

**THE
COUNTY OF ROCKBRIDGE
LAND DEVELOPMENT REGULATIONS**

INCORPORATING

**COUNTY OF ROCKBRIDGE
ZONING AND
SUBDIVISION ORDINANCE**

ROCKBRIDGE COUNTY, VIRGINIA

AS AMENDED

ADOPTED

NOVEMBER 22, 1982

AMENDED THROUGH MARCH 27, 2023

COUNTY OF ROCKBRIDGE

LAND DEVELOPMENT REGULATIONS

TABLE OF CONTENTS

ARTICLE 1. AUTHORITY AND ENACTMENT	1-1
101.00 AUTHORITY TO ESTABLISH ZONING.....	1-1
102.00 AUTHORITY TO ESTABLISH SUBDIVISION	1-1
103.00 ENACTMENT	1-4
ARTICLE 2. PURPOSES OF THE REGULATIONS.....	2-1
201.00 PURPOSES.....	2-1
202.00 NON-EXCLUSIONARY INTENT	2-2
ARTICLE 3. DEFINITIONS.....	3-1
301.00 GENERAL	3-1
302.00 SPECIFIC DEFINITIONS.....	3-1
ARTICLE 4. ESTABLISHMENT OF DISTRICTS	4-1
401.00 DIVISION OF ROCKBRIDGE COUNTY INTO DISTRICTS	4-1
402.00 INCORPORATION OF THE ZONING MAP	4-1
403.00 MAP AMENDMENT	4-1
404.00 REPLACEMENT OF THE OFFICIAL ZONING MAP.....	4-1
405.00 RULES FOR DETERMINING BOUNDARIES	4-2
ARTICLE 5. APPLICATION OF ZONING REGULATIONS.....	5-1
501.00 USES.....	5-1
502.00 BUILDINGS	5-1
503.00 LOTS AND YARDS.....	5-1
504.00 GARDENING AND CHICKENS	5-2
505.00 PERMITS ISSUED PRIOR TO ORDINANCE.....	5-2
506.00 PAYMENT OF TAXES.....	5-2
ARTICLE 6. USES IN DISTRICTS	6-1
601.00 CONSERVATION DISTRICT - C-1	6-1
602.00 AGRICULTURAL AND LIMITED USES DISTRICT - A-1	6-2
603.00 AGRICULTURAL AND GENERAL USES DISTRICT - A-2	6-4
603B.00 AGRICULTURAL TRANSITIONAL DISTRICT - A-T	6-7
604.00 RESIDENTIAL GENERAL DISTRICT - R-L	6-9
604B.00 RESIDENTIAL MIXED DISTRICT - R-2	6-11
605.00 GENERAL BUSINESS DISTRICT - B-L.....	6-12
606.00 PLANNED BUSINESS DISTRICT - B-2	6-17
607.00 GENERAL INDUSTRIAL DISTRICT - I-1.....	6-18

608.00	FLOOD HAZARD DISTRICT - FH-1.....	6-21
609.00	HISTORIC OVERLAY DISTRICT	6-30
610.00	AGRICULTURAL/FORESTAL OVERLAY DISTRICT	6-36
611.00	TC-O, TOURISM CORRIDOR OVERLAY DISTRICT	6-40
612.00	SOURCE WATER PROTECTION OVERLAY ZONE.....	6-48
ARTICLE 7. USE REGULATIONS.....		7-1
701.00	AREA REGULATIONS	7-1
702.00	ADDITIONAL BUILDINGS ON A SINGLE LOT	7-3
703.00	OFF-STREET PARKING.....	7-4
704.00	AUTOMOBILE GRAVEYARDS (DELETED 9/26/94)	7-8
705.00	HOME OCCUPATIONS	7-8
706.00	SIGNS	7-9
707.00	MANUFACTURED HOMES	7-22
708.00	NON-CONFORMING LOTS, BUILDINGS, AND USES	7-28
709.00	SPECIAL REGULATIONS FOR TOWNHOUSES.....	7-30
710.00	LIVESTOCK CONFINEMENT SYSTEMS	7-31
711.00	WIRELESS TELECOMMUNICATION FACILITIES	7-33
712.00	CLUSTERED DEVELOPMENTS.....	7-42
713.00	CONTINUING CARE RETIREMENT COMMUNITY	7-44
714.00	LANDING STRIPS	7-44
715.00	SMALL WIND ENERGY ORDINANCE	7-46
716.00	WOOD YARDS.....	7-49
ARTICLE 8. ADMINISTRATION.....		8-1
801.00	ZONING ADMINISTRATOR	8-1
802.00	ZONING AND BUILDING PERMIT PROCEDURES	8-1
803.00	CERTIFICATE OF OCCUPANCY.....	8-10
804.00	BOARD OF ZONING APPEALS	8-11
805.00	RULES OF PROCEDURE	8-12
806.00	POWERS AND DUTIES OF THE BZA.....	8-12
807.00	APPLICATION FOR VARIANCES	8-14
808.00	REQUESTING A HEARING BEFORE THE BZA	8-15
809.00	DECISION OF BOARD OF ZONING APPEALS	8-16
810.00	ADMINISTRATION OF SUBDIVISIONS	8-16
ARTICLE 9. SUBDIVISION REGULATION		9-1
901.00	SUBDIVISION REQUIREMENTS	9-1
902.00	STATUTORY PROVISIONS	9-1
903.00	PLATTING REQUIRED	9-2
904.00	REQUIREMENTS FOR STANDARD SUBDIVISIONS	9-3
905.00	UTILITY REQUIREMENTS	9-7
906.00	EROSION AND SEDIMENT CONTROL LAWS.....	9-8
907.00	PLAT REQUIRED - APPROVAL BEFORE SALE.....	9-8
908.00	FINAL PLAT	9-10
909.00	CONSIDERATION OF FINAL PLATS.....	9-12
910.00	SIMPLIFIED PLAT	9-13
911.00	VACATION OF PLAT	9-14

912.00	ADVERTISING STANDARDS.....	9-15
913.00	EXCEPTIONS	9-15
ARTICLE 10. SCHEDULE OF FEES.....		10-1
ARTICLE 11. VIOLATION AND PENALTY		11-1
1101.00	VIOLATION.....	11-1
1102.00	COMPLAINTS REGARDING VIOLATIONS.....	11-1
1103.00	PENALTIES	11-1
ARTICLE 12. LEGAL STATUS PROVISIONS.....		12-1
1201.00	CONFLICT WITH OTHER LAWS	12-1
1202.00	VALIDITY	12-1
1203.00	REPEALED RESOLUTIONS AND ORDINANCES	12-1
1204.00	EFFECTIVE DATE	12-1
ARTICLE 13. DEVELOPMENT PLAN REQUIREMENTS		13-1
1300.00	SITE PLAN REQUIREMENTS (APPROVED 7/23/2001).....	13-1
1301.00	STORMWATER MANAGEMENT PLAN.....	13-13
1302.00	LANDSCAPE REGULATIONS (APPROVED 5/29/2001).....	13-14
1303.00	OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS	13-26
TABLE 1. AREA AND SETBACK REQUIREMENTS		1-1
TABLE 2. RESIDENTIAL DISTRICT- AREA REQUIREMENTS.....		2-1
TABLE 3. FREE STANDING SIGNS		3-1
TABLE 4. DENSITY IN A-1 AND A-2 DISTRICTS		4-1
TABLE 5. DENSITY FOR CLUSTERS BY SPECIAL EXCEPTION		5-1
EXHIBIT 1. CERTIFICATES REQUIRED.....		1-1
EXHIBIT 2. SUBDIVISION CHECKLIST.....		2-1
FIGURE 1. ZONING ADMINISTRATION PROCESS.....		1-1
FIGURE 2. ADMINISTRATION OF SUBDIVISION REGULATIONS		2-1

ARTICLE 1. AUTHORITY AND ENACTMENT

101.00 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Article 7, §§15.2-2280 through 15.2-2316 (formerly Title 15.1, Chapter 11, Article 8, §§15.1-486 through 15.1-498), Code of Virginia (1950), as amended, the Governing Body of any County or Municipality may, by Ordinance, classify the territory under its jurisdiction into districts of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

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

102.00 AUTHORITY TO ESTABLISH SUBDIVISION

Whereas, by act of the General Assembly of Virginia as recorded in the Code of Virginia (1950), as amended, as Article 6, §§15.2-2240 through 15.2-2279 (formerly Article 7, §§15.1-465 through 15.1-485) requires the Board of Supervisors of Rockbridge County, Virginia to adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the County, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

- 102.01 For size, scale, and other plat details.
- 102.02 For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage.
- 102.03 For adequate provisions for drainage and flood control and other public purposes,

and for light and air.

- 102.04 For the extent to which, and the manner in which, streets shall be graded, graveled, or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed.
- 102.05 For the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as a part of a public system, or other improvement, financed or to be financed in whole or part by private funds only if the owner or developer: (1) certifies to the Governing Body that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Governing Body a certified check or cash escrow in the amount of the estimated costs of construction or personal, corporate, or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for, and conditioned upon, the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned or furnishes the Governing Body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form; provided, however, in the event a Governing Body of a County, wherein the highway system is maintained by the Virginia Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the State Highway System, then the Governing Body may, if so provided by its Subdivision Ordinance, require the subdivider or developer to furnish the County with a maintenance and indemnifying bond, with surety satisfactory to the Governing Body, in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the State Highway System or in lieu of such bond, a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form. "Maintenance of such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities, or other street improvements, including the correction of defects or damages and the removal of snow, water, or debris, so as to keep such road reasonably open for public usage.
- 102.06 For monuments of specific types to be installed establishing street and property lines.
- 102.07 That unless a plat be filed for recordation within six (6) months after final approval thereof or such longer period as may be approved by the Governing Body, such approval shall be withdrawn and the plat marked void and returned to the approving official.

- 102.08 For the administration and enforcement of such Ordinance, not inconsistent with provisions contained in this Article, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such Ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and Administrator's expense involved. All such charges heretofore made are hereby validated.
- 102.09 For payment by a subdivider or developer of land of his pro-rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost, which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development, bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the Governing Body may provide for the posting of a personal, corporate, or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.
- 102.10 For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia (1950), as amended. Only one (1) such division shall be allowed per family member, and shall not be for the purpose of circumventing this Subsection. For the purpose of this Subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- 102.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this Section within thirty (30) days after receipt of written notice by the subdivider or developer of

completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said subdivider or developer in writing of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety percent (90%) of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the Governing Body or State agency. For the purposes of this Subsection, a certificate of partial or final completion of such facilities from a duly licensed engineer or from a department or agency designated by the local government may be accepted without further inspection of such facilities.

103.00 ENACTMENT

Therefore, be it ordained by the Board of Supervisors of Rockbridge County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, Articles 6 and 7 (formerly Title 15.1, Chapter 11, Articles 7 and 8) of the Code of Virginia (1950), as amended, that the following be adopted as the Land Development Regulations of Rockbridge County, Virginia incorporating the County of Rockbridge Zoning Ordinance, as amended, and Subdivision Ordinance - Rockbridge County, Virginia.

ARTICLE 2. PURPOSES OF THE REGULATIONS

201.00 PURPOSES

The Rockbridge County Planning Commission and Board of Supervisors has undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public and accomplish the objectives of §15.2-2200 (formerly §15.1-427) by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 6, §15.2-2240, et seq. (formerly Article 7, §15.1-465 et seq.), the purposes of these Regulations are:

- 201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- 201.02 To reduce or prevent congestion in the public streets.
- 201.03 To facilitate the creation of a convenient, attractive, and harmonious community.
- 201.04 To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
- 201.05 To protect against destruction of, or encroachment upon, historic areas.
- 201.06 To protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation; or, loss of life, health, or property from fire, flood, panic, or other dangers.
- 201.07 To encourage economic development activities that provide desirable employment, and to enlarge the tax base.
- 201.08 To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for Rockbridge County, Virginia.
- 201.09 The subdivision standards and procedures are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and, to make possible the provision of public services in a safe, adequate, and efficient manner.

202.00 NON-EXCLUSIONARY INTENT

It is not the intent of these Regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within Rockbridge County; nor, is it the intent of this Ordinance to use public powers in any way to promote the separation within Rockbridge County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in [Section 201.00](#) herein.

ARTICLE 3. DEFINITIONS

301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

- 302.01 Abandonment. An antenna support structure is deemed abandoned when it ceases to be utilized for providing wireless service for a consecutive period of twelve (12) months.
- 302.02 Abattoir. A commercial slaughter house.
- 302.03 Above Ground Level (AGL). The distance measured from ground level at the base of a structure to an object or point on the structure such as antennas, lightning rods or other appurtenances.
- 302.04 Accessory Use or Structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 302.04A Administrative Review-Eligible Project. A telecommunications project that provides for:
- (1) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is: (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, State, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on underground projects since 1980; and (iv) designed to support small cell facilities; or

(2) The co-location on any existing structure of a wireless facility that is not a small cell facility.

(Sec. 302.04A Added by Ord. of 3-29-19)

- 302.05 Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 302.06 Administrator, The. The official charged with the enforcement of the Zoning Ordinance and/or Subdivision 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.
- 302.07 Agriculture. The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and, including any agricultural industry or business, such as fruit-packing plants, dairies or similar use, not including abattoir.
- 302.08 Airport. A place, either on land or on water, where aircraft may land to discharge or receive cargo and passengers, make repairs, or take in fuel.
- 302.09 Airport Hazard. Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.
- 302.10 Alley. A platted service way providing a secondary means of access to abutting properties.
- 302.11 Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 302.12 Alternative tower structure. Shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- 302.13 Animal Confinement. The keeping of animals within an enclosed building or an enclosed area of less than two (2) acres, on a year-round basis.
- 302.14 Animal or Poultry Husbandry. Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than ten (10) dogs, cats, or other customary pet animals for non-commercial purposes.
- 302.15 Antenna. Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television

communications.

- 302.16 Antenna Support Structure. Any structure designed for the primary purpose of supporting one (1) or more antennas including, but not limited to, self-supporting lattice towers, guyed towers and monopoles.
- 302.17 Apartment. A unit in a multi-family dwelling providing living for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or, any condominium unit of similar physical character, appearance, and structure.
- 302.18 Apartment Development. A development containing one (1) or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 302.19 Applicant. Any entity requesting approval to construct/install wireless facilities through the County's permitting process.
- 302.19A Auction Facility. A building and/or area, including an outdoor area, used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.
(Sec. 302.19A Added by Ord. of 6-27-22)
- 302.20 Automobile Graveyard. Any lot or place which is exposed to the weather upon which more than five (5) inoperable motor vehicles of any kind, which would not be economically practical to make operable, are placed, located, or found, including licensed automobile repair and towing facilities, e.g., body shops, garages, and service stations. In no event shall any automobile/motor vehicle graveyard contain more than nine (9) inoperable motor vehicles of any kind as defined herein; and, if so, such operator must become licensed as a wrecked/abandoned vehicle holding yard or junkyard/automobile motor vehicle salvage yard operator/dealer.
- 302.21 Automobile Service Station. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automobile washing.
- 302.22 Balloon Test. A technique utilizing a balloon to demonstrate the height of a proposed antenna support structure.
- 302.23 Basement. A story having part, but not more than one-half (½), of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

- 302.24 Bed and Breakfast Homestay. A short term rental where overnight accommodations plus breakfast in a private, owner-occupied home that provides one (1) to three (3) guest rooms for occasional bed and breakfast guests. Primary use of the home remains as a residence, not as a lodging establishment. Signs are generally not displayed on the property and all reservations are made in advance. Income derived from the bed and breakfast activity is a source of supplemental income and does not usually represent a primary source of income. (Sec. 302.24 Amended by Ord. of 6-25-18)
- 302.25 Bed and Breakfast Inn. A short term rental where overnight accommodations plus breakfast are provided in a private home that is primarily used for lodging even though the owners may live on the premises. Signs are displayed on the property which encourages direct bookings from the general public. Activity from the business enterprise provides a major source of income to the proprietors. (Sec. 302.25 Amended by Ord. of 6-25-18)
- 302.26 Board of Zoning Appeals. The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Ordinance.
- 302.27 Reserved. (Sec. 302.27 Deleted by Ord. of 6-25-18)
- 302.28 Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 302.29 Building, Accessory. A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use.
- 302.30 Building Code. The Virginia Uniform Statewide Building Code, as adopted by Rockbridge County and as amended.
- 302.31 Building, Height of. The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 302.32 Building Inspector. The building official appointed by the Board of Supervisors to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 302.33 Building, Main. A building in which is conducted the main or principal use of the lot on which said building is situated.

- 302.34 Campground. Campground shall mean any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devises as may be developed and marketed for camping; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation.
- 302.35 Carnival. A traveling or transportable group or aggregation of rides, shows, games, or concessions, or any combination thereof.
- 302.36 Cellar. A story having more than one-half (½) of its height below grade and which may not be occupied for dwelling purposes.
- 302.37 Child Care Center. Any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of §63.2-1701 (formerly §63.1-196) of the Code of Virginia (1950), as amended.
- 302.38 Circus. A traveling or transportable show or exhibition consisting of performance by persons and animals under one (1) tent or similar structure, with or without side shows.
- 302.39 Civil Twilight. Defined to begin in the morning and end in the evening when the center of the sun is geometrically six (6) degrees below the level of the horizon. This is the limit at which twilight illumination is sufficient, under good weather conditions, for terrestrial objects to be clearly distinguished. For practical purposes, since the sun moves one (1) degree every four (4) minutes, this equates to twenty-four (24) minutes before sunrise and twenty-four (24) minutes after sunset.
- 302.40 Clerk. The Clerk of the Circuit Court having jurisdiction in Rockbridge County.
- 302.41 Club/Lodge. Buildings and facilities, owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, to which a membership is required for participation and not operated primarily for a profit, nor to render a service which is customarily carried on as a business. Night clubs, residential clubhouses, and community centers are excluded.
- 302.42 Co-location. The shared use of an antenna support structure by two (2) or more wireless service providers or other entities that operate antennas.
- 302.43 Commission, The. The Rockbridge County Planning Commission.
- 302.44 Community Center. Community entertainment, recreation, or meeting place

operated by a non-profit organization.

- 302.45 Common Elements. All portions of a cooperative other than the units.
- 302.46 Condominium. A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.
- 302.47 Continuing Care Retirement Community. A planned development designed to provide residence and services for adults in a multi-use building complex.
- 302.48 Conversion Building. A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 302.49 Cooperative. Real estate owned or leased by a cooperative organization.
- 302.50 Cooperative Interest. A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 302.51 Cooperative Organization. Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 302.52 Cooperative Unit. A physical portion of the cooperative designed for separate tenancy.
- 302.53 Cottage Industry. An accessory use carried on by the occupant of a dwelling conducted either within the dwelling or an accessory building and meeting the following criteria: a small, non-polluting business or industry, employing fewer than five (5) workers and does not require the provision of public services, such as water or sewer service.
- 302.53A Country Club. A membership organization formed for recreational purposes which must include a club house and golf course, and may include driving ranges, practice areas, and associated buildings, such as maintenance buildings and golf cart storage buildings. The facility may include other recreational activities such as swimming pools, tennis courts and squash courts. Dining facilities, meeting rooms, lounges, and retail sales, may also be permitted as accessory uses. The facility may offer associated short-term rentals for the patrons of the club. The arrangement of the residential units is to be developed in such a manner so that, if the lot or parcel of land is ever subdivided, no substandard lots are created in terms of road standards, and area and setback requirements for that zoning District. Short-term rentals are limited to the type of dwelling allowed in the underlying zoning District.

(Sec. 302.53A Added by Ord. of 10-26-20)

302.54 Country Inn. A short term rental where overnight accommodations plus breakfast are provided in property that is primarily used for lodging. Owners may or may not live on the premises. Signs are displayed on the property which encourages direct bookings from the general public. A restaurant is operated on the premises which provides meals to guests and may provide meals to the general public.

(Sec. 302.54 Amended by Ord. of 6-25-18)

302.55 Cul-de-Sac. A circular turning area at the end of a dead-end street.

302.56 Cultural Art Center. A facility, or group of facilities, where a leasing fee or an admission fee is charged and groups or individuals gather for the purpose of participating in the creation of or enjoying arts and/or crafts, either within an enclosed structure or its vicinity, and where art shows, craft shows, and classes/demonstrations may be held.

(Sec. 302.56 Amended by Ord. of 1-24-22)

302.56A Cultural Music Center. A facility, or group of facilities, where a leasing fee or an admission fee is charged and groups or individuals gather for the purpose of listening to or participating in live music conducted within an enclosed structure.

(Sec. 302.56A Added by Ord. of 1-24-22)

302.57 Dairy. A commercial establishment for the manufacture and sale of dairy products.

302.58 Dairy, Farm. A livestock establishment where the production of milk is its primary purpose.

302.59 Developer. An owner of property being subdivided, whether or not represented by an agent.

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

302.61 District. A section of Rockbridge County within which the Zoning Regulations are uniform as referred to in the Code of Virginia (1950), as amended, §15.2-2280 (formerly §15.1-486).

302.62 Driveway. Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.

- 302.63 Dump Heap (Trash Pile). Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 302.64 Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.
- 302.65 Dwelling, Multi-Family. A building designated for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- 302.66 Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.
- 302.67 Dwelling, Two-Family (Duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other.
- 302.68 Dwelling Unit. One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 302.69 Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.
- 302.70 Electrical Engineer. An individual or firm licensed to practice electrical engineering by the Commonwealth of Virginia.
- 302.71 Engineer, Civil. An engineer registered by the Commonwealth of Virginia.
- 302.72 Entity. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- 302.73 Existing Facility. A telecommunications facility that exists or is under construction.
- 302.74 Fall Zone. An area within a radius equal to the height of the antenna support structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
- 302.75 Family. One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.

- 302.76 Family Day Care Home. Any private family home in which more than three (3) children are received for care, protection, and guidance during only part of the day, except children who are related by blood or marriage to the person who maintains the home, and meeting applicable licensing requirements for family day care homes of §63.2-1701 (formerly §63.1-196) of the Code of Virginia (1950), as amended.
- 302.77 Family, Immediate Member of. Any person who is a natural or legally defined off-spring, spouse, or parent of the owner.
- 302.78 Federal Aviation Administration (FAA). An agency of the federal government which regulates all activities affecting air navigation.
- 302.79 Federal Communications Commission (FCC). An agency of the federal government which regulates all intrastate, interstate and international wire, wireless, satellite and cable communications.
- 302.80 Fixture or Luminaire. The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
- 302.81 Flood. A general, temporary inundation of lands not normally covered by water.
- 302.82 Flood Base/One Hundred (100) Year. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance at occurring each year, although the flood may occur in any year).
- 302.83 Flood light. A luminaire or bulb which projects light in a specific direction in a wide beam, typically one hundred (100) degrees or more.
- 302.84 Floodplain. An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulations of runoff of surface waters from any source.
- 302.85 Flood Prone Area. Any land area susceptible to being inundated by water from any source.
- 302.86 Floodway. The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
- 302.87 Floor Area. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including any attic space

providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.

- 302.88 Foot-candles. The amount of light striking a surface. One (1) foot-candle is one (1) lumen per square foot. As a rough example: one (1) foot-candle is the amount of light given off by a wax candle striking a one (1) foot square surface, one (1) foot from the candle.
- 302.89 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, or from the front edge of the lot, than the building setback line as defined and required herein.
- 302.90 Full-cutoff (fco). A light fixture which cuts off all upward transmission of light.
- 302.91 Fully shielded. A fixture with housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.
- 302.92 Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 ½) times as many automobiles as there are dwelling units.
- 302.93 Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 302.94 Gardening. Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 302.95 General Store, Country. A single store which offers for sale primarily, most of the following articles: bread, milk, cheese, fresh meats and vegetables, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 302.96 Glare. Discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment.

- 302.97 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.
- 302.98 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.
- 302.99 Governing Body. The Board of Supervisors of Rockbridge County, Virginia.
- 302.100 Group Home. Any full-time child-caring institution operated by any person at any place other than in an individual's family home or residence, which does not care for more than twelve (12) children, and meeting the licensing requirements of §63.2-1701 (formerly §63.1-196) of the Code of Virginia (1950), as amended.
- 302.101 Guest Room. A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
- 302.102 Health Department. The Rockbridge County Health Department or its designated agent or representative.
- 302.103 Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- 302.104 Highway Engineer. The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.
- 302.105 Historical Area. An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
- 302.106 Hog Farm. A farm where swine are raised commercially as the principle farm enterprise.
- 302.107 Hog Pen. An enclosure for concentrated confinement or housing of swine. A hog pen shall be located at least two hundred (200) feet from the nearest residence, except that of the owner.
- 302.108 Home for Adults. Any place, establishment, or institution, including day-care centers for adults, operated to provide for care of four (4) or more adults who are aged, infirm, or disabled, except any facility or portion of a facility licensed by the State Hospital Board or the State Board of Health, and the home of any

individual who cares for only persons related to him by blood or marriage, and meeting applicable licensing requirements of §63.2-1701 (formerly §63.1-175) of the Code of Virginia (1950), as amended.

- 302.109 Home Garden. A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.
- 302.110 Home Occupation. An accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than members of the family residing on the premises, and the activities are conducted within the dwelling or accessory structure.
- 302.111 Hospital. An institution rendering medical, surgical, obstetrical, or convalescent care, including any institution licensed as a hospital by the State Hospital Board.
- 302.112 Hospital, Special Care. A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 302.113 Hotel. A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one (1) week in duration. The term “hotel” includes the term “motel.”
- 302.113A Hunt. The search for and pursuit of game.
(Sec. 302.113A Added by Ord. of 5-29-07)
- 302.113B Hunt Clubs. Buildings, facilities and property owned or operated by a business or club for the purpose of hunting and/or harvesting game and not operated primarily for a profit nor to render a service which is customarily carried on as a business. Membership may be required for participation.
(Sec. 302.113B Added by Ord. of 5-29-07)
- 302.114 IESNA. Illuminating Engineering Society of North America.
- 302.115 Junk Yard/Automobile Motor Vehicle Salvage Yard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
- 302.116 Kennel. Any location where raising, grooming, caring for or boarding of dogs, cats, or other small animals for commercial purposes is carried on.

- 302.117 Land Use Plan. The Land Use Element of the County of Rockbridge, as amended.
- 302.118 Lawn Party. A public fund-raising event held by a nonprofit group which includes, but is not limited to, rides, shows, games, or concessions.
- 302.119 Light 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.
- 302.120 Light source. The bulb and lens, diffuser, or reflective enclosure.
- 302.121 Light trespass. Light projected onto a property from a fixture not located on that property.
- 302.122 Livestock. Animals kept or raised for sale, use, or pleasure.
- 302.123 Livestock Confinement Facility, Existing. A livestock confinement facility which is occupied or has been occupied by commercial livestock for any period of time within the five (5) years prior to the one in which zoning approval is sought.
- 302.124 Livestock Confinement Systems. A livestock confinement facility shall mean the feeding and confining of more than three thousand (3,000) turkeys, nineteen thousand (19,000) broilers or layers, seventy (70) dairy cattle, eight-five (85) fat cattle, one hundred ten (110) horses, more than two hundred eighty (280) swine, three hundred (300) sheep; accessory building, uses and structures, including feed bins, waste storage and treatment facilities, incinerator, disposal pits or cold storage chests used for the collection of dead animals.
(Sec. 302.124 Amended by Ord. of 4-22-19)
- 302.125 Livestock Facility Operator. The owner or tenant of the livestock confinement facility and/or the land on which the facility is located.
- 302.126 Livestock Market. A commercial establishment wherein livestock is collected for sale and auctioned off.
- 302.127 Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
- 302.128 Lodge or Resort. A short term rental consisting of a building or group of buildings, in which lodging, or board and lodging, are provided and offered to the public for compensation. Where board is offered to the public, it shall be primarily for overnight guests at the lodge or resort. Cooking facilities may be provided in individual units. The main building or structure shall contain twenty-four (24) or less units. Eight associated structures of no more than five

(5) bedrooms each for rent may be provided. A restaurant may be operated on the premises which provides meals to guests and may provide meals to the general public.

(Sec. 302.128 Amended by Ord. of 6-25-18)

- 302.129 Lot. A numbered and measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 302.130 Lot, Corner. A lot abutting upon 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.
- 302.131 Lot Coverage. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 302.132 Lot, Depth of. The average horizontal distance between the front and rear lot lines.
- 302.133 Lot, Double Frontage (Through). An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 302.134 Lot, Interior. Any lot other than a corner lot.
- 302.135 Lot of Record. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk at the time of the adoption of this Ordinance.
- 302.136 Lot, Width. The average horizontal distance between side lot lines.
- 302.137 Lumens. The unit used to measure the actual amount of light that is produced by a bulb.
- 302.138 Main Use. The primary purpose for which land or a building is used.
- 302.139 Manufacture and/or Manufacturing. The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 302.140 Manufactured Home (Mobile Home). A structure intended for human habitation that is subject to Federal regulations, is transportable in one (1) or more sections, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected, is three hundred twenty (320) or more square feet in area. Such a

structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

- 302.141 Manufactured Home Park. Any development in which space is provided, whether leased or owned by the manufactured home owner, for three (3) or more manufactured homes intended for residential use for a period of time longer than thirty (30) days.
- 302.142 Mini/Micro Cell. An antenna support structure not exceeding eighty (80) feet in height.
- 302.143 Mitigation. The reduction or elimination of visual impacts through either concealment, camouflage and/or disguise.
- 302.144 Modular Building. A combination of one (1) or more building sections or modules, containing electrical, plumbing, heating, ventilation, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Such a structure is not built on a permanent chassis and designed to be used only with a permanent foundation.
- 302.145 Modular Home. A pre-manufactured dwelling unit, comprised of a combination of one (1) or more building sections or modules, containing electrical, plumbing, heating, ventilation, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Such a structure is not built on a permanent chassis and designed to be used only with a permanent foundation.
- 302.146 Motor Home or Camper. A unit or subunit which is or becomes self-propelled and is designed for human habitation on a short-term basis.
- 302.147 Non-Conforming Use of Structures. The otherwise legal use of a building or structure or of a tract of land that does not conform to the Use Regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 302.148 Non-Conforming Structure. A structure existing at the time of this Ordinance which does not conform to the requirements of this Ordinance by reason of height or condition, or by reason of its impingement upon required yard areas.
- 302.149 Non-Conforming Use of Land. A use of land existing at the time of the enactment of this Ordinance, or at the time of a zoning amendment, which does not conform to the Regulations of the use district in which it is located.
- 302.150 Nursing Home. Any facility or any identifiable component of any facility in

which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two (2) or more non-related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.

- 302.151 Off-Street Parking Space. The term “off-street parking space” shall mean a space at least eight (8) feet wide and twenty (20) feet in length with a minimum net area of one hundred sixty (160) square feet, excluding area for egress and ingress and maneuvering of vehicles.
- 302.152 Parks, Playgrounds, and Outdoor Recreation Areas. Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 302.153 Pen. A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 302.154 Plat. Includes the terms: map, plan, plot, re-plat, or re-plot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb “plat” is synonymous with “subdivide.”
- 302.155 Prefabricated Building. The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or sub-assemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at-site construction.
- 302.156 Private Dump Landfill. A site on which any solid waste or hazardous waste is placed, discarded, deposited, injected, disposed, dumped, or spilled, except for any site owned or leased by or operation conducted by the Governing Body of Rockbridge County.
- 302.157 Private, Non-Commercial Heliport. Property designed for the landings and takeoffs of one (1) helicopter based in the County. For purposes of this amendment, non-commercial means that no fees shall be paid to the landowner other than construction and maintenance fees from the persons whose helicopter is based at said heliport as is consistent with State law.
- 302.158 Private, Non-Commercial Landing Strip. Property designed for the landings and takeoffs of small, propeller driven aircraft (not including helicopters). For purposes of this amendment, non-commercial means that no fees shall be paid to

the landowner other than construction and maintenance fees from the persons whose planes are based at said landing strip as is consistent with State law.
(Sec. 302.158 Amended by Ord. of 2-12-07)

- 302.159 Private Seasonal Campground. A building or buildings, structure or structures, temporary or permanent, and related facilities, owned and/or operated by a corporation, association, group of individuals, or a private individual; established for the fraternal, social, educational, religious, recreational or cultural enrichment of users.
- 302.160 Professional. When used in connection with “use” and “occupancy,” a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stockbrokers, and administrative agencies considered professional in character. The term does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or obnoxious odors.
- 302.161 Property Owner. Any entity with fee simple title to any plot of land within the County.
- 302.162 Public Service or Storage Building. To include governmental facilities necessary for public health, safety, and welfare.
- 302.163 Public Water and Sewage Systems. A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving three (3) or more families which is properly licensed.
- 302.164 Public Utilities. Buildings, structures and facilities such as office complexes and equipment yards, power plants, substations and major transmission lines; data centers, water and wastewater transmission lines, water and wastewater treatment plants, pumping stations, tanks, wells and/or such similar operations, publicly or privately owned, furnishing electricity, gas, rail transport, communications, water and sewer or related services to the general public.
(Sec. 302.164 Amended by Ord. of 10-27-14)
- 302.165 Radio Frequency Engineer. An individual or firm with expertise in radio frequency propagation and engineering and maintaining a license to practice electrical engineering by the Commonwealth of Virginia.
- 302.166 Ramada. A structure erected over a manufactured home for the purpose of providing shade or shelter.
- 302.167 Range Turkey Operations. The keeping of three thousand (3,000) or more turkeys on two (2) acres or more, for any portion of the year, whereby the birds

are allowed to roam freely on the property.

- 302.168 Required Open Space. Any space required in any front, side, or rear yard.
- 302.169 Residential Use. Any place, building, or establishment used in whole or in part as a dwelling.
- 302.170 Restaurant. Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.
- 302.171 Restaurant, Drive-In. An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.
- 302.172 Retail Stores and Shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, newsstand, food store, candy shop, milk dispensary, dry-goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, and beauty and barber shop.
- 302.173 Ridgeline/Ridge Top. A natural landform as defined in the Comprehensive Plan.
- 302.174 Right-of-Way. Access over or across particularly described property for a specific purpose or purposes.
- 302.175 Right-of-Way Line. The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.
- 302.176 Sawmill. A mill or machine for the processing of timber.
- 302.177 Secondary Support Structure. Any structure designed primarily for other purposes that can be utilized to support antennas including, but not limited to, buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks and silos.
- 302.178 Setback. The minimum distance by which any building structure must be separated from the front lot line.
- 302.179 Setback Line. A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground.

- 302.179A Shooting Range, Indoor. A totally enclosed facility that is designed to offer a controlled shooting environment that includes impenetrable walls to small arms fire, floor and ceiling, adequate ventilation and lighting systems suitable for the range's approved use.
(Sec. 302.179A Added by Ord. of 5-29-07)
- 302.179B Shooting Range, Outdoor. A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, sporting clay, skeet, trap, black powder or other similar shooting sport in an outdoor environment operated as either a business or club. Excluded from this use type shall be general hunting, and unstructured and not regularly scheduled discharging of firearms on private property with the property owner's permission as well as re-enactments, youth summer camps and not-for-profit fund-raising events such as turkey shoots and the Jakes program affiliated with the National Wild Turkey Federation and other such education programs. Existing facilities per date of this amendment shall be grandfathered and may be allowed an expansion of up to thirty percent (30%) beyond current land usage. Further expansion shall require a Special Exception Permit.
(Sec. 302.179B Added by Ord. of 5-29-07)
- 302.179C Short Term Rental. The provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days.
(Sec. 302.179C Added by Ord. of 6-25-18)
- 302.180 Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 302.181 Sign Area. The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 302.182 Sign, Business. A sign painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.
- 302.183 Sign, Directional. A directional sign is one (1) (one (1) end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of same and distance.

- 302.183A Sign, Electronic Message Center (EMC). A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology and may be changed by remote or automatic means.
(Sec. 302.183A Added by Ord. of 8-23-10)
- 302.184 Sign, Locational. An on-premise sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.
- 302.185 Sign, Home Occupation. A sign directing attention to a product, commodity, or service available on the premises; but which product, commodity, or service is clearly a secondary use of the dwelling.
- 302.186 Sign, Outdoor Advertising. A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 302.187 Sign Structure. A structure, including the supports, uprights, bracing and framework be it single-faced, double-faced, V-type, or otherwise, which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 302.188 Sign Structure Facing. The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 302.189 Sign, Temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.
- 302.190 Sinkhole. Any closed depression formed by removal (typically underground) of water, surficial soil, rock, or other material. The existence of a sinkhole shall be as indicated by the closed depression contour lines on the U.S.G.S. 7.5 Minute Series Quad Maps or other documents as approved by the County. Its actual limits may, however, be determined by field measurements with concurrence of the County Engineer. Sinkholes may be either circular in plan or irregular, depending upon structural control.
- 302.191 Site Plan. The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable Sections of this Ordinance.

- 302.191A Small Cell Facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
(Sec. 302.191A Added by Ord. of 3-25-19)
- 302.191B Special Events. Weddings, receptions and reunions which are advertised or marketed in any form including, but not limited to, posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services; and/or whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria. Events regulated under Chapter 4, Article II of the County Code do not fall under this definition or associated requirements, and a special event for which a Special Exception Use Permit has been issued under these Regulations shall be exempt from Chapter 4, Article II of the County Code.
(Sec. 302.191B (formerly 302.191A) Added by Ord. of 5-27-14; Sec. 302.191B Amended by Ord. of 3-25-19)
- 302.192 Spotlight. A luminaire or bulb which projects light in a specific direction in a narrow beam, typically forty-five (45) degrees or less.
- 302.193 Stealth Structure. Any structure designed to conceal or disguise wireless telecommunications facilities including, but not limited to, flag poles, silos, tree poles, lookout towers, micro poles, internal antenna and partial screening.
- 302.194 Story. That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 302.195 Street Centerline. A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- 302.196 Street, Half. A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 302.197 Street, Internal. A private street providing access to lots within a development,

but not including driveways.

