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4 GENERAL REGULATIONS

4-A APPLICATION

Except as otherwise specifically provided in this Ordinance, general regulations set forth in this Article shall apply.

4-B USES GENERALLY

4-B-1 Uses Not Provided For

4-B-1-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-1-b Upon the passage of such a resolution by the Planning Commission, the Planning Commission and the Board of Supervisors shall proceed to act upon the proposed amendments as set forth in Article 8 of this Ordinance.

4-B-1-c In acting upon such proposed amendment, the Planning Commission and the Board of Supervisors 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-2 Structure that is Temporary

4-B-2-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; provided, however, if such temporary dwelling is a manufactured (mobile) home, the provisions of Section 4-B-2-b shall be met. This temporary dwelling permit shall be valid for one year, but may be renewed for one additional year by the Zoning Administrator.

(6/16/92)
(2/16/93)

4-B-2-b Temporary Parking of Manufactured (Mobile) Homes or Structures
(1/16/07)

Except as otherwise provided in this section, no manufactured home or structure shall be parked on a parcel for a period of more than five consecutive days unless such manufactured home meets the criteria provided in Section 3-C-2-q.

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 Clarke County, Virginia, 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 manufactured office or classroom used in conjunction with a construction project or public school may be parked on land temporarily, without a permanent foundation, in accordance with the following provisions:

   a. The person or organization desiring to use the manufactured structure shall file with the Zoning Administrator an application for a manufactured structure permit.

   b. The Zoning Administrator shall issue the permit if it is found that:
      (1) The location of the manufactured structure on the subject land is essential and necessary for the offices of full-time construction workers or officials on a construction project, or for educational activities associated with a public school.
      (2) The sanitary facilities for the manufactured structure shall conform to the requirements established by the Commonwealth of Virginia and applicable Clarke County regulations.

   c. The Zoning Administrator, in issuing any such Manufactured 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 manufactured 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-3 Houses Displayed for Advertising Purposes

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-4 Temporary Structure

(1/16/07)
(10/21/08)

The owner of any parcel, on which a temporary structure is sited for more than ten days, must obtain a permit for such structure from the Zoning Administrator. Such a temporary structure shall comply with all applicable structure setback requirements and may not be located on a parcel for more than 90 days in any one 12-month period of time. The Zoning Administrator may renew the permit for a time period he or she determines appropriate if the property owner has a hardship circumstance beyond his or her control.

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 residential, AOC or FOC districts.

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
(2/16/93)

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

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 any residential, AOC or FOC district.

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

(1/17/95)

4-C-3-a
(12/15/92)
(1/17/95)
(10/18/05)

Except as provided in 4-C-3-b, it shall be unlawful for any person to keep an inoperable motor vehicle, trailer or semi-trailer on any property zoned for residential, agricultural, forestal, or commercial purposes unless such motor vehicle, trailer or semi-trailer is kept within a fully enclosed building or structure.

4-C-3-b
(12/15/92)
(10/18/05)

A maximum of one inoperable motor vehicle, trailer, or semi-trailer may be kept outside of a fully enclosed building or structure, as long as such vehicle, trailer, or semi-trailer is shielded or screened from view. “Shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located or the vehicle is covered by a cover made for vehicles. Code of Virginia Section 15.2-904(a) and 15.2-904(b).

4-C-3-c Removal Notice

(12/15/92)
(10/18/05)

The owner of property upon which any inoperable motor vehicles, trailers, and semi-trailers are located in violation of section 4-C-3-a shall cause such motor vehicle to be removed from the premises within 30 days from the date notice to do so is given by the Zoning Administrator. Notice to the property owner may be given by:

1. first class and registered or certified mail addressed to the owner of the premises, as shown on the current real estate tax records, at the address to which the real estate tax bill is mailed;
2. personal service upon an owner of the premises upon which the vehicles are located; or
3. conspicuously posting notice of the violation upon the premises where the inoperative motor vehicles are located.

