking. As provided in section 170.12(F).

(G) Signs. As provided in section 170.12(K).

§170.11 NONCONFORMING USES

(A) CONTINUATION

(1) If, at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structures is being 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.

(2) If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use may be continued.

(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.

(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.

(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 shall be considered nonconforming uses for purposes of this article.

(B) PERMITS

(1) All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

(2) The construction or 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, or such use of land established within thirty(30) days after the effective date of this ordinance.

(C) 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 nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the current replacement value of the structure provided that 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.

(D) 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.

(E) EXPANSION OR ENLARGEMENT (5/13/80)

(1) A nonconforming activity may be extended throughout any part of a structure which was arranged for such activity at the time of the enactment of this ordinance.

(2) A nonconforming structure may be expanded or enlarged only upon the issuance of a conditional use permit by the administrator with the approval of the Town Council; provided that such expansion or enlargement is necessary to meet the normal growth and development needs of the nonconforming activity or structure and is limited to the original lot or parcel of land on which the nonconforming structure is located. (Amended: July 9, 2012)

(3) In considering such a permit the Town Council shall consider the stated purposes for the establishment of the zoning district in which the structure is located, the uses of the area immediately surrounding the structure particularly other nonconforming uses, and the hardship which would result from a denial of the special permit. The permit shall include conditions as to the time within which the expansion or enlargement must be started and completed and may contain any other conditions regarding the expansion or enlargement which, in the opinion of the Town Council, shall be necessary to carry out the intent of this section and this ordinance.

(F) NONCONFORMING LOTS

(1) 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 so long as the requirements regarding setbacks, side and rear yards are complied with. Any relaxation in such requirements must be approved by the Town Council. For purposes of this section, the addition of an adjacent lot or a portion thereof subsequent to the adoption of this ordinance shall not disqualify a lot of record as a nonconforming lot. (5/13/80)

(G) RESTORATION OR REPLACEMENT

(1) If a nonconforming structure or a conforming structure devoted to 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 not exceed fifty (50) percent of the cost of reconstructing the entire structure, it may be repaired or restored, provided any such repair or restoration is started within six (6) months and completed within twelve (12) months from the date of partial destruction.

(2) If the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire structure, it may be repaired or restored only upon the issuance of a special permit by the administrator with the approval of the governing body.

(3) In approving such permit the governing body shall consider the stated purpose for establishing the zoning district in which the structure is located, the uses of the area immediately surrounding the structure in question, particularly the nonconforming uses, and the hardship which would result from a denial of the special permit. The permit shall include conditions as to the time within which the repair or restoration must be started and completed and

may contain any other conditions regarding the repair and restoration which in the opinion of the governing body shall be necessary to carry out the intent of this section and the ordinance.

(4) The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage.

\$170.12 GENERAL PROVISIONS

(A) ZONING PERMITS

(1) A building or structure shall be started, repaired, reconstructed, enlarged only after a zoning permit has been obtained from the administrator.

(2) The Council 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. (5/13/80)

(3) Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. 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, the location and arrangement of off-street parking, and the location of such building or use with respect to the property line 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 the 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. One (1) copy of the drawing shall be returned to the applicant with the permit.

(4) All applications for a zoning permit or zoning change shall be accompanied by a fee. The amount of the fee shall be set from time to time as determined by the Council to reflect the costs associated with processing the application. There shall be one fee established for matters that can be decided administratively and another fee for those matters that must be referred to the Planning Commission and/or Council.

(B) CERTIFICATE OF OCCUPANCY

Land may be 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 (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

(C) CONDITIONAL USE PERMIT

Where permitted by this ordinance the location of uses demanding a conditional use permit shall require, in addition to such permit, the zoning permit, and the certificate of occupancy. An applicant for a conditional use permit shall have the burden of establishing that the proposed use is consistent with the public health, convenience, safety, and public welfare of the surrounding community. The conditional use permit shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance.

