

CAMPBELL COUNTY CODE OF 1988

CHAPTER 22

ZONING

(Adopted May 20, 1985; Amended Dec. 1985; July 1986; Feb. 1988; April and September 1989; May 1990; September 1991; December 1992; February and April 1993; August 1994; April and July 1995; May and June 1996; March 17 and October 6, 1997; March 2 and 16, August 3, and November 16, 1998; May 17, December 6 and 20, 1999; August 7, October 2, and November 6, 2000; January 2, July 2, and December 3, 2001; June 17, October 7, and December 2, 2002; December 1, 2003; July 6 and December 6, 2004; August 1 and 15, 2005; March 20, June 5, July 31, and December 4, 2006; March 5 and December 3, 2007; July 7 and December 1, 2008; July 20 and December 7, 2009; July 19 and December 6, 2010; July 5 and December 6, 2011; July 17 and December 4, 2012; July 2, 2013 and December 3, 2013; July 1, 2014 and December 2, 2014; July 7, 2015 and December 1, 2015; July 5, 2016 and December 6, 2016; July 6, 2017 and December 5, 2017; June 12, 2018, July 3, 2018, and December 4, 2018; July 16, 2019 and December 3, 2019; and July 21, 2020.)

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ARTICLE I. GENERAL PROVISIONS.

Sec. 22-1. Preamble.

This chapter is intended to improve the public health, safety, convenience and welfare of the citizens of Campbell County and to plan for the future development of areas within the County to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities; that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

The purpose of this zoning ordinance is to promote the general health, safety and welfare of the public and for the accomplishment of the above stated objectives. To these ends, this ordinance has been designed to give reasonable consideration to each of the following purposes, where applicable:

- (i) To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- (ii) To reduce or prevent congestion in the public streets;
- (iii) To facilitate the creation of a convenient, attractive and harmonious community;
- (iv) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (v) To protect against destruction of or encroachment upon historic areas and working waterfront development areas;
- (vi) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic and other dangers;
- (vii) To encourage economic development activities that provide desirable employment and enlarge the tax base;
- (viii) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- (ix) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

(x) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district within which Campbell County is situated;

(xi) To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and

(xii) To make reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in VA. CODE ANN. §62.1-255 (Repl. Vol. 2019).

This ordinance and the zoning districts on the map which is a part hereof are drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County. (9-5-89)

For state law authority, see VA. CODE ANN. §15.2-2200 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2283 et seq. (Repl. Vol. 2018).

[THE FIRST 1989 AMENDMENT added subparagraph (9) in second paragraph.]

[THE SECOND 1989 AMENDMENT substituted "dangers" for "damage" in (1) in second paragraph, redesignated former (9) as new (10) and inserted new (9), and in third paragraph, deleted "and" following "transportation requirements of the community," inserted "airports," and deleted "and for" preceding "the conservation . . ."]

[THE 1991 AMENDMENT added "and other lands of significance for the protection of the natural environment" in (8), "including United States government and military air facilities" in (9) and added (11).]

[THE 1993 AMENDMENT redesignated provisions, inserted "crime" in (i), inserted "the creation and preservation" preceding "affordable housing" in (x) and added "suitable for meeting . . ." at the end.]

[THE MARCH 17, 1997 AMENDMENT inserted "need for mineral resources and the" preceding "needs of agriculture" in the first paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted "to improve" for "to encourage and improve" in the first paragraph.]

[THE JULY 6, 2004 AMENDMENT redesignated former (xi) as (xii) and added new (xi).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “impounding structure failure” into clauses (i) and (vi).]

[THE DECEMBER 5, 2017 AMENDMENT added “and working waterfront development areas” in (v).]

Sec. 22-2. Definitions.

A. General.

For the purpose of this Ordinance, words used in the present tense shall include the plural and the plural singular; the use of any gender shall be applicable to all genders; the word "shall" is mandatory; the word "may" is permissive; and, the word "person" includes an individual, firm, partnership, association or a corporation.

B. Definitions.

The following terms, when used in this chapter, shall have the meaning ascribed to them below, unless the context requires a different meaning:

1. **Accessory Building, Use or Structure.** A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including satellite dishes and also including but not limited to the erection, construction, alteration or maintenance by public utilities, or municipal or other governmental transmission or distribution system, for collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not to include electric utility substations.
- 1a. **Assisted Living Facility.** Any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four (4) or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, and subject to exceptions set forth in VA. CODE ANN. §63.2-100, as it may be amended from time to time. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four (4) or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

- 1aa. **Adult Foster Care.** Room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. This chapter for all purposes shall consider adult foster care as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.
- 1b. **Adult Day Care Center.** A facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.
- 1c. **Affordable housing.** The term means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent (30%) of his gross income for gross housing costs, including utilities.
2. **Agriculture.** The tilling of soil, the raising of crops, horticulture and gardening, including the keeping of animals and fowl, and including agricultural industry or business.
- 2a. **Antenna.** Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. **Antique and Gift Shops.** A commercial establishment which is used primarily for the indoor display and retail sale of merchandise, the value of which is derived from age, rarity and materials of such items and/or the workmanship of a particular historic period.
4. **Apartment.** A single dwelling unit in a multi-family dwelling or multi-unit commercial structure where lodging is provided for non-transients; not to include health care facilities, townhouses or condominiums.
- 4a. **Architect.** A person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.
5. **Authority.** The Campbell County Utilities and Service Authority.