4-C-3-d Removal and Disposal

(10/18/05)

1. The Zoning Administrator may remove any motor vehicle, trailer or semi-trailer which is located in violation of section 4-C-3-a, whenever the owner of the premises upon which the same is located, has failed to do so after reasonable notice. When such a vehicle has been so removed, the Zoning Administrator may dispose of the same, after giving additional notice to the owner of the vehicle, when ownership can be determined.
2. The cost of any removal and disposal under this section shall be chargeable to the owner of the vehicle or the premises, may be collected by the County as taxes and levies are collected and shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the County. Code of Virginia Section 15.2-904(b).

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 firefighting equipment, servicing, and off-street parking located on the premises.

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

4-E-1 Commercial and Industrial Districts

(1/18/94)

In Commercial and Industrial districts, 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 AOC, FOC and Residential districts, 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

(1/19/93)
(7/20/93)

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 STORMWATER MANAGEMENT

(10/18/16) When required by the Virginia Department of Transportation or by State stormwater management regulations, stormwater management systems shall be provided by means of culverts, ditches, catch basis, cross drains, curbs and gutters, and any other facilities that are necessary to provide adequate management of surface and storm waters from or across all streets and adjoining properties. Stormwater management features shall comply with State stormwater management regulations. Appropriate drainage easements shall also be provided as required by the Planning Commission, Board of Supervisors, and/or the Virginia Department of Highways and Transportation.

4-G LOT REGULATIONS

(1/16/01)

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 materials 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 which is reasonably practicable to provide and maintain.

4-G-3 Uses and Structures Permitted in Required Setback Areas

(2/16/01) (11/17/09) No portion of any building shall be permitted in any required setback area, however, the following uses and structures shall be permitted in required setback areas, subject to the limitations established.

4-G-3-a (11/17/09) Driveways or Patios with an elevation that is no more than 24 inches above grade.

4-G-3-b (11/17/09) Fences and Walls up to seven feet in height or Hedges.

4-G-3-c (11/17/09) Building Elements, defined as: porches/balconies/decks that do not have more than 36 square feet and do not have roofs, steps without roofs, bay or bow windows, projecting roof elements without columns, chimneys, eaves, architectural features, swimming pools (above or in ground), and mechanical equipment. Such elements or equipment may project into any required setback area, but shall be set back from property lines at least 50% of the minimum setback requirement.

4-G-3-d Gasoline Pumps Canopies

(11/17/09) Such canopies shall not be closer than 10 feet to any property line or right-of-way.

4-G-4 Regular Lots

4-G-4-a Width Measurements: The width of a regular lot shall be determined by measurement across the rear of the required front yard between side lot lines, and such width shall not be less than eighty percent of the required width. 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 60%.

4-G-4-b Frontage:

1. Regular Interior Lots: On regular interior lots, the front shall be construed to be the portion nearest the street.
2. Regular Corner Lots: On 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: On 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: On regular through lots, the lot shall meet the frontage requirement on at least one of the two streets.

4-G-4-c Yards:

1. Yards Adjacent to Streets
   a. Front Yards: Front yards of the depth required in the district shall be provided across the frontage of a regular lot.
   b. Other Yards Adjacent to Streets: Other yards adjacent to streets shall be provided across or along the portion of the lot adjacent to the street, and shall be half the minimum dimension for required front yards in the district.
   c. Street Line for Measurement of Required Yards Adjacent to Streets: Where the lot line adjacent to a street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex lots, a straight line shall be drawn between the two points at which lot lines from the portion of the lot involved intersects street lines, extended in the case of rounded corners. On concave lots, a straight line shall be drawn tangent to the arc of a curve at the street line, extended in the case of rounded corners. Depth of required yards adjacent to streets shall be measured perpendicular to such straight lines, and the inner line of such required yards shall be parallel to the outer line.
2. Rear Yards on Interior Regular Lots: Rear yards on interior regular lots shall be provided at the depth required for the district, and 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 on which the lot abuts) and two side yards. Through corner lots shall be deemed to have three front yards (one adjoining each street on which the property abuts) and one side yard.