(D) 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. The planning commission shall make its recommendations to the governing body within sixty (60) days as to whether (a) to amend the ordinance to allow the unrestricted use in that district, (b) to amend the ordinance to allow the use with a conditional use permit, (c) to amend the ordinance by rezoning the district and thereby allow the use, or (d) to deny the use in that district. The planning commission may hold a separate public hearing or a joint public hearing, as provided by law, with the governing body. If, after sixty (60) days, no public hearing has been set or no recommendations has been made, the governing body may assume that the planning commission concurs with the applicant.

(E) WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence, approved by either the Virginia Department of Highways and Transportation or by the council for the widening of any street or highway, the council may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening. (5/13/80)

(F) MINIMUM OFF-STREET PARKING

(1) 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. Two hundred (200) square feet (10ft. x 20ft.) of lot or floor area shall be deemed parking space for one vehicle. All parking spaces and access driveways shall be covered with an all-weather surface, and shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjoining property.

(2) A driveway or parking space shall be at least (3) feet from a property line and no parking for a multiple-family dwelling shall be less than ten (10) feet from a residential structure.

(3) There shall be provided, at the time of the erection of any principal building or structure or at the time that any principal building or structure is altered, enlarged, or increased in size, not less than the parking space in

the amounts stated herein. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change.

(4) The parking spaces required for one-, two-, and three-family dwellings shall be located on the same lot as the dwelling; the parking spaces required for other land uses shall be located on the same lot as the principal use or on a lot which is within three hundred (300) feet of the principal use, such distance to be measured along lines of public access to the property.

(5) Collective provision of off-street parking facilities for two (2) or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements.

(6) 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. Off-street parking for residences in multiple-family dwellings or townhouses shall be provided at 1.5 spaces per dwelling unit.

(7) Tourist homes, hotels and motels shall provide, on the lot, parking space for one (1) automobile for each guest room or residence unit, plus one (1) additional space for each ten guest rooms or residence units, plus required parking for any restaurant and/or assembly space in the tourist home or motel.

(8) For church and school auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) square feet of usable floor area. For schools, there shall be provided one (1) parking space for each teacher, employee, or administrator in addition to the requirements of the auditorium. Parking space already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within three hundred (300) feet of the place of public assembly as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 p.m. and midnight on other days, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church or other similar place of public assembly.

(9) Deleted (5/13/80).

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(10) For medical and dental clinics, there shall be provided at least one (1) parking space for each two hundred (200) square feet of floor area.

(11) For mortuaries and retail stores selling directly to the public, there shall be provided one (1) parking space for each one hundred (100) square feet of retail floor space in the building.

(12) For office buildings, offices of professionals, and personal services establishments, there shall be provided one (1) parking space for each two hundred (200) square feet of floor space occupied by the office or personal service. However, there shall be a minimum of two (2) spaces in excess of the number of employees of the firm. (5/13/80)

(13) For industrial establishments, there shall be provided one (1) parking space for each two (2) employees computed on the basis of the maximum number of individuals employed within an 8-hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

(14) Any commercial building not listed above and 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.

(15) Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate guards where needed as determined by the administrator. 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.

(G) OFF-STREET LOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.

(H) AUTOMOBILE SERVICE STATIONS

(1) The town council upon recommendation from the planning commission may place certain restrictions in automobile service stations in the B-1 and M-1 zones, in addition to the regulations of those zones, based on the following criteria.

(2) The effect of such proposed buildings and use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, safety, and general welfare.

(3) All appliances for dispensing gasoline installed outside of enclosed buildings shall be located not less than fourteen (14) feet from the street line, and all such appliances shall be installed and maintained in such location as to prevent any part of vehicles being serviced from standing on the street, alley, or sidewalk area.

(I) FENCES

(1) No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

(2) Fences shall not exceed a height of six (6) feet as measured from the top-most point thereof to the ground or surface, along the center line of the

fence, in a commercial or residential zone.

(3) Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of fourteen (14) feet.