- 302.198 Street Line. The dividing line between a street or road right-of-way and the contiguous property.
- 302.199 Street, Major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.
- 302.200 Street, Other. A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 302.201 Street (Road). Any public thoroughfare; or any private thoroughfare providing access to three (3) or more lots, or abutting property, but not including driveways.
- 302.202 Street, Service Drive. A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 302.203 Street Width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.
- 302.204 Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 302.205 Structural Engineer. An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.
- 302.206 Subdivider. Any person owning a tract or parcel of land to be subdivided.
- 302.207 Subdivision. The division of a lot or parcel of land into two (2) or more resulting lots or parcels of land. The term subdivision shall include:
- (1) Standard Subdivision. The division of a lot or parcel of land into three (3) or more resulting lots or parcels of land, any one (1) of which is less than twenty (20) acres. See [Section 904.00](#) for public and private road design requirements.
 - (2) Large Lot Subdivision. The division of a lot or parcel of land into three (3) or more resulting lots or parcels of land of twenty (20) acres or greater. See [Section 904.00](#) for public and private road design requirements.
 - (3) Lot Subdivision. The division of a lot or parcel of land into two (2) resulting lots or parcels of land. Under this category, only one (1)

division of an existing parcel of land is allowed per calendar year. New lots so created not fronting on a street or road shall have a minimum right-of-way of twenty (20) feet in width providing ingress and egress to a public street. A maximum of two (2) lots may be served by a private driveway. See [Section 904.00](#) for public and private road design requirements.

- (4) Family Subdivision. A single division of a lot or parcel for the purpose of sale, gift or devise to a member of the immediate family of the owner. Only one (1) such division shall be allowed per family member, and shall not be for the purpose of circumventing the provisions of the Subdivision Ordinance. For the purpose of this Subdivision, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. Lots so created shall have a right-of-way of not less than ten (10) feet or more than twenty (20) feet in width providing ingress and egress to a public street. For a period of five (5) years after approval of the family subdivision plat, the lot may not be voluntarily transferred to anyone other than an immediate family member of the property owner requesting such subdivision, except such conveyance as may be necessary for a mortgage or deed of trust to secure financing upon the property. Exceptions to this requirement may be considered per [Section 913.00](#) of these Regulations.
(Sec. 302.207(4), formerly Sec. 302.207(d), Amended by Ord. of 2-23-09)
- (5) Agricultural Subdivision. The “bona fide” division of agricultural land for agricultural purposes.
- (6) Adjacent Land. A division which is solely for the purpose of sale or transfer of a parcel of land to the owner(s) of an adjacent parcel of land for the purpose of adjusting the boundary lines, providing access or adding land area to an existing parcel; with each of the resulting parcels to be treated as one (1) tract and explained in the deed.¹

302.207-1 Standard Subdivisions must be approved per [Sections 907.00](#), [908.00](#) and [909.00](#). Subdivisions defined in paragraphs (2), (3), (4), (5) and (6) above may be approved administratively. Plat requirements are the same.

302.207-2 The term “subdivide” includes the re-subdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided.

¹ [September 2014] The above Subsections have been renumbered (1)-(6), formerly (a)-(f), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 302.207-3 The term “subdivide” shall not include a Court-ordered partition.
- 302.208 Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- 302.209 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of a State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a “historic structure” provided that the alteration will not preclude the structures continued designation as a “historic structure.”
- 302.210 Surveyor. A land surveyor certified by the Commonwealth of Virginia.
- 302.211 Telecommunication Facility. Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.
- 302.212 Television and/or Radio Stations. A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 302.213 Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge. Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 302.214 Tourist Home. A short term rental where only lodging is provided for compensation for up to five (5) bedrooms.
(Sec. 302.214 Amended by Ord. of 6-25-18)
- 302.215 Tower Developer. Any entity that builds antenna support structures for the sole purpose of leasing space to wireless service providers.
- 302.216 Townhouse. A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the

outside is provided, and in which the major orientation of the unit is vertical rather than horizontal.

- 302.217 Townhouse Development. One (1) or more single-family dwellings containing townhouses, with accessory parking, open space, and recreational and management facilities.
- 302.218 Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary occupancy for travel, recreation, or vacation; being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.
- 302.219 Travel Trailer Park or Travel Trailer Camp. Premises where travel trailers are parked temporarily in conjunction with travel, recreation, or vacation.
- 302.220 Tree. A woody perennial plant having a single main stem.
- 302.221 Truck Relay Station. Land and buildings used as a relay station for the transfer of a load from one (1) vehicle to another or the exchange of drivers from one (1) to another. The relay station is not to be used for permanent or long-term storage for more than two (2) days. The terminal facility may include areas for the repair of trucks associated with the terminal.
- 302.222 Truck Stop. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of forty (40) or more commercial vehicles per day is conducted or rendered, including the dispersing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories, or equipment for the trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
- 302.223 Truck Terminal. Land and buildings used as a relay station for the transfer of a load from one (1) vehicle to another or one (1) party to another. The truck terminal cannot be used for permanent or long-term storage for more than seven (7) days for principal uses at other locations. The terminal facility may include storage or repair areas for trucks associated with the terminal.
- 302.224 Use, Accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 302.225 Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height,

area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts.

- 302.226 Wayside Stand, Roadside Stand, Wayside Market. Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 302.227 Winter Recreational Facilities. Ski areas and ice skating facilities, including lodge and accessory buildings and parking area.
- 302.228 Wireless Facility. All infrastructure and equipment including, but not limited to, antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.
- 302.229 Wireless Service Provider. Any entity operating under a license issued by the FCC to provide wireless telecommunications services.
- 302.229A Wood Yard. Any parcel of land, or portion thereof, where the primary use of the land is for the commercial storing and marketing of logs.
(Sec. 302.229A Added by Ord. of 12-13-21)
- 302.230 Wrecked/Abandoned Vehicle Holding Yard. A parcel or lot upon which not more than thirty (30) abandoned or wrecked vehicles are stored while awaiting proper authorization for disposal.
- 302.231 Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky, except where encroachments and accessory buildings are expressly permitted.
- 302.232 Yard, Front. An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 302.233 Yard, Rear. An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.
- 302.234 Yard, Side. An open, unoccupied space, excluding steps, on the same lot with a

main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

302.235 Zoological Garden. A garden or park where wild animals are kept for exhibition.

ARTICLE 4. ESTABLISHMENT OF DISTRICTS

401.00 DIVISION OF ROCKBRIDGE COUNTY INTO DISTRICTS

For the purposes of this Ordinance, Rockbridge County is divided into zoning districts named and described in the following Sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map maintained in the office of the Zoning Administrator and shown as originally adopted within Article 12, Zoning Map et seq.

402.00 INCORPORATION OF THE ZONING MAP

The Zoning Map, entitled the “Official Zoning Districts Map for Rockbridge County Virginia”, dated 1972, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

403.00 MAP AMENDMENT

If, in accordance with the provisions of [Article 8](#) herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Governing Body, together with a numerical entry referring to the application for the amendment, submitted in accordance with [Article 8](#) herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Governing Body. Amendments to this Ordinance which involve matter portrayed on the Official Zoning Map shall become effective immediately upon being entered onto the Official Zoning Map. The Rockbridge County Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the County. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

404.00 REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning

Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

405.00 RULES FOR DETERMINING BOUNDARIES

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- 405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, center lines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.
- 405.02 District boundaries indicated as approximately parallel to the center lines of streams, roads, highways, or rights-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 405.03 Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Governing Body in accordance with [Article 8](#) of this Ordinance.
- 405.04 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- 405.05 Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- 405.06 If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board which shall determine the boundary in accordance with [Section 807.00](#) of this Ordinance.
- 405.07 In case the exact location of a boundary cannot be determined by the foregoing methods, the Board shall, upon application, determine the location of the

boundary, in accordance with [Article 8](#) of this Ordinance.

ARTICLE 5. APPLICATION OF ZONING REGULATIONS

The Regulations established herein within each district shall be minimum Regulations and shall be uniformly applied to each class of structure or land, except as hereinafter provided.

501.00 USES

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the Regulations herein specified for the district in which it is or is to be located. No use shall be allowed in any district unless said use is specifically described as a permitted use within said district.

501.01 Permitted Uses. A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted, is in accordance with other Regulations herein and requires building or structural alteration, a Zoning and Building Permit will be issued without a public hearing. Agricultural construction shall not require the issuance of a Zoning and Building Permit and shall be exempt from the Uniform Statewide Building Code requirements per §36-97 of the Code of Virginia (1950), as amended.

501.02 Special Exceptions. A use by special exception is one which may be allowed when the Rockbridge County Board of Supervisors, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the County and the public interest. Where the use is by special exception and requires building or structural alteration, a Zoning and Building Permit will be issued after such special exception has been approved by the Board of Supervisors.

502.00 BUILDINGS

No building shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is required or specified in the Regulations herein for the district in which it is located.

503.00 LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of

this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet.

504.00 GARDENING AND CHICKENS

Gardening and the keeping of up to six (6) female chickens shall be exempt from Zoning Permit requirements in any district allowing residential uses provided that such gardening and keeping of female chickens shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage. Roosters shall not be allowed. The minimum acreage requirement for keeping chickens shall be one (1) acre and any structures and pens erected for such purpose shall be located in the rear yard, twenty (20) feet off of any side or rear property lines. The chickens shall be required to be contained within a pen at all times.
(Sec. 504.00 Amended by Ord. of 3-28-11)

505.00 PERMITS ISSUED PRIOR TO ORDINANCE

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, if such construction does not commence within thirty (30) days after this Ordinance becomes effective, or if construction 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.

506.00 PAYMENT OF TAXES

Prior to initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than fifty percent (50%), for a Special Exception Permit, Special Use Permit, Variance, Rezoning or other Land-disturbing Permit, including Building Permits and Erosion and Sediment Control Permits, and prior to issuance of final approval, the applicant shall produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, have been paid. Any County official responsible for the issuance of any such permit shall ensure compliance with the provisions of this Section prior to issuance thereof. Provided, however, that any such permit or zoning action will not be denied solely on the basis of delinquent real estate taxes, penalties or interest when the applicant has one (1) of the following bona fide appeals pending (all references are to the Code of Virginia (1950), as amended:

- (1) Application for correction of an assessment of taxes pursuant to §58.1-3980;

- (2) Appeal of a local license tax pursuant to §58.1-3703.1;
- (3) Appeal by a political subdivision pursuant to §58.1-3982 of a correction of assessment of local taxes; or,
- (4) Appeal of a local tax or local business tax pursuant to §58.1-3983.1.²
(Sec. 506.00 Added by Ord. of 11-26-12)

² **[September 2014]** The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

ARTICLE 6. USES IN DISTRICTS

601.00 CONSERVATION DISTRICT - C-1

- 601.01 Statement of Intent. This District covers portions of the County which are occupied by various open uses, such as National Forests and Parks, State-owned forest and park lands, and local government-owned lands. This District is established for the specific purpose of providing recreation and open space uses, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. It is the intent of this Article that no private dump or landfill be allowed in the C-1 Conservation District.
- 601.02 Permitted Uses. Within the Conservation District C-1, the following uses are permitted:
- 601.02-1 Wildlife areas or game refuges.
 - 601.02-2 Flood control and watershed structures.
 - 601.02-3 Parks and recreation or educational areas.
 - 601.02-4 Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures.
 - 601.02-5 Public service or storage buildings.
 - 601.02-6 (deleted 8/4/92).
 - 601.02-7 Nursery or tree farms.
 - 601.02-8 Fish hatcheries.
 - 601.02-9 Cemeteries.
 - 601.02-10 Timber production, forests.
- 601.03 A return of public lands by sale or trade into private ownership shall cause such lands to revert to the zoning of the surrounding district.
- 601.04 Abandoned highway right-of-ways revert to the zoning of the adjacent land.
- 601.05 Special Exceptions. In Conservation District C-1, special exceptions may be granted for one (1) or more of the following uses:

601.05-1 Campground.

601.05-2 Private seasonal camp.

602.00 AGRICULTURAL AND LIMITED USES DISTRICT - A-1

602.01 Statement of Intent. The Agricultural and Limited Uses District (A-1) is created in Rural Planning Areas to protect and maintain important agricultural and forestry lands, mountain areas, natural and scenic resources, critical watersheds, sensitive environmental areas, and other large tracts of land of rural character within the County in accordance with goals of the Comprehensive Plan. It is the intent of this District to promulgate existing farm and forestry operations, conserve natural features and vegetation, protect wildlife habitat, promote new agricultural and forestry production, and encourage the conservation and maintenance of sensitive environmental areas.

Residential land uses which are not related to and supportive of active agricultural and forestry activities are not encouraged within the A-1 District. Such development would be better located in a designated Growth Area or a Village Residential area as designated on the Future Land Use Map of the adopted Comprehensive Plan. Pursuant to its adopted goals for new development, it is the intent of the County to concentrate its efforts to provide services and infrastructure within the designated Growth Areas. Conversely, individual residences, subdivisions and other uses in the Rural Planning Areas will receive a lower level of public service delivery than what would be provided to development located within the designated Growth Areas and Rural Village Areas.

(Sec. 602.01 Amended by Ord. of 5-27-08)

602.01-1 Minimum Lot Size and Density. In this District, the minimum lot size shall be two (2) acres. Density shall be subject to the sliding scale described in [Section 701.05](#) and [Table 4](#).

(Sec. 602.01-1 Added by Ord. of 5-27-08)

602.02 Permitted Uses. In the A-1 District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:

602.02-1 Agriculture to include livestock confinement systems and forestry.

602.02-2 Commercial plant nurseries and greenhouses.

602.02-3 Single-family dwellings.

602.02-4 Parks and playgrounds as part of an approved subdivision.

- 602.02-5 Hunt clubs.
- 602.02-6 Churches and cemeteries.
- 602.02-7 Cottage industries and home occupations.
- 602.02-8 Public service or public storage buildings.
- 602.02-9 Bed and breakfast home stay, bed and breakfast inn, tourist home.
(Sec. 602.02-9 Amended by Ord. of 6-25-18)
- 602.02-10 Manufactured homes as provided in [Article 7](#).
- 602.02-11 Signs as provided in [Article 7](#).
- 602.02-12 Accessory uses as defined in [Article 3](#).
(Sec. 602.02 (Permitted Uses) Amended by Ord. of 5-27-08)
- 602.03 Special Exceptions. In the A-1 District, Special Exception Use Permits may be granted for one (1) or more of the following uses:
- 602.03-1 Commercial horse show grounds.
- 602.03-2 Campground, private seasonal camp.
- 602.03-3 Country Inn.
- 602.03-4 Lodge or resort.
- 602.03-5 Mining.
- 602.03-6 Commercial sawmills.
- 602.03-7 Public Utilities as defined.
(Sec. 602.03-7 Amended by Ord. of 10-27-14)
- 602.03-8 Telecommunication facilities and wireless facilities.
- 602.03-9 Television and radio transmitting antennae.
- 602.03-10 Shooting clubs/ranges.
(Sec. 602.03-10 Amended by Ord. of 5-29-07)
- 602.03-11 Parks and playgrounds.
(Sec. 602.03 (Special Exceptions) Amended by Ord. of 5-27-08)

- 602.03-12 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 602.03-12 Added by Ord. of 11-24-08)
- 602.03-13 Special Events.
(Sec. 602.03-13 Added by Ord. of 5-27-14)
- 602.03-14 Wood Yards, subject to the provisions set forth in [Section 716.01](#) of these Regulations.
(Sec. 602.03-14 Added by Ord. of 12-13-21)

603.00 AGRICULTURAL AND GENERAL USES DISTRICT - A-2

- 603.01 Statement of Intent. The Agricultural and General Uses District (A-2) is created in Rural Planning Areas to protect and maintain important agricultural and forestry lands, natural and scenic resources, critical watersheds, sensitive environmental areas, and other large tracts of land of rural character within the County in accordance with goals of the Comprehensive Plan. It is the intent of this District to promulgate existing farm and forestry operations, conserve natural features and vegetation, protect river frontages and river basins, promote new agricultural and forestry production, and encourage the conservation and maintenance of sensitive environmental areas.

Residential land uses which are not related to and supportive of active agricultural and forestry activities are not encouraged within the A-2 District. Such development would be better located in a designated Growth Area or a Village Residential area as designated on the Future Land Use Map of the adopted Comprehensive Plan. Pursuant to its adopted goals for new development, it is the intent of the County to concentrate its efforts to provide services and infrastructure within the designated Growth Areas. Conversely, individual residences, subdivisions and other uses in the Rural Planning Areas will receive a lower level of public service delivery than what would be provided to development located within the designated Growth Areas and Rural Village Areas.

(Sec. 603.01 Amended by Ord. of 5-27-08)

- 603.01-1 Minimum Lot Size and Density. In this District, the minimum lot size shall be two (2) acres. Density shall be subject to the sliding scale described in [Section 701.05](#) and [Table 4](#).
(Sec. 603.01-1 Added by Ord. of 5-27-08)

- 603.02 Permitted Uses. In the A-2 District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:

- 603.02-1 Agriculture to include livestock confinement systems and forestry.

- 603.02-2 Commercial plant nurseries and greenhouses.
- 603.02-3 Single-family dwellings.
- 603.02-4 Schools, public.
- 603.02-5 Parks and playgrounds as part of an approved subdivision.
- 603.02-6 Churches and cemeteries.
- 603.02-7 Cottage industries and home occupations.
- 603.02-8 Hunting clubs.
- 603.02-9 Horse show grounds and riding rings.
- 603.02-10 Public service or public storage buildings.
- 603.02-11 Bed and breakfast home stay, bed and breakfast inn, tourist home.
(Sec. 603.02-11 Amended by Ord. of 6-25-18)
- 603.02-12 Manufactured homes as provided in [Article 7](#).
- 603.02-13 Accessory uses as defined, however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main buildings shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 603.02-14 Signs as provided in [Article 7](#).
(Sec. 603.02 (Permitted Uses) Amended by Ord. of 5-27-08)
- 603.03 Special Exceptions. In the A-2 District, special exceptions may be issued for one (1) or more of the following uses:
- 603.03-1 Lodge or resort, country inn.
- 603.03-2 Club/lodges.
- 603.02-3 Golf courses, frisbee golf courses.
- 603.03-4 Private, non-commercial landing strips, or heliports.
- 603.03-5 Veterinary hospital, commercial kennels.
- 603.03-6 Country general stores, antique shops.

- 603.03-7 Farm machinery repair business.
- 603.03-8 Livestock auction markets.
- 603.03-9 Public Utilities as defined.
(Sec. 603.03-9 Amended by Ord. of 10-27-14)
- 603.03-10 Telecommunication facilities and wireless facilities.
- 603.03-11 Junked storage and automobile graveyards/holding yards/salvage yards.
- 603.03-12 Television and radio transmitting antennae.
- 603.03-13 Mining operations.
- 603.03-14 Commercial sawmills.
- 603.03-15 Campgrounds and private seasonal camp.
- 603.03-16 Manufactured Home Park in accordance with special provisions in [Article 7](#).
- 603.03-17 Zoological Gardens.
- 603.03-18 Cultural Art Centers.
(Sec. 603.03-18 Amended by Ord. of 1-24-22)
- 603.03-18A Cultural Music Centers.
(Sec. 603.03-18A Added by Ord. of 1-24-22)
- 603.03-19 Shooting clubs/ranges.
(Sec. 603.03-19 (formerly 603.03-20) Amended by Ord. of 5-29-07)
- 603.03-20 Schools, private.
- 603.03-21 Parks and playgrounds.
(Sec. 603.03 (Special Exceptions) Amended by Ord. of 5-27-08)
- 603.03-22 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 603.03-22 Added by Ord. of 11-24-08)
- 603.03-23 Licensed preschool/child care centers.
(Sec. 603.03-23 Added by Ord. of 5-26-09)
- 603.03-24 Special Events.

(Sec. 603.03-24 Added by Ord. of 5-27-14)

- 603.03-25 Wood Yards, subject to the provisions set forth in [Section 716.01](#) of these Regulations.
(Sec. 603.03-25 Added by Ord. of 12-13-21)

603B.00 AGRICULTURAL TRANSITIONAL DISTRICT - A-T

- 603B.01 Statement of Intent. The Agricultural Transitional District (A-T) is created to provide a buffer between the more rural and more urban areas of the County. It is also intended to maintain the current allowable density for development, but may serve as a transitional zone where rezoning to more intensive districts may be considered. It is the intent of this District to accommodate development in selected rural areas which are located in the vicinity of the County's planned service areas for public infrastructure and facilities and where existing roads are adequate to accommodate additional traffic. Commonly accepted "rural by design" and "smart growth" principles adopted by the Comprehensive Plan should be employed.

Subdivisions of land must be sensitive to the physical scale and attributes of the surrounding rural areas. Cluster development is strongly encouraged within the A-T District. Each A-T cluster development must provide an "open space" parcel within the development. The subdivision lots must be designed so as to maximize the utility of the remaining open space tract for a bona fide agricultural, forestal, recreational, or other open space purpose.

- 603B.02 Permitted Uses. In the A-T District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:

- 603B.02-1 Single-family dwellings.
- 603B.02-2 Agriculture (not including livestock confinement systems as defined) and forestry.
- 603B.02-3 Schools, public.
- 603B.02-4 Parks and playgrounds as part of an approved subdivision.
- 603B.02-5 Churches and cemeteries.
- 603B.02-6 Cottage industries and home occupations, as defined.
- 603B.02-7 Public service or public storage buildings.
- 603B.02-8 Bed and breakfast homestay, bed and breakfast inn, tourist home.
(Sec. 603B.02-8 Amended by Ord. of 6-25-18)

- 603B.02-9 Manufactured homes as provided in [Article 7](#).
- 603B.02-10 Accessory uses as defined, however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main buildings shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 603B.02-11 Signs as provided in [Article 7](#).
- 603B.03 Special Exceptions. In the A-T District, special exceptions may be issued for one (1) or more of the following uses:
- 603B.03-1 Country general stores, antique shops.
- 603B.03-2 Commercial plant nurseries and greenhouses.
- 603B.03-3 Commercial horse show grounds and riding rings.
- 603B.03-4 Veterinary hospital, commercial kennels.
- 603B.03-5 Golf courses, frisbee golf courses.
- 603B.03-6 Country inn, lodge or resort.
- 603B.03-7 Club/lodges.
- 603B.03-8 Campground, private seasonal camp.
- 603B.03-9 Manufactured Home Park in accordance with special provisions in [Article 7](#).
- 603B.03-10 Two-family and multi-family dwellings on public water and sewer only.
- 603B.03-11 Nursing homes, Continuing Care Retirement Communities.
- 603B.03-12 Zoological gardens.
- 603B.03-13 Cultural Art Centers.
(Sec. 603B.03-13 Amended by Ord. of 1-24-22)
- 603B.03-13A Cultural Music Centers.
(Sec. 603B.03-13A Added by Ord. of 1-24-22)
- 603B.03-14 Public Utilities as defined.
(Sec. 603B.03-14 Amended by Ord. of 10-27-14)

- 603B.03-15 Television and radio stations, and transmitting antennae.
- 603B.03-16 Telecommunication facilities and wireless facilities.
- 603B.03-17 Schools, private.
- 603B.03-18 Parks and playgrounds.
(Sec. 603B.00 Added by Ord. of 5-27-08)
- 603B.03-19 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 603B.03-19 Added by Ord. of 11-24-08)
- 603B.03-20 Special Events.
(Sec. 603B.03-20 Added by Ord. of 5-27-14)

604.00 RESIDENTIAL GENERAL DISTRICT - R-1

- 604.01 Statement of Intent. This District is composed of certain quiet, low density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for residences, and to limit activities of a commercial nature. Uses related to nonresidential development should be designed to increase the vitality and attractiveness of this District as a living environment. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, golf courses, country clubs, and certain public facilities that serve the residents of the District. It is the intent of this Article that no private dump or landfill be allowed in the R-1 Residential General District.
(Sec. 604.01 Amended by Ord. of 5-27-08; Sec. 604.01 Amended by Ord. of 10-26-20)
- 604.02 Permitted Uses. In the R-1 District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:
- 604.02-1 Single-family dwellings.
- 604.02.2 Two-family dwellings.
- 604.02-3 Schools, public.
- 604.02-4 Churches and cemeteries.

- 604.02-5 Parks and playgrounds as part of an approved subdivision.
- 604.02-6 Home occupations as defined conducted by occupant.
- 604.02-7 Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 604.02-8 Reserved. (Sec. 604.02-8 Deleted by Ord. of 10-27-14)
- 604.02-9 Signs as provided in [Article 7](#).
- 604.02-10 Manufactured homes nineteen (19) feet or greater as provided in [Article 7](#).
(Sec. 604.02 (Permitted Uses) Amended by Ord. of 5-27-08)
- 604.03 Special Exceptions. In the R-1 District, special exceptions may be issued for the following uses:
- 604.03-1 Bed and breakfast homestay.
- 604.03-2 Nursing home, Continuing Care Retirement Community.
- 604.03-3 Public Utilities as defined, but not to include office complexes and equipment yards, power plants, substations, data centers, and water and wastewater treatment plants.
(Sec. 604.03-3 Amended by Ord. of 10-27-14)
- 604.03-4 Schools, private.
- 604.03-5 Parks and Playgrounds.
(Sec. 604.03 (Special Exceptions) Amended by Ord. of 5-27-08)
- 604.03-6 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 604.03-6 Added by Ord. of 11-24-08)
- 604.03-7 Golf Courses.
(Sec. 604.03-7 Added by Ord. of 10-26-20)
- 604.03-8 Country Clubs.
(Sec. 604.03-8 Added by Ord. of 10-26-20)

604B.00 RESIDENTIAL MIXED DISTRICT - R-2

604B.01 Statement of Intent. This District is created to allow for higher density residential uses and multi-family development in areas proposed for growth and supported by public water and sewer. Close proximity to commercial services is desirable to encourage pedestrian access and reduce auto dependence, thus, pedestrian and other non-motorized accesses are to be encouraged wherever appropriate. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for residences, and to prohibit all activities of a commercial nature. Development is allowed at a higher density than General Residential, but permitted uses are limited basically to single and multi-family dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the District. It is the intent of this Article that no private dump or landfill be allowed in the R-2 Residential Mixed District.

604B.02 Permitted Uses:

604B.02-1 Single-family dwellings.

604B.02-2 Two-family dwellings.

604B.02-3 Multi-family dwellings, apartments, condominiums, and cooperatives.

604B.02-4 Townhouses meeting the requirements in [Article 7](#).

604B.02-5 Schools, public.

604B.02-6 Churches and cemeteries.

604B.02-7 Parks and playgrounds as part of an approved subdivision.

604B.02-8 Home occupations as defined and conducted by occupant.

604B.02-9 Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.

604B.02-10 Reserved. (Sec. 604B.02-10 Deleted by Ord. of 10-27-14)

604B.02-11 Signs as provided in [Article 7](#).

604B.02-12 Manufactured homes nineteen (19) feet or greater in width as provided in [Article 7](#).

- 604B.03 Special Exceptions. In Residential Mixed R-2, special exceptions may be issued for the following uses:
- 604B.03-1 Bed and breakfast homestay.
- 604B.03-2 Nursing home, Continuing Care Retirement Community.
- 604B.03-3 Public Utilities as defined, but not to include office complexes and equipment yards, power plants, substations, data centers, and water and wastewater treatment plants.
(Sec. 604B.03-3 Amended by Ord. of 10-27-14)
- 604B.03-4 Schools, private.
- 604B.03-5 Parks and playgrounds.
(Sec. 604B.00 Added by Ord. of 4-14-08)
- 604B.03-6 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 604B.03-6 Added by Ord. of 11-24-08)

605.00 GENERAL BUSINESS DISTRICT - B-1

- 605.01 Statement of Intent. Generally, this District covers that portion of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations. It is the intent of this Article that no private dump or landfill be allowed in the B-1 General Business District.
- 605.02 Permitted Uses. Within the General Business District B-1, the following uses are permitted:
- 605.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores.
- 605.02-2 Bakeries and canneries.
- 605.02-3 Laundries, dry cleaning shops and clothes dyeing establishments.

- 605.02-4 One (1) or two (2) family dwellings meeting the area and setback requirements of the R-2 District if public water and sewer are available or the R-1 District if on a private drainfield and well or public water.
(Sec. 605.02-4 Amended by Ord. of 2-23-09)
- 605.02-5 Retail business or service establishments such as grocery, fruit, or vegetable stores, drug stores, barber and beauty and other personal service shops, hardware stores, clothing stores, liquor stores, florists, and food lockers.
- 605.02-6 Theaters, assembly halls, playhouses and dinner theaters.
- 605.02-7 Hotels and motels.
- 605.02-8 Banks and loan and finance offices, including drive-in types.
- 605.02-9 Churches and other places of worship, church school buildings, and cemeteries.
- 605.02-10 Libraries.
- 605.02-11 Hospitals, general.
- 605.02-12 Funeral home and/or mortuary.
- 605.02-13 Automobile service stations and garages (with major repair under cover).
- 605.02-14 Clubs and lodges.
- 605.02-15 Automobile sales.
- 605.02-16 Lumber and building supply (with storage under cover).
- 605.02-17 Plumbing and electrical supply (with storage under cover).
- 605.02-18 Carpenter, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any residential district.
- 605.02-19 Reserved. (Sec. 605.02-19 Deleted by Ord. of 10-27-14)
- 605.02-20 Restaurants, cafes, dairy product stores and soda fountains, and drive-in eating and refreshment establishments.
- 605.02-21 Newspaper offices and printing shops.

- 605.02-22 Business and professional offices.
- 605.02-23 Greenhouses.
- 605.02-24 Police, fire, and rescue squad stations.
- 605.02-25 Post offices.
- 605.02-26 Veterinary clinics, kennels and animal hospitals provided that any structure or premise used for such purposes shall be distant at least two hundred (200) feet from any residential district.
- 605.02-27 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, riding academies, livery stables, amusement parks, or similar recreational use or facility, if located at least two hundred (200) feet from any residential district.
- 605.02-28 Bus stations and taxi stands.
- 605.02-29 Radio and television broadcasting studios.
- 605.02-30 Public buildings and properties of a cultural, administrative, or service type.
- 605.02-31 Reserved. (Sec. 605.02-31 Deleted by Ord. of 2-23-09)
- 605.02-32 Parking garages and parking lots.
- 605.02-33 Business and vocational schools.
- 605.02-34 Off-street parking as required by this Ordinance.
- 605.02-35 Signs as provided in [Article 7](#), to include Electronic Fuel Pricing Signs.
(Sec. 605.02-35 Amended by Ord. of 11-25-13)
- 605.02-36 Museums.
- 605.02-37 Bowling alleys.
- 605.02-38 Bed and breakfast homestay, bed and breakfast inn, tourist home, and country inn.
(Sec. 605.02-38 Amended by Ord. of 6-25-18)
- 605.02-39 Nursing home.
- 605.02-40 Recreational vehicles and manufactured homes sales.
- 605.02-41 (deleted 6/26/95)

- 605.02-42 Child Care Centers.
- 605.02-43 (deleted 1/22/2007)
- 605.02-44 Propane storage and distribution station five hundred (500) gallons or less.
(Sec. 605.02-44 Added by Ord. of 7-26-10)
- 605.02-45 Cultural Art Centers.
(Sec. 605.02-45 Added by Ord. of 1-24-22)
- 605.02-46 Cultural Music Centers.
(Sec. 605.02-46 Added by Ord. of 1-24-22)
- 605.02-47 Upper and/or lower (basement) story apartments/condominiums; provided, at minimum, ninety percent (90%) of street level is in business use.
(Sec. 605.02-47 Added by Ord. of 3-27-23)
- 605.03 Special Exceptions. In General Business, special exceptions may be granted for one (1) or more of the following uses:
- 605.03-1 Wholesale, processing and light manufacturing not objectionable because of dust, noise, or odors.
- 605.03-2 Public billiard parlors and pool rooms, dance halls, and similar forms of public amusement.
- 605.03-3 Television and radio transmitting antennae.
- 605.03-4 Athletic fields, stadiums, and arenas.
- 605.03-5 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations.
(Sec. 605.03-5 Amended by Ord. of 10-24-16)
- 605.03-6 Circuses, carnivals, fairs, and sideshows.
- 605.03-7 Drive-in theaters provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway.
(Sec. 605.03-7 Amended by Ord. of 10-24-16)
- 605.03-8 Livestock market and sales pavilions.
- 605.03-9 (deleted 8/4/92)

- 605.03-10 Public Utilities as defined.
(Sec. 605.03-10 Amended by Ord. of 10-27-14)
- 605.03-11 Shooting range, indoor.
(Sec. 605.03-11 Amended by Ord. of 5-29-07)
- 605.03-12 Wholesale business, storage or warehouse.
(Sec. 605.03-12 Amended by Ord. of 10-24-16)
- 605.03-13 Manufactured home in accordance with the special provisions in [Article 7](#).
- 605.03-14 Campground.
- 605.03-15 Private seasonal camp.
- 605.03-16 Junkyards/automobile graveyards/holding yards/salvage yards.
- 605.03-17 Propane storage facility greater than five hundred (500) gallons.
(Sec. 605.03-17 Amended by Ord. of 7-26-10)
- 605.03-18 Truck stops, truck terminals, truck relay stations.
- 605.03-19 Zoological Gardens.
- 605.03-20 Increase in building height up to seventy-five (75) feet for architectural purposes,
not to increase habitable floor space beyond five (5) stories or for advertising
purposes.
(Sec. 605.03-20 Amended by Ord. of 7-22-19)
- 605.03-21 Helipad/Heliport.
- 605.03-22 Telecommunication facilities and wireless facilities.
- 605.03-23 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 605.03-23 Added by Ord. of 11-24-08)
- 605.03-24 Reserved. (Sec. 605.03-24 Deleted by Ord. of 3-27-23)
- 605.03-25 Contractors' equipment storage yards and/or associated shop/office.
(Sec. 605.03-25 Added by Ord. of 9-23-13)
- 605.03-26 Auction Facilities.
(Sec. 605.03-26 Added by Ord. of 6-27-22)

605.04 Requirements for Permitted Uses in General Business District B-1:

605.04-1 Final grading and site finishing are required on the parcel where uses are permitted in this District. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two (2) roads.

606.00 PLANNED BUSINESS DISTRICT - B-2

606.01 Statement of Intent. This District is intended to promote more suitable land use through improved levels of amenities; more appropriate and harmonious physical development and a better environment than generally realized through conventional Business District regulation. Within this District, the location of buildings, parking areas, and other open spaces shall be controlled so as not to be detrimental to adjoining properties or to the area in general.

606.02 Permitted Uses. Within the Planned Business District, all uses permitted in the General Business District (B-1) shall be permitted by special exception. See [Section 802.03](#) for administrative process.

606.02-1 In addition to the requirements of [Section 802.03](#), the following information shall be required at the time of application:

- (1) A plot plan indicating the location of present and proposed buildings, driveways, parking lots, signs, landscaping, and other necessary uses.
- (2) Preliminary plans for the proposed building or buildings.
- (3) A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing safety hazards, problems of noise, fire, or other factors that may be detrimental to the health and welfare of the area.
- (4) Engineering or architectural plans for the handling of any of the problems of the type outlined in paragraph (3) above, including the handling of storm water and sewers and necessary plans for the controlling of smoke or any other nuisances.
- (5) Any other information the Planning Commission or Board of Supervisors needs to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.³

³ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (a)-(e), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

606.03 Area Regulations. In this District, the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-1 District. The Board of Supervisors may modify these requirements after review of the proposed development plan.

606.03-1 There shall be a forty (40) foot setback from the front property line to the improvements and a twenty-five (25) foot setback from all adjoining property to the improvements. This twenty-five (25) foot setback shall act as a buffer. At least ten (10) feet of its width shall be landscaped and maintained with grass, trees, or shrubs. The remaining fifteen (15) foot width can also be maintained as above or can be utilized as part of the parking area, or simply left as open space, but no building or signs, or other structural improvements shall be erected upon it. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone, upon completion of the development of the project, shall be at or near the same grade or plane which existed prior to the development of the project, unless otherwise expressly reviewed and approved by the Planning Commission and the Board of Supervisors. The restrictions pertaining to the buffer zone shall not apply to that portion of the lot fronting on a public street or highway.

606.04 Signs.

606.04-1 All Regulations of [Article 7, Section 706.00](#) shall serve as standards for this District. The Board of Supervisors may modify these requirements after review of the proposed development plan.

607.00 GENERAL INDUSTRIAL DISTRICT - I-1

607.01 Statement of Intent. The primary purpose of this District is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this District is to:

- (1) Encourage the construction of and the continued use of land for industrial purposes.
- (2) Prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the District.
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.

(4) Encourage industrial parks.

It is the intent of this Article that no private dump or landfill be allowed in the I-I General Industrial District.⁴

- 607.02 Permitted Uses. Within the General Industrial District I-I, the following uses are permitted:
- 607.02-1 Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
- 607.02-2 Motor vehicle assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture.
- 607.02-3 Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- 607.02-4 Laboratories-pharmaceutical and/or medical.
- 607.02-5 Manufacture, compounding, processing packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- 607.02-6 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- 607.02-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- 607.02-8 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- 607.02-9 Building material sales yards, plumbing supplies storage.
- 607.02-10 Coal yards, lumber yards, feed and seed stores.
(Sec. 607.02-10 Amended by Ord. of 12-13-21)

⁴ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 607.02-11 Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- 607.02-12 Cabinets, furniture and upholstery shops.
- 607.02-13 Boat building.
- 607.02-14 Monumental stone works.
- 607.02-15 Wholesale businesses, storage warehouses.
- 607.02-16 Sawmills and planing mills.
- 607.02-17 Brick manufacture.
- 607.02-18 Off-street parking as required by this Ordinance.
- 607.02-19 Public Utilities as defined;
(Sec. 607.02-19 Amended by Ord. of 10-27-14)
- 607.02-20 Signs as provided in [Article 7](#), to include Electronic Fuel Pricing Signs.
(Sec. 607.02-20 Amended by Ord. of 11-25-13)
- 607.02-21 Truck stops, truck terminals, truck relay stations.
- 607.02-22 Public service or storage buildings.
- 607.02-23 Slaughterhouse and animal product processing plant meeting current USDA requirements with accessory retail.
(Sec. 607.02-23 Added by Ord. of 8-23-10)
- 607.02-24 Wood Yards, subject to the provisions set forth in [Section 716.01](#) of these Regulations.
(Sec. 607.02-24 Added by Ord. of 12-13-21)
- 607.03 Special Exceptions. In General Industrial I-1, special exceptions may be granted for one (1) or more of the following uses:
 - 607.03-1 Manufacture, production, or processing of aluminum.
 - 607.03-2 Airports.
 - 607.03-3 (deleted 7/22/91)
 - 607.03-4 Sand and gravel operations.