4. Side Yards on Regular Lots: Side yards on regular lots are 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 sets forth below are 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, except as provided with relation to accessory buildings in Section 4-G-3. 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 firefighting 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. Where a structure is proposed in a location or to be built to a height which the Planning Commission believes may be hazardous to air traffic, such structures shall not be erected 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:

(6/15/04) (10/21/08) (4/20/93) (7/15/97) (6/15/04) (10/21/08) (10/18/11)

1. Agricultural structures shall not exceed 50 feet in height, (except for silos, which shall not exceed 100 feet in height). However, in no event shall the height of agricultural structures exceed the distance from the structure to the nearest lot line.
2. Freestanding flagpoles may exceed the maximum height limit established in each zoning district by 50%, but shall not exceed in height the distance from the nearest lot line.
3. Water tanks shall not exceed in height the distance from the nearest lot line.
4. Towers, gables, penthouses, scenery lofts, residential chimneys, cupolas, spires, flagpoles, similar structures, smokestacks, 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 provided, further, that no such exception shall exceed maximum height established in the district by more than forty percent.
5. A parapet wall, cornice, or similar projection may exceed the height limit established for each zoning district by not more than three feet, six inches.

4-I SIGN REGULATIONS

4-I-1 General

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 33.1-351 to 33.1-381 inclusive, 33.1-279, 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 which is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Highway s and Transportation, and (b) 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 (a) required by law, (b) so placed by a duly authorized governmental agency, (c) so placed not as an advertisement but as a warning against hunting, fishing or trespassing, or (d) 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 (12/21/10) No prohibited sign shall be internally or externally illuminated.

4-I-2-i (12/21/10) Changeable message signs (except time and temperature signs): Any sign on which the display or message changes more rapidly than once every five minutes and the display, message and/or background changes color.

4-I-2-j (12/21/10) 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-k (12/21/10) 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

(1/21/92) (7/15/97) 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. No other signs shall be permitted.

4-I-3-a Signs for uses in the Berryville Annexation Area shall comply with the sign regulations of the Town of Berryville.

4-I-3-b Freestanding Signs in all zoning districts:

1. Maximum Area and Height:

Zoning Districts/Use/Location	Maximum Area	Maximum Height
a. Rural Residential: Principle and Accessory Uses		
on highways with speed limits of less than 55 mph	2 sq. ft.	4 ft.
on highways with speed limits of 55 mph or more	4 sq. ft.	4 ft.
b. AOC/FOC: Principle and Accessory Uses		
on highways with speed limits of less than 55 mph	8 sq. ft.	6 ft.
on highways with speed limits of 55 mph or more	16 sq. ft.	8 ft.
c. Rural Residential and AOC/FOC: Special Uses and Neighborhood Commercial (all uses)		
on highways with speed limits of 25 mph and less	8 sq. ft.	6 ft.
on highways with speed limits of more than 25 mph and less than 55 mph	16 sq. ft.	8 ft.
on highways with speed limits of 55 mph or more	24 sq. ft.	10 ft.
d. Highway Commercial (all uses)		
on highways with speed limits of less than 55 mph	32 sq. ft.	10 ft.
on highways with speed limits of 55 mph or more	48 sq. ft.	12 ft.