6. **Automobile Graveyard.** Any lot or place, or part thereof, which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by §15-48 et seq. of this Code shall begin with the first day that the vehicle is placed on the subject property. (See §15-48 et seq. of this Code).
7. **Automobile Service Station.** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.
- 7a. **Reserved.**
- 7b. **Biomass Conversion, small-scale.** “Biomass” means agricultural-related materials including vineyard, grain, or crop residues; straws; aquatic plants; and crops and trees planted for energy production. “Biomass conversion, small-scale” means the conversion of any renewable biomass into heat, power, or biofuels.
8. **Board of Appeals.** The Campbell County Board of Zoning Appeals as established under this ordinance.
9. **Board of Supervisors.** The governing body of the County of Campbell.
10. **Buffering or Screening.** Any device or natural growth (evergreen trees, bushes and shrubbery), or a combination thereof which shall serve as a barrier to vision or noise between adjoining properties wherever required by this ordinance. Where required in this Code, buffering and/or screening requirements shall be (1) clearly marked on the site plan, as required, which shall also include a detailed list of the materials to be used, plant species and height or size at time of planting; (2) designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator; and (3) except as specifically provided for by this Code, minimum buffering and/or screening requirements shall be determined by the Zoning Administrator on a case by case basis. The landowner and the business owner, if different, may both be held responsible for ensuring the proper installation and maintenance of approved devices/measures so as to provide permanent buffering/screening.
11. **Buildable Area.** The area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.
12. **Building.** Any enclosed structure designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.
13. **Building, Height of.** The vertical distance from the lowest finished grade adjacent to any building wall to the highest roof surface, exclusive of chimneys, antennae, or fire protected/non-combustible ornamental structures approved by the Fire Marshal.

14. **Building, Main.** A building in which is conducted the main or principal use of the lot on which said building is situated.
15. **Building Permit.** A permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the County Building Code.
- 15a. **Caregiver.** An adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
16. **Cemetery.** Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. No additional zoning approval shall be required for all uses necessarily or customarily associated with the interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control.
- 16a **Cemetery, Pet.** Any land, together with any structures, facilities, or buildings appurtenant thereto provided to members of the public for use or reservation for use for the individual interment, above or below ground, of pet remains.
- 16b. **Children’s Residential Facility.** Any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children’s residential facility shall not include:
- (a) A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
 - (b) An establishment required to be licensed as a summer camp by VA. CODE ANN. §35.1-18 (Repl. Vol. 2019); and
 - (c) A licensed or accredited hospital legally maintained as such.
- 16c. **Church.** A building, the primary use of which is for the periodic assembly of persons for religious worship and related purposes. The term “church” shall be deemed to include synagogues, temples, mosques, and other similar houses of worship.
17. **Clubs.** An establishment operated for the social, educational, or recreational benefit of the members thereof in which no enterprise is conducted, except for the convenience of the members thereof and their guests.

- 17a. **Collector Street.** Any street through any portion of a multi-family dwelling development serving more than 25 dwelling units that provides access to a street within the secondary system of state highways or any street through any portion of a multi-family dwelling development connecting two (2) or more existing streets within the primary system of state highways or the secondary system of state highways. Public dedication is not required for these streets; however, any such street must be clearly marked “RESERVED” on the subdivision plat.
18. **Commercial.** A wholesale, retail, or service business activity established to carry on trade for a profit.
19. **Reserved.**
- 19aa. **Common Area.** Any area within a multi-family dwelling development designated for common use which includes such uses as parking, walkways, streets not dedicated to Campbell County or the Virginia Department of Transportation, recreation facilities, picnic areas, refuse collection, public utility easements, and similar activities.
- 19ab. **Common Area Right-of-Way.** Any collector or connector street within a multi-family dwelling development. Collector streets common area rights-of-way shall be at least 50 feet in width; connector streets common area rights-of-way shall be at least 30 feet in width. All roads constructed within a common area right-of-way shall be built according to the current Virginia Department of Transportation “Subdivision Street Requirements” with respect to pavement width and pavement design. An apartment complex of eight (8) or fewer dwelling units shall be exempt from the common area right-of-way width and road construction requirements of this section.
- 19ac. **Composting Facility.** A facility the primary use of which is the manipulation of the natural aerobic and/or anaerobic process of decomposition of organic materials to increase the rate of decomposition.
- 19a. **Conditional Zoning.** As a part of classifying land within Campbell County into areas and districts by action of the Board of Supervisors, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning provisions of this chapter.
20. **Reserved.**
21. **Condominium.** A single unit in a multiple unit residential or commercial structure that is offered for sale and shall be part of a condominium project with general common elements as defined in the Code of Virginia.
- 21aa. **Connector Street.** Any street in a multi-family dwelling development serving 25 or fewer dwelling units that provides access to a collector street in the development or

provides access to an existing street within the primary system of state highways or the secondary system of state highways. Public dedication is not required for these streets; however any such streets must be clearly marked "RESERVED" on the subdivision plat.