- 607.03-5 Mining operations.
- 607.03-6 Petroleum storage, Propane and Butane distribution facilities.
(Sec. 607.03-6 Amended by Ord. of 11-25-13)
- 607.03-7 Junk storage and automobile graveyards/holding yards/salvage yards.
- 607.03-8 Manufacture, production, or processing of asphalt and concrete.
- 607.03-9 Television and radio stations, and transmitting antennae.
- 607.03-10 Child Care Centers.
- 607.03-11 Telecommunication facilities and wireless facilities.
- 607.03-12 Wind Energy Systems and Micro Wind Systems per requirements in [Section 715.00](#) of these Regulations.
(Sec. 607.03-12 Added by Ord. of 11-24-08)
- 607.03-13 Food Education and Processing Center where classes and demonstrations in gardening, greenhouse operations, food safety and food preparation are conducted. Additionally, items such as meats, fish, fruits, vegetables, or specialty products such as puddings, gravies, jams and sauces are packed and sealed or processed for the producer and for distribution to the general public through both wholesale and retail sales.
(Sec. 607.03-13 Added by Ord. of 4-25-11)
- 607.04 Requirements for Permitted Uses in General Industrial District I-1:
- 607.04-1 Before a Building Permit shall be issued or construction commenced on any permitted use in this District or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.
- 607.04-2 Final grading and site finishing are required on parcels where uses are permitted in this District. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two (2) roads.
- 608.00 FLOOD HAZARD DISTRICT - FH-1**
- 608.01 Purpose of Flood Hazard District. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the

disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by: (a) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies; (b) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (c) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and, (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards. No abandoned vehicles permitted. It is the intent of this Article that no private dump or landfill be allowed in the FH-1 Flood Hazard District.

- 608.02 Applicability. These provisions shall apply to all lands within the County of Rockbridge identified as being in the one hundred (100) year floodplain as stipulated in this Ordinance.
- 608.03 Compliance. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provision of this Ordinance and any other applicable Ordinances and Regulations which apply to uses within the jurisdiction of this Ordinance.
- 608.04 Abrogation and Greater Restrictions. This Ordinance supersedes any Ordinance currently in effect in flood prone areas. However, any underlying Ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.
- 608.05 Definitions. Refer to [Section 302.00](#) for definitions of terms used throughout this Ordinance.
- 608.06 Description of Districts:
- 608.06-1 Basis of Districts. The various Floodplain Districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Rockbridge County, Virginia and incorporated areas prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated April 6, 2000, as amended.
- (1) The Flood-Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced

Flood Insurance Study, and as shown on the accompanying Flood Insurance Rate Map.

- (2) The Floodway District is delineated for purpose of this Ordinance using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surfaces elevation of that flood more than one (1) foot at any point. The areas included in the District are defined in the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
- (3) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough review by Rockbridge County.⁵

608.06-2 Overlay Concept:

- (1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain Districts shall serve as a supplement to the underlying district provisions.
- (2) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts, and those of any underlying districts, the more restrictive provisions and/or those pertaining to the Floodplain Districts shall apply.

⁵ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.⁶

- 608.07 Official Zoning Map. The boundaries of the Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this Ordinance and which shall be kept on file at the Zoning Official's Office.
- 608.08 District Boundary Changes. The delineation of any of the Floodplain Districts may be revised by the Board of Supervisors where natural or man-made changes have occurred, and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- 608.09 Interpretation of District Boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- 608.10 District Provisions. All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a Building Permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable Codes and Ordinances such as the Virginia Uniform Statewide Building Code and the Rockbridge Land Development Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable State and Federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or flood ways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any channels or flood ways of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission (a joint application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.

⁶ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

All applications for development in the Floodplain District and all Building Permits issued for the floodplain shall incorporate the following information:

- (1) For structures that have been elevated, the elevation of the lowest floor (including basement).
- (2) For structures that have been flood proofed (nonresidential only), the elevation to which the structure has been flood proofed.
- (3) The elevation of the one hundred (100) year flood.⁷

All manufactured homes to be placed or substantially improved within the Floodplain District shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

608.11 Flood way District. No new construction or development shall be permitted within the Flood way District.

608.11-1 Permitted Uses. In the Flood way District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- (3) Accessory residential uses such as yard areas, gardens, play areas, and pervious loading areas.
- (4) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport land strips, etc.⁸

⁷ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

⁸ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

608.11-2 Uses Permitted by Special Exception. The following uses and activities may be permitted by special exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance:

- (1) Structures except for manufactured homes accessory to the use and activities in Section (1) above.
- (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
- (3) Water-related uses and activities such as marinas, docks, wharfs, piers, etc.
- (4) Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby).
- (5) Temporary uses such as circuses, carnivals, and similar activities.
- (6) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
- (7) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable Codes and Ordinances.⁹

608.12 Flood-Fringe District. In the Flood-Fringe District and Approximated Flood-Fringe District the development, and/or use of land, shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable Codes and Ordinances.

608.13 Special Exceptions and Variances Additional Factors to Be Satisfied. In passing upon applications for special exceptions and variances, the Board of Supervisors and the Board of Zoning Appeals, respectively, shall satisfy all relevant factors

⁹ [September 2014] The above Subsections have been renumbered (1)-(7), formerly (a)-(g), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

and procedures specified in other sections of the Zoning Ordinance and the following factors:

- 608.13-1 The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within the Flood way District that will cause any increase in flood levels during the one hundred (100) year flood.
- 608.13-2 The danger that materials may be swept on to other lands or downstream to the injury of others.
- 608.13-3 The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- 608.13-4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- 608.13-5 The importance of the services provided by the proposed facility to the community.
- 608.13-6 The requirements of the facility for a waterfront location.
- 608.13-7 The availability of alternative locations not subject to flooding for the proposed use.
- 608.13-8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 608.13-9 The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
- 608.13-10 The safety of access to the property in time of flood of ordinary and emergency vehicles.
- 608.13-11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 608.13-12 Such other factors which are relevant to the purposes of this Ordinance: the Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a special exception or variance, to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters. Special exceptions and/or variances shall only be issued after the Board of Zoning Appeals has determined that the granting of such will not result in:

- (1) Unacceptable or prohibited increases in flood heights.

- (2) Additional threats to public safety.
- (3) Extraordinary public expense.
- (4) Create nuisances.
- (5) Cause fraud or victimization of the public.
- (6) Conflict with local laws or Ordinances.¹⁰

Special exceptions and/or variances shall only be issued after the Board of Zoning Appeals has determined that the special exception and/or variance will be the minimum relief to any hardship. The Board of Zoning Appeals shall notify the applicant for a special exception and/or variance, in writing, that the issuance of a special exception and/or variance to construct a structure below the one hundred (100) year flood elevation:

- (7) Increases the risks to life and property.
- (8) Will result in increased premium rates for flood insurance.¹¹

A record of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

608.14 Existing Structures in Floodplain Districts. A structure, or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

608.14-1 Existing structures in the Flood way District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100) year flood elevation.

¹⁰ [September 2014] The above Subsections have been renumbered (1)-(6), formerly (a)-(f), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

¹¹ [September 2014] The above Subsections have been renumbered (7)-(8), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 608.14-2 Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, located in any Floodplain District to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or flood proofed to the greatest extent possible, and/or reasonable.
- 608.14-3 The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a Floodplain District to an extent or amount of fifty percent (50%) of more of its market value, shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.
- 608.14-4 Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.
- 608.15 Flood Hazard Mitigation. Within the Floodplain District as delineated, the following additional provisions shall be met:
- 608.15-1 All electric water heaters, electric furnaces, and other critical electrical installations shall be permitted only at elevations at or above the level of the one hundred (100) year flood.
- 608.15-2 Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of flood waters.
- 608.15-3 Adequate drainage shall be provided to minimize exposure to flood heights.
- 608.15-4 The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated Floodplain District, including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Districts, proposed lots and sites, fills flood or erosion protective facilities, and areas subject to special deed restrictions.
- 608.16 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
- 608.17 Municipal Liability. The degree of flood protection, sought by the provisions of this Ordinance, is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts, will be free from flooding or flood damages. This

Ordinance shall not create liability on the part of Rockbridge County, or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

609.00 HISTORIC OVERLAY DISTRICT

609.01 Designation of Historic Overlay Districts. Pursuant to §§15.2-2283 and 15.2-2306 (formerly §§15.1-489 and 15.1-503.2), Code of Virginia (1950), as amended, the Board of Supervisors shall have the authority to designate landmarks and landmark sites having an important historical, architectural, or cultural interest, and to establish one (1) or more Historic Overlay Districts within the County. The boundaries of each such Historic Overlay District shall be delineated, by action of the Board of Supervisors, upon the official zoning map of Rockbridge County. The boundaries of the Historic Overlay Districts may be drawn so as to include within the District any lands which, by reason of proximity to the landmark or landmark site, would affect the historic character of the District. Historic Overlay Districts shall be in addition to, and shall overlap and overlay all other zoning districts, so that any parcel of land lying in an overlay district shall also lie in one (1) or more of the Zoning Districts provided for by this Ordinance.

609.02 Intent and Purpose of Historic Overlay Districts. The intent and purpose of the Historic Overlay District designation is: (1) to promote the economic and general welfare of the people of Rockbridge County by preserving and protecting familiar and valuable visual elements in the area; (2) to preserve historic sites, areas, and buildings; (3) to stabilize and improve property values by providing incentives for the upkeep and rehabilitation of older structures; (4) to protect against destruction of or encroachment upon historic areas by structures of incompatible or buildings or alterations to existing buildings of compatible design with a general harmony as to style, form, color, proportion, texture, and material with existing structures; and, (5) to promote local historical preservation efforts and to encourage the nomination of qualified historic properties to the National Register of Historic Places and the Virginia Landmarks Register.

609.03 Procedures for the Establishment of Historic Overlay Districts:

- (1) Applications for the establishment of a Historic Overlay District may be made by any property owner within the area proposed to be designated, or at the request of any member of the Board of Supervisors or Planning Commission.
- (2) The procedures for establishing a Historic Overlay District shall be the same procedures for rezoning in accordance with the Rockbridge County

Land Development Regulations and the Code of Virginia (1950), as amended.¹²

609.04 Standard for Designation of Historic Overlay Districts. The Board of Supervisors may create Historic Overlay Districts, provided such districts contain buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance to warrant conservation and preservation, or such districts involve one (1) or more the following factors:

- (1) Is closely associated with one (1) or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history.
- (2) Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of one (1) or more historic types, periods, or methods of construction, or which represents the work of an acknowledged master or masters.
- (3) Has yielded, or is likely to yield, information important to local, regional or national history.
- (4) Possesses an identifiable character representative of the architectural and cultural heritage of Rockbridge County.
- (5) Contains a landmark, landmark site, building or structural included on the National Register of Historic Places or the Virginia Landmarks Register, or has been designated either as a National or State of Virginia Historic District.¹³

609.05 Architectural Review Board. Upon the establishment of a Historic Overlay District, the Board of Supervisors shall appoint an Architectural Review Board for the purposes of administering this Section. The Board shall consist of five (5) members, all of whom shall be residents of Rockbridge County, with one (1) member to be appointed from each of the five (5) Magisterial Districts, giving preference to persons with an interest in the intent of this Ordinance, taking into consideration such things as experience, education or general knowledge.

¹² [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

¹³ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (a)-(e), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 609.05-1 Term of Office. The terms of office of members of the Board shall be for three (3) years, or until their successors are appointed, except those of the first Board, two (2) of whom shall be appointed for three (3) years, two (2) of whom shall be appointed for two (2) years, and one (1) of whom shall be appointed for one (1) year. Members may be reappointed for one (1) additional three (3) year term of office. Appointments for vacancies occurring on the Board shall be for the unexpired term. Members of the Board may receive such compensation as shall be authorized by the Board of Supervisors.
- 609.05-2 Officers. The Board shall choose annually its own Chairman, and Vice-Chairman who shall act in the absence of the Chairman, and such other officers as it deems necessary. Officers may be selected for additional one (1) year terms.
- 609.05-3 Meetings. The Board shall meet on a regular basis, or at the call of the Chairman, as may be required to process, hear and determine applications for Certificates of Approval as required by this Section. A quorum shall consist of at least three (3) members. All decisions of the Board shall be by majority vote of those present and voting. All meetings of the Board shall be publicly announced and shall be open to the public. The Board shall have the right to adopt rules of procedure for considering and acting on applications and for the conduct of its meetings and public hearings. No member of the Board shall participate in the consideration of any matter before the Board with respect to any property or application in which the member has an ownership or financial interest. Minutes or records of the Board's meetings and proceedings shall be maintained, with support provided by the Office of the County Administrator.
- 609.06 Responsibilities of Architectural Review Board. No building or structure, including signs as provided for in [Article 7](#), shall be erected, reconstructed, restored, altered, razed, demolished, or moved, within any Historic Overlay District delineated pursuant to the provisions of this Section, unless a Certificate of Approval has been issued by the Architectural Review Board, in accordance with this Section. Routine maintenance does not require the obtaining of a Certificate of Approval. Routine painting of the exterior of such buildings and structures (except for exterior masonry) shall not require the obtaining of a Certificate of Approval. Alterations, renovations, or reconstructions affecting only the interior of a structure shall not require the obtaining of a Certificate of Approval.
- 609.07 Procedure for Applications to the Architectural Review Board. Applications to the Architectural Review Board for a Certificate of Approval shall be submitted to the Zoning Administrator, with the following information:
- 609.07-1 Site Plan. A copy of a site plan or project description with such reasonable information shown thereon as shall be required by the Zoning Administrator.

- 609.07-2 New Construction or Alterations. Applications involving alterations or reconstructions and/or additions to existing structures, or the erection of any new structures, shall be accompanied by drawings showing all exterior features of the proposed alterations, reconstructions, additions or new construction. Such drawings or plans shall show exterior elevations, with details showing, as they relate to the exterior of the structure, the architectural design of the building, including proposed materials, textures, and colors and descriptions of or samples of materials and colors, and the plot plan or site layout, including all improvements affecting appearances such as walls, walks, terraces, plantings, accessory buildings, signs, lights, and other elements.
- 609.07-3 Photographs. In the case of applications for the demolition, razing, or moving of any structure, the applicant shall submit legible photographs showing all sides of the structure.
- (1) In the case of applications to alter, reconstruct, or make additions to a structure, the applicant shall submit legible photographs showing all sides of the structure.
- (2) In the case of applications to construct a new building, the applicant shall submit legible photographs showing all contiguous properties.¹⁴
- 609.07-4 Additional Information. The application, together with all supporting documents, shall be forwarded by the Zoning Administrator to the Chairman of the Architectural Review Board. The Architectural Review Board may request the applicant to submit additional information, before considering the application, in order to clarify and amplify the nature of the work to be performed.
- 609.08 Criteria for Acting on Applications for Certificate of Approval. The following criteria shall apply to actions on Applications for Certificates of Approval:
- 609.08-1 Applications to Raze, Demolish or Move. In passing upon an application to raze or demolish, in whole or in part, to move, or to remove or alter the exterior architectural appearance of any existing structure, the Architectural Review Board shall consider, among other things, the historic, architectural and aesthetic features of such structures, the nature and character of the surrounding area, and the use of such structure. The Board may refuse to approve an application for demolition, razing, or removal of any structure within the district if it deems the structure to be of such architectural or historical importance that the demolition, razing or removal will be detrimental to the public interest.

¹⁴ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 609.08.2 Application for New Construction, or Alternation, Reconstruction, or Additions. In passing upon an application for new construction, or for alteration, reconstruction, restoration, or an addition to an existing structure, the Architectural Review Board shall consider, among other things, the general design; the character and appropriateness of design; the scale of buildings in the vicinity; the visual impact of the project; the arrangement, texture, materials, and colors of the structure in question; the relation of such elements to similar features of other structures in the vicinity; and the extent to which the project will affect the overall character and continuity of the district. In addition to the aforementioned criteria, the Board will consider the “Standards for Rehabilitation” as promulgated by the United States Department of Interior, as amended from time to time.
- 609.08-3 Inspection of Site. The Architectural Review Board, at any time before acting upon an application, may visit and inspect the site involved in any application for a Certificate of Approval.
- 609.09 Decisions of the Architectural Review Board. The Architectural Review Board shall, within forty-five (45) days after receipt of a completed application for a Certificate of Approval: (1) grant a Certificate of Approval; (2) grant a Certificate of Approval with modifications or subject to conditions; or, (3) deny the application. In the case of any denial of an application, the Board shall state the reasons for the denial in a written statement to the applicant, and may make recommendations to the applicant in regard to changes or modifications in the design or the arrangement, texture, materials, and colors for the project, which would be acceptable to the Board upon re-application. Failure of the Architectural Review Board to act upon a completed application within the referenced forty-five (45) days shall result in such application being deemed approved as submitted.
- 609.09-1 Limitations on Certificates of Approval. A Certificate of Approval issued under this Section shall become null and void one (1) year after the date on which it was issued, unless the work authorized by such certificate is commenced within such one (1) year period. A Certificate of Approval shall relate solely to the work shown on the plans approved by such certificate, and it shall be unlawful to deviate from the plan so approved, without obtaining an amended certificate in the same manner as provided for in this Section for obtaining the original certificate.
- 609.09-2 Limitations on Re-application. No re-application for essentially the same project shall be reviewed by the Architectural Review Board within one (1) year of the denial of any application, except in cases where the applicant proposes to comply with recommendations or conditions set forth in the decision of the Board on the prior application.

- 609.10 Appeals to the Board of Supervisors. Any applicant aggrieved by any final decision of the Architectural Review Board, or any other party who appeared before the Board on an application for a Certificate of Approval who is aggrieved by any final decision of the Board, may appeal such decision to the Board of Supervisors, by filing a written petition to the Board of Supervisors within thirty (30) days of the final decision from which an appeal is being taken. If the Board of Supervisors accepts the petition for appeal (with such acceptance to be evidenced by written confirmation to the party appealing within thirty (30) days after the Board of Supervisors receives the Petition) the Board may: (1) affirm the decision of the Architectural Review Board in whole or in part; (2) may modify the decision in whole or in part; or, (3) may reverse the decision in whole or in part. All appeals to the Board of Supervisors shall be heard de novo, at a public hearing conducted in the same fashion as hearings conducted to consider amendments to the County Zoning Ordinance.
- 609.10-1 Appeals to the Circuit Court. Any party who participates in an appeal of a decision of the Architectural Review Board to the Board of Supervisors, who is a landowner aggrieved by any final decision of the Board of Supervisors, or if the Board of Supervisors fails to accept the written petition of appeal, such persons may appeal such decision to the Circuit Court for Rockbridge County, in accordance with §15.2-2306 (formerly §15.1-503.2) of the Code of Virginia (1950), as amended.
- 609.10-2 Rights of Owners in Demolition Cases. In addition to the rights to appeal hereinbefore set forth, the owner of any structure subject to the provisions of this Section, whose application for a Certificate of Approval to raze or demolish a structure has been denied, shall have the same rights and privileges as are more particularly set forth and described in §15.2-2306 (formerly §15.1-503.2 (A) (3)) of the Code of Virginia (1950), as amended.
- 609.11 Hazardous or Unsafe Buildings or Structures. Nothing in this Section shall prevent the razing or demolition of any building or structure within a Historic Overlay District, without a Certificate of Approval from the Architectural Review Board, which is in such an unsafe condition that it would endanger life or property under the provisions of the Virginia Uniform Statewide Building Code (Section 120 of the 1987 BOCA Basic Building Code) providing a written certificate to that effect is made by the Rockbridge County Building Inspector to the Architectural Review Board.
- 609.12 Punishment. Penalties for any violation of this Ordinance shall be administered consistent with the penalties set forth in [Article 11](#) of the Rockbridge County Land Development Regulations.
- 609.13 Validity. Each phrase, sentence, paragraph, section, or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or

provisions of this Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

- 609.14 Regulations and Activities of the Virginia Department of Transportation. The creation of a Historical Overlay District under this Section shall have no effect on the regulation and activities of the Virginia Department of Transportation, including, but not limited to, the acquisition of rights-of-way.

610.00 AGRICULTURAL/FORESTAL OVERLAY DISTRICT

- 610.01 Designation of Agricultural/Forestal Overlay Districts. Pursuant to Title 15.2, Chapter 43 (formerly Title 15.1 Chapter 36), Code of Virginia (1950), as amended, the Board of Supervisors (the Board) shall have the authority to establish Agricultural/Forestal Overlay Districts within the boundaries of Rockbridge County. The purposes of these Districts, which may be established for periods of from four (4) to ten (10) years, are: (i) to conserve, protect and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal product; (ii) to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, and aesthetic purposes; and, (iii) to provide a means for the mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the economy and an economic and environmental resource of major importance.

By creating the authority to establish Agricultural/Forestal Overlay Districts in the County, the Board of Supervisors does not desire or intend, either directly or indirectly, to restrict or to eliminate the current effective special assessment for agricultural, horticultural, forest or open space real estate land use taxation set forth at Chapter 25, Article III, Division 2 of the Code of the County of Rockbridge.

- 610.02 Description. Each district shall have a core of no less than two hundred (200) acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in such district if the nearest boundary of such parcel is within one (1) mile of the boundary of the core or if it is contiguous to a parcel in the district the nearest boundary of which is within one (1) mile of the boundary of the core.

- 610.03 Procedures for the Establishment of an Agricultural/Forestal Overlay District:

- 610.03-1 Applications for the establishment of an Agricultural/Forestal Overlay District may be made by any property owner or all property owners (of multi-owner districts) within the area proposed to be designated.

- 610.03-2 The procedures for establishing an Agricultural/Forestal Overlay District shall be the same procedures for rezoning in accordance with [Section 802.04](#) of the Rockbridge County Land Development Regulations and §15.2-2286 (formerly §15.1-491) of the Code of Virginia (1950), as amended.
- 610.03-3 Application shall consist of a completed application form from the Director of Planning and Zoning with witnessed signatures of all landowners in the district together with the United States Geological Survey 7.5 topographical maps that clearly shows the boundaries of the districts, the County Tax Maps identifying the properties and acreage involved and a Department of Transportation general highway map for the locality showing the general location of the proposed district. No fee shall be charged for the creation of an Agricultural/Forestal Overlay District, for adding parcels to the district, or for reviewing an existing district.
- 610.04 Requirements for Forming Agricultural/Forestal Overlay Districts:
- 610.04-1 The overlay concept applies only to land lying in Agricultural and Limited Uses District (A-1) and the Agricultural and General Uses District (A-2). The requirements of the Overlay District take precedence when there is conflict between provisions governing the underlying district(s) and provisions governing the more restrictive Overlay District.
- 610.04-2 Landowners applying for district designation agree not to subdivide their land to a more intensive non-agricultural or non-forestal use during the term of the district. Applying landowners and the County choose a term of between four (4) and ten (10) years. Subdivision is permitted for family members in accordance with current Zoning and Subdivision Ordinance provisions. Only lots that are solely for the purchase both by and from members of the immediate family (as defined in such Ordinance) or lots that are gifts both from and to such members of the immediate family shall be permitted.
- 610.04-3 No new non-agricultural or non-forestal uses and/or buildings, including dwellings, shall be permitted except that the construction of a dwelling for members of the owner's immediate family or for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property is permitted. Telecommunication facilities and wireless facilities shall be considered a utility as defined in [Section 302.00](#) and shall remain a use permitted by special exception in this Overlay District unless restricted by the individual rules governing such district.
- 610.04-4 Other permitted uses in the underlying Agricultural Districts described in [Sections 602.00](#) and [603.00](#) of these Regulations shall become non-conforming. These non-conforming uses may continue, but no new non-conforming uses will be permitted.

610.04-5 All included tracts shall be shown as separate parcels on the County real estate records.

610.05 Effects of Districts. The owners of land included within an agricultural/forestal overlay district shall enjoy the privileges over the use of their land as set forth in Title 15.2-4312, Chapter 43 (formerly Title 15.1-1512, Chapter 36), Code of Virginia (1950), as amended. These include, but are not limited to, the following:

- (1) Automatic qualification for use-value assessment if the requirements of 58.1-3229 et seq. are satisfied whether or not the County has this program. These include the following minimum acreage requirements: (i) agricultural or horticultural use consists of a minimum of five (5) acres; (ii) forest use consists of a minimum of twenty (20) acres; and, (iii) open-space use consists of a minimum of five (5) acres.
- (2) No local laws or Ordinances shall be enacted to unreasonably restrict or regulate farm structures or farming and forestry practices unless they bear a direct relationship to public health and safety.
- (3) It shall be the policy of all agencies of the Commonwealth to encourage the maintenance of farming and forestry in districts and all administrative regulations and procedures of such agencies shall be modified to this end insofar as is consistent with the promotion of public health and safety and with the provisions of any federal requirements.
- (4) Government and public service agency actions regarding land in districts such as infrastructure improvements, housing grants, and industrial development grants, shall consider the impact of their actions on the district, shall evaluate alternatives which would not require action within the district and shall file a notice of intent with the local government. Such action shall be reviewed by the local government in consultation with the Planning Commission and the Advisory Committee.
- (5) No special district for sewer, water or electricity or for non-farm or non-forest drainage may impose benefit assessments or special taxes levies on land used for primarily agricultural or forestal production within a district except a lot not exceeding one-half (1/2) acre surrounding a dwelling or non-farm structure.

610.06 Agricultural and Forestal Districts Advisory Committee. Upon receipt of the first agricultural/forestal district application, the Board shall establish an Advisory Committee pursuant to §15.2-4304 (formerly §15.1-1510) of the Code of Virginia. The Agricultural and Forestal Districts Advisory Committee shall consist of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the locality, the Commissioner of

Revenue or the County's chief property assessment officer, and a member of the Board. The Committee shall advise the County Planning Commission and the Board in creating, reviewing, modifying, continuing or terminating districts within the County.

- 610.07 Withdrawal. Any owner of land included in an agricultural/forestal district may apply to withdraw from the district by filing written notice to the Board at the Department of Planning and Zoning requesting permission to withdraw all or part of his/her land from the district according to §15.2-4314 (formerly §15.1-1513) of the Code of Virginia.
- 610.07-1 Each application for withdrawal from an agricultural/forestal district other than by-right withdrawal as allowed under §15.2-4314 (formerly §15.1-1511 B. 1.(v), F., or 15.1-1513 D.) of the Code of Virginia, shall be accompanied by a fee as outlined in [Article 10](#).
- 610.07-2 The Board, after receiving recommendations from the Planning Commission and the Agricultural and Forestal Districts Advisory Committee, shall conduct a public hearing. Upon demonstration of good and reasonable cause to include hardship, the Board may allow the landowner to withdraw his/her land from the district. In order to establish good and reasonable cause, the following criteria must be met:
- (1) The landowner must provide a written request to the Board for withdrawal of land from the district.
 - (2) The request must explain in detail the reason for withdrawal from the district.
 - (3) The landowner must demonstrate that withdrawal of his/her land from the district will not cause damage or disruption to the existing district or to the surrounding agricultural community.
 - (4) The landowner must show that withdrawal of his/her land from the district would be in compliance with the County's Comprehensive Plan and would not defeat the purpose for which the district was created.¹⁵
- 610.07-3 If the Board denies the landowner's request to withdraw, the landowner shall have thirty (30) days to appeal to the Rockbridge County Circuit Court. Upon withdrawal of land from the district, the land so withdrawn that derived the benefit of land use taxation solely as a result of joining the district shall be subject to roll-back taxes pursuant to §58.1-3237 (formerly §58-769.10), Code of Virginia. Land that was under land use taxation prior to joining the district shall

¹⁵ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

not be subject to roll-back taxes. The owner of land so withdrawn shall be subject to any local laws and Ordinances which restrict or regulate farming and forestry practices prohibited by the provisions of §15.2-4312 (formerly §15.1-1512 B) of the Code of Virginia.

610.07-4 Any heir at law or devisee of an owner of land lying within an agricultural/forestal district shall, as a matter of right, be entitled to withdraw from said district upon inheritance or descent of such land by filing written notice of withdrawal with the Governing Body at the Department of Planning and Zoning and the Commissioner of Revenue within two (2) years of the date of death of the owner. No withdrawal fee shall be required.

610.07-5 The withdrawal of any parcel of land from a district shall not in itself serve to terminate the existence of the district even if the core is reduced to less than two hundred (200) acres. Such district shall continue in effect and be subject to review as originally established.

610.08 Districts Described: There are hereby established agricultural/forestal districts within the County as follows:

610.08-1 Name of District - Total Acreage - Date of Review - Parcel Number - Parcel Acreage.

611.00 TC-O, TOURISM CORRIDOR OVERLAY DISTRICT

611.01 Purpose and Intent. The Tourism Corridor Overlay (TC-O) District is consistent with the goals and objectives of the Comprehensive Plan that discuss the importance of protecting and preserving the County's historic resources and scenic beauty, promoting the efficient use of County resources, increasing local job opportunities and insuring compatibility among various land uses. Protecting these resources is particularly critical for strengthening tourism, which has been recognized as a key industry in Rockbridge County. The Overlay District recognizes the unique character of the entrance corridors and arterial roads which serve as the gateways to the County and its many historic communities and destinations. The protection of these corridors and gateways is intended to stimulate complementary new development which will be compatible with the County's historic character and which will enhance its attractiveness to its residents, visitors and tourists.

The TC-O District is established in accord with §15.2-2306 of the Code of Virginia (1950), as amended, to maintain, preserve, protect and enhance the historic character, cultural significance, economic vitality, visual quality and architectural excellence of the County. The application of this District is intended to ensure that the major existing and planned routes of tourist access, as

well as other public access to the County's historic areas, are developed and maintained in a harmonious and compatible manner.

611.02 Application of the TC-O District. The boundaries of a TC-O District shall be established by the Board of Supervisors and applied to commercial, industrial, duplex, townhouse and multi-family uses which may be contiguous to or in direct view of existing and proposed arterial roads and streets serving as access to local and regional historic and tourist-related areas, provided that single-family residences located within the TC-O District which are not listed on the National Register of Historic Places or designated as a historic landmark by the County are exempt from this District. The TC-O District boundaries shall be delineated and mapped as an Overlay District on the Official Zoning Map as adopted by the Board of Supervisors with amendments thereto as may be adopted from time to time.

611.03 District Administration - Review Board:

611.03-1 Review Board Power to Approve. Except as provided in [Section 611.03-4](#) below, no erection, reconstruction, exterior alteration including significant color changes, restoration, rehabilitation, razing, relocation or demolition of any building, structure, signs, fences, walls, light fixtures, outbuildings, pavements, grading, site improvements, significant landscaping features or other appurtenant element in the TC-O District shall commence unless and until such building or site element has been approved by the issuance of a Certificate of Appropriateness by the Review Board and prior to the issuance of a Building and Zoning Permit as may be required.

The Director of Planning and Zoning or designee shall have the authority to administratively review and approve new signs in compliance with [Article 7](#), fences and tree removal. In addition, properties that have suffered a casualty loss due to fire, flood, or other such disaster, repair for which is less than fifty percent (50%) of the current appraised value of the structure and that plan to rebuild or repair the same structure with no design alteration, may be approved administratively.

(Sec. 611.03-1 Amended by Ord. of 2-25-08)

611.03-2 General Considerations for Review. The Tourism Corridor Review Board (hereinafter "Review Board") shall promptly review each application presented to them. In reviewing applications, the Review Board shall consider only those design features subject to public view and shall not make any requirements except for the purpose of preventing development which is architecturally incompatible with the historic aspects of the Overlay Districts subject to architectural review. It is not the intent of this Ordinance to prohibit or discourage contemporary design that complements the surrounding architecture and cultural setting.

The Review Board and the Director of Planning and Zoning, serving as agent to the Board, shall consider, among other things, the following in determining appropriateness of any structural erection, reconstruction, exterior alteration or restoration:

- (1) The compatibility with the design and development standards and criteria as included in the Entrance Corridor and Interstate Interchanges Plan and Tourism Corridor and Gateway Design Guidelines and, further, with amendments thereto as may be adopted from time to time.
- (2) The appropriateness of the general design geometry and proportions, structural arrangement, building materials, texture and color of the proposed building, structure or appurtenant element in relation to such factors as the compatibility with similar features of buildings or structures within the area circumscribed by the subject Overlay District(s).
- (3) The historical or architectural value and significance of the building, structure or appurtenant element and its relationship to the historic or architectural value of the area in which it is proposed to be located.
- (4) The extent to which the building, structure or appurtenant element will be harmonious with or architecturally incompatible with the historic buildings within the subject Overlay District(s).
- (5) The compatibility of planned improvements and renovations with the architectural and historic quality, character and scale of the historic buildings in the County of Rockbridge.
- (6) The effect of the building, structure or appurtenant element on the Comprehensive Plan's goals for tourism, economic development, and land use in and around the County's designated historic areas and entrance corridors.
- (7) The compatibility of the proposed building, structure or appurtenant element with the Comprehensive Plan's goals for historic preservation and architectural design review.
- (8) The ability of the owner to put one's property to reasonable and beneficial use.
(Sec. 611.03-2 Amended by Ord. of 2-25-08)

611.03-3 Additional Considerations for Demolition and Razing. In reviewing an application to raze or demolish a site, object, building or structure in the TC-O District, the Review Board shall consider the following:

- (1) The public effect of removing or razing a building of historic or architectural interest.
- (2) The effect on adjoining historic district properties of removing a building of historic or architectural interest.
- (3) The impact of such removal on the Comprehensive Plan's goals for historic preservation and district development.
- (4) Whether or not the building is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced or reproduced only with great difficulty or expense.
- (5) The design and development criteria as included in the County's Entrance Corridor and Interstate Interchanges Plan and Tourism Corridor and Gateway Design Guidelines with amendments thereto as may be adopted from time to time.
- (6) The ability of the owner to put one's property to reasonable and beneficial use.
(Sec. 611.03-3 Amended by Ord. of 2-25-08)

611.03-4 Exemptions from Review. The Review Board shall not consider detailed designs, interior arrangements or features of a building, structure or appurtenant element which are not subject to public view from a public street, public way or other public place. Agricultural, forestal and single-family uses are exempt from review.
(Sec. 611.03-4 Amended by Ord. of 2-25-08)

611.03-5 Application Process. All applications for Review Board approval under the provision of this Article shall be made to the Director of Planning and Zoning, agent to the Board, at least twenty-one (21) calendar days before the next regularly scheduled meeting of the Review Board. Upon receipt of a complete application, it shall be the Director of Planning and Zoning's responsibility to schedule a review at a regular or special meeting of the Review Board, provided that such notice of review shall be posted in a place visible to public view in the County's Administration Building not less than five (5) days nor more than ten (10) days prior to the scheduled review. Such posted notice shall specify the time and place of the review at which person(s) affected may appear and present views.
(Sec. 611.03-5 Amended by Ord. of 2-25-08)

611.03-6 Application Submission Requirements. In consideration of a complete application, the Director of Planning and Zoning and the Review Board may require any or all of the following information and any other materials as may be

deemed necessary for its review in addition to the requirements in [Section 1300.00](#) of the Land Development Regulations:

- (1) Statement of proposed use and user.
- (2) Statement of estimated construction time.
- (3) Photographs and maps relating proposed use to the surrounding property and/or the corridor on which it is located.
- (4) Site plan drawings prepared to meet the County site development plan submission requirements for a Major or Minor Site Plan, and other exhibits showing the location of the existing and proposed building and site improvements, including:
 - a. Existing property boundaries, building placement and site configuration.
 - b. Existing topography and proposed grading.
 - c. Location of existing parking, pedestrian access, signage, exterior lighting, fencing and other site improvements.
 - d. Relationship to adjacent land uses.
 - e. Proposed site improvements, including location of parking, pedestrian access, signage, exterior lighting, fencing, buildings and structures and other appurtenant elements.
 - f. Proposed building color and materials.
 - g. Relationship of building and site elements to existing and planned corridor development; and,
 - h. Relationship of parking, pedestrian facilities, and vehicular accessways to existing and planned corridor development.
 - i. Other site plans and subdivision plats as may be required by Rockbridge County for development approval.
- (5) Architectural color renderings showing plan view and elevations of new planned construction or renovations, including drawings of original building.
- (6) A landscaping and buffer plan.

- (7) Designs for exterior signage, lighting and graphics, to include description of materials, colors, placement and means of physical support, lettering style and message to be placed on signs.
- (8) Graphic exhibits depicting compliance with other design elements as outlined in the Entrance Corridor and Interstate Interchanges Plan and Tourism Corridor and Gateway Design Guidelines.
(Sec. 611.03-6 Amended by Ord. of 2-25-08)

611.03-7 Public Record of Review Board Meetings. A record of the Review Board's actions and proceedings shall be maintained and available to the general public.
(Sec. 611.03-7 Amended by Ord. of 2-25-08)

611.03-8 Required Action by Review Board. The Review Board shall review and act upon the application within forty-five (45) calendar days upon submission of a complete application, unless the application was extended by mutual agreement of the Review Board and the applicant.

The Director of Planning and Zoning shall notify the applicant of actions of the Review Board within fourteen (14) calendar days from the date of hearing on which action on the application was taken. Applications deemed incomplete by either the Director of Planning and Zoning or the Review Board shall be returned to the applicant within fourteen (14) calendar days of initial application submission. The returned application shall include a letter prepared by the Director of Planning and Zoning with adequate instructions to inform the applicant of additional information required to complete the submission. The Review Board will not act upon an incomplete application.
(Sec. 611.03-8 Amended by Ord. of 2-25-08)

611.03-9 Conditions and Limitations on Approval. Review Board approval of an application submitted under the provision of this Article shall expire five (5) years after the date of such approval unless:

- (1) A Building Permit has been obtained for construction.
 - (2) An extension has been granted by the Review Board. Such extension grant shall not exceed six (6) months.
- (Sec. 611.03-9 Amended by Ord. of 2-25-08)

611.03-10 Appeal of Review Board's Decision. Any person aggrieved by any decision of the Review Board or the Director of Planning may appeal such decision to the Board of Supervisors provided that such appeal is filed within thirty (30) days after the final decision is rendered by the Review Board.

The filing of the said petition shall stay the decision of the Review Board pending the outcome of the appeal to the Board of Supervisors, except that the filing of

such petition shall not stay the decision of the Review Board if such decision denies the right to raze or demolish a historic landmark, building or structure. (Sec. 611.03-10 Amended by Ord. of 2-25-08)

611.03-11 Provisions for Demolition and Razing. In addition to the right of appeal herein set forth, the owner of a site, building or structure within the TC-O District which has been: (a) designated on the National Register of Historic Places; or, (b) designated as a historic landmark by the County pursuant to the Virginia Board of Historic Resources, the razing of which is subject to the provisions of this District shall, as a matter of right be entitled to raze or demolish such site, building or structure per §15.2-2306 of the Code of Virginia (1950), as amended. (Sec. 611.03-11 Amended by Ord. of 2-25-08)

611.04 Permitted Uses and Limitations. All uses shall be governed pursuant to the underlying district regulations of the zoning district in which the TC-O District is located. Nothing in this Article shall be construed to prevent the application of the Building Code or other laws and Ordinances of the County of Rockbridge which are applicable thereto. Parking and loading provisions shall be in accordance with the provision of the Zoning Ordinance unless otherwise restricted by the conditions of the Review Board's approval. (Sec. 611.04 Amended by Ord. of 2-25-08)

611.05 Review Board Membership and Organization:

611.05-1 General Powers and Duties of Review Board. Based on the criteria established in this Article and by other adopted design guidelines of the County of Rockbridge, it shall be the function of the Review Board to pass upon the appropriateness of the exterior architectural features and appurtenant elements of new structures, buildings or appurtenant elements reconstructed, altered or restored in any designated TC-O District. It shall also be the responsibility of the Review Board to approve major site plans and landscape plans for projects not otherwise exempt in the designated TC-O Districts. Single-family and agricultural construction is exempt from this review. (Sec. 611.05-1 Amended by Ord. of 2-25-08)

611.05-2 Establishment of Review Board. For the purpose of facilitating the provisions of this Article, there shall be established a Review Board. Members of the Review Board shall be appointed by the Board of Supervisors. The Review Board shall consist of five (5) citizens of Rockbridge County, at least two (2) of whom shall be either owners of or representatives of businesses operating within a TC-O District.