2. Maximum Number:

a. All zoning districts (except as noted): 1

b. Highway Commercial Zoning District: 1 – for parcels with less than 300 ft. of public highway frontage;
2 – for parcels with 300 ft. or more of public highway frontage

3. Minimum Setback:

All zoning districts: A distance equal to the height of the sign from public highways, private access easements, and property lines

4. Illumination:

a. Rural Residential: Principle and Accessory Uses: No sign shall be illuminated

b. AOC/FOC (Principle and Accessory Uses): No sign shall be illuminated

c. Rural Residential and AOC/FOC (Special Uses) and Neighborhood Commercial (all uses): Signs may be externally illuminated. Such illumination shall be comprised of not more than two shielded down cast lights (maximum 150 watts for incandescent lights or equivalent for Non-incandescent lights) from sunset to 10 p.m., if open for business during those hours

d. Highway Commercial (all uses): Signs may be illuminated when a use is open for business

4-I-3-c Signs prohibiting hunting, fishing, or trespassing in all zoning districts: No limit as to number of signs or setback; maximum sign area is 2 sq. feet

4-I-3-d Wall Signs, in all zoning districts:
(1/22/92)
(11/22/94)
No wall signs shall exceed one square foot of sign area per two linear feet of building frontage of the wall, which most directly faces a public road, 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 roads. Other walls shall not be included in calculating allowable sign areas; however, signs may be attached to any wall.

4-I-3-e (11/22/94) Directional Signs in all zoning Districts:

1. On-site Directional Signs:
   a. Maximum Number Permitted: 2 for each VDOT approved curb cut
   b. Maximum Sign Area for each sign: 2 square feet
   c. Maximum Height: 4 feet
   d. Minimum Setbacks from rights-of-way: a distance equal to the height of the sign
   e. Illumination: Signs may be illuminated when a use is open for business.

4-I-3-f (9/19/95) (3/12/07) 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. For all uses in the Rural Residential zoning district: maximum sign area: 2 sq ft
2. For uses not requiring a Business License In AOC, and FOC zoning districts: maximum sign area: 8 sq ft
3. For uses requiring a Business License in the AOC and FOC Zoning Districts and for all uses in Commercial districts: maximum sign area: 16 sq ft
4. The Zoning Administrator shall determine the reasonable number of temporary signs, provided that any person desiring to erect three or more temporary signs of 8 square feet or less or one or more temporary signs of more than 8 square feet 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 in a 12 month period, 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-3-g (3/12/07) Freestanding Community Events Information Signs:

In addition to the Freestanding Signs allowed in Section 4-I-3-b, one free-standing community events information sign is allowed on parcels in the Neighborhood Commercial District that also front on Routes 638, 643, 679, 658, and 723. No such sign shall be closer than one-quarter mile to any other such sign. The maximum sign area shall be 16 square feet. The minimum length or width dimension of a sign shall be 3 ft. The maximum sign height shall be 8 feet. The sign shall be setback a distance equal to its height from public rights of way, private access easements, and property lines. The sign shall only provide information regarding events and activities of nonprofit institutions.

4-I-4 Removal of Signs

Whenever a sign becomes structurally unsafe or 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, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within 12 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

(6/21/88) Any sign existing prior to the effective date of this ordinance which 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 Any nonconforming sign shall be subject to the provisions of Sect. 4-I-8.

4-I-5-b In order for a nonconforming sign to be eligible for a permit, the applicant must show, in a scale drawing, a 25 percent reduction in the overall square footage of the sign will be made.

4-I-5-c (12/21/10) Repairs to a nonconforming sign shall not exceed 50 percent of the assessed value of the sign at the time the initial permit for repairs is granted. No Nonconforming sign shall be replaced.

4-I-5-d 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 in Clarke County, shall be removed within 30 days (except for those signs described in Section 4-I-7-a) of the business vacating the premises.

4-I-5-e Any nonconforming sign shall be permitted to remain in existence for a period of ten years following the date of adoption of this ordinance. At the expiration of this ten-year period any such sign shall be removed at the expense of the owner of the property on which the sign is located within 30 days of a written notice being received from the Zoning Administrator. If after written notice from the Zoning Administrator to the owner of the signs, such signs are not removed within 30 days, the Zoning Administrator may cause removal and charge the owner of the signs.

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

(6/21/88) 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 the Zoning Administrator has issued a sign permit.

