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4 GENERAL REGULATIONS

4-A APPLICATION OF DISTRICT REGULATIONS

4-A-1 General

Except as hereinafter provided in this Ordinance, the regulations set by this Ordinance within each district shall be minimum or maximum limitations, as appropriate, and shall apply uniformly to each class or kind of structure or land.

4-A-2 Use, Occupancy and Construction

Except as otherwise provided in Section 4-K no building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be constructed except in conformity with all the regulations herein specified for the district in which it is located.

4-A-3 Height, Bulk, Density, Lot Coverage, Yards and Open Spaces

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

4-A-3-a To exceed the height or bulk as herein allowed;

4-A-3-b To accommodate a greater number of dwelling units or to have greater floor area than as herein allowed;

4-A-3-c To occupy a greater percentage of lot area than as herein allowed;

4-A-3-d To have narrower or smaller rear yards, front yards, side yards, or open spaces than as herein allowed.

4-A-3-e To be in any other manner contrary to the provisions of this Ordinance.

4-A-4 Required Yard, Open Space, Area, Parking or Loading Space for One Structure, or Use, Not be Used to Meet Requirements for Another

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

4-A-5 Reduction of Lots or Areas Below Minimum Prohibited

No lot or area existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or other areas created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

4-A-6 Reduction of Yards Below Minimum

No yard existing at the effective date of this Ordinance shall be, by the construction of a building, reduced in dimension below the minimum requirements set forth herein. Yards in lots

created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

4-A-7 Reduction of Required Off-Street Parking or Loading Space

No existing off-street parking or loading space, and no off-street parking or loading space hereafter provided, that meets all or part of the requirements for off-street parking or loading space set forth in these regulations, shall be reduced or eliminated so that resulting reduction results in area not meeting requirements or standards contained herein. Reductions may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

4-B USES GENERALLY

The following regulations are supplementary regulations for districts listed in the Schedule of District Regulations, and are in addition to other provisions and requirements of this Ordinance.

4-B-1 Cemeteries

No grave, mausoleum, or other interment site shall be located nearer than 100 feet to a potable water supply source. Fee simple ownership of land used for interment of bodies shall be required. The section of a proposed location set aside for interment shall be free of all financial encumbrances, and after approval of a proposed location, it shall be unlawful to encumber any section thereof in which interments have been made or which is set aside for interments.

4-B-2 Dwelling that is Portable

Except as otherwise specifically provided in this Ordinance, no portable dwelling, occupied or vacant, shall be located on any lot.

4-B-3 Structure that is Temporary

4-B-3-a The Zoning Administrator may, upon application, permit the erection and occupancy of a temporary dwelling or Major Recreational Equipment with cooking and toilet facilities during the construction of a dwelling on the same lot, and may specify appropriate conditions and requirements to be applied to the permit, in which event the permit shall be subject to such conditions and requirements. This temporary dwelling permit shall be valid for one year, but may be renewed for one additional year by the Zoning Administrator.

4-B-3-b Temporary Parking of Manufactured (Mobile) Homes or Modular Structures Except as
(1-8-02) otherwise provided in this section, no manufactured home or modular structure should be parked in the Town of Boyce for a period of more than five consecutive days.

1. Hardship Exception

A manufactured home may be parked on land temporarily in accordance with the following provisions:

- a. The person desiring to use the manufactured home shall file with the Zoning Administrator an application for a temporary manufactured home permit.
- b. The Zoning Administrator shall issue the permit if it is found that:
 - 1) A hardship exists as a result of applicant's permanent structure in the Town of Boyce, having been destroyed by natural causes, such as fire, wind, flood or rain; and,
 - 2) The applicant needs to maintain temporary space while a permanent structure is being reconstructed; and,

- 3) The applicant proves that there is a pressing need to maintain such temporary space on the subject land; and,
 - 4) The land on which the manufactured home is to be located is the land on which the destroyed structure was located.
- c. The temporary manufactured home permit shall be valid for a period of six months. The permit may be renewed for a period of six months, upon a showing of satisfactory progress toward securing a permanent structure, for no more than three subsequent times to allow said use to exist for a total period of not to exceed two years.

2. Construction Project or School Exception

A modular office or classroom used in conjunction with a construction project or public school may be parked on land temporarily in accordance with the following provisions:

- a. The person or organization desiring to use the modular structure shall file with the Zoning Administrator an application for a modular structure permit.
- b. The Zoning Administrator shall issue the permit if it is found that:
 - 1) The location of the modular structure on the subject land is essential and necessary for the housing of full-time construction workers or officials on a construction project, or for offices or shops for the construction project, or for educational activities associated with a public school.
 - 2) The sanitary facilities for the modular structure will conform to the requirements established by the Commonwealth of Virginia and the Clarke County Sanitary Authority.
- c. The Zoning Administrator, in issuing any such modular structure permit, shall issue the Permit to be effective for a period equal to the anticipated period of construction on the project or period of need as identified by public school officials, but not exceed two years. Applications for renewal may be submitted to the Zoning Administrator at least 60 days prior to the expiration date of the existing permit, The application for renewal shall identify the time period for the extended approval of the permit. Said Permit may be renewed by the Planning Commission for a period of time it determines appropriate.
- d. The Zoning Administrator, in issuing said Permit, may require the posting of a bond to assure that the modular structure will be removed and the site left in good order at the expiration of the Permit, and may establish such additional requirements as may be in the public interest.

4-B-4 Dwelling Displayed for Advertising Purposes (model home)

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

4-B-5 Motor Vehicle Sales and Service

No vehicles shall be parked or displayed in any required front, side, or rear setback areas.