(J) VISUAL OBSTRUCTION

In the case of corner lots in residential district, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

(K) SIGNS IN CONSERVATION AND RESIDENTIAL DISTRICTS

In any residential and conservation districts, the following signs shall be permitted, when the main use itself is permitted:

(1) Home Occupation and Professional Office Signs: One (1) sign, not exceeding two (2) square feet in area, for the purpose of indicating a home occupation, when erected or displayed on the property upon which a private dwelling is located and bearing only the name and/or home occupation of an occupant of such dwelling. (5/13/80)

(2) Church Bulletin Boards: One (1) church bulletin board, not exceeding twenty-four (24) square feet in area, when erected or displayed on the property of the church; provided that when a church faces more than one street, one (1) such church bulletin board may be erected or displayed on each street frontage. Church bulletin boards shall be set back at least ten (10) feet from the front lot line.

(3) Identification Signs: One (1) sign, not exceeding twenty-four (24) feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, country club, public building, public park, or playground, community building, hospital, sanitarium, cemetery, children's home, orphanage, fraternal organization, or apartment, when such use is permitted in a residential zone, and such sign is erected or displayed on the property so identified. Such identification signs shall be set back at least ten (10) feet from the front lot line.

(4) Subdivision Signs: Signs, not exceeding twenty-four (24) square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified at least ten (10) feet from the front lot line; provided, that only one (1) such sign shall be erected or displayed facing any one (1) street on the perimeter of such development or subdivision.

(5) Temporary Signs: One (1) contractor's sign, not exceeding twenty-four (24) square feet in area, and subcontractors' signs not exceeding eight (8) square feet in area each; when erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work.

(6) Signs, not exceeding a total sign area of twelve (12) square feet, for the purpose of advertising the sale, lease or future use of real estate, when erected or displayed on the property so advertised; however, that a total sign area of not more than forty (40) square feet shall be permitted when such signs

are set back at least fifty (50) feet from the front lot line.

(L) SIGNS IN THE BUSINESS DISTRICT

In the commercial district, the following signs shall be permitted: (a) Any sign permitted in a residential zone, at the setback requirement; (b) Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed; (c) Real estate and contractors signs as specified in Sections 170.12(L)(5) and 170.12(L)(6); (d) Signs permitted within a commercial district shall be erected or displayed only on such walls of a building as face a street, alley or parking area, or as roof signs or free standing signs upon the lot, subject to the following provisions as to size and location.

(1) One Story Buildings. The total area of all signs facing a street, alley or parking area shall not exceed two (2) square feet for each foot of building width facing such street, alley or parking area.

(2) First Floor Businesses in Multi-Story Buildings. The total area of all signs facing a street, alley or parking area shall not exceed two (2) square feet for each foot of building width facing street, alley or parking area; provided, that all such signs shall be kept within a height of twenty (20) feet above the sidewalk.

(3) Upper Stories of Multi-Story Buildings Containing One or More Businesses Above the First Floor. The total area of all signs facing a street, alley or parking area on any wall above the twenty (20)-foot height specified in section 170.12(L)(2) above shall not exceed forty (40) square feet or one-fortieth (1/40) of the area of that wall above such twenty (20)-foot height, whichever is greater.

(4) Multi-Story Buildings Occupied by One Business Only. Where entire buildings over one (1) story in height are occupied by one (1) business, a total sign area of one hundred (100) square feet facing any street, alley or parking area, or of one-fortieth (1/40) of the wall area facing such street, alley or parking area, whichever is greater, may be substituted for the allowable sign areas specified in sections 170.12(L)(2) and 170.12(L)(3) above; and in such case, the sign may be located without regard to the twenty (20) foot height provisions contained in section 170.12(L)(2) above.

(5) Signs Hung on Marquees. No sign shall be hung on a marquee, canopy or portico if said sign shall, extend beyond the established setback line. The area of any such sign shall be located in determining the total area of signs erected or displayed.

(6) Projection and Height of Signs. A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line. The bottom of a sign, the area of which exceeds six (6) square feet, erected flat against a wall, shall not be less than eight (8) feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a wall shall not be less than ten (10) feet above a walkway or parking area, nor less than fourteen (14) feet above an alley.