4-I-8 Appeals

(6/21/88) Appeals from the terms of Section 4-I-5 shall be heard pursuant to the provisions of Section 7 of this Ordinance. Prior to hearing by the Board of Zoning Appeals, the Zoning Administrator shall, within 30 days of the filing of an application for a variance from the terms of this ordinance, submit said application to the Planning Commission for their review and written recommendation that shall be forwarded to the Board of Zoning Appeals prior to action upon the application. The Board of Zoning Appeals may grant a variance, not to exceed three years, if each of the following conditions are present:

a. There has been a change of ownership of the business advertised within five years of the effective date of this ordinance.
b. The removal of the sign would cause undue hardship to the owner and threaten the solvency of the business.

c. Application for such variance is received at least six months prior to the expiration of the ten years after the effective date of this ordinance.

4-I-9 Definitions

4-I-9-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-9-b (12/21/10) 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.

4-I-9-c (11/17/09) SIGN, AREA OF: The area of a sign shall be determined from its outside measurements including the entire surface and any additional framing, molding or trim; it does not include the surface of supporting structures.

1. For a sign of nonrectangular shape or a sign made up of individual letters, numbers, or designs, the area measured is the smallest rectangle required to enclose the nonrectangular sign or all the individual parts together.
2. For a double-faced sign, the area measured is one face of the display. The interior angle where the two parts connect may not be greater than 30 degrees. If the interior angle is greater than 30 degrees, the area is measured as two separate signs.

4-I-9-d (12/21/10) 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.

4-I-9-e (11/22/94) SIGN, DIRECTIONAL: Any sign displaying directional messages for pedestrians or vehicular traffic.

4-I-9-f (12/21/10) SIGN, ELECTRONIC DISPLAY: A sign containing emitting diodes (LEDS), fiber optics, plasma display screen, or other similar electronic illumination.

4-I-9-g (1/22/92) SIGN, FREESTANDING: Any on-site sign, which is supported from the ground and is not attached to any building.

4-I-9-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-9-i (9/19/95) 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-9-j (12/21/10) SIGN, TIME AND TEMPERATURE: Any sign whose only function is the display of information about current time and/or temperature.

4-I-9-k (1/22/92) 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 by not more than 18 inches.

4-J OFF-STREET PARKING

(9/17/96)
(10/17/00)
(6/15/04)

4-J-1 General Specifications

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

(11/17/09)

All off-street parking spaces and access driveways 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 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 car 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 Property Residential

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 (6/15/04) 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 (6/15/04) Off-street parking (whether on-site or off-site) shall be allowed only for principal uses, accessory uses, or special uses (approved by the Clarke County Board of Supervisors) 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 (10/18/11) Exceptions: Where it is impractical to provide all or part of required off-street parking for non-single family uses on the same lot, exceptions may be permitted by the Planning Commission. Such an exception shall be considered only in conjunction with the review of a Site Plan, as described in Section 6.

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-7 Joint Parking Facilities

4-J-7-a (11/17/09) 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. Such combinations shall be permitted by the Zoning Administrator subject to the general requirements and standards set forth.

4-J-7-b (11/17/09) 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 (11/17/09) 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 two of the three above uses share parking, the lowest factor shall be used. For multiple uses involving uses not listed 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 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.

(7/17/90)
(7/20/93)
(10/17/00)
(11/17/09)

Use	Required Minimum Number of Off-street Parking Spaces
RESIDENCE USES:	
Single-Family Detached, Two Family Detached, Manufactured Homes, Townhouses	2 for each dwelling unit
Multiple-Family, Dwellings of less than 600 sq ft	1.5 for each dwelling unit
GROUP QUARTERS:	
Group Housing	1 for each residence unit, plus 2 spaces for employees
Convalescent, Nursing or Rest Homes, Sanitariums	1 for each 4 beds
Dormitory, Fraternity or Sorority	1 for each 2 beds
TRANSIENT LODGINGS:	
Hotel and Motel, Country 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	1 for each 8 students