Each of the five (5) members shall be appointed by the Board of Supervisors. In addition to the above qualifications, one (1) of the members shall be a licensed architect or building contractor, one (1) shall be a professional engineer or registered landscape architect, one (1) shall be a member of the County's

Planning Commission, and at least one (1) shall be a citizen who has demonstrated outstanding interest and knowledge in historical or architectural development within the County. The term of office shall be for four (4) years; except that original appointments shall be made for such terms that the term of at least one (1) member shall expire each year. The Review Board shall elect its Chairman.

Appointments to fill vacancies shall be made only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The Review Board shall adopt rules of procedure and keep minutes of its meetings. A waiver of the membership constituency of the Review Board may be provided in the event that the Board of Supervisors cannot fulfill the membership requirements as outlined herein above.
(Sec. 611.05-2 Amended by Ord. of 2-25-08)

611.06 General Rules of Review Board. There shall be a regular monthly meeting of the Review Board except that, at the discretion of the Chairman, a regular meeting may be canceled if there is no business pending before the Review Board and, after inquiry of the other members, there is no known new business to be presented. A schedule of the dates of the monthly meetings shall be established annually and shall be posted in a visible place in the County Administration Office.

Special meetings of the Review Board may be called by the Chairman or by two (2) members upon written request to the secretary. The secretary shall mail to all members of the Review Board, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting, or file a written waiver of notice.

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Review Board.

The Review Board may make, alter, or rescind rules and forms for its procedures, consistent with the Ordinances of the County and the general laws of the Commonwealth of Virginia.

It shall be the continuing duty of the Review Board to define, update and recommend to the Board of Supervisors architectural review standards and design criteria deemed appropriate to the TC-O Districts. These standards and criteria shall serve as the guideline for making recommendations on specific applications to the Review Board.

It shall be the continuing duty of the Review Board to investigate and delineate buildings, structures, places and areas in the County having historic interest or value which should be protected to achieve the purposes and objectives of this Article. The Review Board shall report from time to time to the Board of Supervisors to make recommendations on district boundaries, architectural review criteria, design standards and other related initiatives and considerations deemed appropriate to the effective operation of the Review Board and the implementation of this Article.

Notwithstanding the provisions of this Article, the Review Board may perform other duties under the authority of the Zoning Ordinance and as may be designated by the Board of Supervisors.

612.00 SOURCE WATER PROTECTION OVERLAY ZONE

612.01 Purpose and Intent. The Source Water Protection Overlay Zone (SWPOZ) regulations are intended to ensure the adequate protection of current public water supply of the Maury River. The establishment of these regulations is intended to protect public health, ensure the availability of safe drinking water, and prevent the degradation of the water supply through the regulation of land uses and development upstream of the withdrawal point.

612.02 Applicability. The special provisions established in this Section shall apply to proposed projects identified as possible contaminating activities within areas designated as SWPOZ. These areas have been identified through analysis of drainage characteristics, groundwater resources, karst landforms, soils, and geology, and are considered to be essential to protection of the existing water source from the effects of point and non-point source pollution or sedimentation.

The boundaries of the SWPOZ are delineated using the most current and best available location data and are shown on the official zoning map kept on file in the Office of Community Development and in the office of the Clerk of the Circuit Court of Rockbridge County.

These boundaries are defined as the area within the one hundred (100) year floodplain of the Maury River and tributaries, or a one hundred (100) foot buffer from the centerline of the tributaries and a one hundred (100) foot buffer from the banks of the Maury River, whichever is greater. The one hundred (100) foot area on the Maury River has some further restrictions described in [Section 612.05](#) below. The zone extends from the Maury Service Authority (MSA) water intake on the Maury River to a point upstream that has been identified as a five-hour time of travel to the intake at ninety-five percent (95%) flow.

612.03 Use regulations. Within the SWPOZ, the permitted uses, special permit uses, accessory uses, dimensional standards and special requirements established by the

underlying zoning district shall apply, unless specifically modified by the requirements of this Section.

The following uses shall be specifically prohibited within the SWPOZ areas:

- (1) Storage or production of hazardous materials, as defined in either or both of the following:
 - a. Superfund Amendment and Reauthorization Act of 1986; and,
 - b. Identification and Listing of Hazardous Wastes, 40 C.F.R. 261 (as amended).
- (2) Disposal of hazardous materials or solid wastes.
- (3) Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this Section.
- (4) Dry-cleaning, dyeing, printing, photo processing and any other business that stores, uses, or disposes of hazardous material.
- (5) Disposal of septage or septic sludge.
- (6) Junked storage and automobile graveyards/holding yards/salvage yards.

612.04

Review requirements for Development in the Source Water Protection Overlay Zone.

- (1) Applications for commercial development within the SWPOZ shall be evaluated by the Zoning Administrator to ensure that:
 - a. Non-point source pollution is prevented to the maximum extent possible, by taking into account site conditions such as slope, soil type and erosivity, and vegetative cover.
 - b. Management practices are in place sufficient to remove or neutralize those pollutants that present a potential hazardous impact to the intake valve.
 - c. Grading and removal of vegetation at a development site is minimized and erosion and sediment control measures are in place and properly installed.

- d. All sewage disposal systems will be monitored, inspected and maintained on a regular basis to ensure proper functioning as required by the Lexington-Rockbridge County Health Department.
- e. Businesses involved in potential contaminating activities within the SWOPZ, but which have received a special use permit, must submit a spill control plan for approval. This plan shall include the following elements for the proposed project, and shall be updated and approved no less than every three (3) years:
 - (i) Disclosure statements describing the types, quantities, and storage locations of all contaminants.
 - (ii) Contaminant handling and spill prevention techniques.
 - (iii) Spill reporting procedures, including a list of affected agencies to be contacted in the event of a spill.
 - (iv) Spill recovery plans, including a list of available equipment.
 - (v) Spill clean-up and disposal plans.
- (2) Existing land uses located within the SWPOZ and identified as potential contaminating activities by the County of Rockbridge, Virginia shall comply with the requirements of [Section 612.04, Subsection \(1\)\(e\)](#) listed above.

612.05 Buffer Requirements. A one hundred (100) foot wide buffer strip shall be maintained along the edge of the Maury River within the SWPOZ. The required setback distance shall be measured from the edge of the bank.

- (1) All commercial development shall be located outside of the required buffer strip, except for the following:
 - a. The buffer strip requirement shall not apply to development which is appurtenant to the production, supply, distribution or storage of water by a public water supplier.
 - b. Encroachment into or through the required buffer by roads, main-line utilities, or storm water management structures may be permitted provided the following performance standards are met:
 - (i) Road and main-line utility crossings shall be designed to cause the least amount of land disturbance and alteration to the hydrology of the watershed.

- (ii) Any storm water management facilities located within the buffer should be sited within the context of a larger watershed storm water management program.
 - (iii) No more land shall be disturbed than is necessary.
 - (iv) Indigenous vegetation shall be preserved to the maximum extent possible.
 - (v) Wherever possible, disturbed areas shall be planted with trees and shrubs.
 - c. Water related uses that may be required by the Maury Service Authority.
- (2) The following uses shall not be permitted within the one hundred (100) foot buffer strip:
- a. trash containers and dumpsters, which are not under roof or which are located so that leachate from the receptacle could escape unfiltered and untreated;
 - b. fuel storage in excess of fifty (50) gallons;
 - c. sanitary landfills;
 - d. activities involving the manufacture, bulk storage or any type of distribution of petroleum, chemical or asphalt products or any materials hazardous to a water supply (as defined in the Hazardous Materials Spills Emergency Handbook, American Waterworks Association, 1975, as revised) including specifically the following general classes of materials:
 - (i) oil and oil products;
 - (ii) radioactive materials;
 - (iii) any material transported in large commercial quantities that is a very soluble acid or base, highly biodegradable, or can create a severe oxygen demand;
 - (iv) biologically accumulative poisons;
 - (v) the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal

Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.); or,

(vi) substances highly lethal to mammalian or aquatic life.

612.06 Field Determinations. Landowners that have concerns with the accuracy of the mapping may request staff to perform a field determination to confirm mapping as requested. If deemed inaccurate, staff may assist the landowner in seeking a correction through the zoning amendment process. Staff may be required to engage an engineer to assist with this determination.
(Sec. 612.00 Added by Ord. of 6-22-15)

ARTICLE 7. USE REGULATIONS

701.00 AREA REGULATIONS

Area and density regulations are provided by District in the Lot Regulations, [Table 1](#) and [Table 2](#). Two-family structures in the Agricultural and General Uses District (A-2) shall have a required density of four (4) acres per every two (2) units.

701.01 Modification of Yard Requirements. Yard requirements may be modified to provide:

701.01-1 An uncovered porch may project into a required front yard for a distance not exceeding ten (10) feet.

701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening.

701.01-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and Zoning District and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots.

701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

701.02 Special Provisions for Corner Lots:

701.02-1 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.

701.02-2 The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings.

701.02-3 For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line of one hundred fifty-five (155) feet or more.

701.03 Net Developable Area Calculation. Notwithstanding the Lot Size Regulations and Bulk Regulations herein above, the maximum density and number of lots for any residential subdivision in the agricultural and residential Zoning Districts shall be established based on an analysis of the existing physical and environmental land conditions of a property of record. Those areas of a property

for which less credit shall be given for calculation of density are called the “physical land units” of the property. In the agricultural districts, one hundred percent (100%) of the physical land units will not be credited towards density while in the residential districts, seventy-five percent (75%) of the physical land units will not be credited towards density.

The “net developable area” of a property is equal to the “gross area” of the property (as determined by a boundary survey) less the combined areas of the “physical land units” contained within that property as outlined herein below:

- (1) Slopes twenty-five percent (25%) or greater.
- (2) Sinkholes as defined.
- (3) Area of the one hundred (100) year floodplain.
- (4) Wetlands, existing water features and streams.

A calculation of the “net developable area” based on readily available resources such as the USGS 7.5 minute quad maps, the County aerial surveys or as provided by the applicant shall be required for all subdivision and site plan submissions. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the “physical land units.” Plan exhibits accompanying the subdivision plat shall graphically depict the location of and calculations for “net developable area.” This information shall be provided for each of the property’s “physical land units” (to the nearest 0.1 acre). Family subdivisions shall be exempted from this requirement.

701.04 Service Station Canopies. Service station canopies may extend up to fifteen (15) feet from grade to the bottom of the fascia with a maximum thirty-six (36) inch fascia.

701.05 Sliding Scale Density. In addition to the minimum required lot area of two (2) acres, the density for the A-1 and A-2 Districts shall be based on a sliding scale zoning density whereby the number of new lots created from a parcel is determined by the size of the parent parcel. A parent parcel is the parcel from which the new lot or new lots are created. The basis for calculating the number of new lots allowed shall be the size of the parent parcel of record as of May 27, 2008. The sliding scale density for the A-1 and A-2 Districts is as set forth on [Table 4](#).
(Sec. 701.05 Added by Ord. of 5-27-08)

701.05-1 Calculation of density pursuant to the sliding scale in the A-1 and A-2 Districts shall be based on net developable area as defined by [Section 701.03](#); provided, however, any portion of a subdivision dedicated by restrictive covenant or conservation easement as open space for agricultural, forestal or recreational

purposes shall be included within the net developable area for purposes of calculation of the maximum density.

(Sec. 701.05-1 Added by Ord. of 5-27-08)

701.05-2 A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one (1) parent parcel to any other contiguous parent parcel provided that the landowner merges two (2) or more contiguous parent parcels into one (1) parcel by vacating the boundary line and complying with all other requirements of the Subdivision Ordinance.

(Sec. 701.05-2 Added by Ord. of 5-27-08)

701.05-3 The subdivision agent shall require as a condition of approval that each final subdivision plat, which shall be recorded in the Clerk's Office of the Circuit Court for Rockbridge County, include a narrative statement as to the remaining number of subdivisions that will be approved for each lot shown on such subdivision plat. This statement shall be known as the Lot Assignment Table and shall be accessible to the public during the County's regular business hours.

(Sec. 701.05-3 Added by Ord. of 5-27-08)

701.05-4 Family subdivisions as defined by [Section 302.207\(4\)](#) shall be exempt from the sliding scale density regulations of this Section.

(Sec. 701.05-4 Added by Ord. of 5-27-08)

702.00 ADDITIONAL BUILDINGS ON A SINGLE LOT

After a review of an application, additional buildings on the same lot or parcel of land may be permitted by the Board of Supervisors.

702.01 Additional Dwellings. One (1) additional dwelling on a single lot may be permitted provided that:

702.01-1 The arrangement of such additional dwelling is in such a manner that no requirement of the Virginia Highway Department, Virginia Department of Health, or the Rockbridge County Land Development Ordinance is compromised.

702.01-2 The arrangement of such additional dwelling is in such a manner so that, if the lot or parcel of land is ever subdivided, no substandard lots are created in terms of area and setback requirements for that zoning district.

702.01-3 Three (3) or more dwellings on a single lot or parcel may be permitted by special exception.

702.02 Temporary Buildings. Temporary buildings used in conjunction with construction work only may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

703.00 OFF-STREET PARKING

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

703.01 General Requirements. For the purpose of this Ordinance, the following general requirements are specified:

703.01-1 Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served.

703.01-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such main use.

703.01-3 The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time.

703.01-4 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area, encroached upon or changed to any other use unless the use which it serves is discontinued or modified.

703.01-5 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

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

703.02-1 All such parking areas, except those serving one (1) and two (2) family dwellings, shall be maintained in a dust-proof condition.

703.02-2 Lighting facilities shall be so arranged that light is reflected away from adjacent properties.

703.02-3 The parking lot shall be adequately drained.

703.03 Parking Space Requirements for All Districts. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall

be equal in area to at least the minimum requirements for the specific land use set forth.

Parking Requirements Based on Land Use:

703.03-1 Dwellings:

- (1) One (1) and two (2) families - Two (2) spaces for each dwelling unit.
- (2) Multi-family, townhouses - One and a half (1 ½) spaces per dwelling unit except for efficiency apartments for which one (1) space per dwelling unit shall be provided.
- (3) Hotels, motels - One (1) space for each bedroom plus one (1) additional space for each two (2) employees.
- (4) Manufactured home parks - Two (2) spaces per manufactured home.
- (5) Travel trailer parks - One (1) space for each travel trailer, motor home, or camper.
- (6) Boarding and rooming houses, dormitories - One (1) space for each bedroom.¹⁶

703.03-2 Public Assembly:

- (1) Churches and other places of worship - One (1) space for each five (5) seats in the main auditorium or sanctuary.
- (2) Private clubs, lodges and fraternal or sororal buildings not providing overnight accommodations - One (1) space per active member or one (1) space for each six hundred (600) square feet, whichever is greater.
- (3) Theaters, auditoriums, coliseums, stadiums, and similar places of assembly - One (1) space for each five (5) seats.
- (4) Libraries, museums - One (1) space for each five hundred (500) square feet of gross floor area.
- (5) Schools, including kindergartens, play schools, and day care centers - One (1) space for each five (5) seats in an assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and colleges.

¹⁶ [September 2014] The above Subsections have been renumbered (1)-(6), formerly (a)-(f), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (6) Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements - One (1) space for each two hundred (200) square feet of floor area.

- (7) Bowling alleys - Four (4) spaces for each alley.¹⁷

703.03-3 Health Facilities:

- (1) Hospitals and similar uses - One (1) space for each two (2) beds, plus one (1) space for each staff and visiting doctor, plus one (1) space for each four (4) employees, on the maximum working shift.
- (2) Kennels and animal hospitals - A net parking area equal to thirty percent (30%) of the total enclosed or covered area.
- (3) Medical, dental, and health offices and clinics - At least ten (10) spaces. Three (3) additional parking spaces shall be furnished for each doctor and dentist having office in such clinics in excess of three (3) doctors or dentists plus one (1) space per each two (2) staff and employees.
- (4) Homes for adults and similar uses - One (1) space for each four (4) beds plus one (1) space for every three (3) employees.
- (5) Continuing Care Retirement Community - One (1) space for each two (2) beds in the medical facility, plus (1) space for each staff and visiting doctor, plus one (1) space for each four (4) employees on the maximum working shift, plus one and a half (1 ½) spaces for each dwelling unit.¹⁸

703.03-4 Businesses:

- (1) Automobile repair establishments - One (1) space for each three hundred (300) square feet, with a minimum of ten (10) spaces.
- (2) Food stores - One (1) space for each two hundred (200) square feet of floor area designated for retail sales only.
- (3) Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments - One (1) space for

¹⁷ [September 2014] The above Subsections have been renumbered (1)-(7), formerly (a)-(g), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

¹⁸ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (a)-(e), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

each four (4) seats provided for patron use, plus one (1) space per employee on average shift.

- (4) Office buildings, including banks, business, commercial and professional offices and buildings but not including medical, dental, and health offices and clinics - One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.
- (5) General business, commercial or personal service establishments catering to the retail trade - One (1) space for each two hundred (200) square feet of floor area designated for retail sales.
- (6) Governmental offices - One (1) space for each three hundred (300) square feet of ground floor area plus one (1) space for each five hundred (500) square feet of upper floor area and one (1) space for each governmental vehicle.
- (7) Shopping Centers - One (1) space per two hundred (200) square feet of retail sales area.
- (8) Furniture stores - One (1) space for each one thousand (1,000) square feet of gross floor area.
- (9) Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations - One (1) space for each employee on the maximum shift plus a parking area equal to twenty-five percent (25%) of the gross floor area.
- (10) Mortuaries and funeral parlors - Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater.¹⁹

703.03-5 Industries:

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

¹⁹ [September 2014] The above Subsections have been renumbered (1)-(10), formerly (a)-(j), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.²⁰

704.00 AUTOMOBILE GRAVEYARDS (deleted 9/26/94)

705.00 HOME OCCUPATIONS

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Administrator may request advice from the County Planning Commission as appropriate.

705.01 Special Requirements. Home occupation, where permitted, must meet the following special requirements:

705.01-1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.

705.01-2 The home occupation shall be operated only by the members of the family residing on the premises.

705.01-3 The home occupation when restricted to the main building shall not occupy more than fifty percent (50%) of the floor area within said building.

705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in [Section 706.00](#).

705.01-5 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

705.02 Expiration. A Zoning Permit for home occupations shall expire under the following conditions:

705.02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall

²⁰ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

engage in any home occupation until he shall have been issued a new permit after proper application.

- 705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

706.00 SIGNS

- 706.01 Purpose and Intent. These Regulations are intended to accomplish the following goals while not unduly restricting the freedom of expression; to protect property values and the public investment in the creation, maintenance, safety and appearance of its streets and highways; to enable the public to locate goods, services and facilities without difficulty and confusion; to improve pedestrian and vehicular safety by avoiding saturation and confusion in the field of vision; to enable businesses to promote and identify their establishments; to protect and enhance the County's attractiveness to businesses, tourists and other visitors as sources of economic development; to assure that business signs are appropriately taxed; and, to implement the Comprehensive Plan and Corridor Study goals of creating an attractive and harmonious environment.

- 706.02 Scope. This Sign Ordinance is adopted under the Zoning Authority of the County. These Regulations shall apply to all existing signs and their modifications and to all new signs. All signs not otherwise exempt shall comply with these Regulations in addition to applicable State and Federal Regulations, and it shall be unlawful for any person to erect or maintain a sign that is not expressly permitted by this Ordinance.

- 706.03 General Requirements:

- 706.03-1 Except as provided in [Section 706.04](#) below and in §33.1-351 through §33.1-370, Code of Virginia (1950), as amended, no outdoor advertising sign or structure shall be erected, altered, replaced or relocated without a Zoning and Building Permit issued per [Sections 802.00](#) and [1302.00](#) of the County of Rockbridge Land Development Regulations and shall comply with applicable requirements of the Virginia Uniform Statewide Building Code.

- 706.03-2 For the purpose of computing sign area, both sides of a "V-type" where the interior angle between the faces exceeds forty-five (45) degrees or one (1) side of a double-faced sign shall be considered by measuring the sign face or lettered area to include any logo.

- 706.03-3 Unless otherwise indicated, no freestanding sign structure over the height of fifteen (15) feet may be erected and signs shall be combined on a single sign structure where possible in accordance with this Ordinance. In determining the highest point of the sign and structure, the normal grade from which to measure

the bottom of the sign height shall be that which is either existing prior to construction, or newly established after construction depending on which is more consistent with the surrounding elevation of the lot on which it is located. Any fill or excavation which serves primarily to elevate the sign shall be included in the height of the sign. If, due to unusual circumstances such as topography, vegetation, distance off the primary road, or safety reasons, a fifteen (15) foot tall sign cannot be seen from an appropriate distance on the fronting road, the height may be increased up to ten (10) feet by approval of the Zoning Administrator. Each request for an increased height shall be reviewed by the Tourism Corridor Overlay Review Board prior to approval.
(Sec. 706.03-03 Amended by Ord. of 4-26-10)

- 706.03-4 All signs shall be subject to a setback requirement of at least fifteen (15) feet from the paved surface of the fronting highway or roadway, unless otherwise regulated by State or Federal Regulations and five (5) feet from adjoining property lines.
- 706.03-5 Roof signs or roof sign structures shall not extend above the roof line and shall not extend beyond or overhang any exterior wall of the building upon which secured except by a Special Exception Permit approved by the Board of Supervisors.
- 706.03-6 All on-premises signs shall be assessed and taxed as real property in combination with the other improvements on the property.
- 706.03-7 All off-premises signs shall be reported by the owner to the Commissioner of Revenue as personal property as required by Chapter 25 of the Code of the County of Rockbridge and shall be taxed accordingly. An acre of land upon which an off-premises sign is situated may not qualify for Land Use Taxation and may be reassessed by the Commissioner of Revenue in accordance with its value as an advertising site.
- 706.03-8 Certain advertisements or structures are prohibited per §33.1-351 et seq. of the Code of Virginia (1950), as amended. No advertisement or advertising structure shall be erected or maintained:
- (1) Off-premises advertising signs within six hundred sixty (660) feet of nearest edge of the right-of-way of the Blue Ridge Parkway, any Interstate, national highway system or federal-aid primary highway, public cemetery, public park, public playground, National Forest, and State Forest.
 - (2) Within fifteen (15) feet of the nearest edge of the pavement of any highway without written findings from the Commissioner of the Virginia Department of Transportation, that the structure is anchored outside of the right-of-way, and that it does not constitute a safety hazard or conflict with

any other restrictions contained in §33.1-351 et seq. of the Code of Virginia (1950), as amended.

- (3) Which advertise activities which are illegal under State or Federal Laws or Regulations.²¹

706.03-9 No sign or sign structure shall be placed at any public road intersection in such a manner as would obstruct the clear vision in either direction between a point on the center line of the side road twenty (20) feet from the nearest edge of the pavement of the main road and points on the main road four hundred (400) feet distant, measured along the nearest edge of the pavement of the main road.

706.03-10 No sign or sign structure shall be placed at any grade intersection of a public road and a railroad in such a manner as would obstruct the clear vision in either direction within triangular areas formed by:

- (1) A point at the center of the railroad-public road intersection.
- (2) A point on the public road four hundred (400) feet from the center of the railroad-public road intersection as measured along the center of the public road.
- (3) A point on the railroad five hundred (500) feet from the center of the railroad-public road intersection as measured along the center of the public road.²²

706.03-11 No sign or sign structure shall be placed at or near any curve in a road in such a manner as to obstruct the clear vision of traffic from any one (1) point on such curve to any other point not more than four hundred (400) feet apart, as measured between each point from the nearest edge of the pavement.

706.03-12 No sign shall be erected, relocated or maintained so as to prevent free ingress and egress from any door, window, or fire escape.

706.03-13 All signs coming within the jurisdiction of State and Federal laws along Interstate Highway and Federal-aid primary highway systems shall conform to said laws in addition to any other Sign Regulations in this Ordinance.

²¹ **[September 2014]** The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

²² **[September 2014]** The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 706.03-14 All on and off-premises permanent advertising signs legally in existence at the time of the passage of this Ordinance, not otherwise in conformance with this Ordinance, shall be classified as non-conforming and are grandfathered and may be continued provided they meet all other requirements of this Ordinance.
- 706.03-15 Off-premises informational signs of a public or quasi-public nature identifying or locating a town, hospital, community center, public building, or historic place situated in Rockbridge County, Virginia, and also signs identifying or locating a school, college, YMCA, church or similar place of worship, board of trade, service club, soil conservation activity, 4-H Club, Isaac Walton League, Chamber of Commerce, or similar public or quasi-public activity for religious, civic, educational or cultural purpose, and signs drawing attention to public parking lots, rest rooms, or to other public convenience relating to such places or activities are permissible and do not require permits. Such signs shall not exceed an area of six (6) square feet, shall not be illuminated, shall contain no advertising matter and be combined where possible. Nothing contained herein shall be construed to limit the effect of [Section 706.03-14](#).
- 706.03-16 Official notices or signs posted or displayed by or under the direction of any public or Court officer in the performance of official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments are also permitted. Such signs shall not exceed an area of two (2) square feet and shall contain no advertising matter other than that which may be required by law.
- 706.03-17 The light from any illuminated sign shall be shaded, shielded and directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, and parking areas. The light shall not shine or reflect in an offensive manner on or into residential structures or motels.
- 706.03-18 Proposed signs in the TCO districts shall be reviewed for aesthetic compatibility with the proposed architecture by providing details of the proposed fixture, proportions, color, texture, materials, text and base.
- 706.04 Permissible Signs in All Districts. The following signs are allowed in all zoning districts and shall be exempt from permit regulations:

Temporary Signs:

- (1) Real estate signs in a residential district, six (6) square feet in area and three (3) feet in height; in business districts, industrial districts and agricultural districts thirty-two (32) square feet in area and fifteen (15) feet in height. Also a temporary real estate sign, not exceeding two (2) square feet in area and three (3) feet in height, directing the way to premises which are for sale or rent with the express permission of the owner of the land on which the sign is placed.

(Sec. 706.04(1), formerly Sec. 706.04(a), Amended by Ord. of 4-26-10)

- (2) One (1) construction sign confined to the site of construction not exceeding twelve (12) square feet in area and eight (8) feet in height. Such sign shall not be illuminated.
- (3) Temporary political signs per §15.2-109 of the Code of Virginia which allows them per the same standards as real estate signs in paragraph (1) above.
(Sec. 706.04(3), formerly Sec. 706.04(c), Amended by Ord. of 4-26-10)
- (4) One temporary sign advertising the sale of farm products grown or produced on the premises; provided that the sign shall not exceed twelve (12) square feet in area and eight (8) feet in height. The sign shall not be illuminated, shall be neatly painted and maintained, and shall be removed at the end of the season.
- (5) In general, any other temporary sign not covered above, banner, pennant, valance or advertising display designed for temporary use, with or without wheels, not permanently affixed to a foundation in the ground or a building shall only be used as a special decorative display for purposes of advertising the opening of a new store, business or profession or for a going out of business sale. Such displays shall not exceed a period of thirty (30) days in a twelve (12) month period and shall not exceed thirty-two (32) square feet. The date of installation shall be noted on such sign or banner. Temporary signs attached to the inside of a business window are permitted.²³

Permanent Signs:

- (1) Directional signs for parks, playgrounds and other uses of a noncommercial nature erected by a government agency. Such signs shall not exceed four (4) square feet in area and eight (8) feet in height.
- (2) Farm signs relating solely to farm or horticultural produce, livestock, or services sold, produced, manufactured or furnished on such farm and cottage industries as defined. There shall be only one (1) such sign not exceeding a total area of twelve (12) square feet and eight (8) feet in height.
- (3) Bed and Breakfast and Country Inn. There shall be permitted only one (1) such sign not to exceed a total area of twelve (12) square feet in area

²³ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (a)-(e), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

and eight (8) feet in height in an agricultural and business district and two (2) square feet in area and six (6) feet in height in a residential district. Such signs may be illuminated by white lights only.

- (4) Home occupation signs shall not exceed two (2) square feet in area and six (6) feet in height, shall not be illuminated and shall contain only the name of the business and/or business owner. These signs may be located on an exterior wall, window or door of the premises.
(Sec. 706.04(4), formerly Sec. 706.04(d), Amended by Ord. of 4-26-10)
- (5) Name signs and professional name plates not exceeding an area of two (2) square feet. Such signs shall not exceed six (6) feet in height, shall not be illuminated and shall contain no advertising material. (Mail box lettering is addressed in the 911 guidelines).
- (6) For any church, school, park, or other public or semi-public institution, a name sign up to fifteen (15) square feet or up to thirty-two (32) square feet to include a manually lettered bulletin board. Such signs must be set on a single monument base, shall be landscaped and in character with the surrounding area and may be illuminated with white lights only. The height may not exceed eight (8) feet.
(Sec. 706.04(6) Amended by Ord. of 6-22-15)
- (7) For any fire department or rescue squad a name sign up to fifteen (15) square feet or up to a total of thirty-two (32) square feet when a manually lettered bulletin board or EMC as defined in Section [302.183A](#) is included. Such signs must be set on a single monument base, shall be landscaped and in character with the surrounding area and manually lettered bulletin boards may be illuminated with white lights only. The height may not exceed eight (8) feet.

An EMC as defined in Section [302.183A](#) may be allowed under the following conditions:

- a. Displays shall be limited to community messages that appear or disappear from the display and remain static with no movement or scrolling. In no case shall the display use the flash mode of operation.
- b. Each message on the sign shall be displayed for a minimum of one (1) hour; in no case shall the message be changed more than ten (10) times in a twenty-four (24) hour period.
- c. The background of the EMC shall remain black or unlit.
- d. Electronic displays shall consist of no more than two (2) colors.

- e. Nighttime illumination shall be limited to nine hundred (900) NITs.
 - f. The display may only be used to advertise community messages, time and temperature, and public service announcements. The owner must register with Amber Alerts.
 - g. Signage shall be turned off between the hours of 10:00 p.m. and 6:00 a.m., unless there is an emergency situation or an Amber Alert has been issued.
 - h. The electrical service lines providing power to such shall be underground.
(Sec. 706.04(7)(a-h) Added by Ord. of 6-22-15)
- (8) Memorial signs or tablets, including the names of buildings and date of erection when cut into masonry, bronze or other materials.
 - (9) On-premises security and warning signs, such as no hunting, no fishing, no trespassing, used by a private landowner, not to exceed two (2) square feet. This type of sign is allowed on trees, fence posts and other such devices.²⁴

706.05 The Following Signs Require a Building and Zoning Permit:

- 706.05-1 For subdivisions, multi-family dwellings, manufactured home parks and campgrounds, one (1) sign not exceeding twenty-four (24) square feet in area indicating only the name and/or address of the premises and the name of the management. Such signs may be illuminated with white lights only.
- 706.05-2 Individual businesses not part of a shopping center are allowed one (1) freestanding sign, sixty (60) square feet in area. Service stations shall be allowed seventy-five (75) square feet to include fuel prices. Individual businesses may also place a sign on their building per [Section 706.05-4](#) below.
(Sec. 706.05-2 Amended by Ord. of 4-26-10)
- 706.05-2A Electronic Fuel Pricing Signs subject to the following requirements:
 - (1) The electronic display shall be limited to showing the price per gallon, expressed numerically, for the fuels offered for sale on premise;
 - (2) No more than one (1) such sign shall be permitted on any fuel center;

²⁴ **[September 2014]** The above Subsections have been renumbered (1)-(8), formerly (a)-(h), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (3) No such sign shall have more than three (3) separate panels capable of displaying information electronically, and each such panel shall be limited to the display of a single grade of fuel. The total area of the portion of such sign that is capable of electronic displays shall not exceed fifteen (15) square feet;
- (4) The pixel pitch of the electronic display portion of such signs shall be twenty (20) millimeters or smaller;
- (5) Fuel prices shall not be changed more often than three (3) times in any twenty-four (24) hour period, and scrolling, flashing, blinking or any other type of intermittent movement or illumination of elements of the electronic display shall be prohibited. Change sequences shall be accomplished by means of instantaneous re-pixelization;
- (6) Electronic displays shall consist of no more than two (2) colors;
- (7) Audio speakers on, or electronically connected to, such signs shall not be permitted;
- (8) Nighttime illumination shall be limited to one thousand (1000) NIT's; and,
- (9) The electrical service lines providing power to such shall be underground.²⁵
(Sec. 706.05-2A(1)-(9) Added by Ord. of 11-25-13)

706.05-3 For shopping centers, collectively assembled in one (1) area, sharing a parking lot, are in the same building, or are in a relatively small area, one (1) freestanding sign is allowed not to exceed seventy-five (75) square feet in area for two (2) to five (5) tenants and one hundred (100) square feet in area for six (6) and greater tenants. Such signs may include the collective establishment name and the names of each business in the collective area. Each business within the multi-business complex may also place a sign on their building per [Section 706.05-4](#) below.
(Sec. 706.05-3 Amended by Ord. of 4-26-10)

706.05-4 Wall Signs - individual businesses shall be allowed to attach signage to the building below the roof line. Each business shall be allowed one (1) square foot of signage per linear foot of building frontage. Corner lots on public streets may calculate the frontage towards the two (2) streets. The corresponding square footage shall be applied to the respective building fronts or as approved by the Planning Commission or TCO Review Board during site plan review. Individual

²⁵ **[September 2014]** The above Section has been renumbered 706.05-2A, formerly 706.05-2b, for numbering consistency in the Land Development Regulations and any reference to this Section throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

businesses within a shopping center shall be considered to have frontage towards the primary parking area of the shopping center and signage shall be placed only on that corresponding wall or as approved by the Planning Commission or TCO Review Board during site plan review. Corner units within a shopping center may have an additional thirty (30) square feet of signage on the wall facing a public street. Detached service station canopies shall be considered a separate building under this Section and shall be allowed thirty (30) square feet of signage attached to such canopy. Such signs may be illuminated with white lights only. Drive-In Movie Theater screens shall be considered a building in determining eligibility for wall signs.

(Sec. 706.05-4 Amended by Ord. of 3-28-11; Sec. 706.05-4 Amended by Ord. of 1-13-14)

- 706.05-5 Community directional signs placed at appropriate highway intersections advertising individual businesses, sites and attractions shall be consolidated on posts or ground bases. The freestanding sign may be built with County funds and accessory signs leased to the individual businesses. Any such lease will be set by the County.
- 706.05-6 Directional signs up to four (4) square feet and four (4) feet tall containing only the logo of the business and an arrow for the purpose of directing traffic to the proper entrance off of a main road and through the parking area. Only two (2) such signs shall be allowed on an individual lot.
- 706.05-7 For industrial parks and business parks or other similar groups of business establishments serviced by one (1) entrance, on separate parcels and generally separate parking lots, one (1) freestanding sign is allowed not to exceed seventy-five (75) square feet in area for two (2) to five (5) tenants/owners and one hundred (100) square feet in area for six (6) and greater tenants/owners. Such signs may include the collective establishment name and the names of each business in the collective area. Each business/industry within the park may also place signage per [Sections 706.05-2](#) and [706.05-4](#).
(Sec. 706.05-7 Added by Ord. of 4-26-10)
- 706.06 Raphine Interstate Signage. The Raphine interchange has been recognized as unique from other interchanges and business districts in the County due to the influence of the trucking industry which has dominated the services in this area and has been well established for many years. In order to support the special needs of this industry, services within the B-1 and I-1 Districts whose property is located up to .5 miles from the Raphine interstate interchange as measured from the center of the overpass and within five hundred (500) feet of the right-of way of the interstate may be allowed one (1) additional on-premise, freestanding sign and an Electronic Message Center (EMC) as described below as approved during the site plan review process. It is the intent of this Section to assure that these interstate businesses draw the maximum possible customers while abiding by the overall spirit and other requirements of this Ordinance.

(Sec. 706.06 Amended by Ord. of 8-23-10)

- 706.06-1 The additional on-premise, freestanding sign shall not exceed an area of two hundred fifty-eight (258) square feet with the height and square footage to be determined during the site plan review process but not to exceed one hundred (100) feet tall. The proportionality of the sign's height to square footage shall be considered during the review process.
- 706.06-2 Information Required. Each applicant requesting such a sign during the site plan review process shall submit the following information:
- (1) A scaled site plan showing location, height and square footage of the proposed sign on the property and other improvements.
 - (2) A USGS 7.5 minute series quad map showing the location of the proposed sign and its elevation or other comparable elevation maps.
 - (3) An elevation plan for the proposed sign showing the proposed height from the fronting road grade and from sixteen hundred (1600) feet prior to the gore of the appropriate exit ramp. Photographic simulation may be submitted to supplement this information.²⁶
- 706.06-3 Height and Square Footage Justification. The allowable sign height and square footage shall be determined by its visibility at a distance of sixteen hundred (1600) feet from the gore of the appropriate interstate exit ramp. The maximum height allowed shall be that which is necessary for the sign message to be visible ten (10) feet above any obstruction, not to exceed one hundred (100) feet. If the sign message cannot be viewed at this distance for reasons such as topography, surrounding vegetation or road alignment, the maximum height for this additional on-premise, freestanding sign shall be twenty-five (25) feet and sixty (60) square feet.
- 706.06-4 Electronic Message Center. An EMC as defined in [Section 302.183A](#) may be allowed under the following conditions:
- (1) The sign shall fit within the allowable height and square footage for the business or used as a means to reduce non-conforming square footage. In no case shall the sign exceed twenty (20) feet in height and fifty (50) square feet.
 - (2) Displays shall be limited to messages that appear or disappear from the display and remain static with no movement or scrolling. In no case shall the display use the flash mode of operation.