- 4-B-6 Structures (more than 40 feet high) supporting Telecommunication Antennae
- 4-B-6-a The visual impact of a structure and any associated facilities shall be mitigated to blend with the natural and built environment of the surrounding area. Such mitigation measures shall address: architecture, color, landscaping, lighting, materials, siting, topography, and visual screening.
- 4-B-6-b The applicant shall show that a proposed tower shall not trigger a requirement, public or private, that it be lighted nor shall it be lighted on a voluntary basis.
- 4-B-6-c A structure shall be set back from any property line a distance equal to the height of the structure.
- 4-B-6-d The applicant shall provide verifiable evidence of the lack of antenna space on existing structures, buildings, or other structures suitable for antenna location, or evidence of the unsuitability of existing structure locations for co-location.
- 4-B-6-e The applicant shall submit an engineering report showing that the proposed tower will have a load limit that will allow a minimum of four users.
- 4-B-6-f The applicant shall submit documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements.
- 4-B-6-g The owner of the structure shall dismantle the structure and all associated structures if no functioning antenna is attached to the structure for 12 consecutive months and restore the site as nearly as possible to pre-existing site conditions.
- 4-B-7 All Uses in the Business district requiring a Special Use Permit (Except Structures for Telecommunication Antennae) must be directly accessed from a primary arterial highway.
- 4-B-8 Uses Not Provided For
- 4-B-8-a When a use is not specified in the regulations of any district in this Ordinance, a landowner may request in writing the Planning Commission to initiate an amendment to the Ordinance to provide for the use. The Planning Commission shall act upon said request within 63 days, and may pass a resolution to provide for the use if it finds:
1. That there is no clear intent to exclude such uses; and,
 2. That the proposed use is appropriate within the district and would have no more adverse effects on other uses within the district, or on uses in adjoining districts, than would uses of the same general character permitted in the district; and
 3. That the proposed is compatible with the Comprehensive Plan.
- 4-B-8-b Upon the passage of such a resolution by the Planning Commission, the Planning Commission and the Town Council shall proceed to act upon the proposed amendments as set forth in Article 8 of this Ordinance.
- 4-B-8-c In acting upon such proposed amendment, the Planning Commission and the Town Council shall be guided by the criteria set forth in Section 4-B-1-a above, in addition to the general criteria for amendments to this Ordinance.

4-B-9 Veterinary Services, Animal Hospitals, Kennels

Except where animals are kept in sound proof, air-conditioned buildings, no structures or area occupied by such animals shall be within 50 feet of the property line of any adjacent lot. Where a dwelling on an adjacent lot is within 200 feet of a structure occupied by animals, there shall be erected a solid fence or other sound baffling/deadening structure within 50 feet of the structure occupied by animals and between such structure and the adjacent dwelling.

4-C ACCESSORY STRUCTURES, RECREATIONAL EQUIPMENT VEHICLES

4-C-1 Residential Occupancy of Accessory Buildings

Except as otherwise specifically provided in this Ordinance, use of accessory buildings as dwellings or lodgings is expressly prohibited.

4-C-2 Parking, Storage, or Use of Major Recreational Equipment

The following regulations shall apply to parking, storage and use of major recreational equipment in the Residential district:

4-C-2-a Major Recreational Equipment Defined

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

4-C-2-b No major recreational equipment shall be used for living, sleeping, or other occupancy when parked or stored on a residential lot, or any other location not approved for such use except as allowed in Section 4-B-3.

4-C-2-c Major recreational equipment six feet or more in average height, not parked or stored in a garage, carport, or other building:
1. Shall not be located in any required front or side yard;
2. Shall be located at least three feet from all buildings.

4-C-2-d No major recreational equipment not in operating condition shall be parked outdoors in the Residential Zoning District.

4-C-3 Limitation on Parking or Storage of Inoperable Vehicles

4-C-3-a No inoperable vehicle shall be parked or stored outside of a completely enclosed structure on any lot in the Residential district.

4-C-3-b The parking and storage of fully assembled vehicles in mechanically operating condition that do not display current state license, current inspection sticker, and/or current county decal, may continue on a parcel containing a vehicle sales business in operation as of January 1, 1999.

4-C-3-c Inoperable vehicles may be temporarily stored on a parcel containing a vehicle sales and/or repair business in operation as of January 1, 1999, when necessary for insurance claim

purposes or pending legal matters, provided that the business is not a home occupation and the vehicle is stored for not more than one year.

4-C-4 Portable Structure

The owner of any parcel, on which a portable structure is sited for more than five days, must obtain a permit for such structure from the Zoning Administrator. Such a portable structure shall comply with all applicable structure setback requirements and may not be located on a parcel for more than 90 days within a 12-month period of time.

4-D GENERAL REQUIREMENTS CONCERNING ARRANGEMENT AND LOCATION OF STRUCTURES

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

4-E ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON LOT

4-E-1 Business District

In the Business district, more than one structure housing a principal permitted use, or a use permitted with a Special Use Permit, may be erected on a single lot, provided that yard, area and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. In the Residential district, only one structure housing a principal permitted or one structure housing a use permitted with a Special Use Permit may be erected on a single lot, unless otherwise approved and permitted in conjunction with the granting of the Special Use Permit or unless otherwise permitted in the Schedule of District Regulations.

4-E-2 Accessory Buildings

No accessory building larger than 150 square feet shall be erected on any lot or parcel without a building containing a permitted use or use with a special use permit, or prior to the issuance of a building permit for a building containing a permitted use or use with a special use permit.

4-F DRAINAGE

No building shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Factors to be considered in determining substantial change shall include existing zoning recommendations of the adopted Comprehensive Plan, and adopted drainage standards of the Virginia Department of Transportation. In his administration of this requirement, the Zoning Administrator may obtain the recommendations of governing agencies and other agencies or individuals that the Zoning Administrator believes may be of assistance.

4-G LOT REGULATIONS

4-G-1 Lot Access Requirements

No structure requiring a building permit shall be erected upon any lot that does not have frontage on a public right of way, except as specifically provided in subdivision regulations, or in planned developments in accordance with the provisions of this Ordinance.