(7) Roof Signs. Roof signs, not exceeding a total area of one hundred (100)

square feet, may be erected or displayed in the C-1 commercial district only; provided, that the area of any roof sign shall be included in the total area of signs permitted by this section and shall not be in addition thereto. No roof sign shall project more than four (4) feet beyond the property line nor extend more than fifteen (15) feet above the roof level at the point where it is erected; provided, that a roof sign may project more than fifteen feet above the roof level at the point where it is erected when it is erected on pylons which are in integral part of a building.

(8) Freestanding Signs. Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of twenty-five (25) feet or more, or where a building is setback twenty-five (25) feet or more from the front lot line; provided that not more than two (2) such freestanding signs shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area or building setback. No signs other than those indicated on the sign application shall be attached to a freestanding sign. Freestanding signs shall not be erected more than thirty (30) feet above grade, nor project beyond the established setback line, and shall not exceed one hundred (100) square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this section shall be two (2) square feet for each foot of lot frontage; provided that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other paragraphs of the section.

(9) Deleted (5/13/80).

(10) Deleted. (5/13/80)

(M) BILLBOARDS

Billboards and general advertising signs are prohibited in all zones, without a conditional use permit from the Town Council. (Amended: August 9, 1982; July 9, 2012)

\$170.13 PROVISIONS FOR APPEAL

(A) BOARD OF ZONING APPEALS

(1) A board consisting of no more than seven (7) and no less than five (5) residents shall be appointed by the Circuit Court of Rockingham County, Virginia. The board shall serve without pay other than for travel expenses, and member shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(2) The term of office shall be for five (5) years, except that the original appointments shall be made for such terms that the term of at least one (1) member shall expire each year.

(3) Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

(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.

(5) The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

(B) POWERS OF THE BOARD OF ZONING APPEALS

Boards of zoning appeals shall have the following powers and duties:

(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.

(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 hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows.

(3) 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 by reason 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.

(4) 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.

(5) No such variance shall be authorized except after notice and hearing as required by Section 15.1-431, of the Code of Virginia (1950, as amended).

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

(7) 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.

(C) RULES AND REGULATIONS

(1) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

(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.

(3) The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

(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.

(5) All meetings of the board shall be open to the public.

(6) A quorum shall be at least three (3) members.

(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.

(D) 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 or municipality affected by any decision of the zoning administrator. Such an appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The 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.

(E) APPEAL PROCEDURE

(1) Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned.

(2) Applications for appeals requiring an advertised public hearing shall be accompanied by a fee. The amount of the fee shall be set from time to time as determined by the Council to reflect the costs associated with processing the application.

(F) 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 (60) 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 occurring vote of three (3) members shall be necessary to reverse any order, requirements, decision, or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

(G) DECISION OF BOARD OF ZONING APPEALS

(1) Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the municipality, may present to the circuit or corporation court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision of the office of the board.

(2) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and maybe extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on applications, on notice to the board, and on due cause shown, grant a restraining order.

(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.

(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.

(5) Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

§170.14 VIOLATION AND PENALTY

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

(B) Any person, firm, or corporation, whether as principal, agent, or employed or otherwise, violating, causing or permitting the violation or any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one hundred (100) dollars for each day of violation.
(5/13/80)

§170.15 AMENDMENTS

(A) The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:

(1) That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

(2) Notices shall be given of the time and place of such hearings by publication in at least two (2) issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after final publication. After enactment of any such plans, ordinance or amendment, further publication thereof shall not be required.

(3) Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of ninety (90) days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

(4) Deleted (5/13/80).

§170.16 ADMINISTRATION AND INTERPRETATION

(A) ADMINISTRATION

(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.

(2) Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective and be completed

within a period of one (1) year after construction is initiated. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

(B) INTERPRETATION

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

(2) 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.

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

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

(C) 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.

(D) 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.

(E) CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed. This zoning ordinance of Mount Crawford, Virginia, shall be effective at and after 12:01 A.M., May 15, 1979.