²⁶ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (3) Each message on the sign shall be displayed for a minimum of four (4) seconds.
- (4) The EMC shall only be in operation during the hours of operation of the business.
- (5) The EMC percentage of the overall square footage shall not exceed seventy-five percent (75%) of the sign structure.
- (6) The background of a message or area not associated with a product logo displayed on the EMC shall remain unlit.
- (7) Nighttime illumination shall be limited to one thousand (1000) NITs.
- (8) The display may only be used to advertise goods and services sold on the property, time and temperature and public service announcements. The owner must register with Amber Alerts.
- (9) For purposes of this [Section 706.06-4](#), electronic fuel pricing signs shall be exempt from the height and square footage requirements imposed on other EMCs and may be used to replace existing manual fuel pricing signs or may replace existing non-conforming signage. The pricing numbers shall remain static except when updated for new prices.
(Sec. 706.06-4(1-8) Added by Ord. of 8-23-10; Sec. 706.06-4(9) Added by Ord. of 8-22-11)

706.06-5 Directional signs up to fifteen (15) square feet and six (6) feet tall containing only the logo of the business and type of entrance for the purpose of directing traffic off of a main road and through the parking area. Only one (1) such sign per entrance shall be allowed on an individual lot.
(Sec. 706.06-5 Added by Ord. of 2-26-18)

706.06A Interstate 64/81 Signage. Services within the B-1 and I-1 Districts whose property is located within Interstate Commerce Overlay District as defined by the zoning map that are not eligible for a Virginia Logo or Tourist Oriented Directional Sign (TODS) or other such programs may be allowed a freestanding sign in addition to the sign allowed under [Section 706.05](#) as approved during the site plan review process. It is the intent of this Section to assure that these interstate businesses draw the maximum possible customers while abiding by the overall spirit and other requirements of the Comprehensive Plan and this Ordinance.²⁷

²⁷ [September 2014] The above Section and its Subsections below have been renumbered 706.06A, formerly 706.06B, for numbering consistency in the Land Development Regulations and any reference to this Section throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

(Sec. 706.06A Added by Ord. of 5-29-07)

706.06A-1 The additional on-premise, freestanding sign shall not exceed an area of one hundred fifty (150) square feet with the height and square footage to be determined during the site plan review process but not to exceed seventy-five (75) feet tall. The proportionality of the sign's height to square footage shall be considered during the review process.
(Sec. 706.06A-1 Added by Ord. of 5-29-07)

706.06A-2 Information Required. Each applicant requesting such a sign during the site plan review process shall submit the following information:

- (1) A scaled site plan showing location, height and square footage of the proposed sign on the property and other improvements.
- (2) An elevation plan for the proposed sign showing the proposed height from the fronting road grade and from approximately one thousand (1000) feet prior to the gore of the appropriate exit ramp. Photographic simulations shall be submitted to supplement this information and a crane test shall be required to demonstrate the visibility requirements.²⁸

(Sec. 706.06A-2 Added by Ord. of 5-29-07)

706.06A-3 Height and Square Footage Justification. The allowable sign height and square footage shall be determined by its visibility at a distance of approximately one thousand (1000) feet from the gore of the appropriate interstate exit ramp. The maximum height allowed shall be that which is necessary for the full face of the sign to be visible above any obstruction, not to exceed seventy-five (75) feet. If the sign face cannot be viewed from this distance at this height for reasons such as topography, surrounding vegetation or road alignment, no additional sign will be allowed.

(Sec. 706.06A-3 Added by Ord. of 5-29-07)

706.06A-4 Sign Standards. Signs permitted under this Section shall meet the following standards:

- (1) Only the name of the business and the logo shall be allowed on the sign.
- (2) The sign shall be mounted on a single pole painted black.
- (3) The sign shall be setback from adjoining property lines a minimum of one (1) foot for every foot of height and a minimum of five (5) feet off of the edge of the interstate right-of-way.

(Sec. 706.06A-4 Added by Ord. of 5-29-07)

²⁸ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 706.07 Prohibited Signs in all Districts:
- 706.07-1 New billboards or any business or outdoor advertising sign which is not located on the premises that it identifies or advertises except as provided in [Section 706.03-14](#).
- 706.07-2 Any sign which is fastened, placed, painted, or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker or another sign, except as may be required by law, or placed by a duly authorized governmental agency or otherwise permitted in this Ordinance. (See [Section 706.04](#))
- 706.07-3 Strings of lights which include lights that outline property lines, sales area, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, except lights which are part of a holiday decoration, illuminate a Christmas tree sales lot, recreational resorts, or the interior of fuel island canopies.
(Sec. 706.07-3 Amended by Ord. of 8-24-15)
- 706.07-4 Any sign which uses the word “stop” or “danger” prominently displayed or which is a copy or imitation of official traffic control signs or conflicts with traffic safety needs due to location, color, movement, shape or illumination.
- 706.07-5 Signs with animated, blinking, chasing, flashing, or moving effects excluding time and temperature messages, to include Electronic Message Centers except where specifically allowed. Also prohibited are rotating or revolving signs and fluttering, spinning, windblown or inflated devices including pennants, propeller discs, flags or banners which do not conform with the requirements of this Ordinance.
(Sec. 706.07-5 Amended by Ord. of 8-23-10)
- 706.07-6 Searchlights, beacons or strobe lights, moored balloons or other tethered floating signs unless authorized by special exception for special events.
- 706.07-7 Any sign which is manufactured and is designed to and effectively does distract the attention of passing motorists on any highway or roadway by any means or which is sound-producing and intended to attract attention regardless of whether or not the sign has a written message content.
- 706.07-8 Obsolete signs (on or off-premises) identifying a business or activity which no longer exists shall be removed at the owner’s expense within thirty (30) days of notice.
- 706.08 Non-Conforming Signs:

- 706.08-1 Non-conforming signs shall be treated as a non-conforming structure per [Section 708.02](#) of these Regulations except as noted below.
- 706.08-2 The owner of any property on which there is located a non-conforming sign shall, upon notice from the Zoning Administrator, submit the name of the sign owner, the owner's address and verification that the sign was lawfully in existence at the time of adoption of this Ordinance. Such information and verification shall be submitted within sixty (60) days of notification. Failure to report these signs shall result in their removal at the owner's expense.
- 706.08-3 A non-conforming sign which is deteriorating, destroyed or damaged other than by accident or acts of natural disaster, to any extent exceeding twenty-five percent (25%) of its appraised value based on an assessment by the Commissioner of Revenue with assistance from the Virginia Department of Transportation and any other available sources, shall not be altered, replaced, repaired, or reinstalled unless it is in conformance with this Ordinance. If the damage is twenty-five percent (25%) or less of the appraised value, the sign may be restored within ninety (90) days of notification of the damage, but shall not be enlarged in any manner.
- 706.08-4 A non-conforming on-premises sign shall be removed within ninety (90) days if the structure, business, building, or use which it advertises is abandoned, destroyed, demolished or remodeled to an extent exceeding fifty percent (50%) of the appraised value of the principal structure. If a business changes but does not require remodeling in excess of the fifty percent (50%) threshold, the new business will be allowed to change existing non-conforming sign faces.
- 706.09 Sign Maintenance and Removal. All signs and sign supports shall be maintained in good repair and in operating condition, including the replacement of defective parts, paint, repainting, refacing, cleaning and other acts of required maintenance. Should the signs not be properly maintained and become deteriorated or structurally unsafe, the Zoning Administrator shall notify the person, firm or corporation owning or leasing the sign or the owner of the building or premises on which the sign is located to perform the required maintenance within ninety (90) days of such notification. Should the signs or supports not be maintained within that time period, the Zoning Administrator may cause the removal of the sign at the owner's expense.

707.00 MANUFACTURED HOMES

Any manufactured home placed in Rockbridge County after the date of enactment or amendment of this Ordinance shall meet the following requirements:

- 707.00-1 No manufactured home constructed prior to July 1, 1976, shall be erected, installed, sold or relocated in Rockbridge County except under the following conditions:
- (1) The manufactured home existed in the County prior to November 1, 1995, shall be allowed to be relocated into, or remain in a manufactured home park; and,
 - (2) The manufactured home located outside a manufactured home park shall be allowed to remain as a non-conforming structure per [Section 708.00](#) of these Regulations.²⁹
- All manufactured homes constructed after July 1, 1976, shall display the HUD seal or the seal of a testing laboratory approved by the State of Virginia;
- 707.00-2 All manufactured homes shall have the tow assembly and wheels removed if applicable, be mounted on and anchored to a permanent foundation, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code.
- 707.00-3 All manufactured homes shall be supplied with public water and wastewater disposal or such individual service evidenced by permits from the Health Department.
- 707.00-4 The manufactured home shall be declared a permanently affixed dwelling and taxed as real estate.
- 707.00-5 Manufactured homes shall only be used as a residence or as a temporary residence in conjunction with an active construction project per [Section 702.02](#). In addition, manufactured homes or manufactured construction office trailers may be used for on-site field offices during the life of the construction project in the Business and Industrial Districts. Manufactured homes or manufactured construction office trailers may also be used for off-site field offices or other on-site offices upon obtaining a special exception permit.
(Sec. 707.00-5 Amended by Ord. of 10-23-17)
- 707.00-6 Unless otherwise specified, manufactured homes located in residential zoning districts shall meet the following additional criteria:
- (1) The home shall be a minimum of nineteen (19) feet wide;

²⁹ **[September 2014]** The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (2) Covered with a non-reflective material customarily used on a site built dwelling such as, but not limited to, lap siding, plywood, brick, stone or stucco; and,
- (3) Have a 2.5" in 12" minimum pitch roof covered with non-reflective materials such as, but not limited to, fiberglass shingles, asphalt shingles, or wood shakes.³⁰

707.01 Manufactured Home Lot Requirements. Individual manufactured home lots shall meet the area and setback requirements of the zoning district in which they are located.

The following Sections are standards for new manufactured home parks. It is not the intent of these Sections to prohibit older, non-conforming, grandfathered manufactured home parks from making improvements that may reduce their non-conformity but are unable to meet all of the current standards. The Planning Commission and Board of Supervisors may use these Sections as a guide when reviewing such applications. The applicant should demonstrate why they cannot comply with these standards when making an application to expand.
(Sec. 707.01 Amended by Ord. of 6-24-13)

707.02 Manufactured Home Park and Setback Requirements. All manufactured home parks shall meet the following minimum area and setback requirements:

707.02-1 All manufactured home parks shall have a minimum area of at least three (3) acres. A minimum of three (3) spaces shall be completed and ready for occupancy before the first occupancy is permitted.

707.02-2 The overall density of any manufactured home development shall not exceed seven (7) units per gross acre. The density of any particular acre within such park shall not exceed eight (8) units per gross acre.

707.02.3 No main or accessory building shall be located closer than twenty-five (25) feet to any property line of a manufactured home park.

707.03 Manufactured Home Park Lot Requirements. All manufactured home lots shall meet the following requirements:

707.03-1 The area of any manufactured home lot shall not be less than three thousand four hundred (3,400) square feet.

707.03-2 No manufactured home or permanent building shall be closer than seven and a half (7 ½) feet to any lot line.

³⁰ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 707.03-3 The minimum length of a manufactured home lot shall be eighty-five (85) feet; the minimum width shall be forty (40) feet.
- 707.03-4 The rear yard of each manufactured home lot may be provided with a clothesline which shall be exempt from setback and other requirements of manufactured home accessory structures.
- 707.04 Manufactured Home Accessory Structures. All manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:
- 707.04-1 All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the Building Code.
- 707.04-2 Except in the case of an awning, ramada, or other shade structure, where a manufactured home accessory structure is attached to the manufactured home unit, a substantial part of one (1) wall of the accessory structure shall be flush with part of the manufactured home unit, or such accessory structure shall be attached to the manufactured home unit in a substantial manner by means of a roof. All manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached manufactured home accessory structure, except ramadas, shall be erected closer than seven and a half (7 ½) feet to a manufactured home.
- 707.04-3 Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home.
- 707.04-4 No manufactured home accessory structure shall be erected or constructed on any manufactured home lot except as an accessory to a manufactured home.
- 707.05 Manufactured Home Park Application and Site Plan. Applicants for manufactured home parks shall meet the following special requirements:
- 707.05-1 Site plans shall be legibly drawn at a scale consistent with its purpose.
- 707.05-2 The following information shall be required of site plans:
- (1) The date of the site plan, the name of the surveyor and the number of sheets comprising the site plan.
 - (2) The scale and the north designation.
 - (3) The name and signature of the owner, and the name of the proposed park; said name shall not closely approximate that of any existing manufactured home park or subdivision in Rockbridge County.

- (4) A vicinity map showing the location and area of the proposed park.
- (5) The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown.
- (6) The names of all adjoining property owners.
- (7) Proposed layout, including interior streets with dimensions and such typical street cross sections and centerline profiles as may be required in evaluating the street layout; water, sewer, drainage, and utility lines, facilities and connections, with dimensions shown; location and type of solid waste collection facilities; interior monuments and lot lines, dimensions, and areas of manufactured home lots, common open space and recreation areas, common parking areas, and other common areas; locations and dimensions of manufactured home stands and parking spaces, management offices, laundry facilities, recreation buildings, and other permanent structures; location and nature of fire-fighting facilities, including hydrants, fire extinguishers, and other fire-fighting equipment; location of fuel storage facilities and structure of high flammability; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, significant natural features to be retained, and fencing and screening.³¹

707.05-3 The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement from the Health Official certifying approval of the proposed site plan; and, where appropriate, statements from the Highway Engineer certifying approval of the street and drainage; water and sewer, or utility system layouts by the owner/operator.

707.06 Manufactured Home Park Design Standards:

707.06-1 Streets. An internal street system shall be provided to furnish convenient access to manufactured home stands and other facilities in the park, shall be designed such that connection to existing drainage and utility systems is convenient, and shall meet the following requirements; in addition to such other reasonable standards and requirements as may be established by the Board of Supervisors:

- (1) All internal streets shall be permanently paved with a durable, dust proof, hard surface. Minimum pavement widths shall be sixteen (16) feet for streets.

³¹ [September 2014] The above Subsections have been renumbered (1)-(7), formerly (a)-(g), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (2) Dead-end streets shall be limited in length to six hundred (600) feet, shall be provided with cul-de-sacs with turning areas of not less than forty (40) feet in radius.
- (3) Streets shall be adapted to the topography, shall follow the contours of the land as nearly as possible, and shall have safe grades and alignments.
- (4) Driveway entrances to manufactured home parks from any public street or road shall conform to the current construction standards of the Department of Transportation.³²

- 707.06-2 Vehicle Parking. Off-street parking shall be provided for the use of occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of one hundred eighty [180] square feet) for each manufactured home. Each off-street parking space shall be paved or graveled and have unobstructed access to either a public or private street. On street parking is prohibited unless the paved street on which the manufactured home fronts is expanded to accommodate additional parking lanes or parking bays.
- 707.06-3 Lighting. All streets and walkways within the manufactured home development shall be lighted.
- 707.06-4 Disposition of Garbage and Rubbish. It shall be the responsibility of the manufactured home park to collect or cause to be collected and disposed of garbage and rubbish as frequently as may be necessary. Dumpsters may be used with the approval of the Health Department, but shall be so located as to not be more than one hundred fifty (150) feet from any manufactured home.
- 707.06-5 Installation of Storage Tanks. Gasoline, liquefied petroleum, gas, or oil storage tanks shall be so installed as to comply with all County, State, and Federal fire prevention and protection regulations.
- 707.06-6 Open Spaces. Where manufactured home lot sizes are relied on primarily to provide for open space, lots and stands shall be so grouped as to maximize the amount of usable space, while meeting the minimum yard requirements set forth in [Section 707.01](#) of this Ordinance.
- 707.06-7 Reserved. (Sec. 707.06-7 Deleted by Ord. of 6-24-13)
- 707.06-8 Certificate of Use and Occupancy Required. No manufactured home or accessory structure shall be occupied in any manufactured home park until a certificate of occupancy shall have been issued by the County Building Inspector

³² [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

to the effect that the manufactured home park or the portion thereof for which such certificate is requested is in compliance with all applicable provisions of this Chapter and the Uniform Statewide Building Code. Such certificate shall not be issued until after the same has been approved by the Health Department, Zoning Administrator, and other agencies concerned.

708.00 NON-CONFORMING LOTS, BUILDINGS, AND USES

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

- 708.01 Lots of Record. Where a lot of record at the time of enactment of this Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:
- 708.01-1 A single non-conforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in [Section 807.00](#) herein or as described below.
- 708.01-2 In the event a lot recorded prior to November 28, 1995 in an agricultural zoning district cannot meet the current setback requirements for front, side and rear yards, any proposed single-family dwelling shall be required to meet the current setbacks to the greatest extent possible, as determined by the Zoning Administrator, taking into account site constraints such as topography, geology, streams, floodplains, rights-of-ways, and other such physical and legal limitations; and in no case, via this administrative process, less than the setbacks in effect as of 10/31/95 (25 foot front yard, 15/20 foot side yards and 35 foot rear yard).
- 708.02 Non-Conforming Structures. Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 708.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this Section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy-five percent (75%) of its replacement cost at the time of the Building Official declaration.
- 708.02-2 No non-conforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity.
- 708.02-3 Notwithstanding the provisions of [Section 708.02-2](#) above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line.
- 708.02-4 Should a non-conforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.
- 708.02-5 Should a non-conforming structure or non-conforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.
- 708.03 Non-Conforming Uses of Land. Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either:
- (1) An accessory use involving the use of no separate accessory structure; or,
 - (2) A principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:³³
- 708.03-1 No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance.

³³ **[September 2014]** The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 708.03-2 No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance.
- 708.03-3 In the event that such use ceases for reasons other than destruction for a period of more than two (2) years any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located.
- 708.03-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such non-conforming use.
- 708.04 Non-Conforming Uses of Structure. Where a lawful use involving an individual structure or structures in combination exists at the time of enactment or amendment of this Ordinance that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 708.04-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a non-conforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use.
- 708.04-2 A non-conforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure.
- 708.04-3 When a non-conforming use of a structure or structures and premises in combination is discontinued or abandoned for two (2) years, except when government action impedes access to the premises; or when a non-conforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- 709.00 SPECIAL REGULATIONS FOR TOWNHOUSES**
- 709.01 No more than ten (10) townhouses shall be included in any townhouse grouping.
- 709.02 Attached dwellings shall be separated by a noncombustible party wall to the roof line, with a fire resistance of not less than two (2) hours duration.
- 709.03 Each townhouse building shall front on a street dedicated to public use. If access is to be provided by means of privately owned and maintained streets, the streets including curbs, gutters, and sidewalks shall be developed according to standards

found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of §§33.1-12, 33.1-69, and 33.1-229 of the Code of Virginia (1950), as amended.

- 709.04 Common areas shall be maintained by and be the sole responsibility of the developer-owner of the townhouse development until such time as the developer-owner conveys such common area to homeowner's association whose members shall be all the individual owners of the townhouses in the townhouse development. Said land shall be conveyed to and be held by said homeowner's association solely for recreational and parking purposes of the owners of the individual townhouse lots in the development. In the event of such conveyance by the developer-owner to a homeowner's association, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro-rata lien upon the individual townhouse lots. Maintenance of townhouse exteriors, lawns, refuse handling, taxes, lighting, and drainage shall be provided in a similar manner so as to discharge any responsibility from Rockbridge County.

710.00 LIVESTOCK CONFINEMENT SYSTEMS

It is the intent of this Section to provide for the security of Rockbridge County's agricultural districts by encouraging the orderly and responsible growth of livestock confinement systems.

Agricultural operations shall not constitute a nuisance by reason of changed conditions on adjacent or nearby properties as per "Virginia Right to Farm Legislation," §§3.2-300 through §3.2-302 (formerly §§3.1-22.28 and 3.1-22.29), Code of Virginia (1950), as amended.

710.01 Acreage Requirements:

- 710.01-1 The minimum parcel size on which an initial livestock confinement facility building may be placed shall be fifteen (15) acres.
- 710.01-2 For each livestock confinement building, after the first, or portion thereof, five (5) additional acres shall be required, provided that all requirements of this Section are met.

(Sec. 710.01-3 Deleted by Ord. of 4-22-19)

- 710.02 Site Plan Requirements. The landowner must have a site evaluation performed by a State certified engineer, a State certified geologist, and/or other appropriate personnel to determine the appropriate location of proposed buildings, waste storage and treatment facilities, and appropriate setbacks. Plans shall be submitted to the Zoning Administrator for review. The Zoning Administrator may request assistance from other resources, as necessary, for proper review.

Items to be discussed in this report include, but are not limited to: distance from wells, springs, sinkholes, creeks, streams, rivers, and other geological formations which may pollute the groundwater.

- 710.03 Setback Requirements. The following setback requirements shall apply to livestock confinement facilities, and includes waste storage sites:
- 710.03-1 From property lines: three hundred (300) feet, except when the parcel has frontage on a public highway(s) or other public roadway(s) the front setback(s) shall be one hundred and fifty (150) feet from the edge of the road right-of-way(s).
(Sec. 710.03-1 Amended by Ord. of 4-22-19)
- 710.03-2 In addition to [710.03-1](#), from existing dwellings and public buildings (i.e. churches, graveyards, etc.): six hundred (600) feet; from property zoned residential or business: one thousand (1,000) feet. Livestock confinement facility property owners' dwellings and family cemeteries are exempted from this setback.
(Sec. 710.03-2 Amended by Ord. of 4-22-19)
- 710.03-3 From incorporation lines of cities and towns: one thousand (1,000) feet.
- 710.03-4 From water sources such as rivers, creeks streams, springs, sinkholes, wells and other geological formations which may pollute the groundwater: six hundred (600) feet; one hundred (100) feet if the facility is enclosed and under roof.
(Sec. 710.03-4 Amended by Ord. of 4-22-19)
- 710.03-5 Reserved. (Sec. 710.03-5 Deleted by Ord. of 4-22-19)
- 710.03-6 All livestock confinement facilities, including waste storage and treatment facilities, shall not be located within the 100 year Floodplain District, as delineated in the Flood Insurance Study, the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency, dated April 6, 2000, as amended).
(Sec. 710.03-6 Amended by Ord. of 4-22-19)
- 710.04 Nutrient Management Plan: All Livestock confinement facilities shall have a nutrient management plan meeting the requirements of the Department of Conservation and Recreation.
(Sec. 710.04 Amended by Ord. of 4-22-19)

(Secs. 710.04-1 through 710.04-6 Deleted by Ord. of 4-22-19)
- 710.05 Specific to Range Turkey Operations. Any range turkey operations consisting of three thousand (3,000) or more birds shall submit a site plan in accordance with [Section 710.02](#). Range turkey operations shall be required to have, and

implement, a Nutrient Management Plan and an Erosion and Sediment Control Plan.

710.06 Disposal of Dead Animals. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.

711.00 WIRELESS TELECOMMUNICATION FACILITIES

The purpose of this Ordinance is to establish requirements for the development of wireless facilities. The goals of this Ordinance are to:

- (1) Accommodate the provision of wireless telecommunication services to County residents, businesses, visitors and travelers;
- (2) Minimize adverse visual effects of wireless facilities through careful siting and design;
- (3) Maximize use of existing structures to accommodate wireless facilities;
- (4) Maintain the character of surrounding land uses and preserve historic, environmental and cultural resources of the County in accordance with the Comprehensive Plan; and,
- (5) Avoid potential harm posed by wireless facilities to persons and property through design, construction, maintenance and removal standards.³⁴

711.01 Definitions. Refer to [Section 302.00](#) for definitions of terms used throughout this Ordinance.

711.02 Applicability. The requirements set forth in this Ordinance shall govern the siting of antennas, antenna support structures and associated wireless facilities unless specifically excluded herein.

711.02-1 Amateur Radio. The requirements set forth in this Ordinance shall govern amateur radio station operations in accordance with §15.2-2293.1 of the Code of Virginia.

711.02-2 Television Reception Antennas. The requirements set forth in this Ordinance shall not govern television reception antennas that are less than fifty (50) feet AGL and used exclusively for non-commercial purposes.

³⁴ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (i)-(v), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 711.02-3 Satellite Earth Station Antennas. The requirements set forth in this Ordinance shall not govern satellite earth station antennas that are less than six (6) feet in diameter and used exclusively for non-commercial purposes.
- 711.02-4 Public Safety/Service Radio. County owned or operated wireless facilities are exempt from the requirements of this Ordinance but are expected to adhere to the goals heretofore described.
- 711.03 General Guidelines and Requirements. The following requirements shall govern wireless facilities; however, the County may reduce the burden on the applicant of one (1) or more of these criteria if the County concludes that the goals of this Ordinance are better served thereby. In consideration of any request to modify any provisions of this Ordinance, the Planning Commission and Board of Supervisors shall consider the goals set out in [Section 711.00](#) and the provisions of [Sections 711.04](#), [201.00](#) and [501.02](#), as well as good zoning principles and consistency with the Comprehensive Plan.
- 711.03-1 Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses when considering area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot which antennas or towers shall not be deemed a second main structure or use on the same lot. For purposes of determining whether the installation of antennas or towers complies with district development regulations and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Antennas and towers installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 711.03-2 Use of Existing Structures. The placement of an antenna on a secondary support structure such as a building, water tank, silo, sign, light pole or other free-standing non-residential structure or existing municipal, utility or commercially-owned antenna support structure shall be permitted administratively so long as the following conditions are met:
- (1) Addition of antenna, support or other equipment shall not add more than twenty (20) feet in height to the attached structure;
 - (2) Structural analysis shall be performed by a licensed professional engineer in the Commonwealth of Virginia in accordance with the current revision to *ANSI EIA/TIA-222* certifying that the structure is capable of supporting the proposed loading;

- (3) Official FAA study shall be completed with a determination of no hazard to air navigation for any installation which would increase the overall height of the support structure;
- (4) The installation will not require lighting and/or other markings by the FAA;
- (5) Acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions; and,
- (6) Installation of antennas and equipment is designed to blend with the structure and its surroundings.³⁵

The Director of Planning may request that certain design elements and other site plan modifications be incorporated into the design. If the applicant does not agree to suggested changes, the applicant may appeal to the Board of Supervisors. Should the application be disapproved, the applicant would be permitted to re-file the application under the Special Exception Process. Proposals to extend existing structures more than twenty (20) feet are considered new structures under the Ordinance.

711.03-03 Administrative Review-Eligible Project per §15.2-2316.3 of the Code of Virginia and defined in [Section 302.00](#) of these Regulations shall be approved administratively. Aesthetics may be considered in the siting and design of these structures.
(Sec. 711.03-03 Added by Ord. of 3-25-19)

711.04 Factors Considered in Granting Permits for New Structures. The County shall consider the following factors to the extent that they achieve the goals of this Ordinance in determining whether to issue a Special Exception Permit:

- (1) Height of the proposed structure.
- (2) Proximity of the proposed structure to residential structures and residential district boundaries.
- (3) Compatibility with surrounding land uses.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.

³⁵ **[September 2014]** The above Subsections have been renumbered (1)-(6), formerly (a)-(f), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (6) Design of the structure, with special consideration given to design elements that have the effect of mitigating or eliminating visual obtrusiveness.
- (7) RF Coverage.
- (8) Use of existing structures.
- (9) Co-location policy.
- (10) Consistency with the Comprehensive Plan and the purposes to be served by zoning.³⁶

711.05 Reserved. (Sec. 711.05 Deleted by Ord. of 3-25-19)

711.06 Application. Each applicant shall submit the following information and other supporting drawings, calculations and documentation, signed and sealed by the appropriate licensed professionals:

- (1) Application Form. An application form provided by the County requesting specific technical information regarding the proposal.
- (2) Site Plan. A scaled site plan including vicinity map, description of the lot lines, setbacks, topography, adjacent uses, antenna support structure coordinates, ground elevation contours (minimum five (5) foot intervals), elevation view of proposed structures, existing vegetation, grounding, utilities, access roads, parking, fencing, landscaping, and other information deemed by the governing authority to be necessary to assess compliance with this Ordinance.
- (3) Existing Structures. The location (latitude and longitude), height and owner including contact information for all structures (minimum 80-foot AGL) within a three (3) mile radius of the proposed structure that could potentially support antennas. A justification statement indicating why each potential site was rejected. No new structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing structure can reasonably achieve the applicant's objectives. Evidence submitted to demonstrate that the existing infrastructure is insufficient may consist of any of the following:
 - a. No structures are located within the geographic area capable of meeting the applicant's engineering requirements.

³⁶ [September 2014] The above Subsections have been renumbered (1)-(10), formerly (a)-(j), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- b. Existing structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with antennas on the existing structure or antennas on the existing structure would cause interference with the applicant's proposed antennas.
 - e. The fees, costs or contractual provisions required by the owner in order to share an existing structure or to adapt an existing structure for sharing are unreasonable; exceeding new structure development costs are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing structures unsuitable.
- (4) Photo-Simulation Color Photographs (8.5" x 11") of the site from relevant viewpoints as determined by the Director of Planning that include a simulated photographic image of the proposed structure. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site. Before and after photo exhibits should be presented. A minimum of six (6) photo-simulations shall be provided. A map shall be supplied identifying by reference the location of each photograph.
- (5) Reserved. (Sec. 711.06(5) Deleted by Ord. of 3-25-19)
- (6) Reserved. (Sec. 711.06(6) Deleted by Ord. of 3-25-19)
- (7) FAA. An FAA Air Navigation Hazard Determination report with a determination of no hazard to air navigation.
- (8) NEPA. FCC Environmental Compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
- (9) NHPA. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office.

- (10) Co-location. An engineering report certifying that the proposed structure is capable of supporting similar users, including the primary user, in accordance with the table below. A copy of the applicant's co-location policy shall be submitted with the engineer's report for structures greater than eighty (80) feet AGL.

Structure Height (AGL)	Minimum Number of Antenna Positions
80 ft. or Less	1
81 ft. to 100 ft.	2
101 ft. to 120 ft.	3
121 ft. or Greater	5

This requirement shall not apply to applications to extend structures.

- (11) Structural Requirements. If feasible, antenna support structures shall be designed to collapse within themselves should structural failure occur. The applicant shall submit written certification and supporting documentation to this effect from a structural engineer licensed to practice in the Commonwealth of Virginia.
- (12) Radio Frequency Emissions. An acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.
- (13) FCC License. A copy of the FCC license under which each wireless service provider is operating.³⁷

711.07 Aesthetics. Wireless facilities shall incorporate design elements to minimize the adverse visual impacts on the community.

- (1) Antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Antennas shall be of a neutral, non-reflective color and devoid of logos. Under certain circumstances the County may request that the structure and ancillary equipment be painted in order to conform the structure to the surrounding environment and architecture.
- (2) The design of buildings and related structures used in conjunction with wireless facilities shall, to the extent possible, use materials, colors,

³⁷ [September 2014] The above Subsections have been renumbered (1)-(13), formerly (a)-(m); (c)1-6 renumbered to (3)a-f; and, (f)1-4 renumbered to (6)a-d for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

textures, screening, and landscaping that will blend the wireless facilities to the natural setting and the built environment.

- (3) No advertising of any type may be placed on the antenna support structure or associated facility unless as part of retrofitting an existing sign structure.³⁸

- 711.08 Speculative Structures. Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a commitment by at least one (1) wireless service provider agreeing to install his equipment on the proposed structure upon its construction for a minimum period of one (1) year. A legally binding agreement shall be required prior to issuing a Building Permit.
- 711.09 Ridges. Antenna support structures shall not be permitted on ridge lines and ridge tops as identified in the Land Use Section of the County's Comprehensive Plan. Antenna support structures are permissible down-slope from ridge lines and ridge tops such that the top of the structure does not extend more than ten (10) feet above the ridge line/ridge top. If other features such as trees are present on the ridge line/ridge top, structure height may not extend more than ten (10) feet above the height of the feature(s), as determined by the County.
- 711.10 Height. The maximum allowable height for an antenna support structure is the maximum height at which obstruction lighting and/or other markings would not be required as determined by the FAA.
- 711.11 Balloon Test. A balloon test shall be performed prior to the Planning Commission public hearing for any proposed structure in excess of one hundred (100) feet. The balloon shall be a minimum five (5) feet in diameter and be of a highly visible color. The balloon shall be flown during daylight hours over a continuous twenty-four (24) hour period. The applicant is responsible for securing all FAA approvals prior to this demonstration. The Director of Planning shall coordinate the date, time and notification.
- 711.12 Public Information Meetings. Applicants proposing new antenna support structure that require a Special Exception Permit are encouraged, but are not required to hold a public informational meeting to discuss their development plans and address community concerns prior to application submission. A public hearing will be held on these applications following submittal.
- 711.13 Federal Requirements. All antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of

³⁸ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

the federal government with the authority to regulate structures and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the facility owner's expense.

- 711.14 Building Codes. To ensure the structural integrity of towers, the owner of an antenna support structure shall ensure that it is maintained in compliance with standards contained in applicable Federal, State and local Codes. Failure to comply with this requirement shall constitute grounds for the removal of the tower or antenna at the facility owner's expense.
- 711.15 Reserved. (Sec. 711.15 Deleted by Ord. of 3-25-19)
- 711.16 Setbacks. Setbacks shall be measured from the base of the structure. Setback requirements shall not preclude the construction of habitable structures on adjacent parcels following the construction of the structure.
- (1) Antenna support structure must be set back a distance equal to two hundred percent (200%) of the height of the structure from any off-site residential structure and in no case less than four hundred (400) feet. In addition, it must be set back, at a minimum, the height of the tower from the property line.
(Sec. 711.16(1) Amended by Ord. of 3-25-19)
- (2) The compound area, guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.³⁹
(Sec. 711.16(2) Amended by Ord. of 3-25-19)
- 711.17 Security. Antenna support structures shall be equipped with an appropriate anti-climbing device and be enclosed by security fencing as deemed appropriate.
- 711.18 Signage. A sign shall be required displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved structure. An identical sign shall be posted at the point of access from the public highway if the facility is greater than five hundred (500) feet from the road. Additional signs advising of electromagnetic energy emissions shall be posted in accordance with FCC regulations.

³⁹ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

711.19 Landscaping. The following shall govern the landscaping requirements:

- (1) Wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property unless modified by the plan approving authority. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. The applicant shall propose plant species indigenous to the region. Plant material shall be at least six (6) feet in height at time of planting.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or eliminated altogether.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as structures sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (4) The wireless facility owner is responsible for maintaining all plant material in a healthy condition. Dead plants shall be removed and replaced in-kind.⁴⁰

711.20 Removal of Abandoned Antennas and Towers. Any antenna or support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or support structure shall remove same within ninety (90) days of receipt of notice from the County notifying the owner/operator of such removal requirement. Removal includes the removal of the abandoned facilities including the structure, footers, fencing, and support buildings. Foundations shall be removed to a depth of two (2) feet below ground level or covered to an equivalent depth with fill material. With the exception of underground fuel storage tanks, below-ground facilities may remain. Buildings may remain with the property owner's written approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the structure.

If the abandoned facilities are not removed as herein required, the County may seek court enforcement of such removal or the County may remove the facilities at the expense of the owner or operator.

(Sec. 711.20 Amended by Ord. of 3-25-19)

(Sec. 711.21 Deleted by Ord. of 3-25-19)

⁴⁰ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

712.00 CLUSTERED DEVELOPMENTS

712.01 A clustered development is the arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under Ordinance requirements for lot area, width or setbacks with the decrease in lot area, width or setbacks compensated by maintenance of equivalent common open space.

712.02 Overall density for a standard clustered development shall be determined by dividing the area requirement for lots in the underlying district by the total land area in the proposed development except where the sliding scale is applied in the A-1 and A-2 Districts and following calculation of the Net Developable Area pursuant to [Sections 701.03](#) and [701.05-1](#).
(Sec. 712.02 Amended by Ord. of 5-27-08)

712.02-1 For the clustering of single-family dwellings in the A-1, A-2, A-T, R-1 and R-2 Districts, the density calculation for a standard clustered development shall be based upon the same criteria for the property as would otherwise be permitted by the Land Development Regulations. The implementation and approval of cluster development and open space preservation shall be done administratively by the Director of Community Development and without public hearing. In exercising his or her authority pursuant to this Section, the Director of Community Development may consult with and consider the recommendations of the Planning Commission.
(Sec. 712.02-1 Added by Ord. of 5-27-08; Sec. 712.02-1 Amended by Ord. of 7-25-11)

712.02-2 In addition to density calculated pursuant to [Section 712.02-1](#), a density bonus shall be available in the A-1 and A-2 Districts by special exception. Density bonuses may be awarded up to the maximums set out in [Table 5](#) of this Appendix. The procedures applicable to applications for density bonuses shall be as set forth in [Section 802.03](#). The criteria to be considered by the Planning Commission and the Board of Supervisors in reviewing applications for density bonuses by special exception are set forth in [Section 802.03-5](#). In addition, the following shall be demonstrated:

- (1) The project is consistent with the Comprehensive Plan's goals for preservation of farm and forest land and protecting and preserving the area's rural character and environmental quality.
- (2) Building sites should be located on land that is least suitable for either agricultural or forestal uses as demonstrated by the project goals.
- (3) Low impact design techniques with lots arranged in true clusters and not scattered around the parcel.

(4) Existing roads are adequate for the increased traffic while new curb cuts are limited to two (2).

(5) Lots can safely be reached by Fire and Rescue.

Consultation with the Natural Bridge Soil and Water Conservation District is recommended for soils mapping to demonstrate the agricultural viability of the remaining open land.

(Sec. 712.02-2 Added by Ord. of 5-27-08; Sec. 712.02-2 Amended by Ord. of 7-25-11)

712.03 In the A-1 and A-2 Districts, a minimum of seventy-five percent (75%) of the property exclusive of roads, water and wetlands shall be preserved as open space and protected through restrictive covenants or conservation easements. In the A-T District the open space requirement shall be fifty percent (50%), and in the R-1 and R-2 Districts the open space requirement shall be twenty-five percent (25%). In each district, the required open space shall be used for recreational, agricultural or forestal purposes.
(Sec. 712.03 Amended by Ord. of 5-27-08)

712.04 If public water and sewer is not available to the property, the Health Department shall approve the plan for water supply and sewage disposal. Individual drainfields shall be provided for each lot but may be located in the common open space if not sited on the lot they are intended to serve. Community drainfields and wells shall not be permitted.
(Sec. 712.02-4 Amended by Ord. of 7-25-11)

712.05 Lot area, width and setback requirements shall be determined by the Planning Commission at the time of plan review based on the overall project design using the following guidelines:

- (1) Building spacing shall provide privacy within each dwelling unit.
- (2) Building space shall insure that each room has adequate light and air.
- (3) Areas between buildings used as service, storage of trash, or other utilitarian purposes should be designed so as to be compatible with adjoining dwellings.
- (4) Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.⁴¹

⁴¹ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

712.06 Setbacks of the cluster development from adjoining properties shall not be less than the minimum setback requirement for a primary structure in the underlying zoning district.