- 4-G-2 Visibility Clearance at Intersections
 For protection against traffic hazards, no impediment to visibility (defined as any impediment that could conceal a child on a bicycle from an approaching driver) shall be placed, allowed to grow, erected, or maintained within visibility triangles described as follows:
- 4-G-2-a At Street Intersections: The apex is at the intersecting right-of-way lines, the sides are 25 feet in length, and the base runs through the lot.
- 4-G-2-b At Driveway Intersection With Streets: The apex of the triangle is at the intersection of the street right-of-way line with the edge of the driving surface to the driveway nearest to the approaching traffic lane, the side of the triangle coterminous with the street right-of-way line is 25 feet in length, the side of the triangle coterminous with said edge of driveway is 20 feet in length, and the base runs through the lot.
- 4-G-2-c Exceptions: Where terrain features present substantial obstacles to provision and maintenance of such visibility triangles, the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum that is reasonably practicable to provide and maintain.
- 4-G-3 Uses and Structures Permitted in Required Yards
- 4-G-3-a Driveways or Patios not more than 30 inches above grade;
- 4-G-3-b
 (10/05/10) Fences, Walls, or Hedges up to six feet in height, generally and for corner lots, however, not more than three feet six inches in height within the area less than 25 feet from the intersection of two right of way lines of streets maintained by the Commonwealth of Virginia, Town of Boyce, or the intersection of such public streets and recorded private access easements serving three or more parcels.
- 4-G-3-c
 (1/6/09)
 (5/3/11) Architectural or Building Elements (defined as: porches without roofs, balconies without roofs, decks without roofs, or steps without roofs, bay or bow windows, chimneys, eaves, or mechanical equipment).
1. In the Residential Zoning District, such elements may project not more than four feet into any required yard, (except for porches, decks or balconies without roofs, which may project six feet into a required rear yard) but no such elements, shall not be closer than five feet to any property line or right of way.
 2. In the Business Zoning District, such elements (further defined as including porches, balconies, decks, or steps with roofs) may project into any required yard, but shall not be closer than five feet to any property line of a parcel in the Residential Zoning District.
- 4-G-4 Regular Lots
- 4-G-4-a Width Measurements: The width of a regular lot shall be determined by measurement at the required front yard between side lot lines. However, in cases where lots front on curved or circular (cul-de-sac) streets, the radii of which do not exceed 90 feet, the distances between side lot lines (measured in a straight line) may be reduced to sixty percent.

- 4-G-4-b Frontage:
1. Regular interior lots: the front shall be construed to be the portion nearest the street.
 2. Regular corner lots: the front shall be construed to be the shortest boundary fronting on a street. If the lot has equal frontage on two or more streets, frontage shall be construed in accordance with the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
 3. Regular Through Corner Lots: if the shortest boundary fronting on a street is eighty percent or more of the length of the longest boundary fronting on a street, the applicant may select either frontage if lot width requirements of the district are met.
 4. Regular Through Lots: the lot shall meet the frontage requirement on at least one of the two streets.

- 4-G-4-c Yards:
1. Front yards: The required depth shall be provided across the frontage of a regular lot.
 2. Rear Yards on Interior Regular Lots: The required depth shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of minimum depth required by district regulations with its inner edge parallel to its outer edge.
 3. Yards on Corner Lots: Regular corner lots shall be deemed to have two front yards (one adjoining each street or private access easement on which the lot abuts) and two side yards. Through corner lots shall be deemed to have three front yards (one adjoining each street or private access easement on which the property abuts) and one side yard.
 4. Side Yards on Regular Lots: Such yards defined as running from the required front yard line to the required rear yard line. On corner lots the required side yards shall run from the point where side yard lines intersect, to required front yards lines.

4-G-5 Irregular Lots

- 4-G-5-a Dimensional Requirements: An irregular lot shall be considered to meet the dimensional requirements of the district in which located, provided:
1. Lot Area shall meet district requirements for the proposed use. Lot width need not meet district requirements if requirements set forth below is met.
 2. Open Space in required yards and elsewhere on the lot shall be not less than as required for the use in the district on a regular rectangular lot of required minimum width and area.
 3. Building Area remaining after required yards have been provided shall have dimensions and location appropriate for all buildings proposed.

- 4-G-5-b Yard Requirements: In general, all yards shall provide at least the same separation from all lot lines as required for minimum side yards in the district, provided, however, that where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations shall apply on a irregular lot. Additionally, if an irregular lot abuts a street at any point, a distance equal to the required yard on a regular lot adjacent to a street in the district shall be provided.

4-G-6 Lot Coverage by Buildings

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

4-H HEIGHT REGULATIONS

4-H-1 General Intent

No building or structure shall be located on any property, which building or structure exceeds the height limitations set forth in the Schedule of District Regulations. It is the intent of the height regulations to secure safety, to provide adequate light and air, and to protect the character of districts and the interests of the general public in important views.

4-H-2 Fire and Safety Requirements

4-H-2-a Fire Protection: No building exceeding forty feet in height above grade shall be erected without certification from the Zoning Administrator that such building as proposed to be located, constructed, and equipped, can be properly protected in case of fire. In determining whether to make such certification, the Zoning Administrator may consult appropriate county and/or state agencies or officials, or officials of fire fighting and fire prevention organizations. In case of structures other than buildings exceeding forty feet in height, the Planning Commission may require such certification where the Planning Commission determines that there is substantial fire danger to surrounding properties.

4-H-2-b Aviation Hazards: No building or other structure shall be located in a manner or built to a height, which constitutes a hazard to aerial navigation. Structures shall not be erected in a location or to be built to a height that the Planning Commission believes may be hazardous to air traffic without certification from the Federal Aviation Administration that as proposed to be located, constructed, and equipped, it will not constitute a hazard to air traffic.

4-H-3 Height Limitations

4-H-3-a Exceptions--Excluded from Application: The height limitations of this Ordinance shall not apply to barns, silos, farm buildings, smokestacks, or water tanks, not exceeding in height the distance there from to the nearest lot line.