Junior High, Private or Public	based on maximum design capacity
High School or College, Private or Public	1 for each 4 students based on maximum design capacity
<u>BUSINESS USES:</u>	
Retail Space (Unless otherwise specified)	1 for each 250 square feet of floor area
Furniture, Hardware, Home Furnishings, Other Similar Establishments	1 for each 400 square feet of floor 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, Night Club, or Similar Establishment	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 unites of less than 5,000 sq ft each)	1 for each employee
<u>INDUSTRIAL USES:</u>	
Factories, Laboratories, Laundries, etc.	1 for each 500 square feet of floor area, plus required spaces for office, retail, or other uses, and to accommodate all trucks and other vehicles used in connection therewith.
<u>CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES:</u>	
Amphitheaters, Auditoriums, Assembly Halls, Community Centers, Dance Halls, Legitimate and Motion Picture Theaters, Stadium or Gymnasium	
- 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 and Similar Establishments	1 for each 4 persons, based on Building Code design capacity
Skating Rinks	1 for each 25 persons based on Building Code design capacity
Health Clubs	1 for each 250 square feet of floor area
Golf Course	2 per hole
Outdoor Court Games (tennis, basketball and similar establishments)	1 per 2 players based upon maximum capacity
OFFICE USES:	
General Business and Governmental Buildings, Professional Office Buildings, but not including Medical Offices	1 for each 333 square feet of floor area
MEDICAL USES:	
Physician's or Dentist's Office, Clinic, and Outpatient	1 for each 250 square feet of floor area
Hospital	2 for each bed
Veterinary Hospital	1 for each 300 square feet of floor area
SERVICES USES:	
Barber, Beauty Salon	2 for each chair
Commercial kennels for boarding or breeding, Animal Shelters	1 for every 4 canine runs (maximum of 2 dogs per run)
Laundry:	
Self-service	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 ASSEMBLY USES:	
-Churches, Synagogues, Temples and Other Places of Worship; -Civic, Fraternal, Political, Private, Religious, and Social Nonprofit Organizations; -Funeral Home, Mortuary	1 for every 4 seats in assembly rooms with fixed seats or, 1 for each 4 people based on Building Code design capacity of the assembly rooms without fixed seats

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 County 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 which were lawful before this Ordinance was passed or amended but which 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 (1) year. For good cause shown, the Zoning Administrator shall have authority to extend said one (1) 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. Except as provided below, 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; provided, however, that in no event shall the required side yard be less than ten (10) 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, which 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, has been reduced in size to an area less than that required by law, 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
(10/20/92)

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
(10/20/92)
(6/21/88)
(2/17/09)

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 that would be prohibited generally in the district involved shall be permitted.
4. Extension of Use in Existing Structure: Any nonconforming use may be extended throughout any parts of a building that 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 be changed to another nonconforming use, provided that the Board of Supervisors, upon receiving a recommendation from the Planning Commission, 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 Supervisors may require appropriate conditions and safeguards in accord with the provisions of this Ordinance. The procedures for review of such change shall be the same procedures set forth in Section 5-B-1 through 5-B-3.
6. Change to Permitted Use: When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.
7. Discontinuance of Use for More Than Two (2) Years: If any nonconforming use of land is discontinued for any reason for a period of more than two (2) 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.
8. The provisions of this Section shall not apply to off-premises signs (billboards) which were legally erected within the county. Such signs shall be governed by Section 4-I-5 of this Ordinance.

4-K-5 Nonconforming Structures

4-K-5-a General
(10/20/92)

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
(10/20/92)

1. Not Enlarged: No nonconforming structure shall be enlarged, increased, structurally altered, or extended in a manner that increases its nonconforming status.
2. Change to Permitted Structure: When any nonconforming 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 nonconforming status applies to a structure, destruction of the structure shall terminate the nonconforming status unless repairs or restoration is started within twenty-four (24) months and completed within forty-eight (48) months. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) 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.