712.07 Streets shall be designed to meet the “Subdivision Street Requirements of the Virginia Department of Transportation.”

713.00 CONTINUING CARE RETIREMENT COMMUNITY

713.01 A continuing care retirement community is a planned development designed to provide residence and services for adults in a multi-use building complex in which buildings may be spaced closer than would generally be permitted under ordinance requirements for lot area, width or setbacks with the decrease in lot area, width or setbacks compensated by maintenance of equivalent common open space. Residences may include a mixture of freestanding single or multi-family homes/cottages, and apartments for independent residents who require minimal assistance with daily living. Adult residential care and skilled nursing services may be provided as a part of a continuum of care for all residents of the community as required by resident entry fees and care contracts.

713.02 A continuing care retirement community plan shall meet all requirements of [Section 712.00](#), Cluster Development but, due to the variety of housing options, the overall density shall not exceed four (4) units per gross acre based on the size of the entire parcel.

713.03 A continuing care retirement community plan shall include landscaping consistent with the surrounding area. Landscape plans will assure that the development blends in with the surrounding community and will make maximum use of existing natural vegetation.

714.00 LANDING STRIPS

714.01 A landing strip shall be grass and designed to meet manufacturer’s requirements for user’s plane.

714.02 Landing strips shall be designed such that glide slopes for takeoffs and landings shall be greater than twenty-five (25) feet over any nearby roadway and shall not pass over neighboring dwellings within fifteen hundred (1500) feet from the end of the runway on an arc fifteen (15) degrees either side of the runway. To meet this restriction, offset approach paths will be allowed.

714.03 Flights shall be restricted to daylight hours (civil twilight). No instrument meteorological condition (IMC) operations shall be allowed.

- 714.04 No flight lessons of any kind or any commercial use shall be allowed.
- 714.05 Provisions shall be made to secure the plane on site. The design of any proposed hangar shall be approved by the Planning Commission.
- 714.06 Any fuel stored on site shall be stored in a double walled, flood proofed fuel container.
- 714.07 No public funds shall be expended on the project.
- 714.08 All proposed sites shall be reviewed by the Federal Aviation Administration, the Virginia Department of Aviation and the Virginia Department of Transportation. Additional restrictions may be imposed as a result of these reviews due to the unique nature of an individual site and as a result of the Special Exception Process. All other applicable State and Federal requirements shall be adhered to.
- 714.09 Any alleged violation of the permit brought to the attention of the Director of Planning shall be investigated. If the Director of Planning concludes that a violation has occurred, he may suspend the permit until such issues are resolved.
- 714.10 Reserved. (Sec. 714.10 Deleted by Ord. of 2-12-07)
- 714.11 Emergency situations shall supercede any of these requirements.
- 714.12 Reserved. (Sec. 714.12 Deleted by Ord. of 10-22-12)
- 714.13 The following factors may be considered in determining whether to issue the Special Exception Permit:
- (1) Number of expected users and aircraft, and type of aircraft.
 - (2) Flight paths.
 - (3) Setbacks from property lines.
 - (4) Proximity of the landing strip to residential or historic structures and residential or historic district boundaries.
 - (5) Nature of the uses on adjacent and nearby properties.
 - (6) Surrounding topography.
 - (7) Surrounding tree coverage and foliage.
 - (8) Design of the hangar and fuel storage area, with particular reference to

design characteristics that have the effect of reducing or eliminating visual obtrusiveness or susceptibility to flooding.

- (9) Proposed ingress and egress.
- (10) Consistency with the Comprehensive Plan and the purposes to be served by zoning.
- (11) Length of time of permit.⁴²

715.00 SMALL WIND ENERGY ORDINANCE

The purpose of this Article is to regulate the placement, construction and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy systems and not unreasonably interfering with the development of independent renewable energy sources.

715.01 Definitions. For the purpose of this Section, the following definitions shall apply:

Hybrid System. An energy system that uses more than one (1) technology to produce energy or work (for example, a wind-solar system).

Micro Wind System. A building-mounted wind system that has a manufacture's rating of 10 kW or less and projects no more than fifteen (15) feet above the highest point of the roof and shall not be considered a small wind energy system in terms of area and setback requirements.

Tower. With regard to wind energy system, the structure on which the wind system is mounted.

Tower Height. With regard to wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Turbine. The parts of the wind system including the blades, generator and tail.

Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of at most 50kW, which will be used primarily to reduce on-site consumption of utility power.

715.02 Applicability. The requirements set forth in this Division shall govern the siting

⁴² [September 2014] The above Subsections have been renumbered (1)-(11), formerly (a)-(k), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to the Virginia's net metering laws (Code of Virginia (1950), as amended, §56-594), serve as an independent source of energy, or serve in a hybrid system.

715.03 Siting requirements. The requirements for siting and construction of all small wind energy systems regulated by this Division shall include the following:

- (1) Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to conform the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. A photo simulation may be required at the request of the Board of Supervisors.
- (2) Small wind energy systems shall not be artificially lighted.
- (3) No tower or micro system should have any sign, writing, or picture that may be construed as advertising.
- (4) Small wind energy systems shall not exceed sixty (60) decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (5) A small wind energy system shall be located on a parcel that, at minimum, is two (2) acres in size.
- (6) The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- (7) The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. This notification will take place by having the electric utility provider sign the Special Use Permit application. This signature does not construe approval for net metering by the electric utility.
- (8) The applicant will provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- (9) The tower shall be a monopole with a galvanized steel or other such neutral finish not to exceed a maximum height of one hundred (100) feet.

- (10) The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten (10) feet above the height of any structure within one hundred fifty (150) feet of the base. The supporting tower shall also be enclosed with a six-foot tall fence or the base of the tower shall not be climbable for a distance of twelve (12) feet.
- (11) The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60 (Virginia Administrative Code).
- (12) The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15, and subsequent revisions governing said emissions.⁴³

715.04 Review Process. The landowner will adhere to the Special Use Permit process as provided by [Section 802.00](#) of these Regulations.

715.05 Federal and State Requirements:

715.05-1 Compliance with Uniform Statewide Building Code. Building Permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.

715.05-2 Compliance with FAA Regulations. Wind energy systems must comply with applicable FAA Regulations, including any necessary approvals for installations close to airports.

715.05-3 Compliance with National Electric Code. Building Permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

715.05-4 Compliance with Regulations Governing Energy Net Metering. Wind energy systems connected to the utility grid must comply with 20 VAC 5-315:

⁴³ [September 2014] The above Subsections have been renumbered (1)-(12), formerly (a)-(m), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

Regulations Governing Net Energy Metering.

- 715.05-5 Blue Ridge Parkway. If it is determined that a proposed small wind energy system could impact the view shed of the Blue Ridge Parkway, then Parkway Officials shall be notified of the application for their comment.
- 715.06 Setbacks. The wind energy system shall be set back a distance at least equal to one hundred ten percent (110%) of the height of the tower plus the blade length from all adjacent property lines and a distance equal at least to one hundred fifty percent (150%) of the tower height plus blade length from any habitable dwelling on neighboring property. These setbacks may be reduced by notarized consent of the owner of the property on which the requested wind energy system is to be erected and the adjacent landowner whose property line or dwelling falls within the specified distance. Additionally, such adjacent landowner must execute a deed of easement for the benefit of the property on which the wind energy system is to be erected prohibiting construction of any new structure on such adjacent property within the specified easement. Wind energy systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy system is located, in addition to the requirements set forth above. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.
- 715.07 Removal of Defective or Abandoned Wind Energy Systems. Any wind energy system found to be unsafe by the building official shall be repaired by the owner to meet Federal, State and local safety standards or removed within six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the County instructing the owner to remove the abandoned wind energy system. (Sec. 715.00 Added by Ord. of 11-24-08)

716.00 WOOD YARDS

- 716.01 In addition to the regulations stipulated in [Section 608-13](#) of these Regulations, the placement or storage of logs in the flood hazard district is only allowed if properly secured on the site in accordance with a sealed plan prepared by a professional engineer, licensed with the Commonwealth of Virginia. (Sec. 716.00 Added by Ord. of 12-13-21)

ARTICLE 8. ADMINISTRATION

These Regulations shall be administered in accordance with the provisions below.

801.00 ZONING ADMINISTRATOR

- 801.01 Appointment. The Zoning Administrator shall be appointed by and shall serve at the pleasure of the Rockbridge County Board of Supervisors which shall fix the compensation of the Zoning Administrator.
- 801.02 Powers and Duties Relating to Zoning. The Zoning Administrator or his designee is authorized and empowered on behalf of, and in the name of, the Rockbridge County Board of Supervisors to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing Zoning and Building Permits and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Rockbridge County Board of Supervisors to administer and enforce this Ordinance, including the ordering, in writing, the remedy for any condition found in violation of this Ordinance, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances nor on special exceptions or other special exemptions, on which final action is reserved to the Board of Zoning Appeals or Governing Body.
- 801.03 Zoning Administration Process. [Figure 1](#) outlines the administrative process to be followed under various provisions of this Ordinance.

802.00 ZONING AND BUILDING PERMIT PROCEDURES

Zoning and Building Permits shall be issued in accordance with the following provisions and procedures:

- 802.01 Issuance and Display. The Zoning Administrator shall issue a Zoning and Building Permit for any permitted use requiring a building or structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The Zoning and Building Permit shall indicate whether the use is a permitted use, a special exception, or a variance. A Permit Card shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.
- 802.02 Application Procedure for Permitted Uses. Applications for a Zoning and

Building Permit shall be submitted to the Zoning Administrator according to the following provisions:

- 802.02-1 An application for a Zoning and Building Permit for a permitted use shall be accompanied by a site plan meeting the requirements of [Article 13](#) of these Regulations.
- 802.02-2 Each application for a Zoning and Building Permit, upon issuance of the permit, shall be accompanied by payment of a fee.
- 802.02-3 If the proposed use or construction described in the application required by [Section 802.02-1](#) are in conformity with the provisions set forth herein and other appropriate Codes and Regulations of Rockbridge County such as:
- (1) Virginia Health Department.
 - (2) Virginia Department of Transportation.
 - (3) Rockbridge County Public Service Authority.
 - (4) Flood Hazard Districts.
 - (5) Erosion and Sediment Control Ordinance.
 - (6) Building Code Requirements.
 - (7) Radon Resistant Construction.⁴⁴
- The Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and a Zoning and Building Permit may be issued. The Zoning Administrator shall retain the application and necessary copies of the site plan for his records.
- 802.02-4 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Zoning and Building Permit, but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this Ordinance with which the submitted plan does not comply. The Zoning Administrator shall retain necessary copies of the site plan and of the refusal.
- 802.02-5 Zoning and Building Permits issued prior to January 23, 1995 for permitted uses are hereby declared to be valid.

⁴⁴ **[September 2014].** The above Subsections have been renumbered (1)-(7), formerly (a)-(g), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 802.03 Application Procedures for Special Exceptions. Applications for a special exception shall be submitted to the Zoning Administrator, who shall refer the application to the Governing Body for a public hearing in accordance with the following procedures:
- 802.03-1 An application shall be accompanied by an acceptable site plan meeting the requirements of [Article 13](#) and [Section 802.04-1](#) as required by the Zoning Administrator or the Planning Commission.
- 802.03-2 Each application for a special exception shall be accompanied by payment of a fee as set forth in [Article 10](#) to help defray the cost of publicizing and conducting the public hearing. Property shall be posted by the applicant per [Section 802.04-3](#) of these Regulations and public notice given per §15.2-2204 of the Code of Virginia (1950), as amended.
- 802.03-3 The application shall be sent to the Commission for review and recommendation, and said Commission shall have sixty (60) days within which to submit a report. If the Commission fails to submit a report within a sixty (60) day period, it shall be deemed to have approved the proposed special exception. For projects within the TCO Districts, such applications shall first be submitted to the TCO Review Board for a recommendation to the Planning Commission.
- 802.03-4 The Governing Body shall consider the proposed special exception after notice and public hearing in accordance with §15.2-2204 of the Code of Virginia (1950), as amended, and shall take action on the proposed special exception within thirty (30) days from the date of the public hearing.
- 802.03-5 In evaluating the proposed special exception, the Governing Body shall address the following concerns:
- (1) The effect of the proposed use or special exception on existing and projected traffic volumes in the neighborhood;
 - (2) The current and future need for the proposed use in Rockbridge County; and,
 - (3) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.⁴⁵
- 802.03-6 Conditions set forth in [Section 802.03-5](#) for the various special exceptions are minimum. In approving a proposed special exception, the Governing Body may

⁴⁵ **[September 2014]** The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

stipulate such additional requirements as are necessary to protect the public interest. The Governing Body may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Governing Body.

- 802.03-7 If the Governing Body approves the application for a special exception, the Zoning Administrator shall return a copy of the application indicating the approval and noting any conditions established.
- 802.03-8 If the Governing Body disapproves the application for a special exception, the Governing Body shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain necessary copies of the site plan and of the refusal, and shall keep them as a public record.
- 802.03-9 A property owner, or his appointed agent, shall not initiate action for a special exception relating to the same special use affecting the same parcel of land more often than once every twelve (12) months, unless new information is presented that substantially changes the request.
- 802.03-10 A special exception must be put into effect six (6) months after the date the permit is issued, unless otherwise provided in the permit itself.
- 802.03-11 Renewal of a special exception does not require a public hearing unless the original conditions in the permit are changed, however notice of the renewal will be shown on the agenda of the Board of Supervisors.
- 802.04 Initiation of Zoning Amendments and Changes. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may by Ordinance amend, supplement or change: (a) the text of the Zoning Ordinance; (b) the zoning district boundaries of the Official Zoning Map; or, (c) the zoning district classification of property. Any such amendment may be initiated by:
- (1) Board of Supervisors on its own motion.
 - (2) Recommendation by the Planning Commission to the Board of Supervisors.
 - (3) Petition of the owner(s), contract purchaser with the owner's written consent or the owner's agent with the owner's written consent, of the property which is the subject of the proposed amendment.
- 802.04-1 Requirements for Zoning Amendment Application. For zoning amendment applications initiated by a property owner's petition in accord with paragraph (3) above, the applicant shall be responsible for the preparation and cost of all

materials, exhibits, notifications, fees and other considerations related to the application. All petitions for zoning map amendment (rezoning) or zoning Ordinance text change related thereto shall include a complete and signed rezoning application as well as other materials as specified hereinafter.

Three (3) copies of the application must be submitted to the office of the Director of Planning and shall include, at a minimum, the following:

- (1) Names, addresses and relationship to the land of all owners and applicants for rezoning of the property described in the application or who may have an interest in the development of the subject property. Where the application is filed by an agent, contract purchaser or lessee, a written and notarized statement shall be provided signed by the title owner or owners indicating endorsement of the application by the owner or owners and authorizing the applicant to seek the rezoning on their behalf.
- (2) A notarized affidavit, signed by the applicant(s), stating whether or not any member of the Planning Commission or the Board of Supervisors has any interest in the land to be rezoned either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settler of an irrevocable trust or whether any member of their immediate household has any such interest in the outcome of the decision.
- (3) Tax map of the property to be rezoned.
- (4) A certified plat showing the metes and bounds of the property to be rezoned, with the seal and signature of the Certified Land Surveyor or Engineer preparing the plat.
- (5) A legal description of property and area (in square feet or acres) of the property to be rezoned.
- (6) Location of all existing buildings and structures.
- (7) Statement of purpose, feasibility and justification of the proposed amendment, to include:
 - a. A statement addressing the relationship of the proposed zoning to the Comprehensive Plan or any adopted Ordinance, land use plan, facility plan or other County document which may be related to the application.
 - b. A statement addressing the physical, transportation, public infrastructure, community facilities, schools and environmental impact of the proposed land use(s) for the property to be rezoned.

- c. Description of areas having environmental or historic significance.
 - d. Description of proposed development, including a statement addressing the impact of the development on adjoining properties and neighborhoods.
 - e. A statement addressing the adequacy of public services and infrastructure to serve the proposed land uses.
 - f. A statement addressing special amenities and improvements to be included with the proposed development.
 - g. A statement setting forth the timing and phasing of the proposed development.
 - h. Any conditional elements and additional information that the applicant may desire to proffer in the consideration of the zoning amendment.
- (8) A General Development Plan which graphically depicts the scope and intent of the proposed development to include the following:
- a. Schematic land use plan (to be prepared on an accurate base map with 10' contour intervals (minimum interval) and a horizontal scale of 1" = 50' or other appropriate scale to be approved by the Director of Planning prior to submission of application).
 - b. Proposed location and height of building and other physical improvements including parking and loading spaces.
 - c. Proposed location, type, size and area of open spaces, recreational areas and other community facilities.
 - d. Proposed density of development, maximum floor area coverage, dwelling unit count and estimate of net developable areas in accord with the provisions of the applicable zoning district(s).
 - e. Plan of vehicular and pedestrian circulation.
 - f. Environmental features (including 100 year floodplain, wetlands, sinkholes, quarried and filled land and other sensitive environmental areas).
 - g. Schematic plan for storm drainage and stormwater management improvements.

- h. Schematic plan for public water and sewer services.
- i. Schematic plan depicting how adjacent and neighboring properties shall be protected from any adverse effects of the proposed development, including screening, buffering, fencing and related landscape treatments.
- j. Schematic development and/or subdivision plan depicting the phasing of the proposed development if the project is to be developed in more than one (1) phase.

(9) When deemed necessary by the Director of Planning or the Planning Commission, the following studies and additional information shall be provided:

- a. A traffic impact assessment showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- b. A public infrastructure utility impact analysis, showing the effect (location, demands, cost, etc.) of the project on public water, sewer and storm drainage facilities.
- c. A fiscal impact analysis indicating the relative public revenues and expenditures of the proposed development.
- d. Any additional information which is deemed necessary to fully evaluate a zoning amendment proposed within an adopted overlay district.

(10) A fully complete application package and a signed application form as provided by the County.

(11) The names, addresses and tax map identification numbers of all owners of abutting property and property immediately across the street from the property requested to be rezoned.

(12) An application fee as provided for in Director of Planning's Schedule of Fees.

802.04-2 Pre-Application Conference Requirement. A Pre-Application Conference shall be conducted with the Director of Planning and the Staff Review Committee prior to the submission of an application for zoning amendment. An application for zoning amendment shall not be deemed "complete" unless and until the Pre-Application Conference has been conducted.

802.04-3 Posting of Property by Applicant and Access to Property. A "Public Notice"

sign or signs shall be posted in a prominent place on the property subject to the application and such sign shall be visible from any fronting public street. The sign or signs, as provided by the Director of Planning, shall be erected by the applicant and shall be located within ten (10) feet of a boundary which abuts a public street. The sign or signs shall be posted fourteen (14) days prior to the scheduled Planning Commission public hearing and shall remain on the property until action on the application has been taken by the Board of Supervisors. The applicant shall be responsible for ensuring that the sign is maintained during this period. It shall be unlawful for any person to remove or tamper with any sign during the period it is required to be maintained. During the application process, the Planning Commission, Board of Supervisors and County staff shall have access to the property for the purpose of studying the proposal.

802.04-4 Action on Application by Director of Planning. The application for zoning amendment shall be reviewed for completeness by the Director of Planning and designated members of the County staff. A determination of completeness of the application shall be made within fourteen (14) days from date of submission. If the application is not deemed “complete”, it shall be returned to the applicant with written correspondence provided which outlines the nature and areas in which the application is incomplete. No further review shall be conducted on an application which is deemed incomplete. Within thirty (30) days of the receipt of a complete application, the Director of Planning shall prepare a staff report outlining the review findings and other relevant comments and recommendations related to the proposed zoning amendment. This report shall be forwarded to the Planning Commission prior to the first public meeting on the application.

802.04-5 Action on Application by Planning Commission. The Director of Planning shall set a time and place for a public hearing by the Planning Commission on said amendment and direct that the public notice for said amendment be given as required in §15.2-2204 of the Code of Virginia (1950), as amended. No zoning amendment or change shall be adopted, amended or reenacted unless a complete application on the proposed amendment has been reviewed by the Planning Commission. The Commission shall hold at least one (1) public hearing on such proposed amendment after required notice has been given. Following the hearing, the Planning Commission shall prepare and, by motion, adopt its recommendations, which may include changes in the original proposal resulting from the hearing and shall report such recommendations, together with any explanatory matter and the Commission’s statement, by motion or Resolution, indicating the public purposes to the Board of Supervisors. Failure of the Planning Commission to report within ninety (90) days after the first meeting of the Commission after the proposal has been referred to the Commission shall be deemed a recommendation for approval, unless such proposal has been withdrawn by the applicant prior to the expiration of such time period or the applicant has requested an extension of time to produce additional information as may be required by the Commission.

- 802.04-6 Action on Application by Board of Supervisors. Before approving and adopting any amendment to this Article, the Board of Supervisors shall hold at least one (1) public hearing thereon (whether or not jointly held with the Planning Commission), after public notice as required in §15.2-2204 of the Code of Virginia (1950), as amended, after which the Board of Supervisors may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public notice as required in §15.2-2204 in the Code of Virginia (1950), as amended. The Board of Supervisors shall take action on the proposed amendment within thirty (30) days from the date of the public hearing. An affirmative vote of at least a majority of the members of the Board of Supervisors shall be required to approve a zoning amendment.
- 802.04-7 Reconsideration of Request. No consideration of a new request for amendment or change initiated by a property owner's petition in accord with [Section 802.04-3](#) herein above and as further provided for in this Article, including any change to the boundaries or designations on the Official Zoning Map, which is deemed substantially the same request as an earlier application filing, shall be considered within twelve (12) months of the date of the earlier filing acted upon by the Board of Supervisors. Nothing contained herein shall impair the right of either the Planning Commission or the Board of Supervisors to propose any amendment to this Ordinance on their own motion at any time.
- 802.04-8 Withdrawal of Application. Applications for a change in zoning may be withdrawn from consideration by the applicant at any time prior to any vote by the Planning Commission or Board of Supervisors, provided that no new application concerning any or all of the same property shall be filed within twelve (12) months of the date of action by the Planning Commission or Board of Supervisors unless the body approving the withdrawal specifies that the time limitation shall not apply and, thereby, permits the application to be withdrawn "without prejudice." The applicant shall not be entitled to any refund of application fees upon withdrawal of an application.
- 802.04-9 Amendments and Variations of Conditions. There shall be no amendment, change or variation of any condition created pursuant to the provisions of this Article until after a public hearing before Board of Supervisors advertised pursuant to the provisions of the Code of Virginia (1950), as amended.
- 802.04-10 The rezoning of land may be denied by the Governing Body if, from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for the development proposed because of inadequate or unsafe road access, inadequate community facilities, poor soils, significant possibility of ground or surface water contamination, increased storm water runoff, non-conformity to County development plans, or other public health, welfare, or safety objectives.

802.05 Conditional Zoning:

802.05-1 As part of an application to rezone property and amend the official zoning maps, the property owner may include a voluntary proffering in writing placing certain conditions and restrictions on the use and development of such property, and the Administrator shall be vested with all necessary authority to administer and enforce such conditions and restrictions in accordance with §§15.2-2296 to 15.2-2302 (formerly §§15.1-491.1 to 15.1-491.6) of the Code of Virginia (1950), as amended. Any such proffered conditions must be made prior to the public hearing held by the Governing Body and must adhere to the following:

- (1) The rezoning itself must give rise for the need for the conditions.
- (2) Such conditions shall have a reasonable relation to the rezoning.
- (3) Such conditions shall not include a cash contribution to the County.
- (4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the County Subdivision Regulations.
- (5) Such conditions shall not include payment for or construction of off-site improvements except those provided for in the County Subdivision Regulations.
- (6) No condition shall be proffered that is not related to the physical development or physical operation of the property.
- (7) All such conditions shall be in conformity with the County Comprehensive Plan.

802.05-2 The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the Ordinance creating conditions in addition to the regulations provided for in a particular zoning district.

802.05-3 There shall be no amendment or variation of conditions created pursuant to this Section until after a public hearing in accordance with [Section 802.04](#) of these Regulations.

803.00 CERTIFICATE OF OCCUPANCY

Certificates of Occupancy shall be issued by the Zoning Administrator in accordance with the

following provisions:

- 803.01 Certificate of Occupancy Required. A Certificate of Occupancy shall be required in advance of occupancy or use of:
- 803.01-1 A building hereafter erected.
- 803.01-2 A building hereafter altered so as to affect height, or the side, front, or rear yard dimensions.
- 803.01-3 A change of type of occupancy or use of any building or premises.
- 803.02 Issuance of Certificate of Occupancy. The Building Official shall sign and issue a Certificate of Occupancy, as stated on the application for such Certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted for the Zoning and Building Permit.
- 803.03 Denial of Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision set forth herein.

804.00 BOARD OF ZONING APPEALS

The Board of Zoning Appeals (BZA) shall consist of five (5) members who shall be appointed by the Circuit Court of Rockbridge County.

- 804.01 Initial Appointment. The initial appointment of the BZA shall be as follows: One (1) member for one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; one (1) member for four (4) years; and one (1) member for five (5) years.
- 804.02 Terms of Office. Appointments shall be for five (5) years each. The Secretary of the BZA shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.
- 804.03 Public Offices Held. No member shall hold any public office except that one (1) member may be a member of the Planning Commission.
(Sec. 804.03 Amended by Ord. of 2-23-09)
- 804.04 Compensation. Members of the BZA may receive such compensation as may be authorized by the Governing Body.
- 804.05 Support. Within the limits of funds appropriated by the Governing Body, the

BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

- 804.06 Vacancies. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after hearing held after at least fifteen (15) days' notice.

805.00 RULES OF PROCEDURE

The Board of Zoning Appeals shall observe the following procedures:

- 805.01 Said Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other Ordinances of Rockbridge County and general laws of the Commonwealth for the conduct of its affairs.
- 805.02 Said Board shall elect a Chairman, Vice Chairman, and Secretary from its own membership who shall serve annual terms as such and may succeed themselves.
- 805.03 Said Board will keep a full public record of its proceedings and shall submit a report of its activities to the Board of Supervisors at least once each year.
- 805.04 All meetings of said Board shall be open to the public.
- 805.05 Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has an interest.
- 805.06 The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.
- 805.07 The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
- 805.08 A quorum shall be at least three (3) members.
- 805.09 A favorable vote of three (3) members of said 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 said Board is empowered.

806.00 POWERS AND DUTIES OF THE BZA

The Board of Zoning Appeals shall have the following duties and powers:

- 806.01 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Ordinance.
- 806.02 To authorize upon original application 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:
- 806.02-1 When a property owner can show that this 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 conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
- 806.02-2 No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variation.
- 806.02-3 No such variance shall be authorized except after notice and hearing as required by §15.2-2204 (formerly §15.1-431), of the Code of Virginia (1950), as amended.
- 806.02-4 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
- 806.02-5 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.

807.00 APPLICATION FOR VARIANCES

Application for variances from this Ordinance may be made by any property owner, tenant, governmental official, department, board, or bureau.

- 807.01 Application. Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local Commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.
- 807.02 Posting and Land. The Zoning Administrator shall cause to have posted in a conspicuous place on the property in question one (1) or more signs, each of which shall not be less than six (6) square feet in area; shall contain information as to the proposed change and the date and time of the public hearing; and, the cost of each shall be paid by the applicant prior to the public hearing. These signs shall be posted at least fifteen (15) days prior to the public hearing.
- 807.03 Hearing and Action. The secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by §15.2-2204 (formerly §15.1-431) of the Code of Virginia (1950), as amended. The Board shall decide same within thirty (30) days from the date of such hearing.
- 807.04 Limitation of Hearings. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.
- 807.05 Withdrawal of Application. Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.
- 807.06 Fee. Each application for a variance shall be accompanied by payment of a fee as set forth in [Article 10](#) to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting

the public hearing at the time the notice is received.

808.00 REQUESTING A HEARING BEFORE THE BZA

Requests for a hearing before the Board of Zoning Appeals for an administrative review shall observe the following procedures:

- 808.01 An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of Rockbridge County affected by any decision of the Zoning Administrator within thirty (30) days after the decision.
- 808.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board, such applications shall specify the grounds for appeal.
- 808.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- 808.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts 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, and on notice to the Zoning Administrator and for good cause shown.
- 808.05 The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by §15.2-2204 (formerly §15.1-431), of the Code of Virginia (1950), as amended, and decide the same within thirty (30) days from the date of such public hearing.
- 808.06 In exercising the powers granted the Board in [Section 806.00](#) of this Ordinance, the said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Zoning and Building Permit.
- 808.07 Any application for appeal before the Board may be withdrawn prior to action hereon by said Board at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.
- 808.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in [Article 10](#) to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the

public hearing at the time the notice is received.

809.00 DECISION OF BOARD OF ZONING APPEALS

809.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or bureau of Rockbridge County may present to the Circuit Court of Rockbridge County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.

809.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

809.03 The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies 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 being appealed and shall be verified.

809.04 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 modify the decision brought up for review.

809.05 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 being appealed.

810.00 ADMINISTRATION OF SUBDIVISIONS

810.01 Subdivision Ordinance Administrator. The Subdivision Administrator shall be appointed by and shall serve at the pleasure of the Rockbridge County Board of Supervisors which shall fix the compensation of the Administrator.

810.02 Powers and Duties Relative to Subdivision Administration. The Subdivision Administrator is authorized and empowered on behalf of and in the name of the Rockbridge County Board of Supervisors to administer and enforce the provisions

set forth in [Article 9](#) of these Regulations, other pertinent provisions, and §15.2-2240 et seq. (formerly §15.1-465 et seq.), Code of Virginia (1950), as amended. The Administrator may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority, by the agent, shall have particular reference to the resident highway engineer and the health official.

810.03 Subdivision Administration Process. [Figure 2](#) outlines the administrative process to be followed under the provisions of the Subdivision Regulations found in [Article 9](#).

ARTICLE 9. SUBDIVISION REGULATION

901.00 SUBDIVISION REQUIREMENTS

Under the authority to establish subdivision regulations recorded in [Article 1, Section 102.00](#), and the purposes outlined in [Article 2, Sections 201.08](#) and [201.09](#), the Regulations established herein constitute minimum requirements which shall apply to all subdivisions, except as hereinafter provided.

902.00 STATUTORY PROVISIONS

The following statutory provisions shall be effective in Rockbridge County:

- 902.01 No person shall subdivide land without making and recording a plat of such subdivision recorded in the office of the Circuit Court of Rockbridge County and without fully complying with the provisions of this Article.
- 902.02 No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local commission or by the Governing Body or its duly authorized agent of Rockbridge County wherein the land to be subdivided is located; or by the Commissions, Governing Bodies, or agents, as the case may be, of each county or municipality having a subdivision ordinance, in which any part of the land lies.
- 902.03 No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto or bona fide divisions in accordance with the authority referenced in [Article 1, Section 102.10](#).
- 902.04 Any person violating the foregoing provisions of this Section shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- 902.05 No Clerk of any Court shall file or record a plat of a subdivision required by this Article to be recorded until such plat has been approved as required herein; and the penalties provided by §17.1-223 (formerly §17-59) shall apply to any failure to comply with the provisions of this Subsection. (Code of Virginia (1950), as amended, §15.2-2254 (formerly §§15-784, 15-785, 15-794.1; §15-967.8; 1962, c. 407).

903.00 PLATTING REQUIRED

Whenever the owner or proprietor of any tract of land within Rockbridge County desires to subdivide the same, he shall submit a plat of the proposed subdivision to Rockbridge County through the designated Administrator. The administrative process for the “Subdivision Regulations of Rockbridge County” are found in [Article 8, Section 810.00](#). No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Administrator in accordance with the regulations set forth in this Ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

- 903.01 No One Exempt. No person shall subdivide any tract of land that is located within Rockbridge County, except in conformity with the provisions of this Ordinance and the applicable provisions of the Code of Virginia (1950), as amended.
- 903.02 Mutual Responsibility. There is a mutual responsibility between the subdivider and Rockbridge County to divide the land so as to improve the general use patterns of the land being subdivided.
- 903.03 Land must be Suitable. The Board of Supervisors shall not approve the subdivision of land if, from adequate investigation conducted by the public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- 903.04 Improvements. All required improvements shall be installed by the subdivider at his cost. Specifications and requirements set forth in this Regulation shall be followed. The subdivider’s performance bond shall not be released until construction has been inspected and approved by the appropriate official.
- 903.04-1 The subdivider or developer shall pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; in lieu of such payment other methods of performance guarantee satisfactory to the Governing Body shall be posted conditioned on payment at the commencement of such construction.

- 903.04-2 Reserved. (Sec. 903.04-2 Deleted by Ord. of 2-27-12)
- 903.04-3 VDOT may be used in an advisory capacity during the Subdivision review process.
(Sec. 903.04-3 Amended by Ord. of 2-27-12)
- 903.05 Necessary Changes. No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets after approval by the Board has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing on behalf of the Board.
- 903.06 Private Contracts. This Regulation bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of this Ordinance shall control.

904.00 REQUIREMENTS FOR STANDARD SUBDIVISIONS

The general specifications and requirements set forth in this Section shall be followed:

- 904.01 Lots and Building Sites. In addition to the area and width requirements contained in [Article 7](#) of these Regulations, lots shall be arranged in order that the following considerations are satisfied:
- (1) The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements of this Article. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or road frontage which would be unusable for normal purposes.
 - (2) Each lot shall abut on a street created by the subdivision plat, or on an existing street, except in one- and two-lot subdivisions as approved by the agent. If the existing streets rights-of-ways are not fifty (50) feet in width, the subdivider shall make provisions on the plats to the lots so as to permit the widening by dedication of such rights-of-ways to a width of fifty (50) feet.
 - (3) Corner lots shall have width sufficient for maintenance of any required building lines on both streets pursuant to [Article 7](#).
 - (4) Building setback lines shall be shown on all plats, at a minimum distance not less than that required by [Article 7](#).

- (5) Side lines of lots shall be approximately at right angles or radial to the street lines with consideration made for topography and existing land features.
- (6) Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- (7) Separate ownership. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat.⁴⁶

904.02 Street Design and Standards:

904.02-1 Streets serving three (3) to ten (10) lots may be public or private, but, at a minimum, shall be designed to VDOT Standards for Mountainous Terrain.

904.02-2 Streets serving eleven (11) or greater lots may be public or private, but, at a minimum, shall be designed to VDOT Rolling Terrain Standards.

904.02-3 The developer shall specify road maintenance provisions.

904.03 Street Alignment and Layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the County, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the Highway Engineer.

904.04 Required Access for Subdivision Developments.

Accesses for developments must meet the following ratio of proposed dwelling units to number of accesses. Such an access shall be defined as the ingress/egress of a proposed subdivision development road from a public road. The number of dwelling units considered for this ratio shall be defined as those

⁴⁶ [September 2014] The above Subsections have been renumbered (1)-(7), formerly (a)-(g), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

units which are to be served solely by the proposed subdivision development road and which do not have direct access onto an existing public road.

Number of Dwelling Units	Number of Required Accesses
1 to 49	1
50 to 199	2
200 to 499	3
500 and over	4

904.05 Private Streets and Reserve Strips:

904.05-1 Plats for subdivisions with private streets shall clearly inform the purchaser of his responsibilities for the construction, reconstruction, and maintenance of streets within the development. The subdivision plat and all approved deeds, or similar instruments, must contain a statement advising that the streets and roads will not be maintained or improved by the Department of Transportation or the County; and further, that the purchaser is responsible for the construction, reconstruction, and maintenance of streets and roads within the subdivision. This statement must be written on each deed or lot(s) to which this Section applies.

904.05-2 There shall be no reserve strips controlling access to public streets.

904.06 Street Names. Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary and final plats, and shall be approved by the County. Names of existing streets shall not be changed except by specific approval.

904.07 Street Identification Signs. Street identification signs of an approved design shall be installed at all intersections.

904.08 Monuments. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this Regulation are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted.

904.09 Location - Iron Pipe or Rebar. All other lot corners shall be marked with iron pipe or rebar not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

- 904.10 Reservation of Land for Public Purposes. The County may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semipublic uses, subject to the following regulations:
- 904.10-1 Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage reservations, without reimbursement by the Governing Body. Where land is required in excess of this amount, the reimbursement by the Governing Body shall be based on a proportionate share of the:
- (1) Cost of raw land.
 - (2) Cost of improvements, including interests or investments.
 - (3) Development costs.
 - (4) Not more than ten percent (10%) profit on the total of such costs.⁴⁷
- 904.10-2 Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserve land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.
- 904.10-3 The Commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision.
- 904.10-4 Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

⁴⁷ **[September 2014]** The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

905.00 UTILITY REQUIREMENTS

- 905.01 Plans and Specifications for Utility Fixtures and Systems to Be Submitted for Approval. If the owners of any such subdivision desire to construct in, on, or under any streets or alleys located in such subdivision any gas, water, sewer, or electric light or power works, pipes, wires, fixtures, or systems, they shall present plans or specifications therefor to the Governing Body of Rockbridge County or its authorized agent for approval. The Governing Body shall have sixty (60) days in which to approve or disapprove the same. In event of the failure of the Governing Body, or its agent, to act within such period, such plans and specifications may be submitted, after ten (10) days' notice to the County, to the judge of the Circuit Court having jurisdiction within such County for his approval or disapproval, and his approval thereof shall, for all purposes of this Article, be treated and considered as the approval of the County, §15.2-2269 (formerly §15-967.15; 1962, c. 407), Code of Virginia (1950), as amended.
- 905.02 Septic Tanks. The Governing Body shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that approval by the Governing Body is only with the understanding that where septic tanks are to be installed, they must be approved on an individual basis by the Health Department.
- 905.03 Public Water and/or Sewer. Where public water and/or sewer is available, the service shall be extended to all lots within a subdivision by the developer.
- 905.04 Private Water and/or Sewer. Nothing in this Regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulations having authority over such installations. Provisions for long term maintenance shall be approved by the County.
- 905.05 Fire Protection. The installation of adequate fire hydrants in a subdivision at approved locations are required, provided that the necessary water supply is available.
- 905.06 Flood Control and Drainage. If any portion of the proposed subdivision is determined by the agent to be in the one hundred (100) year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the one hundred (100) year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the statewide storm water management criteria, or alternate criteria adopted by the Rockbridge County Board of Supervisors. The flood control and drainage

information shall include a properly certified engineer's statement that such improvements, when properly installed, will be adequate to meet the criteria as applied to the proposed development. Areas within the one hundred (100) year floodplain shall be delineated on the plat with a note referencing the source of the delineation.

905.07 Utility Easements. The County may require easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, and other utilities to serve the subdivision when required.