4-H-3-b Exceptions--Limited:

1. Towers, gables, penthouses, scenery lofts, residential chimneys, cupolas, spires, similar structures, and necessary mechanical appurtenances, may be erected on a building to a height greater than the limit established for the district in which the building is located. Provided, that no such exception shall cover at any level more than fifteen percent of the area of the roof on which it is to be erected and further, that no such exception shall exceed maximum height established in the district by more than fifty percent.
2. Amateur Radio Antenna may be erected up to a height of 75 feet, provided the antenna shall be setback one foot from any property line for each foot of height.

4-H-3-c Parapet Walls, Cornices, etc.: A parapet wall, cornice or similar projection may exceed the height limit established for the district by not more than three feet, but shall not extend more

than three feet above the roof level of any building.

4-H-3-d Accessory Building in Residential Districts: Accessory structures with a side yard setback of less than 10 feet and/or rear yard setback of less than 25 feet shall not exceed a height of 12 feet.

4-I SIGN REGULATIONS

4-I-1 General Provisions

All signs shall comply with the following provisions, and it shall be unlawful for any person to erect or maintain a sign that does not comply with the following provisions:

4-I-2 Signs Prohibited

Signs with any of the following characteristics are prohibited:

4-I-2-a Violates Virginia Law: Any sign which violates any provision of the laws of Virginia relating to outdoor advertising, including Sections 33-298 to 33-327 inclusive, 33-279, and 46-187 of the Code of Virginia, as amended;

4-I-2-b Other Than on Property or Structure to Which it Directs Attention: Any sign that is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except:

1. any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Transportation, and
2. any other sign which is specifically provided in this article.

4-I-2-c Outlines any Building with Neon or Other lights: Any sign which outlines any building or part thereof with neon or other lights;

4-I-2-d On Trees, Fences, Public Utility Pole, Etc.: 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 such as may be:

1. required by law,
2. so placed by a duly authorized governmental agency,
3. so placed not as an advertisement but as a warning against hunting, fishing or trespassing, or
4. not visible from any highway.

4-I-2-e Casts Glare on Highway or Adjoining Property: Any illuminated sign, which reflects or casts a glare, directly or indirectly, on any public roadway or adjacent property.

4-I-2-f Roof Signs

4-I-2-g Billboards: Any billboard or general advertising sign.

4-I-2-h Changeable message signs (except time and temperature signs): Any sign on which the display or message changes more rapidly than once every 30 seconds.

(10/05/10)
(08/02/11)

4-I-2-I (10/05/10) Moving Signs or displays: Any sign and/or its display/message that moves, revolves, twirls, rotates, flashes, including animated signs, multi-prism signs, floodlights and beacon lights except when required by the Federal Aviation Agency or other governmental agency.

4-I-2-j (10/05/10) Time and temperature signs: Any sign displaying time and temperature in which such message changes more rapidly than once every five seconds.

4-I-3 Signs Permitted

Only signs as listed, described, or otherwise provided for as follows and any signs allowed by the Virginia Department of Transportation shall be permitted as freestanding or wall signs. These signs shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this Ordinance.

4-I-3-a Freestanding Signs in Residential Zoning District:

1. Number Permitted 1 per parcel
2. Maximum Area for each sign
 - a. for permitted uses (including home occupations) on a secondary hwy 2 square feet
 - b. for permitted uses (including home occ.) on a primary hwy or Rt. 723 6 square feet
 - c. for special uses on a secondary highway 8 square feet
 - d. for special uses on a primary highway or Rt. 723 24 square feet
3. Maximum Height:
 - e. for permitted uses 4 feet
 - f. for special uses 6 feet
4. Minimum Setback from side and rear property lines:
the distance equal to the height of the sign
5. Illumination: No sign shall be illuminated

4-I-3-b Freestanding Signs for all uses in the Business Zoning District:

1. Number Permitted:
 - a. 1 for each parcel with less than 300 feet of frontage on public right(s) of way
 - b. 2 for each parcel with 300 feet or more frontage on public right(s) of way
2. Maximum Area for each sign
 - a. on a secondary highway: 16 square feet
 - b. on a primary highway: 32 square feet
3. Maximum Height
 - a. on a secondary highway: 8 feet
 - b. on a primary highway: 10 feet
4. Minimum Setback:
from front, side, and rear property lines: the distance equal to the height of the sign
5. Illumination: Signs may be illuminated.

(10/05/10)

- a. Such illumination shall be external and comprised of not more than two fully shielded down cast lights or
- b. Such illumination may be by electronic display utilizing light emitting diodes (LEDs), fiber optics, plasma display screen, or other similar electronic illumination.
- c. Signs shall be illuminated only during hours when the use is open for business.
- d. External light illumination shall not exceed a maximum 150 watts for incandescent lights or of equivalent brightness for non-incandescent lights and shall be operational from sunset to 10 p.m., if the use is open for business during those hours.
- e. Electronic Display Illumination shall not exceed a maximum brightness of 5,000 nits

(candelas per square meter) from 8:00 a.m. to sunset and 500 nits from sunset to 10 p.m., if the use is open for business during those hours. Such signs shall be equipped with a working dimmer control device capable of automatically reducing the illumination to the required level. Before the issuance of a sign permit, the applicant shall provide written certification from the manufacturer that the light intensity and duration has been factory pre-set not to exceed the maximum intensity level and time limits. Maximum brightness shall be reviewed by the Zoning Administrator for appropriateness of brightness given the specific location of the sign and adjacent land uses.

f. Electronic Display signs shall “freeze” or go blank if there is a malfunction.

4-I-3-c

Wall Signs for all uses in Business Zoning District and for special uses in the Residential Zoning District:

1. Area: No wall signs shall exceed one square foot of sign area per two linear feet of building frontage of the wall that most directly faces a public right of way, up to maximum area of 200 square feet for all wall signs. For corner lots, this area calculation may be made for each of the two walls that most directly face public rights of way. Other walls shall not be included in calculating allowable sign areas; however, signs may be attached to any wall.
2. Projecting wall signs: Signs projecting more than 18 inches from a wall shall be between 8 and 12 feet above grade. Signs shall not project more than four feet from a wall. Projecting signs shall not be larger than 6 square feet in area.