905.08 County Not Obligated to Pay for Grading, Paving, etc. Nothing herein shall be construed as creating an obligation upon Rockbridge County to pay for grading or paving, or for sidewalks, sewers, water systems, curb and gutter improvements, or other construction.

906.00 EROSION AND SEDIMENT CONTROL LAWS

The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control law to control erosion and sedimentation from land-disturbing activities.

906.01 Subdivision Development Included as Land-Disturbing Activity. The Code of Virginia (1950), as amended, includes the term subdivision development along with activities disturbing ten thousand (10,000) or more square feet of land for commercial or noncommercial uses.

906.02 Erosion and Sedimentation Plan Required. At the time of filing the final plat, an erosion and sedimentation control plan will also be filed (see [Section 907.02-9](#)) in accordance with the Rockbridge County Erosion and Sediment Control Ordinance and the provisions of the Virginia Erosion and Sediment Control Handbook.

907.00 PLAT REQUIRED - APPROVAL BEFORE SALE

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the Administrator for the approval of the subdivision by submitting ten (10) copies of a preliminary plat including the lot, street, and utility layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded. Prior to preliminary plat review, the developer shall be required to notify by mail adjoining property owners to any subdivision that will be reviewed by the Planning Commission and the Board of Supervisors.

- 907.01 Preliminary Sketch. The subdivider may, if he so chooses, submit to the Administrator a preliminary sketch of the proposed subdivision prior to his preparing detailed preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans, in general, are in accordance with the requirements of this Ordinance. Upon submission of any such preliminary sketch, it shall be studied and the subdivider advised where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the Commission with the preliminary plat. The preliminary sketch shall be as follows:
- 907.01-1 It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to an appropriate scale i.e., two hundred (200) feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- 907.02 Preliminary Plat. The subdivider shall present to the Administrator four (4) copies of a preliminary layout at an appropriate scale i.e., one hundred (100) feet to the inch as a preliminary plat; one (1) copy to be retained by the Administrator, one (1) copy to be sent to the Virginia Department of Transportation Resident Engineer, and one (1) copy to the health official. The preliminary plat shall include the following information:
- 907.02-1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, north point, and scale.
- 907.02-2 Location of proposed subdivision by an inset map at a scale of not less than one (1) inch equal to two thousand (2,000) feet showing adjoining roads, their names and number, towns, subdivisions, and other landmark.
- 907.02-3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500); total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract, and adjoining such boundaries.
- 907.02-4 All existing, platted, and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas, and parking spaces; culverts, drains, and water courses, their names and other pertinent data.
- 907.02-5 All parcels of land to be dedicated for public use and the conditions of such dedication.

- 907.02-6 Topography at an appropriate interval.
- 904.02-7 Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- 907.02-8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- 907.02-9 Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required (see [Section 906.02](#)).
- 907.02-10 Procedure. The Planning Commission and agent shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the Land Development Code. The subdivider shall then be advised in writing within thirty (30) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent shall require a bona fide estimate of the cost of improvements to be furnished by the subdivider.
- 907.02-11 No Guarantee. Approval by the Planning Commission and Administrator of the preliminary plat does not constitute a guarantee of approval of the final plat.
- 907.02-12 Six Months Limit. The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the Administrator a final subdivision plat in accordance with this Section. Failure to do so shall make preliminary approval null and void. The Administrator may, on written request by the subdivider, grant an extension of this time limit.

908.00 FINAL PLAT

The subdivision plats submitted for final approval by the Governing Body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at an appropriate scale, i.e., one hundred (100) feet to the inch on sheets not exceeding seventeen (17) inches by twenty-two (22) inches in size. When a subdivision cannot be platted on sheets of this size, it is suggested that it be platted in sections, numbering the sections numerically, as Section 1, 2, etc., of the designated subdivision.

- 908.01 Plat should contain at least the following information:

- 908.01-1 Name of subdivision, magisterial district, county, state, owner, north point, scale of drawing, and number of sheets. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A space containing the Certificate of Approval, (see [Exhibit 1](#)), shall be provided for the use of the approving authority.
- 908.01-2 Location of proposed subdivision by an insert map, at a scale of not less than one (1) inch equals two thousand (2,000) feet, indicating adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.
- 908.01-3 A boundary survey with an error of closure within the limits of one (1) in five thousand (5,000) related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the State Plan Coordinate Grid, if the Coordinates of two (2) adjacent corners of the subdivision are shown.
- 908.01-4 A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds on the form shown in [Exhibit 1](#).
- 908.01-5 When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
- 908.01-6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites, or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers, and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes, and underground conduits including their size and type; water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 908.01-7 Distances and bearings must balance and close with an accuracy of not less than one (1) in five thousand (5,000), all bearings in degrees and minutes to the nearest minute;
- 908.01-8 The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings.

909.00 CONSIDERATION OF FINAL PLATS

- 909.01 The Board of Supervisors shall act on proposed final plats within sixty (60) days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reasons therefor. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat.
- 909.01-1 If the Board of Supervisors fails to act on the proposed plat within sixty (60) days after it has been officially submitted for approval, the subdivider, after ten (10) days' written notice to the Board of Supervisors, may petition the Circuit Court of the County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper.
- 909.01-2 If the Board of Supervisors disapproves a plat and the subdivider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Board of Supervisors.
- 909.01-3 The subdivider shall have not more than six (6) months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit, such approval shall be withdrawn and the plat marked void and returned.
- 909.01-4 Before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement financed or to be financed in whole or in part by private funds, the owner or developer must: (1) certify to the Governing Body that the construction costs have been paid to the person constructing such facilities; or, (2) furnish to the Governing Body a certified check, letter of credit, cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for and conditioned upon the construction of such facilities. Prior to the release of any bond the developer shall provide an engineer's or surveyor's certification that all improvements were constructed in conformance with the Regulations. Such certification shall be required whether the improvements are to become public or will remain private. A maintenance bond on new road construction shall be required for a period of twelve (12) months.
- 909.01-5 Should the County have accepted the dedication of a road for public use and such

road is not acceptable into the State Highway System due to factors other than its quality of construction, the County may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the Governing Body, in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the State Highway System.

909.01-6 Recordation. The recordation of such plat shall operate to transfer, in fee simple, to Rockbridge County such portion of the premises platted as is on such plat set apart for streets, alleys, or other public use and to transfer to the County any easement indicated on such plat to create public right of passage over the same.

910.00 SIMPLIFIED PLAT

For one- and two-lot subdivision, a simplified plat shall be submitted for approval. Such simplified plat shall serve as both the preliminary and final plat and shall include at least the following information:

- (1) Bearings and distances of all property lines.
- (2) Area in square feet or acres.
- (3) Type of monuments at property corners, and indicate whether set or found.
- (4) Center or boundary lines, widths and route number or adjoining highways and distance to the nearest highway intersection.
- (5) The right-of-way and distance to the highway (for lots not bordering a highway).
- (6) North directional arrow (indicate whether magnetic or true North).
- (7) Scale shall conform to the requirements of this Article.
- (8) Names of adjoining property owners.
- (9) Name of present landowner and reference (deed book, page number, etc.).
- (10) Existing buildings, wells and septic systems.
- (11) Delineation of the approximate one-hundred-year floodplain as shown on the Rockbridge County Flood Insurance Rate Map (2000) or as delineated by a flood study prepared and certified by a licensed professional engineer.

- (12) Date surveyed, State certified surveyor's or engineer's seal.
- (13) Reserved. (Sec. 910.00(13), formerly Sec. 910.00(m), Deleted by Ord. of 2-27-12)
- (14) Certificate of approval for agent of County Governing Body.⁴⁸
(Sec. 910.00(14), formerly Sec. 910.00(n), Amended by Ord. of 2-27-12)

910.01 Simplified Plats. Simplified plats shall be submitted in five (5) copies as follows:

- (1) Original for approval and subsequent recording by the County Clerk, which shall be clearly and legibly drawn at a scale no smaller than one hundred (100) feet to the inch on a sheet having a size of eight and one-half by fourteen (8 1/2 x 14) inches.
- (2) Four (4) copies for review purposes submitted to the agent.⁴⁹

911.00 VACATION OF PLAT

A plat may be vacated by Ordinance of the Governing Body of Rockbridge County in which the land shown on the plat or part thereof to be vacated lies, on motion of one (1) of its members, or on application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by §15.2-2204 (formerly §15.1-431). Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of the Ordinance is to be considered. An appeal from the adoption of the Ordinance may be filed within thirty (30) days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the Court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation shall be recorded in the Clerk's Office of the Court in which the plat is recorded.

911.01 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods: (a) By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Governing Body of the County in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the

⁴⁸ [September 2014] The above Subsections have been renumbered (1)-(14), formerly (a)-(n), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

⁴⁹ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

approval of such vacation by the Governing Body. The word “owners” shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk’s Office of any Court in which said plat is recorded; (b) By Ordinance of the Rockbridge County Board of Supervisors on motion of one (1) of its members or on application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by §15.2-2204 (formerly §15.1-431). Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of the Ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the Ordinance. An appeal from the adoption of the Ordinance may be filed within thirty (30) days with the Circuit Court having jurisdiction over the land shown on the plat or part thereof to be vacated. Upon such appeal, the Court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation shall be recorded in the Clerk’s Office of any Court in which the plat is recorded.

912.00 ADVERTISING STANDARDS

912.01 A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to the following items:

912.01-1 Whether or not officially approved water and sewage facilities are available.

912.01-2 Whether or not the roads in the subdivision are public or private.

913.00 EXCEPTIONS

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where because of topographical or other conditions peculiar to the site, in the opinion of the County a departure may be made without destroying the intent of such provisions, the applicant may apply for a variation of the standards through the Special Exception Permit process. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning, on which the departure was justified, set forth. No special exception to this Ordinance may be granted which is opposed in writing by the County or Highway Engineer or Health Official.

ARTICLE 10. SCHEDULE OF FEES

A fee shall be charged for various administrative actions as established by the Board of Supervisors in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections. The Schedule of Fees may be amended from time to time as required. In the event an outside review is required of an application due to the nature of the activity, the additional cost of that review may be billed to the applicant. The Schedule of Fees is available in the Planning and Zoning Office.

No portion of any fee payment shall be returned to any applicant, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, that portion of any fee payment relating to notice and conduct of public hearing shall be returned.

*See Zoning Administrator for Fees

ARTICLE 11. VIOLATION AND PENALTY

1101.00 VIOLATION

All departments, officials, and public employees of Rockbridge County 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 these Regulations.

1102.00 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. He shall record properly such complaint, immediately investigate, and take action thereon provided by these Regulations.

1103.00 PENALTIES

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these Regulations shall be subject to a civil penalty per §15.2-2209 of the Code of Virginia (1950), as amended. The penalty for any one (1) violation shall be a civil penalty of two hundred dollars (\$200.00) for the initial summons and not more than five hundred dollars (\$500.00) for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of five thousand dollars (\$5,000.00). Designation of a particular zoning Ordinance violation for a civil penalty pursuant to this Section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total five thousand dollars (\$5,000.00) or more, the violation may be prosecuted as a criminal misdemeanor.

(Sec. 1103.00 Amended by Ord. of 8-23-10)

ARTICLE 12. LEGAL STATUS PROVISIONS

1201.00 CONFLICT WITH OTHER LAWS

Wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

1202.00 VALIDITY

Each phrase, sentence, paragraph, section, or other provision of these Regulations is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these Regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these Regulations.

1203.00 REPEALED RESOLUTIONS AND ORDINANCES

These Regulations are a comprehensive enactment of all of the Resolutions and Ordinances of the Rockbridge County Board of Supervisors relating to zoning and subdivision regulations. All prior Ordinances affecting zoning and subdivision regulations are hereby repealed.

1204.00 EFFECTIVE DATE

These Regulations shall take effect and be in force from and after 12:01 a.m., November 28, 1989. A certified copy of the foregoing Land Development Regulations of Rockbridge County shall be filed in the office of the Administrator and in the office of the Clerk of the County of Rockbridge County, Virginia.

ARTICLE 13. DEVELOPMENT PLAN REQUIREMENTS

1300.00 SITE PLAN REQUIREMENTS (approved 7/23/2001)

1300.01 Purpose and Intent. The County shall require submission and approval of a plan of development, hereinafter referred to as the “site plan”, prior to the issuance of a Zoning and Building Permit pursuant to §15.2-2286 of the Code of Virginia (1950), as amended. The purpose of the site plan is to ensure compliance with the Land Development Regulations and to facilitate the utilization of the most advantageous site improvement techniques in the development of land within the County. The site plan requirements promote contemporary standards in the siting, design, landscaping and implementation of development to ensure that land is used in a manner which is efficient and harmonious with neighboring properties as discussed in the Comprehensive Plan.

Nothing herein shall require the approval of any development or land use, or any feature thereof, which shall be found to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a departure from, or violation of, sound engineering design or standards.

The developer shall be responsible for all costs incurred in planning, engineering, bonding, constructing, installing and testing of all public facilities and infrastructure as well as other necessary improvements required to complete the proposed project and shall pay all applicable plan review fees at the time of submission of a site plan.

No work or site preparation may begin before a site plan has been approved.

1300.02 Administration of this Article. The Director of Planning, as an agent of the Planning Commission, shall administer, review, process and provide a recommendation concerning any site plan submission. The County has two (2) site plan submission and review processes: the minor site plan and the major site plan. The scope and nature of the planned project determines which site plan of the two review processes will be required of the applicant. Unlike the major site plan, the minor site plan incorporates abbreviated submission requirements.

The Director of Planning may establish, from time to time, such proper and reasonable administrative procedures, in addition to those provided herein, as shall be necessary for the proper administration of this Article.

County staff and other designated public officials responsible for the supervision, inspection, testing and enforcement of this Article shall have the right to enter upon any property subject to the provisions of this Article and the Zoning Ordinance at all reasonable times during the periods of plan review and construction for the purpose of ensuring compliance with this Article.

The Rockbridge County Board of Supervisors designates the Planning Commission and the Review Board to review and act to approve or disapprove major site plans. Minor site plans shall be reviewed and approved administratively. In the performance of its duties, the Planning Commission and the Review Board shall request and consider the review and comments of the Director of Planning, County staff and other public agencies as appropriate. The Planning Commission and the Review Board shall have the authority to waive the requirements of this Ordinance where it can be clearly demonstrated that such waiver will not have an adverse effect on: (a) the public health, safety, welfare, and convenience; (b) the planning for and provision of adequate public facilities, utilities, drainage, environmental controls, and transportation facilities; (c) preservation of agricultural, forestry and conservation lands; and, (d) other relevant considerations related to the Comprehensive Plan.

1300.03 Uses Requiring a Minor Site Plan. Minor site plan approval is required for the construction or expansion of all the following, provided that, if the development involves any of the elements which require the need for a major site plan, a major site plan must be submitted.

- (1) Single and two-family residential dwellings and residential accessory uses.
- (2) Temporary structures and facilities which are employed for public use.
- (3) Enlargement of a building in a residential, commercial or industrial zoning district which does not otherwise require a major site plan and which does not result in changes in on-site parking, provided that the enlargement is equal to or less than twenty-five percent (25%) of the gross floor area of the original building or two thousand (2,000) square feet, whichever is less.
- (4) Agricultural construction in an agricultural zoning district that requires a Land-disturbance Permit.
- (5) Enlargement of a parking lot in a residential, commercial or industrial zoning district that does not increase the number of parking spaces by more than ten (10) spaces.

1300.04 Information Required on a Minor Site Plan. Two (2) copies of a scaled or dimensioned drawing at a minimum of 1": 50' will be sufficient for a minor site plan accompanied by any required fee. Staff shall have no more than forty-five (45) days to review and approve a minor site plan. The following information is required on the scaled drawing which should be accompanied by a boundary survey of the tract. Assistance will be available in the Planning and Zoning Office.

- (1) Name and address of the owner or owners of record and plan preparer, if different.
- (2) Zoning of the tract, total land area and tax map number.
- (3) Indication of direction of drainage by arrows or contour intervals.
- (4) All building restriction lines.
- (5) Natural and artificial watercourses.
- (6) The location of all structures and improvements including: power lines, buildings, driveways, sidewalks, outdoor lighting, drainfield and well.
- (7) Erosion and sediment control measures.

1300.05 Uses Requiring a Major Site Plan. Due to the scope and nature of the uses, the major site plan requires a more extensive submission process than the minor site plan. A major site plan for land development activities is required for projects involving the following:

- (1) Uses in any of the commercial and industrial zoning districts not exempted above.
- (2) Multi-family housing (three (3) or more families).
- (3) Manufactured home parks.
- (4) Enlargement of a building which results in changes in on-site parking, provided that such enlargement exceeds twenty-five percent (25%) of the gross floor area of the original building or two thousand (2,000) square feet, whichever is less.
- (5) Installation, extension or change of a public water or sewer main.
- (6) Installation or change of a public water or sewer pump facility.
- (7) Installation or change of a public water storage facility.
- (8) Installation or change of a public water or sewer treatment facility or installation or change of a private sewer treatment or pretreatment facility.
- (9) Enlargement of a parking lot in a residential, commercial or industrial zoning district, increasing parking spaces by ten (10) or more.
- (10) Uses requiring a Special Exception Permit in any zoning district.

(11) Public buildings in any zoning district.

(12) Churches.

1300.06 Information Required on a Major Site Plan. An application for major site plan approval shall be submitted to the Director of Planning or designated staff accompanied by six (6) clearly legible blue or black line copies of plans and support materials required by this Ordinance and by the rules of the Director and accompanied by the required fee.

The site plan or any portion thereof, involving engineering, architecture, urban design, landscape architecture or land surveying, shall be prepared by persons qualified to do such work. Major site plans shall be certified by an architect, engineer, or land surveyor within the limits of their respective licenses authorizing them to practice by the State of Virginia.

The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date, scale of drawings and number of sheets. In addition, it shall reserve a blank space four (4) inches by four (4) inches in size on the plan face for the use of the approving authority.

The site plan shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger; no sheet shall exceed forty-two (42) inches in size. The site plan may be prepared on one (1) or more sheets. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet size shall exceed forty-two (42) inches. Required floodplain limit studies shall be shown on profile sheets with reference to properties affected and centerline of stream.

The following specific information shall be required:

- (1) The zoning and present use of the subject and adjacent parcels.
- (2) The general notes shall indicate whether the development is allowed by-right or whether a special exception or variance was required. The date such actions were approved and all required conditions shall be shown on the plan.
- (3) Location of tract or parcel by vicinity map at a scale of one (1) inch equals two thousand (2,000) feet, and landmarks sufficient to properly identify

the location of the property.

- (4) A boundary survey of the tract or site plan limit, with an error of closure within the limit of one (1) in ten thousand (10,000), related to the true meridian, showing the location and type of boundary evidence and the area of the site and all adjacent property owners and tax parcel numbers.
- (5) A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract, the owner's name and the place of record of the last instrument in the chain of title (including deed book and page number).
- (6) Existing and proposed streets and easements, their names, numbers and width, existing and proposed utilities of all types, water courses and their names.
- (7) Location, type and size of ingress and egress of the site.
- (8) Location, type, size and height of all fencing, screening and retaining walls.
- (9) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this Ordinance. All spaces shall have adequate space for moving and turning. Handicap parking spaces shall be in addition to parking requirements specified elsewhere in this Ordinance.
- (10) Number of floors, floor area, height and location of each building, and proposed general use for each building - if single-family attached or multi-family, the number, size and type of dwelling units shall be shown.
- (11) Front elevations shall be shown to scale.
- (12) Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central water and sewer system.
- (13) Adequate provision for the disposition of stormwater. Direction and type (concentrated, sheet, etc.) of drainage from any storm water control structures. Where drainage does not discharge directly into an existing drainage-way, drainage easements where necessary shall be obtained from adjacent property owners.
- (14) Provision and schedule for the adequate control of erosion and

sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction.

- (15) Existing topography accurately shown with a maximum of two (2) foot contour intervals.
- (16) Proposed finished grading by contour with a maximum of two (2) foot contour intervals supplemented where necessary by spot elevations.
- (17) All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to be closest to one hundredth (1/100) of a foot, and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.
- (18) A landscape design plan meeting the requirement of the landscape Ordinance.
- (19) Written and signed statements from the appropriate officials concerning the availability of gas, electricity, water and sewer to the project.
- (20) Site plans for the expansion of an existing use on the same lot or onto an adjacent lot will show all existing facilities as well as those proposed.
- (21) Right-of-way lines, centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction, and building location.
- (22) Centerline curve data, including delta radius arc and cord and tangent.
- (23) Radius of all curb returns to face of curb. On streets where curb and gutter are not required, indicate radius to edge of bituminous treatment.
- (24) Street names and State route numbers on all existing streets in vicinity.
- (25) The edge of proposed street surface or the face of curb, as the case may be, for full length of all streets.
- (26) The width of rights-of-way and all easements, and the width of surface or distance between curb faces and relation to centerline. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.
- (27) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred (100) feet or the length of connection, whichever is the greater distance.

- (28) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, valley gutters, streams and sub-drainage, etc.
- (29) All water mains, sizes, valves, fire hydrant locations.
- (30) All sanitary and storm sewers and appurtenances, identifying appurtenances by type and number; the station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of such structure.
- (31) The contributing drainage area in acres (statistically). Show all culvert, pipe curb inlets and other entrances exclusive of driveway pipes.
- (32) Floodplain limits which shall be established by current FIRM maps and/or engineering methods.
- (33) The location of all springs or water courses and indicate proposed method of treatment.
- (34) Type or class of concrete or treated metal drainage pipe to be installed and paved roadside ditches as required.
- (35) The proper driveway entrance type, computed culvert size, and/or VDOT design designation and sight distance requirements.
- (36) Typical street sections to be used on the site development plan.
- (37) Symmetrical transition of pavement at intersection with existing street. Indicate road edge delineators.
- (38) A minimum of two (2) datum references for elevations used on plans and profiles and correlation, where practical, to U.S. Geological Survey datum.
- (39) Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.
- (40) Wells on adjoining property and within five hundred (500) feet of the subject parcel's property lines shall be indicated when water on the subject parcel is to be provided by an on-site well.
- (41) Lighting plan meeting the requirements of the outdoor lighting Ordinance.

1300.07 Environmental Impact. Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:

- (1) Water supplies - The impact will be deemed excessive if the Health Officer finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage conditions, water table, history of failures of septic systems in adjacent areas, and the extent of septic development, there appears to be doubt of the proper functioning of septic systems with respect to contamination of water supplies.
- (2) Lack of adequate drainage - Excessive environmental impact with respect to drainage shall be deemed to exist if surface or subsurface water retention and/or run-off is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site or off-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided. Recommendations are to be requested from the Natural Bridge Soil and Water Conservation District based on the evaluation of submitted Erosion and Sediment Control Plan.
- (3) Tree masses and large individual trees should be preserved wherever possible per the landscape Ordinance requirements.
- (4) Wherever feasible, utility lines should be placed underground.
- (5) All major streams and rivers, especially those upon which flood control, water impoundment and recreation facilities are located or planned, should be left in their natural state where adequate or improved to provide for the maintenance of water quality standards.

1300.08 Maintenance. All site improvements required by this Ordinance and other regulations as shown on an approved site plan shall be maintained in a safe, serviceable and attractive condition. Such improvements shall include, but are not limited to, paving, drainage, water and sewerage facilities, entrances and appurtenances, signage, lighting, grass, landscaping and screening.

1300.09 Outdoor Lighting and Street Lights. Required lighting plans shall be prepared by qualified electrical engineers and shall incorporate the latest accepted design criteria. Plans shall conform with the Outdoor Lighting and Illumination Ordinance and in addition will conform to the following:

- (1) Residential uses requiring Major Site Plan approval shall be required to provide lighting for parking areas and pathways as well as streets directly associated with the development. Such plans will conform to current accepted standards.
- (2) Light sources on-site must be shielded from direct view from adjacent

property and roads.

- (3) No light source adjacent to a State highway may be of an intensity so that it constitutes a distraction or irritant to passing traffic.
- (4) Commercial uses conducting regular business after dark shall have appropriate safety lighting in parking areas and along pathways leading from these areas to the buildings.

1300.10 Major Site Plan Review and Approval Procedures. Six (6) copies of the major site plan shall be submitted to the Director of Planning. One 11" x 17" reduced copy of the major site plan shall be provided. The site plan shall be accompanied by payment of fees for review and processing. The fee shall be based on a fee schedule as may be adopted and modified by the County Board of Supervisors.

Staff shall have seven (7) calendar days to review the application, plans, and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the rejection of the submission shall be sent to the applicant by mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed. If rejected, the submission package will be returned to the applicant with a list of deficiencies which the applicant may correct. Upon review and acceptance of the corrected submission, the application shall be considered officially filed. If rejected again, the submission package will be returned as stated above.

Site plans deemed to be complete shall be forwarded to all necessary reviewing agencies and staff within five (5) working days following a determination of completeness. The applicant shall be notified of this finding in writing.

The major site plan review process shall include participation by County staff and other reviewing agencies as determined by the Director of Planning. Final approval of any site plan shall be granted by majority vote of the Planning Commission or the Review Board at a regularly scheduled meeting.

Staff and agency reviews and comments shall be completed within thirty (30) calendar days from the date of issuance of the site plan for review. Staff and agency comments shall be provided in writing to the Director of Planning, who shall be responsible for preparing a final site plan review report with recommendations for approval, approval with conditions, or disapproval within ten (10) calendar days after receipt of all staff and agency comments.

Upon receipt of staff and agency comments by the Director of Planning, the applicant shall be provided with all staff and agency review comments and recommendations. In cases where site plan revisions, deletions, or additions are necessary, the applicant shall be so notified, in writing, within ten (10) calendar

days after receipt of all staff and agency comments by the Director of Planning.

Upon receipt of staff and agency comments, the site plan shall be revised by the applicant to comply with all requirements of staff and reviewing agencies and shall submit such revisions together with any required re-submittal fee. Where the revised site plan does not include all requested or required revisions, the applicant will be notified in writing that the site plan review process shall not proceed until the requested or required revisions are complete. Site plans requiring only minor revisions will be reviewed within ten (10) calendar days upon re-submission. Plans requiring substantial revisions will be reviewed on the time frame of a new submission.

Within ten (10) calendar days after receipt of all staff and agency comments, the Director of Planning shall schedule the site plan for a public meeting before the Planning Commission or the Review Board.

Within forty-five (45) days of receipt of staff comments, the Planning Commission or the Review Board shall act on the application and shall render a decision to approve, approve with conditions, defer or disapprove the site plan upon action at a regularly scheduled meeting.

In consideration of site plan revisions, such revisions may be approved administratively by the Director of Planning upon input from the Planning Commission or the Review Board, provided that where the Planning Commission or the Review Board is of the opinion that the site plan revision is of such a magnitude and impact that a decision on the revision should be reached only after another public meeting. The applicant shall be notified in writing of action by the Planning Commission or the Review Board within five (5) calendar days of the action taken.

Under certain conditions based on the magnitude or unique nature of the project, approval by other agencies not specifically referred to herein above shall be a prerequisite to approval by the County.

In denying a site plan, specific reasons shall be provided by the Planning Commission or the Review Board. Reasons for denial shall relate in general terms to such modifications or corrections as will permit approval of the site plan.

Final approval of any site plan (with the exception of erosion and sediment control plans) submitted under the provisions of this Ordinance shall expire five (5) years after the date of such approval in accordance with §15.2-2261 of the Code of Virginia (1950), as amended, thereafter requiring re-submittal for approval. Erosion and sediment control plans expire in accordance with applicable sections of the County Code.

1300.11 Site Construction and Bonding of Improvements. No site improvement activities

may occur unless all of the following requirements are met:

- (1) Approval of site plan.
- (2) Approval of final subdivision plat, if required.
- (3) County approval of erosion and sediment control plan, if required.
- (4) County approval of an erosion and sediment control bond, if applicable.
- (5) Approval of a performance bond or other surety to ensure the completion of public infrastructure facilities within a specified time frame.
- (6) County issuance of a Land-disturbing Permit (for projects with greater than ten thousand (10,000) square feet of disturbed land area).
- (7) Approval of availability and capacity of all necessary utilities.

All improvements required by this Article shall be installed and paid for by the developer. Where cost sharing or reimbursement agreements between the County and the developer are appropriate, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to the appropriate agencies review, i.e., VDOT or the County Public Service Authority (PSA). Where specifications have been established either by VDOT or the PSA for streets, etc., or by this Ordinance for related facilities and utilities, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and accepted by the appropriate agency. Partial bond releases may be granted in accordance with §15.2-2245 of the Code of Virginia (1950), as amended. The Director of Planning is delegated as the authority for bonding including bond releases, reductions and extensions.

The approval of a site development plan or the installation of the improvements as required by this Ordinance, shall not obligate the County to accept the improvements for maintenance, repair or operation. Acceptance shall be subject to County or State Regulations, where applicable, concerning the acceptance of each type of improvement.

Following final site plan approval and before issuance of a Land-disturbance Permit for any project, the owner or his designated agent shall submit a bond or other surety acceptable to the County Attorney to ensure that measures could be taken by the County at the owner's expense should owner fail to complete the public utilities, infrastructure, facilities and erosion control measures required for the project within the specified time frame.

The period of the initial bond (surety) agreement shall be not less than twelve (12)

months from its effective date. The bond shall be of a form which automatically renews itself unless and until the issuing guarantor shall give ninety (90) days prior written notice to the County of its intent to terminate the bond.

A decision by the County to draw upon the bond to ensure compliance with bonding requirements may be made at any point during the life of the bond at the sole discretion of the County.

The developer or his agent shall submit a detailed, itemized cost estimate of: (a) public utilities, infrastructure and/or facilities; (b) erosion control and public facilities; and, (c) other bondable improvements related to the public health, safety and general welfare as determined and required for the proposed project to the Director of Planning. Said estimate based upon standard unit prices within the region shall be prepared by a registered professional engineer or licensed general contractor qualified to perform the work subject to the bond.

The County Attorney, with recommendation from the Director of Planning, shall employ the original bond cost estimate in setting the bondable amount for any project.

Forms of surety guarantees, all of which shall be subject to the approval of the County Attorney, shall be limited to the following:

- (1) Corporate surety bond from an insurance corporation licensed in Virginia.
- (2) Cash escrows and set-asides from an insured lending institution.
- (3) Irrevocable letters of credit from an insured lending institution.
- (4) Cashier's check.
- (5) Other surety as approved by the County Attorney.
- (6) The bond may be released by the County in full or in part only upon the satisfactory completion of applicable improvements and the permanent stabilization of the site against erosion and sedimentation.

Prior to the release of the performance bond and the acceptance of public facilities by the County, the owner shall submit a maintenance (defect) bond for any improvement to be accepted for dedication, maintenance, and/or operation by the County.

The maintenance (defect) bond shall be in an amount and form satisfactory to the County Attorney but in no instance shall be less than ten percent (10%) of the total construction cost of the improvements subject to the bond.

The maintenance bond may be released at the end of two (2) years from the date of County acceptance of responsibility. Such bond shall be released in full if no defects have been found to exist, or if defects are found to exist, they have been corrected by the owner or development to the satisfaction of the County. If defects found to exist have been corrected by action of the County, the costs of such action shall be deducted from the amount of the maintenance bond.

- 1300.12 Revisions to Approved Site Plans. Any revision or deviation from approved plans and specifications must be submitted in writing with related site plan documentation to the Director of Planning. The Director of Planning shall determine which staff and agencies are required to review the requested modifications and will oversee the implementation of this process.

The Director of Planning may grant approval of site plan revisions, provided that where the Director of Planning is of the opinion that a proposed revision is of such a magnitude and impact that a decision on the revision should be reached only after a public meeting thereon, then a meeting before the Planning Commission or the Review Board to act on such revision shall be scheduled in a fashion similar to an original site plan submission.

- 1300.13 Appeals. Appeals of a decision of the Director of Planning in the administration of this Article shall be as provided in §15.2-2311 of the Code of Virginia (1950), as amended.

Appeals of a decision of the Planning Commission or the Review Board by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the County Board of Supervisors, provided that such appeal is filed with the County Administrator within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the County Board of Supervisors at the next regular meeting. The County Board of Supervisors may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission or the Review Board.

1301.00 STORMWATER MANAGEMENT PLAN

A stormwater management plan shall be submitted as part of the plan of development process and in conjunction with site plan or subdivision plan approval per Virginia Erosion and Sediment Control Regulations VR 625-02-00, Minimum Standard 19. At a minimum, the stormwater management plan shall contain the following:

- (1) Pre- and post-development runoff with supporting documentation of all utilized coefficients and calculations.
- (2) Location and design of stormwater control devices and BMPs.

- (3) Procedures for implementing nonstructural stormwater control practices.
- (4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.
- (5) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. A maintenance agreement shall be executed between the responsible party and the County.

1302.00 LANDSCAPE REGULATIONS (approved 5/29/2001)

1302.01 Purpose and Intent. The purpose of this Section is to establish general standards and processes by which the Rockbridge County Comprehensive Plan's goals and objectives for promoting tourism and economic development, landscape architecture, urban and rural area site design, site buffering, and transitional screening will be implemented. Pursuant to the intent of preserving and promoting the health, safety and general welfare of the County, these Regulations are promulgated in order to:

- (1) Facilitate the protection, replenishment and maintenance of the existing environment;
- (2) Conserve and protect the character of the County's sensitive environmental resources, agricultural areas, open spaces, and entrance corridors;
- (3) Preserve and enhance the aesthetic character of the County;
- (4) Protect and improve the quality of the County's natural rivers, streams, and wetlands;
- (5) Enhance erosion and sediment control practices through the creative use of plant materials and ground cover;
- (6) Improve the physical relationship between adjacent properties and zoning districts of different intensities via sensitive screening and buffering;
- (7) Reduce potential deleterious relationships between pedestrian and vehicular-oriented land use patterns;
- (8) Preserve, rehabilitate and maintain existing floodplains and stream valleys in high quality condition;

- (9) Provide adequate tree canopy and vegetative cover for new development; and,
- (10) Introduce and promote complementary landscaping to supplement site plan criteria, Best Management Practices, and stormwater management requirements.

In order to facilitate and illustrate this process, the County will provide a *Design and Construction Manual*.

1302.02 General Standards. The following general standards shall apply to the planning, design, installation and maintenance of all landscape improvements, site plan improvements, urban design standards, screening and buffering measures, and related site development practices required by this Section:

- (1) A landscape plan meeting the requirements of this Article shall be required for all subdivision, site plan, and other development plan applications. Landscaping, screening, and buffering for any subdivision and site development activity shall be guided by this Article as well as generally accepted landscape design principles. The expansion of an existing business less than twenty-five percent (25%) of the current gross floor area which does not require a change in the parking shall not require a landscape plan.
- (2) Landscape design plans shall maximize the preservation of existing trees and minimize the disruption of established landscape materials, employing preservation and protection criteria provided in the Virginia Erosion and Sediment Control Manual and the State's Urban Best Management Practices Handbook.
- (3) The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and forestry practices. The planting and placement of trees shall be done in accord with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects. Refer to the *Design and Construction Manual*.
- (4) The property owner, developer and or successor in title to a given property shall be responsible for the perpetual maintenance, as well as timely repair and replacement of all landscaping, buffers and screening as required by this Article. A failure to adequately maintain landscape improvements in a healthy state and to keep such improvements free of litter, refuse and debris shall be deemed a violation of this Ordinance per [Section 1101.00](#).

Landscape planting, maintenance and repair regulations also shall apply to all land in common open space, active recreational areas, or other lands not in lots in residential subdivisions. Property owners' documents shall incorporate such requirements.

- (5) The landscaping and buffering standards hereinafter established provide minimum guidelines for landscape architecture of commercial, industrial, institutional and residential properties. Refer to the *Design and Construction Manual* for graphic illustrations and design guidelines.
- (6) In addition to the provisions of this Article, property which is situated within areas recognized by the Official Zoning Map of Rockbridge County as a H-O, Historic Overlay District or a TC-O, Tourism Corridor Overlay District shall be subject to additional regulations as provided for in the individual zoning districts, supplemental regulations and design guidelines related thereto.
- (7) The maximum slope of any required buffer area shall be 2:1. Sufficient vegetation and ground cover shall be established and maintained on any slope to ensure stabilization.

1302.03 Site Landscaping, Canopy and Tree Preservation Standards. The applicant shall preserve and protect existing trees in the design and development of projects requiring Rockbridge County subdivision and/or site plan approval to the greatest extent possible and to replace those trees as required. See [Section 1302.09\(1\)](#) of this Ordinance.

- (1) The subdivision plat or site plan for any subdivision or site development activity shall include the planting and/or replacement of trees on the site to the extent that, at twenty (20) years of growth, minimum tree canopies or tree covers will be provided in accord with the following standards:
 - a. Commercial and Industrial Zoning Districts: Ten percent (10%) of the total site area shall be covered in tree canopy.
 - b. Apartment Residential Zoning District: Ten percent (10%) of the total site area shall be covered in tree canopy.
 - c. Townhouse and Elderly Housing Residential Zoning Districts: Fifteen percent (15%) of the total site area shall be covered in tree canopy.
 - d. Subdivisions in Residential Zoning Districts: Twenty percent (20%) of the total site area shall be covered in tree canopy.
 - e. Rural Zoning Districts: Not applicable.

- f. Platted Residential Lots (lying outside Agricultural and Conservation Zoning Districts): Ten percent (10%) of the total lot area, or three thousand (3000) square feet, whichever is less, for existing lots of record.
 - g. Off-Site Planting Option: If the full canopy requirement cannot be met by on-site plantings, the requirement may be satisfied by off-site plantings at the discretion of the Planning Commission.
- (2) All landscape materials shall conform to the following minimum size or height (at date of planting) standards:
- a. Deciduous shade trees: 2" caliper
 - b. Street trees: 2" caliper
 - c. Ornamental and under story trees: 6' height
 - d. Coniferous trees: 6' height
 - e. Evergreen shrubs: 18" spread or height
 - f. Deciduous shrubs: 24" spread or height
- (3) "Tree canopy" or "tree cover" shall include all areas of coverage by trees and plant materials, including street trees. Shrubs and ground covers shall not count towards minimum canopy requirements.
- (4) All landscape materials shall be selected and sized in accordance with hardiness rating and growth habit appropriate for the intended placement of materials. All landscape materials shall be well branched and well formed, vigorous, healthy and free from disease, sun, wind and insect damage and shall have healthy and unbroken root systems.
- (5) Tree canopy requirements may be reduced on a case-by-case basis by waiver of the Planning Commission during the site plan and/or subdivision plat approval process where it can be clearly demonstrated by the applicant that either: (a) the reduced canopy achieves the intended landscape design objective through a combination of alternative landscape architectural and landscaping techniques; or, (b) where the characteristics of the property are such that the canopy coverage would not be effective and other methods of landscaping provide equal and adequate design responses. The above stipulated sizes may be modified based on specific property conditions and site design requirements.