(10/05/10)

3. Illumination: Wall Signs may be illuminated.
 - a. Such illumination shall be external and comprised of not more than two fully shielded down cast lights, or
 - b. Such illumination may be by electronic display utilizing light emitting diodes (LEDs), fiber optics, plasma display screen, or other similar electronic illumination.
 - c. Signs shall be illuminated only during hours when the use is open for business.
 - d. External light illumination shall not exceed a maximum 150 watts for incandescent lights or of equivalent brightness for non-incandescent lights and shall be operational from sunset to 10 p.m., if the use is open for business during those hours.
 - e. Electronic Display Illumination shall not exceed a maximum brightness of 5,000 nits (candelas per square meter) from 8:00 a.m. to sunset and 500 nits from sunset to 10 p.m., if the use is open for business during those hours. Such signs shall be equipped with a working dimmer control device capable of automatically reducing the illumination to the required level. Before the issuance of a sign permit, the applicant shall provide written certification from the manufacturer that the light intensity and duration has been factory pre-set not to exceed the maximum intensity level and time limits. Maximum brightness shall be reviewed by the Zoning Administrator for appropriateness of brightness given the specific location of the sign and adjacent land uses.
 - f. Electronic Display signs shall “freeze” or go blank if there is a malfunction.

4-I-3-d

Directional Signs:

1. Allowed On-site only in Business Zoning District
 - a. Number Permitted: 1 for each VDOT approved curb cut

- b. Maximum Area for Each Sign: 4 square feet
- c. Maximum Height: 4 feet
- d. Minimum Setbacks: a distance equal to the height of the sign.

2. Allowed Off-site in any zoning district

- a. Number Permitted: 2 per public right of way intersection
- b. Maximum Area for Each Sign: 8 square feet for non-profit institutions;
2 square feet for all other uses
- c. Maximum Height: 4 feet
- d. Minimum Setbacks: a distance equal to the height of the sign

4-I-3-e

Temporary Signs: Temporary signs may be permitted provided these are not illuminated or located in a public right of way. Temporary signs may be located off-premises for directional purposes. In addition, temporary signs are subject to the following regulations:

- 1. In the Residential district, such signs shall not exceed four square feet in area;
- 2. In the Business district, such signs shall not exceed eight square feet in area;

The Zoning Administrator shall determine the reasonable number of temporary signs, provided that any person desiring to erect three or more temporary signs for one activity shall first obtain a temporary sign permit from the Zoning Administrator, giving all reasonable information required. The Zoning Administrator shall grant no temporary sign permit for a period of more than three months, and only upon written agreement by the applicant that the signs shall be removed at applicant's expense before the expiration of a date specified in the permit. A reasonable bond to insure such removal may be required by the Zoning Administrator.

4-I-4

Removal Of Signs

Whenever a sign becomes structurally unsafe, endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this Ordinance, the Zoning Administrator shall order such sign to be made safe or comply with the Ordinance or be removed. Such order shall be sent by registered mail and shall be complied with within 15 days from the date of mailing said order by the person owning or responsible for the sign. Failure to comply shall constitute grounds for the Zoning Administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this Ordinance.

4-I-5

Nonconforming Signs and Removal

Any sign existing prior to the effective date of this ordinance that does not meet the requirements of this ordinance shall be deemed a nonconforming sign, and shall be subject to the following conditions:

4-I-5-a

If the repair cost of a damaged non-conforming sign is more than 50% of the assessed value, the sign must be brought into conformance with this ordinance and a Sign Permit (per Section 4-I-7 below) obtained.

4-I-5-b

Whenever the use of a structure or lot by a specific business is discontinued for that business, signs pertaining to that business, whether located on the structure, lot or on other

property, shall be removed within 30 days of the business vacating the premises.

- 4-I-6 Traffic Hazards
No sign shall be located or illuminated in such a manner as to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination (if any) of the sign are approved by the Zoning Administrator.
- 4-I-7 Sign Permits
No sign shall be erected, reconstructed, or refaced so as to advertise, promote or depict a business, activity or location other than that originally advertised until a sign permit has been issued by the Zoning Administrator.
- 4-I-8 Definitions
- 4-I-8-a SIGN: Any device for visual communication out-of-doors which is used for the purpose of bringing the subject thereof to the attention of the public, but not including when standing alone, a flag, emblem, badge, or insignia of any governmental unit.
- 4-I-8-b SIGN, ANIMATED: Any sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.
(10/05/10)
- 4-I-8-c SIGN, AREA OF: The area of a sign shall be determined from its outside measurements including any wall work incidental to its decoration, but excluding as a part the height and overall width of supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back to back, that is, on opposite sides of the sign, the aggregate area of both sides shall be considered that of only one face. In the case of an open sign made up of individual letters, figures, words, or designs, the sign area shall be the area of not more than three rectangles enclosing all letters figures, words, or designs.
- 4-I-8-d SIGN, CHANGEABLE MESSAGE: A sign or portion of a sign where the message copy is changed manually or automatically through the utilization of attachable, reflective or illuminated letters, numbers, symbols, images and other similar characteristics, including electronic reader boards or electronic display signs.
(10/05/10)
- 4-I-8-e SIGN, DIRECTIONAL: Any sign displaying directional messages for pedestrians or vehicular traffic.
- 4-I-8-f SIGN, ELECTRONIC DISPLAY: A sign containing light emitting diodes (LEDs), fiber optics, plasma display screen, or other similar electronic illumination.
(10/05/10)
- 4-I-8-g SIGN, FREESTANDING: Any on-site sign, which is supported from the ground and is not attached to any building.
- 4-I-8-h SIGN, ILLUMINATED: A sign, or any part of a sign, which is illuminated, externally or internally, by lights from a source located for the specific purpose of such lighting.
- 4-I-8-i SIGN, TEMPORARY: A sign advertising a candidacy for public office, an event of public interest, such as a public or general election, church or public meeting, fair, horse show, turkey shoot, sales, entertainment for charitable purposes and other similar social or permitted retail activities of temporary duration or nonrecurring nature.

4-I-8-j SIGN, TIME AND TEMPERATURE: Any sign whose only function is the display of
(10/05/10) information about current time and/or temperature.

4-I-8-k SIGN, WALL: A sign painted on or attached to a wall of a building, parallel to the wall,
and projecting out from or above the wall. The term wall sign shall also include marquee
and projecting signs.

4-J OFF-STREET PARKING

4-J-1 General Specifications

(3/2/2010) There shall be provided at the time of erection of any building or at the time any building is altered, enlarged, or increased in size, the required minimum off-street parking spaces as provided in the chart in Section 4-J-10. Said space or spaces shall be properly related to a street for access purposes, to maneuvering space of sufficient dimensions such that users may find safe and convenient parking movements without resorting to maneuvering on any street or sidewalk. Spaces and access ways shall be so located, arranged, and safeguarded as to provide appropriate separation from streets and walkways. Spaces shall be so arranged that any vehicle may be moved without moving another.

4-J-2 Construction and Design Standards

(3/2/2010) All off-street parking spaces and access driveways shall be covered with an all-weather surface. All spaces and driveways shall be graded and drained to dispose of surface water, and shall be constructed and maintained in a manner permitting safe and convenient use. No surface water from any parking area or access driveway shall be permitted to drain onto adjoining property so as to change existing drainage patterns or so as to cause damage to adjoining property from any increased runoff. For parking areas with spaces arranged at 90° to access driveways, standard off-street parking spaces shall be 9 feet wide and 18 feet long. However, up to 33% of provided off-street parking spaces may be for compact cars (defined as vehicles of 14 feet, 6 inches in length or less); such spaces shall be 8 feet wide and 16 feet long. Signage for such compact cars spaces shall be provided, to the extent determined appropriate by the Zoning Administrator. Access driveway aisles shall be 24 feet wide. For parking areas with spaces arranged at an angle less than 90° to access driveways, space and driveway dimensions shall follow standard engineering practice as determined appropriate by the Zoning Administrator.

4-J-3 Prohibited in Required Yards Adjacent to Streets

Except as otherwise specifically provided herein, no off-street parking areas for four or more automobiles shall be permitted in any required yard adjacent to a street, nor shall any maneuvering areas serving such spaces be so located.

4-J-4 Buffer Required Where Adjoining Residential Property

4-J-4-a Where off-street parking areas for four or more automobiles, or loading or service areas, are to be located closer than 50 feet to a lot in any residential zoning district, or to any lot upon which a dwelling exists as a conforming use under these regulations, without an intervening street, and where such parking, loading or service areas are not entirely screened visually from first floor residential windows at such adjacent locations, there shall be provided on the lot with the parking a continuous visual buffer with a minimum height of 6 feet. The buffer shall be a compact evergreen hedge or other foliage having the same effect, or shall

be combined fence or wall with shrubbery screening on the side toward the residential lot.

4-J-4-b No such buffer shall extend to any required yard adjacent to a street, or be so located as to interfere with traffic visibility required for reasons of safety.

4-J-5 Limitations on Use

4-J-5-a No required off-street parking shall be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies, and no other parking or other area on a lot shall be used for such purposes unless permitted under District Regulations.

4-J-5-b Off-street parking shall be provided only for principle uses, accessory uses, or special uses (approved by the Boyce Town Council) that are allowed by the regulations of zoning district in which the off-street parking is located.

4-J-6 To be located on Same Lot as Principal Use: Exceptions

4-J-6-a General: Required off-street parking facilities shall be on the same lot with the principal use or structure except as provided below.

4-J-6-b Exceptions: Where it is impractical to provide all or part of required off-street parking on the same lot, exceptions may be permitted by the Board of Zoning Appeals to allow off-street parking within the distances indicated in Section 4-J-6-c below, as measured by normal pedestrian routes, subject to:

1. Buffering and design and improvement standards applying generally to off-street parking.
2. Special conditions and safeguards called for in the circumstances of the case; and
3. Requirements of satisfactory assurance that such required parking will remain available for the use or structure, or that equivalent similarly approved parking will be provided before such parking is diminished in whole or in part.

4-J-6-c Distances: The Board of Zoning Appeals may permit off-lot parking not more than the indicated distance from the uses served, and in the same district or in a district appearing after said district in the Schedule of District Regulations. Distances shall be measured along pedestrian routes, and from the nearest portion of the off-street parking facility to an entrance to the use served. Maximum Distance to Off-Site Parking Facility (feet):

One and two-family	Must be on same lot
Other residential	300
All other uses	600

4-J-7 Joint Parking Facilities

4-J-7-a Where there are multiple uses on one lot, or where uses on adjoining lots propose to combine parking areas and/or access ways, such joint parking facilities shall be permitted, subject to the general requirements and limitations applying to all parking areas. The Zoning Administrator shall permit such combinations subject to the general requirements and standards set forth.
(3/2/2010)

4-J-7-b (3/2/2010) Where it is proposed to establish off-street joint parking facilities not contiguous to the uses served, but serving more than one use, such facilities may be permitted by the Planning Commission in conjunction with Site Plan approval.

4-J-7-c (3/2/2010) In joint parking facilities, of multiple uses, the total number of parking spaces must at least equal the sum of the minimum number of required off-street spaces computed separately for each use with the following factors divided into this sum.

	Retail	Office	Lodging
Residential	1.2	1.4	1.1
Lodging	1.3	1.7	-
Office	1.2	-	-

When more than 2 of the above uses share parking, the lowest factor shall be used. For multiple uses involving uses not mentioned above, the Zoning Administrator shall determine the appropriate reduction factor based on the specific characteristics of such uses.

4-J-8 Other Areas Not Used to Meet Requirements
Loading or other non-parking areas shall not be included to meet off-street parking requirements.

4-J-9 Computation of Requirements
The following rules shall apply to computation of off-street parking requirements:

4-J-9-a Fractional Spaces: Where requirements result in computations including fractional off-street parking spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one space.