- (6) The removal of any live trees which exceed 12" caliper (dbh, diameter at breast height) shall be justified by the applicant in cases where modifications to the layout and design elements of the site plan could protect such trees without impairing the function and economy of the intended use.
- (7) Existing trees, inclusive of wooded preserved areas, which are to be preserved may be included to meet all or part of the aforementioned canopy requirements; provided that the landscape plan identifies such existing trees and that these trees meet standards of desirability, hardiness and life expectancy as established by the County.
- (8) In cases where the application of the screening and/or parking lot landscape requirements cited hereinafter exceed the above minimum canopy requirements, the final placement, type, and quantity of landscape materials shall be determined as a part of the County's site plan or subdivision plat review process, provided that nothing herein shall restrict the applicant from exceeding the minimum canopy requirements.
- (9) No landscaping materials shall be installed which interfere with minimum transportation site distances for public and private streets. The landscape plan shall depict sight distance alignments and the location of sight easements.
- (10) The applicant's landscape architect or qualified landscape designer shall consult with the Director of Planning during the preliminary plan phase to determine the most appropriate layout and coordinated landscape design concepts, tree placement and suitable species of trees and ground cover to be incorporated into the site plan. Refer to the *Design and Construction Manual*.

1302.04 Parking Lot Landscaping for Commercial, Industrial, and Residential Uses.

- (1) Parking Lots Adjacent to Public Streets or Lot Lines: For parking lots and private accesses adjacent to public streets or lot lines which are subject to site plan or subdivision approval for uses within commercial, industrial, townhouse, apartment, and manufactured home park zoning districts or where a site plan is otherwise required, the following landscape regulations shall apply:
 - a. Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a public street or an adjoining property line in the same or more intensive zoning district, a landscaping strip of a minimum of ten (10) feet in width shall be located between the parking lot and the abutting public street or property line. Refer to the *Design and Construction Manual*.

- b. A minimum of one (1) tree for each forty (40) feet of contiguous property line shall be planted in the landscaping strip as well as one (1) shrub per six (6) feet to establish an enhanced low level buffer between adjoining properties.
 - c. At maturity, these shrubs shall be three (3) to five (5) feet in height. Landscape plans are encouraged to incorporate earth berms, where appropriate, into the buffer strips.
- (2) All parking lots of twelve (12) or more spaces shall contain, within the interior of the parking lot, not less than one (1) tree for every eight (8) parking spaces or fraction thereof. Such trees shall be reasonably dispersed throughout the interior of the parking lot in accord with good landscape and urban design practices. All plant materials shall be of a variety and size which can be used to meet the tree canopy cover requirements herein above outlined. Refer to the *Design and Construction Manual*.
- (3) Landscaping located within the interior of parking lots shall be contained within “planting islands” with raised medians. Planting islands which are located parallel to the long dimension of a parking space shall have a minimum width of ten (10) feet and shall be designed to permit vehicular doors to open fully without impacting plant materials. A median (or island) shall be constructed to separate no more than twelve (12) contiguous perpendicular spaces for single-loading bays and twenty-four (24) for double-loading bays. A planting island with raised median (with curb and gutter) shall be constructed to terminate the end of any perpendicular parking bay and to provide adequate separation from an adjacent private driveway or travelway.
- (4) Landscaped “planting islands” (located such that parking spaces are on opposing sides of the planting island) shall be developed in parking lots meeting the following criteria:
 - a. The total size of the parking lot exceeds one hundred fifty (150) total parking spaces.
 - b. Parking lot layout incorporates three (3) or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other, and the requirements of paragraph 3 above.
 - c. Planting islands which are designed to be perpendicular to the parking bay shall be constructed for every other parking bay.
 - d. Planting islands shall have a minimum width of six (6) feet to

allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.

- (5) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material must be used to complement the primary, tree landscaping, but shall not be the sole contribution to the landscaping.
- (6) The landscaping shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median) sufficient to protect and maintain all landscaping materials planted therein. Refer to the *Design and Construction Manual*.
- (7) The type and method of parking lot landscape irrigation shall be fully described in the site plan if any type and method is to be included in the design.
- (8) The applicant's landscape architect or landscape designer and project engineer shall consult with the Director of Planning during the sketch plan and preliminary plat phase to determine the most appropriate parking lot layout and coordinated landscape design concepts, tree placement, and suitable species of trees and ground cover to be used in parking lots.
- (9) The landscape provisions of this Article are not intended to apply to off-street parking spaces or private driveway access to such off-street parking spaces for individual single-family residential dwellings.
- (10) The Planning Commission shall have the authority to waive the landscape requirements for parking lots based on the submission of an alternative design that meets the intended goals of this Ordinance. This would apply particularly to parking lots designed primarily for large trucks which would have difficulty maneuvering around multiple landscape islands and to parking lots that have managed to preserve groups of existing trees within the parking area. Large-truck parking lots will best achieve the goals of this Ordinance through the use of perimeter berms with trees and other landscape materials used on top of the berms. The use of such screening berms and landscaping is particularly important along major entrance corridors.

1302.05 Buffer Areas.

- (1) Buffer areas shall be required between properties of different zoning intensities as shown on the Rockbridge County Official Zoning Map. Buffer area requirements shall be imposed on the property of the more

intensive zoning category. Buffer landscape area geometry, plant types, plant quantities and related landscaping requirements between different land use categories shall be based on the screening and buffer area standards in the *Design and Construction Manual*. It is suggested that adjoining property owners be consulted when designing these buffers. The minimum buffers allowed between properties of different zoning intensities are as follows:

- a. Multi-Family/ Townhouse to Single-Family Residential - twenty (20) feet.
 - b. Commercial to Agricultural - twenty-five (25) feet.
 - c. Commercial to Residential - twenty (20) feet.
 - d. Industrial to Agricultural - fifty (50) feet.
 - e. Industrial to Residential - seventy-five feet (75) feet.
 - f. Industrial to Commercial - twenty (20) feet.
- (2) Buffer areas shall be provided at the outer boundaries of a lot, except in locations where driveways, parking lots, utility easements and/or other openings are required. Where landscape buffer areas are required, evergreen trees and deciduous trees of size, type and canopy as approved by the Planning Commission, shall be employed for screening purposes.
 - (3) Understory trees and shrubs, in the recommended size and quantities described in the *Design and Construction Manual*, shall be incorporated into the buffer area. Landscape plans are encouraged to incorporate earth berms, where physiographically feasible, and other creative landscape features into buffer area designs. Refer to the *Design and Construction Manual*.
 - (4) Buffer areas may not be used for the storage of materials, buildings, parking or loading areas for motor vehicles or equipment. Signage as permitted, sidewalks and pedestrian trails may be incorporated into buffer yards.
 - (5) All outdoor storage and loading areas shall be screened from all public streets and adjacent residential properties. An opaque screen with a minimum height of six (6) feet of landscape materials, architectural walls, opaque fencing or other opaque material shall be used.
 - (6) Buffer areas may be waived or otherwise modified by the Planning Commission for any public use or utility when it can be demonstrated that

such use has been specifically designed to minimize adverse impacts on adjacent properties.

- (7) No landscape materials or screening shall be installed which interfere with minimum transportation site distances. The landscape plan shall depict sight distance alignments and the location of sight easements in accord with transportation design standards.
- (8) Buffer area requirements may be modified by the Planning Commission in cases where it can be clearly demonstrated by the applicant that either: (a) the alternative landscape design minimizes any adverse impact through a combination of architectural and landscaping techniques; or, (b) where the topography of the property is such that transitional screening would not be effective and other methods of screening provide equal and adequate design responses.
- (9) The applicant's certified landscape architect or qualified landscape designer shall consult with the Director of Planning during the sketch plan and preliminary plat phase to determine the most appropriate buffer and screening design concepts, tree placement and suitable species of trees to be used for screening purposes.
- (10) When a proposed buffer area has a variation in elevation greater than ten (10) feet at any point, the required screening shall be placed within the buffer area to maximize the effectiveness of the screening.

1302.06 Landscape Strip Requirements for Corridors and Scenic Highways. In order to maintain and preserve the rural and scenic atmosphere of Rockbridge County and the desired landscape character for the major streets and highways, a minimum landscape strip measuring thirty (30) feet in width shall be preserved on properties contiguous to the public right of way of certain major arterial roads into the County which are designated as either a scenic highway or are within the Tourism Corridor Overlay District (TC-O). The streets and highways designated for additional buffer requirements are:

- (1) Rt. 11.
- (2) Rt. 39.
- (3) Rt. 60.
- (4) Rt. 130.

The landscape strip requirement for the major streets and highways leading into the County shall be in lieu of any other landscape strip requirements for the subject property. The landscape strip shall be left in an undisturbed state unless

otherwise approved for modifications or recommended by the Planning Commission or Review Board for improvement and enhancement. If improvements and enhancements are to be made within the buffer yard, new landscape materials and grading activities shall be designed to preserve and enhance the natural character of the buffer yard and its existing mature vegetation. Limited clearing of underbrush and removal of volunteer vegetative undergrowth is encouraged within the buffer yard to ensure that existing, mature vegetation can prosper.

Supplemental plantings and ground cover within the major street and highway buffer yard may be required, subject to landscape plan review. Subject to site plan review by the Planning Commission or Review Board, commercial and industrial properties fronting on the major entrance-ways to the County shall be permitted to establish limited sight lines which allow indirect views of building but which shield the views of parking areas to the extent possible. A reduction in this landscape strip of ten (10) feet may be allowed if additional landscaping is provided or in the case of re-development.

1302.07 Subdivision Landscaping and Street Tree Requirements.

- (1) For any subdivision developed within any residential zoning district, a street tree landscape plan shall be submitted with all residential subdivision plats and other development plans involving the construction, extension or widening of private or public streets. A street tree plan is not required for by-right subdivisions developed within rural zoning districts.
- (2) The street tree landscape plan for residential subdivisions shall provide for the placement of street trees outside of and contiguous to the public right-of-way. A minimum of one (1) street tree on each side of a given street shall be established for each forty (40) feet of right-of-way length.
- (3) Within residential subdivisions, the street tree landscape plan shall provide an integrated program of street tree plantings, residential subdivision lot landscaping, and tree preservation for all lots located within the subdivision.
- (4) Street trees shall be counted towards the landscape canopy requirement.
- (5) No street trees shall be installed which interfere with minimum transportation sight distances for public and private streets. The landscape plan shall depict sight distance alignments and the location of sight easements. No street trees shall be placed in public rights-of-ways or public utility easements.
- (6) The applicant's landscape architect or qualified landscape designer shall consult with the Director of Planning during the sketch plan and

preliminary plat phase to determine the most appropriate species of street trees as well as suitable landscape design and placement concepts for use in a given subdivision or street development program. A list of candidate landscape materials and varieties for differing functions and applications is provided in [Exhibit 2](#) of this Ordinance. Refer to the *Design and Construction Manual*.

1302.08 Bonds and Maintenance.

- (1) No landscape plan required by this Ordinance shall be approved until the applicant has posted a bond acceptable to the County conditioned upon satisfactory installation of the landscaping proposed in the landscape plan. The bondable sum shall be established by the Director of Planning upon receipt of the applicant's certified estimate of costs for the proposed landscape improvements.
- (2) At the discretion of the Director of Planning, the bond (or a portion thereof) for landscaping may be held in force for a period of no longer than eighteen (18) months from date of planting of materials, provided that landscape materials have been specified, planted and maintained pursuant to the requirements of this Article. During this period, plant materials shall be tended and maintained in a healthy growing condition and replaced if necessary.
- (3) Street trees shall be bonded along with other public improvements proposed for any County residential subdivision, provided that single family residential subdivisions with fewer than five (5) lots shall be exempt from bonding requirements.
- (4) Upon written notice by the Director of Planning, the subdivider or developer shall repair or replace any landscape materials, seeding and ground cover, screening, fencing, fine grading and earthscaping, or other landscape elements which do not meet the requirements and intent of this Article within thirty (30) days of notification.

1302.09 Landscape Plan Requirements. The landscape plan drawn on a site plan base map to the same scale as the accompanying site plan and/or subdivision plat. Refer to the County's Design and Construction Manual for additional information related to landscape materials, installation standards, and design details. The landscape plan shall include:

- (1) A tree survey depicting the location, size, description and number of existing trees with twelve (12) inch or greater caliper at breast height. The tree survey shall include all trees which are proposed to be removed during the site development or subdivision process. This shall include the identification, classification and location of any diseased trees which should be removed during site development.

- (2) Location, type, size, height, number and botanical name and construction details for proposed landscaping materials. Information is to be provided in graphic and tabular format.
- (3) Canopy dimensions (at 20 year maturity), location, size or caliper (at time of planting), area of canopy coverage, description and the botanical name of proposed trees, landscape materials, ground covers and planting beds. A table shall address the calculations for open space, tree canopy, and number of plants (both required and provided).
- (4) Planting specifications and installation details for proposed landscaping materials, including a schedule of recommended planting time frames for specific plant materials and ground covers.
- (5) Location, size, and botanical name of all existing landscape materials to be retained during the site development process as well as appropriate landscape protection measures to be implemented during the site construction process.
- (6) Location, size and other related design details for all hardscape improvements, signage, recreational improvements and open space areas, fences, walls, barriers and other elements related to transitional buffer yards.
- (7) Designation of required setbacks, yards and screening areas.
- (8) Location of other man-made site features, parking lots, hardscape improvements, overhead structures and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.
- (9) Limits of grading and site disturbing activities.
- (10) Acreage of disturbed areas, computed by planimetric methods, to the nearest 0.1 acre.
- (11) Acreage and location of proposed open spaces and recreation areas, computed to the nearest 0.1 acre.
- (12) Acreage and location of total site tree cover of the projected twenty (20) year site landscape maturity time frame, computed to the nearest 0.05 acre.
- (13) Location, size and construction details for site lighting, special hardscape and landscape features, irrigation systems and exterior site furnishings.

- (14) Methods and specifications for tree protection during construction phases.

1303.00 OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS

- 1303.01 Purpose and Intent. The Rockbridge County Comprehensive Land Use Plan seeks to preserve the quality of life of its citizens and protect the aesthetic character of the County. Toward that end, regulations for outdoor lighting and illumination are established for all commercial and industrial uses to accomplish the following objectives: to protect the public safety and general welfare by controlling glare and spillover of outdoor light onto adjacent properties, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.
- 1303.02 Definitions. Refer to [Section 302.00](#) for definitions of terms used throughout this Ordinance.
- 1303.03 General Lighting Requirements:
- (1) All outdoor lighting installed or replaced on all commercial and industrial properties and signs and towers in agricultural and residential districts in Rockbridge County must comply with the terms of this Ordinance with exemptions as listed in [Section 1303.13](#).
 - (2) It is unlawful for any person or firm to erect or maintain any outdoor lighting in such a manner that it is distracting to the operator of a motor vehicle.
 - (3) Tower lighting shall not be permitted unless required by the FAA. Required lighting shall be of the lowest allowed intensity and red in color unless specifically forbidden under FAA requirements.
 - (4) The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.
 - (5) At the close of business, all lighting shall be reduced to a level not greater than those described in the Section titled Parking Lot Lighting.
- 1303.04 General Design Requirements:
- (1) The bulbs in outdoor light fixtures emitting from six hundred (600) to eighteen hundred (1800) lumens (forty (40) to one hundred (100) watt incandescent bulbs) shall be frosted glass or covered by frosted glass or other similarly translucent cover. An outdoor fixture emitting more than eighteen hundred (1800) lumens shall be fully shielded. The fixture shall be properly designed and aimed so that no light emits above the horizon.

- (2) If a luminaire is equipped with more than one (1) lamp or bulb, the combined output of the luminaire shall determine its lumen rating.
- (3) No line of sight to a glaring light source (direct view of the bulb or reflective surface of the fixture), shall be observed by an individual standing five (5) feet or more inside an adjacent property or on a public right-of-way. This observation should be viewed from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, location, height, aim, or a combination of these factors, or by use of natural or artificial barriers located on the fixture owner's property.
- (4) Light Trespass from originating property (light source), shall not exceed 0.1 foot-candle on residentially zoned property or 0.5 foot-candle on business zoned property, measured on a vertical plane at the property line.
- (5) All area lights/yard lights shall comply with above stated requirements. No area lights/yard lights shall be allowed which causes light trespass onto a neighboring parcel and/or causes glare that is an annoyance or disturbs the person(s) in the surrounding area.
- (6) Mounting heights of lighting fixtures shall not exceed twenty-five (25) feet. For the purpose of this Regulation, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.
- (7) A spotlight used for security or emergency lighting need not be full cutoff or covered by a translucent cover if its center beam is not aimed beyond any property lines and no higher than forty-five (45) degrees below the horizontal, and is motion detector activated that cycles off within ten (10) minutes.
- (8) Proposed light fixtures and appurtenances thereof in the TCO Districts shall be reviewed for aesthetic compatibility with the proposed architecture by providing details of light fixtures, poles, proportions, color, texture and materials.

1303.05 Parking Lot Lighting. Parking lot lighting shall follow the requirement stated in the General Design Requirements Section of this Ordinance. The lighting shall be at the minimum level necessary, while ensuring adequate vision and comfort in parking areas.

- (1) The minimum average illumination level shall be no less than 0.4 foot-candles.

- (2) The maximum average illumination level shall be no more than three (3) foot-candles.
- (3) Light bulbs that produce amber colored lighting are preferred for all parking areas.

1303.06 Lighting of Gasoline Station/Convenience Store Aprons and Canopies. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. Signs allowed elsewhere in this Ordinance are to be used for that purpose.

- (1) Areas around the pump islands and under canopies shall be illuminated so that the average maximum horizontal illuminance at grade level is no more than fifteen (15) foot-candles. In design of canopy lighting, fifteen (15) foot-candles at grade level can be achieved by designing lighting that does not exceed forty (40) lumens per square foot of canopy area.
- (2) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Ordinance. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- (3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture so that the light trespass and glare is restricted to no more than five (5) feet beyond the property line.
- (4) Lights shall not be mounted on the top of the canopy, and all lighting fixtures shall be fully shielded; and, provided that all other lighting is in conformity with [Section 1303.06](#), the maximum level of illumination on the interior of the vertical surface of the canopy shall not exceed three (3.0) foot-candles.
(Sec. 1303.06(4) Amended by Ord. of 8-24-15)

1303.07 Externally Illuminated Signs. Light fixtures that illuminate signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Glare from the lighting fixtures shall not be visible from adjacent streets, roads, or properties. To the maximum extent practical, fixtures used to illuminate signs shall be top mounted and directed below the horizontal. The average level of illumination on the vertical surface of the sign shall not exceed three (3.0) foot-candles.

1303.08 Internally Illuminated Signs and Fixtures. Outdoor advertising signs, awnings, and any other major fixture built of translucent materials and wholly illuminated from within do not require shielding. Signs with dark backgrounds and light

lettering or symbols are preferred. Unless conforming to the above dark background preference, sign, awning, or fixture shall not radiate more than three thousand (3000) lumens. Illuminated awnings or illuminated building trim are not allowed unless the awning carries the name of the establishment. Such awnings are considered signs and shall meet the square footage requirements for wall signs under [Section 706.05-4](#).

1303.9 Buildings and Other Vertical Structures. With the exception of structures having symbolic significance such as churches and/or public buildings of historic significance in the community, the exteriors of buildings and other vertical structures shall not normally be illuminated. When buildings and other structures are to be illuminated, the design for the illumination must be approved by the Planning Commission or TC-O Review Board (when appointed).

- (1) The maximum illumination on any vertical surface or angular roof surface shall not exceed five (5.0) foot-candles.
- (2) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building surface. Lighting fixtures shall not be directed toward adjacent streets or roads.
- (3) Lighting fixtures mounted on the building and designed to “wash” the building surface with light are preferred.
- (4) To the extent practicable, lighting fixtures shall be directed below the horizontal rather than above the horizontal.

1303.10 Landscaping. When commercial landscaping is to be illuminated, the Planning Commission or TC-O Review Board (when appointed) shall first approve a landscape lighting plan that presents the purpose and objective of the lighting. It shall show the location of all lighting fixtures and what landscaping each is to illuminate and demonstrate that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

1303.11 Street Lighting. Street lighting owned, operated, maintained or leased by Rockbridge County shall comply with the following considerations:

- (1) All new, repaired or replaced (street light fixtures) shall be full cut off fixtures and the IESNA guidelines shall be considered.
- (2) Street light fixtures of a particular period or architectural style can be used as an alternative if the following items are considered:
 - a. The maximum initial lumens generated by each fixture does not exceed two thousand (2,000).

- b. The mounting height of the alternative fixture does not exceed fifteen (15) feet.
 - c. That alternative lighting be approved in a public meeting and public comments regarding the alternative lighting standard will be considered at that time.
- (3) Street lights shall be located in the public right-of-way or on an easement acquired for such a purpose.
 - (4) If the street has a sidewalk along one (1) side, the street lights will generally be limited to the sidewalk side of the street.
 - (5) A street light or area light which causes light to trespass onto or into a neighboring parcel and causes an annoyance or disturbs the person(s) who owns the neighboring parcel shall seek relief through the Board of Supervisors.

1303.12 Site Plans. All developments requiring major site plans ([Section 1300.00](#)) will have a lighting plan as a part of the site plan. The lighting plan shall include at least the following items:

- (1) A plan, showing buildings, landscaping, parking areas, and all proposed exterior lighting fixtures.
- (2) Specifications for all proposed lighting fixtures including photometric data, designation as cut-off fixtures, and other descriptive information on the fixtures.
- (3) Proposed mounting height of all exterior lighting fixtures.
- (4) Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance.
- (5) Drawing of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting. When an outdoor lighting installation is being modified by more than fifty percent (50%) of the assessed value of the set of installations, the entire outdoor lighting installation may become subject to the requirements of this Ordinance. Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are

mounted directly on utility poles. Proposed lighting installations that are not covered by the special provisions in this Ordinance may be approved only if the Planning Commission or TC-O Review Board (when appointed) finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels. In general IESNA standards shall be used to determine the appropriate lighting design.

1303.13 Exemptions:

- (1) All vehicle lighting, emergency traffic lighting, and general traffic control lighting is exempt.
- (2) All lighting existing or installed by the date of this Ordinance which does not conform with this Ordinance is exempt with the following exceptions:
 - a. Lighting found by a governmental agency that creates a public hazard can be ordered removed or altered at any time.
 - b. On the effective date of the Ordinance, luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclists shall be either shielded or redirected within thirty (30) days of notification. Existing industries with outdoor yard operations shall be exempt from this Section.
 - c. On the effective date of the Ordinance, any light installation which allows for re-aiming of the fixture shall be brought in compliance with the terms of this Ordinance within thirty (30) days of notification.
 - d. Outdoor industrial operations or operations involving significant, large truck traffic may receive a waiver of one (1) or more of the provisions of this Ordinance if the owner demonstrates that the operation of the facility will be unduly hampered by lighting installed in accordance with this Ordinance. Lighting installations must still adhere to the spirit of this Ordinance. Waivers will be handled in accordance with [Section 1303.15](#) of this Ordinance.
 - e. If regulations of the Occupational Safety & Health Administration (OSHA) conflict with provisions of this Ordinance, the applicant may apply for a waiver of affected provisions by demonstrating such conflict. Waivers will be handled in accordance with [Section 1303.15](#) of this Ordinance.
- (3) The replacement of a failed or damaged luminaire which is one (1) of a matching group serving a common purpose.

1303.14 Temporary Exemptions:

- (1) The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare.
- (2) Construction or emergency lighting is exempt, providing such lighting is temporary and is discontinued immediately upon completion of the construction or abatement of the emergency.
- (3) The operation of searchlights may be authorized by special exception for special events. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.

1303.15 Modifications, Waivers, and Variations. A modification, waiver or variation from the terms and conditions set forth in this Regulation may be granted by the Planning Commission, provided that prior to considering a request to modify, waive or vary a regulation contained in this Article, the owner shall provide a minimum of ten (10) days' written notice to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the Planning Commission will consider the request. The Planning Commission may modify, waive or vary the standard in a particular case, and the Planning Commission may impose conditions on such a modification, waiver, or variation which it deems appropriate to further the purpose of these Regulations under the following circumstances:

- (1) Upon a determination that the strict application of the standard would not forward the objectives of this Ordinance or otherwise serve the public interest.
- (2) Upon the determination that the alternatives proposed by the owner or developer would satisfy the objectives of these Regulations at least to an equivalent degree.

TABLE 1. AREA AND SETBACK REQUIREMENTS

DISTRICT	AREA (ACRES)	SETBACK	FRONTAGE	SIDE	REAR	HEIGHT	ACCESSORY BUILDINGS
C-1	N/A	N/A	N/A	25'	50'	N/A	N/A
A-1	See Notes 8 and 9	65'	175'	50'	50'	35'*	5*
A-2	See Notes 8 and 9	65'	175'	50'	50'	35'*	5*
A-T	2	65'	175'	50'	50'	35'*	5*
R-1	See Table 2	25'	100'	15'	25'	35'*	5*
R-2	See Table 2	25'	75'	10'	25'	35'*	5*
B-1	N/A	20'	N/A	20'*	20'	35'*	20'*
I-1	N/A	20'	N/A	20'*	20'	35'*	20'*

(Table 1 Amended by Ord. of 4-14-08; Table 1 Amended by Ord. of 5-27-08)

TABLE 2. RESIDENTIAL DISTRICT- AREA REQUIREMENTS

USE	PUBLIC WATER & SEWER	PUBLIC/PRIVATE WATER & PRIVATE DRAINFIELD
R-1	.5 ACRES	1 ACRE
R-2	.25 ACRES	N/A
MULTI FAMILY	.5 ACRES PLUS 2000 SF EACH ADDITIONAL UNIT	N/A

(Table 2 Amended by Ord. of 4-14-08)

*** NOTES**

1. Height measured from average grade to highest point of structure. The height limit for dwellings may be increased to a maximum of 45' and up to 3 stories provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'.

2. The height limit for buildings (except hotels/motels) in the B-1 and I-1 Districts may be increased to 45' and up to 4 stories provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'. The height limit for hotels/motels in the B-1 District may be increased to 55' and up to 5 stories provided the side line setbacks are increased a minimum of one foot for each additional foot of building height over 35'. This limit may be increased by 75' by special exception for architectural purposes with additional setback in a 1:1 ratio.

(Note 2 Amended by Ord. of 11-22-10; Note 2 Amended by Ord. of 7-22-19)

3. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of 60' from grade provided required front, side, and rear setbacks are increased one foot for each additional foot of building height over 35'.

4. Church spires, belfries, cupolas, monuments, water towers, silos, tanks, chimneys, flues, flag poles, television and radio antennae, and associated poles or towers are exempt from height requirement. Parapet walls may be erected up to 4' above building height.

(Note 4 Amended by Ord. of 4-14-08; Note 4 Amended by Ord. of 10-27-14)

5. Side yard setbacks for B-1 and I-1 Districts are applicable only when adjacent to residential or agricultural districts or corner lots, except when the building height exceeds 35'. When the building exceeds 35' in height, side line setbacks are increased a minimum of one foot for each additional foot of building height that exceeds 35'.

(Note 5 Amended by Ord. of 7-22-19)

6. Accessory buildings/structures limited to 15' at the highest point when within 20' of property lines. If over 20' from property line (15' in R-1, 10' in R-2) building/structure may be up to 35'. All accessory buildings/structures shall be less than the main building in height

except farm and industrial buildings/structures. Accessory buildings/structures shall meet the required front setback of the primary building and shall have a required minimum separation of 5' from the primary building.
(Note 6 Amended by Ord. of 4-14-08)

7. Decks, ramps, landings, garages and other structures attached to the primary structure shall meet the setbacks applicable to the primary structure except for the ordinary projection of steps, sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections are 2' or less.

8. The minimum lots size in A-1, A-2 and A-T shall be 2 acres unless approved as a clustered development pursuant to Section 712.00, Cluster Developments.
(Note 8 Added by Ord. of 4-14-08; Note 8 Amended by Ord. of 5-27-08)

9. As stated in Note 8, the minimum lot size in the A-1 and A-2 Districts shall be 2 acres. In addition, density in the A-1 and A-2 Districts is regulated by Sections 701.05 through 701.05-4, Section 712.02-1 and Tables 4 and 5.
(Note 9 Added by Ord. of 5-27-08)

TABLE 3. FREE STANDING SIGNS**NO PERMIT**

TYPE	SIZE	HEIGHT	*LIGHTING
PUBLIC INFORMATION	6 SF	15'	NO
REAL ESTATE – RESIDENTIAL BUS/IND/FARM	6 SF 32 SF	3' 15'	NO NO
REAL ESTATE DIRECTIONAL	2 SF	3'	NO
CONSTRUCTION	12 SF	8'	NO
FARMS	12 SF	8'	NO
FARM PRODUCTS	12 SF	8'	NO
PARK DIRECTIONAL	4 SF	8'	NO
BED & BREAKFAST - AG/BUS DIST. - RES. DISTRICT	12 SF 2 SF	8' 6'	YES
COTTAGE INDUSTRIES	2 SF	6'	NO
NAME SIGNS	2 SF	15'	NO
SCHOOL/CHURCH/PARK/FIRE DEPT WITH LETTER BOARD	15 SF 32 SF	8'	YES
SECURITY	2 SF	N/A	NO

PERMIT

SUBDIVISIONS/MULTI-FAMILY	24 SF	15'	YES
SHOP CENTRS/OFFICE & IND PARKS - 2 TO 5 TENANTS - 6 AND GREATER	75 SF 100 SF	15' 15'	YES YES
INDUSTRIAL/BUSINESS	50 SF	15'	YES
COMMUNITY DIRECTIONAL	32 SF	15'	YES

TABLE 4. DENSITY IN A-1 AND A-2 DISTRICTS

Net Developable Area	# Lots		Net Developable Area	# Lots
4 to 10	2		140.01 - 180	10
10.01 - 20	3		180.01 - 220	11
20.01 - 30	4		220.01 - 260	12
30.01 - 40	5		260.01 - 320	13
40.01 - 60	6		320.01 - 380	14
60.01 - 80	7		380.01 - 440	15
80.01 - 100	8		440.01 - 500	16
100.01 - 140	9		500.01+	16 + 1 per 30 acres

(Table 4 Added by Ord. of 5-27-08)

TABLE 5. DENSITY FOR CLUSTERS BY SPECIAL EXCEPTION

Net Developable Area	# Lots		Net Developable Area	# Lots
4 to 10	2		140.01 - 180	23
10.01 - 20	3		180.01 - 220	28
20.01 - 30	6		220.01 - 260	34
30.01 - 40	8		260.01 - 320	40
40.01 - 60	10		320.01 - 380	48
60.01 - 80	12		380.01 - 440	56
80.01 - 100	15		440.01 - 500	64
100.01 - 140	19		500.01+	16 + 1 per 10

(Table 5 Added by Ord. of 5-27-08; Table 5 Amended by Ord. of 7-25-11)

***Editor's Note**—Table 6 Added by Ord. of 5-27-08; Table 6 Deleted by Ord. of 7-25-11)

EXHIBIT 1. CERTIFICATES REQUIRED

OWNER'S CONSENT AND DEDICATION

Know all men by these presents, that the subdivision of land as shown on this plat, containing _____ acres, more or less, and designated as _____ Subdivision, situated in the _____ District in the County of Rockbridge, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets shown on said plat are hereby dedicated to the public use, and that all lots within the subdivision are subject to certain restrictions, reservations, stipulations, and covenants as contained in a writing executed by the undersigned, under the date of _____, and recorded in the Clerk's Office of Rockbridge County, in Deed Book _____. Page _____. The said _____ acres of land hereby subdivided having been conveyed to _____ by _____, by Deed dated _____, and recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia in Deed Book _____, Page _____.

Given under our hands this _____ day of _____, _____.

_____ (SEAL)
_____ (SEAL)
_____ (SEAL)
_____ (SEAL)
_____ (SEAL)

SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Board of Supervisors and Ordinances of the County of Rockbridge, Virginia, regarding the platting of subdivisions within the County have been complied with.

Given under my hand this _____ day of _____, _____.

_____ State Certified or Land Surveyor

The foregoing plat is not approved until all signatures have been obtained.

CERTIFICATE OF APPROVAL

This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

(Date)

(Signed) _____
Highway Engineer

(Date)

(Signed) _____
Health Officer

(Date)

(Signed) _____
Chairman or Agent, County
Board of Supervisors

EXHIBIT 2. SUBDIVISION CHECKLIST

Five prints, appropriate scale on sheets 17" x 23" showing the following:

- _____ Dimension showing feet and decimals of a foot to closest two figures.
- _____ Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, north point, scale.
- _____ Vicinity may scaled not less than 2" equals one mile showing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.
- _____ Boundary survey (or survey or record) with an accuracy of not less than one in 5,000 and showing location of all monuments, their type of material.
- _____ Total acreage.
- _____ Acreage of subdivided area.
- _____ Number, area, frontage of all building sites.
- _____ Existing buildings, names of owners, their property lines.
- _____ Boundaries of existing and proposed public or private streets, names, numbers, widths.
- _____ Boundaries of existing or proposed easements, public areas, parking spaces.
- _____ Culverts, drains, water courses, their names, survey cross section.
- _____ Parcels to be dedicated for public use, conditions of such dedication.
- _____ Topography.
- _____ Elevations of existing and proposed ground surfaces at street intersections and points of major grade change.
- _____ Proposed connections with existing sewers or water lines or alternate means of sewage disposal and water supply.
- _____ Provisions for collecting and discharging surface drainage and preliminary design of any required structures.
- _____ Space for signatures and approving authority.
- _____ Certificate signed by surveyor or engineer setting forth source of title of owners of land to be subdivided, place of record.

- _____ Statement that subdivision as it appears on plat is with the free consent and in accordance with the desires of the owners, signed by the owners.
- _____ Outline of various tracts when land is acquired from more than one source.
- _____ Easements, 10 feet in width or more.
- _____ Blocks 500 to 1,200 feet in length.
- _____ Adequate space for off-street parking.
- _____ Street intersections, approach angles:
 - _____ Not less than 80 on major street.
 - _____ Not less than 60 on hillsides.
- _____ Street widths, major 80', feeder or collection 50', other 50', alleys 20'.
- _____ Cul-de-sac, 400' or less in length, 100' turnaround.
- _____ Street names, same where alignment with existing street, no names to be duplicated.
- _____ Approval of Health Officer.
- _____ Approval of Highway Engineer.
- _____ Approval of Subdivision Agent.
- _____ Fees have been deposited.
- _____ Erosion and Sedimentation Control Plan.
- _____ Lot size conforms with zoning district requirement.

FIGURE 1. ZONING ADMINISTRATION PROCESS

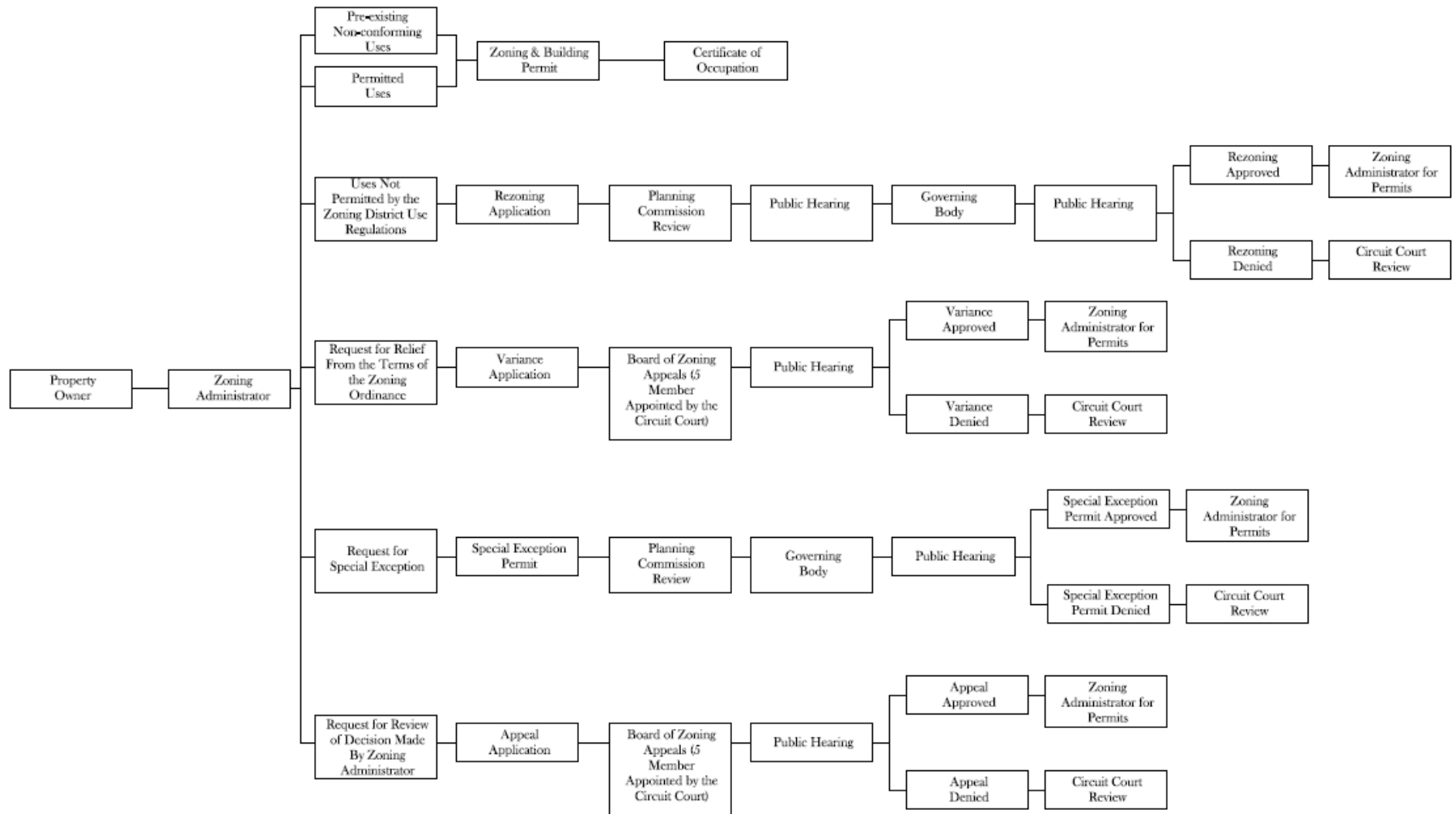


FIGURE 2. ADMINISTRATION OF SUBDIVISION REGULATIONS