4-J-9-b Computing Number of Employees: Where requirements are based on number of employees, number shall be computed as the average number employed on the shift with the highest usual employment.

4-J-10 (3/2/2010) Off-Street Parking Standards
The following chart shows the minimum number of required off-street parking spaces. The maximum number of provided off-street parking spaces shall not exceed 150% of the minimum required.

<u>Use</u>	<u>Required Minimum Number of Off-street Parking Spaces</u>
<u>RESIDENTIAL USES:</u>	
Single and Two-Family	2 for each dwelling unit
Multi-Family	1.5 for each dwelling unit
<u>GROUP QUARTERS:</u>	
Assisted Living Facility	1 for each 2 beds
<u>TRANSIENT LODGINGS:</u>	
Inn and Bed and Breakfast	1.0 for each guest room

EDUCATIONAL USES:

Kindergarten, Day Care Center
Nursery, Private or Public 1 for each 8 students
based on maximum design capacity

Elementary, Intermediate, or
Junior High, Private or Public 1 for each 8 students
based on maximum design capacity

BUSINESS USES:

Retail Space
(Unless otherwise specified) 1 for each 250 square feet of floor
area

Furniture, Hardware, Home
Furnishings, Plant Nurseries and other
similar establishments 1 for each 400 square feet of floor
area or outdoor merchandise display
area

Vehicle Repair 2 for each repair bay, plus 1 for service
vehicle

Retail Space with Fuel Sales 1 for each 200 square feet of floor area

Vehicle Fuel Sales 2 standing spaces for each gasoline
pump

Restaurant 1 for each 100 square feet of floor
area or 1 for each 4 people based on
Building Code design capacity,
whichever is greater

Restaurant, Fast Food 1 for each 60 square feet plus 3
queuing spaces for drive-up window

Wholesale, Inventory
Storage not Otherwise
Classified 1 for each 2,000 square feet of floor
area devoted to enclosed storage

Mini-storage (rental of storage
units of less than 5,000 sq ft each) 1 for each employee

Architectural Woodworking
and Millwood 1 for each 500 square feet of floor area

CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES:

Auditoriums, Assembly Halls, Community Centers
- Fixed Seats 1 for each 4 seats based on maximum seating
capacity

-Without Fixed Seats 1 for each 4 people based on Building Code
design capacity

Art Gallery, Library, Museum 1 for each 400 square feet of floor area

SPORTS ACTIVITIES:

Bowling	4 for each alley
Swimming Pools, Recreation Centers	1 for each 4 persons, based on design and Similar Establishments Building Code capacity
Skating Rinks	1 for each 25 persons based on Building Code design capacity
Health Clubs	1 per 250 square feet of floor area
Outdoor Court Games (Tennis, Basketball and Similar Establishments)	1 per 2 players based upon maximum player capacity

OFFICE USES:

General Business Govern Mental Buildings Professional Office Buildings but not including Medical Offices Financial Institutions Research and Development Establishments	1 for each 333 square feet of floor area
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MEDICAL USES:

Physician's or Dentist's Office, Clinic, and Out-Patient	1 for each 250 square feet of floor area
Veterinary Hospital	1 for each 300 square feet of floor area

SERVICES USES:

Barber, Beauty Salon	2 for each chair
Self-service Laundry	1 for each 2 cleaning or laundry machines
Dry-Cleaning Establishment	1 for each 200 square feet of floor area
Other	1 for each 200 square feet of floor area

INSTITUTIONAL USES:

Churches, Synagogues, Temples and Other Places of Worship; and Civic, Fraternal, Political, Private, Religious and Social Nonprofit Organizations	1 for every 4 seats in assembly room fixed seats or 1 for each 4 people based on Building Code design capacity of the assembly without fixed seats
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HANDICAPPED ACCESSIBLE SPACES:

1 for	1 to	25 total spaces provided
2 for	26 to	50 total spaces provided
3 for	51 to	75 total spaces provided
4 for	76 to	100 total spaces provided
5 for	101 to	150 total spaces provided
6 for	151 to	200 total spaces provided
7 for	201 to	300 total spaces provided
8 for	301 to	400 total spaces provided
9 for	401 to	500 total spaces provided
		2% of total for 501 to 1,000 total spaces provided
		20 plus 1 for each 100 spaces, if more than 1,000 total spaces provided

4-J-11 Off-Street Loading Space

4-J-11-a General

Off-street loading facilities shall be provided on the premises of any use hereafter established or enlarged which during the course of a normal operating week customarily receives or distributes goods or materials by trucks. There shall be sufficient spaces to accommodate the maximum number of such trucks that will normally be loading, unloading or stored on the premises at any one time.

4-J-11-b Construction Standards

All off-street loading spaces shall be covered with an all-weather surface, shall be graded and drained to dispose of surface water, and shall be constructed and maintained in a manner permitting safe and convenient use. No surface water from any loading area shall be permitted to drain onto adjoining property so as to change existing drainage patterns or so as to cause damage to adjoining property from any increased runoff.

4-J-11-c Location and Dimension Requirements

1. General: Loading spaces and maneuvering areas shall be appropriately dimensioned and located with relation to the type of deliveries and pick-ups anticipated. In no case shall the use of such loading space or related maneuvering hinder free movement of pedestrians or vehicles on streets or sidewalks. The following basic dimensional requirements for loading spaces and maneuvering areas shall apply except upon findings by the Zoning Administrator or described in Section 4-J-11-c-(2) below:
 - a. Minimum depth of the loading space shall be 55 feet;
 - b. Minimum width shall be 14 feet;
 - c. Minimum height clearance shall be 15 feet; and
 - d. Minimum width of maneuvering room for back in loading shall be 115 feet.
2. Exceptions: Upon findings by the Zoning Administrator, based on satisfactory evidence supplied by applicants, observation of similar uses in the general area, or standard reference works or recommendations by qualified officials of the Town that more or less off-street loading spaces, or off-street loading and maneuvering spaces with greater or lesser dimensions, will be required in connection with a proposed use, he may require or permit such variation from the basic requirements set forth herein.

- 4-J-11-d Prohibited in Required Yards
Except as otherwise specifically provided herein, no loading space shall be permitted in any required yard adjacent to a street, nor shall any maneuvering areas serving such spaces be so located.
- 4-J-11-e Limitations on Use
No required loading space shall be used for the sale, repair, dismantling, or serving of any vehicles, equipment, materials or supplies and no other loading area or other area on a lot shall be used for such purposes unless permitted by the district regulations.
- 4-J-11-f Other Areas Not Used to Meet Requirements
Off-street parking spaces or other non-loading areas shall not be included as meeting off-street loading space requirements.
- 4-J-11-g Computation of Requirements
In computing off-street loading requirements, where computations indicate fractional loading spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one space.

4-J-12 Minimum Parking and Loading Space Requirements for Uses not Specified

Where minimum parking or loading space is not specified herein for particular uses, the Zoning Administrator shall determine requirements appropriate to use, guided by anticipated employment, number of residents and visitors, and by the anticipated need for off-street loading space. Appeals from any such determination shall be to the Board of Zoning Appeals.

4-J-13 Required Off-Street Parking and Loading Spaces to be Maintained

Where off-street parking and loading spaces are required by these regulations, no owner or occupant of any land or building shall discontinue, change or dispense with such facilities without establishing alternate facilities complying equally with the requirements of these regulations.

4-K NONCONFORMING LOTS, USES AND STRUCTURES

4-K-1 Intent

Within the districts established by this Ordinance, or amendments thereto, there may be lots, structures, or uses of land and/or structures that were lawful before this Ordinance was passed or amended but would not conform to regulations and restrictions under the terms of this Ordinance or future amendments thereto. It is the intent of the Ordinance to abide by the letter and spirit of the provisions of Title 15.2, Chapter 22, Article 7, Section 15.2-2307 of the Code of Virginia.

4-K-2 Existing Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction pursuant to a legally issued permit, was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently,

provided such construction is completed within one year. For good cause shown, the Zoning Administrator shall have authority to extend said one year period for such period of time, as he may deem reasonable under the circumstances. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

4-K-3 Nonconforming Lots of Record

4-K-3-a General

In any district, permitted structures may be erected or enlarged on any lot which was a single lot of record on the effective date of this Ordinance, and which lot fails to meet the requirements for area or width, or both, which are applicable in the district. Yard requirements and requirements of this Ordinance, other than lot area and width requirements, shall be met on such lots for the erection of any new structure, or addition of any existing structure, unless a variance from such requirements is granted by the Board of Zoning Appeals. Where the lot of record is nonconforming because of width, the side yard requirement applicable to said lot shall be the side yard required under the Ordinance in effect on the date the plat of the lot was recorded, however, in no event shall the required side yard be less than five feet.

4-K-3-b Prohibition Against Creation of Other Lots Below Width and Area Requirements for District

No lot or parcel or portion thereof shall be used or sold in a manner diminishing compliance with lot width and area requirements established by this Ordinance, nor shall any division be made which created a lot with width or area below the requirements stated in this Ordinance.

4-K-3-c Nonconforming Lots Created by Highway, Realignment, Condemnation, or Court Decree

Any lot reduced in size to an area less than that required by law by reason of realignment of a Federal or State highway, by reason of condemnation proceedings, or by reason of the decree or order of a Court of competent jurisdiction, shall be considered a nonconforming lot of record subject to the provisions of this Article.

4-K-3-d Damage or Destruction of Conforming Use and/or Structure

Should conforming use or structure located on a nonconforming lot be damaged or destroyed, the use or structure may be replaced within the limits of the original foundation area of the structure damaged or destroyed.

4-K-4 Nonconforming Uses of Land

4-K-4-a General

Where at the time of the effective date of this Ordinance, or any amendments thereto, lawful use of land exists which would not be permitted by this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following conditions:

4-K-4-b Conditions

1. Not Enlarged: No nonconforming use shall be enlarged, increased, or extended.
2. Not Moved: No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, or to any other lot which is not properly zoned to permit such use.
3. No Additional Nonconforming Uses: No additional uses of a nature, which would be prohibited generally in the district involved, shall be permitted.
4. Extension of Use in Existing Structure: Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside building.
5. Change to Another Nonconforming Use: Any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
6. Change to Permitted Use: When any non-conforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no non-conforming use shall thereafter be resumed.
7. Discontinuance of Use for More Than Two Years: If any nonconforming use of land is discontinued for any reason for a period of more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4-K-5 Nonconforming Structures

4-K-5-a General

Where at the time of the effective date of this Ordinance, or any amendments thereto, lawful use of structures which would not be permitted by this Ordinance, the structure may remain so long as it remains otherwise lawful, subject to the following conditions:

4-K-5-b Conditions

1. Not Enlarged: No nonconforming structure shall be enlarged, increased, structurally altered, or extended in a manner that increases its nonconforming status.

(10/20/92)

2. Change to Permitted Structure: When any non-conforming structure is superseded by a permitted structure, the structure shall thereafter conform to the regulations for the district, and no nonconforming structure shall thereafter be resumed.

3. Destruction of Structure: Where non-conforming status applies to a structure, destruction of the structure shall terminate the nonconforming status unless repairs or

restoration is started within twenty-four months and completed within forty-eight months. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent of the replacement cost at time of destruction. No nonconforming structure shall be re-established after said destruction, unless the structure is restored or repaired within the time limits set forth above.

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

4-K-6 Uses Eligible for Special Use Permits not Nonconforming Uses

Any use that is permissible as a special use in a district under the terms of this Ordinance (other than a change through Board of Zoning Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

4-K-7 Changes in District Boundaries

Whenever this Ordinance is amended to change the boundaries of any district, any lots, structures, or uses of land and/or structures that become nonconforming as a result of such change shall become subject to the provisions of this Article.