- 21ab. **Convenience Center.** An established centralized public collection point for the temporary storage of solid waste – the average amount of which does not exceed 50 tons per day or 1,000 tons per month – generated on the premises of individual solid waste generators, and established as a convenient alternative to a disposal facility for said generators. A convenience center may not receive waste from collection vehicles that have collected waste from more than one real property owner and shall be on a system of regularly scheduled collections.
- 21a. **Crisis Center.** A facility providing temporary sanctuary for victims of crime or abuse including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings for a length of time not to exceed 30 days.
- 22. **Dance Hall.** A building open to the general public for purpose of providing a place for dancing and where an admission is charged for the purpose of making a profit, except when sponsored by civic, charitable or non-profit groups.
- 23. **Child Care Center.** A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period, offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.
- 23a. **Demolisher.** Any person whose business is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.
- 24. **Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.
- 24a. **Dock House.** A detached accessory structure attached to a dock on a permanent body of water and used for storage only.
- 24b. **Dormitory.** A building owned and operated by an entity such as a business or institution and used primarily for the accommodation of business or institutional personnel, such as employees, students, and military, and not for the same use by the public.
- 25. **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes.

26. **Dwelling, Multi-Family.** A building designed for or occupied exclusively by two (2) or more families living independently of each other in two or more dwelling units; the term includes condominiums of similar physical appearance, character and structure.
27. **Dwelling, Single-Family.** A building or structure designed for or occupied exclusively by one (1) family in a single dwelling unit. The term shall not include a recreational vehicle, recreational camper, or similar temporary habitation as those terms are defined herein.
28. **Dwelling Unit.** One (1) or more rooms in a residential building or structure or in a mixed building which are arranged, designed, used or intended for use by one (1) family, and which include a single lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. The installation of a second lawful cooking space shall not constitute a separate dwelling unit when used in conjunction with a legally permissible home occupation or business for which all necessary permits have been obtained and for which food preparation is necessary for the conduct of the home occupation or business. Any zoning permits issued for a second cooking space shall note that approval is limited to the permitted home occupation or business and not for an additional dwelling unit.
29. **Emergency Services.** Any services necessary for the protection of the public health, safety and welfare in times of emergency.
30. **Engineer, Professional.** A person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience and whose competence has been attested by the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.
31. **Family.** One or more persons occupying a single dwelling unit related by blood, marriage, adoption, or under foster care placement or court-approved entrustment or other legally-recognized custodial agreement. For the purposes of dwelling unit occupancy in a single-family residential zoning district, the term shall include not more than two (2) unrelated persons in addition to the family. For dwelling unit occupancy in all other zoning districts, the term shall include not more than four (4) unrelated persons in addition to the family.

Family care homes, foster homes, group homes, or family day homes (serving one through five children, exclusive of the provider's own children and any children who reside in the home) shall be considered residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home.

- 31a. **Family, immediate.** A member of the immediate family includes any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner of the real property.

- 31b. **Family Day Home.** A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. This Chapter for all purposes shall consider a family day home serving one through five children, exclusive of the provider's own children and any children who reside in the home, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.
32. **Feed Lot.** An enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals.
33. **Floor Area.** Usable floor space between the interior perimeter of the exterior walls. Floor area shall not apply to exterior stairs, breezeways, porches, decks, stoops, and similar.
34. **Garage.** An accessory structure, or a portion of the main building, designed for the storage of automobiles.
35. **Reserved.**
36. **General Convenience Store.** A single store which offers for sale general grocery and hardware items, including petroleum products.
37. **Golf Courses.** Any publicly or privately owned facility on which the game golf is played including accessory uses and buildings customary thereto, including practice driving range.
38. **Golf Driving Range.** A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.
39. **Greenhouse.** A structure for the raising of plants or flowers indoors for private or retail purposes.
- 39a. **Group Home.** A residential facility in which no more than eight (8) individuals with mental illness, mental retardation, or developmental disabilities reside, with one (1) or more resident counselors or other staff persons and for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia. This Chapter for all purposes shall consider a group home

as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For the purposes of this Chapter, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in VA. CODE ANN. § 54.1-3401 (Repl. Vol. 2019).

40. **Health Department.** The Campbell County Health Department or its designated agent or representative.

41. **Home Occupations** - Home occupations may be in conflict with recorded deed or plat restrictions. Obtaining a Zoning Permit for operation of the home occupation does not relieve the applicant from possible enforcement of such restrictions.

a. **General Requirements.** Home occupations, where permitted, must meet the following general requirements:

- (1) The applicant must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant.
- (2) No article shall be sold or offered for sale, nor services rendered, except as made or provided by the immediate family residing at the premises, except as provided for herein.
- (3) No more than two (2) non-resident persons, hired for the performance of off-premises services rendered by the home occupation, may come to or park at the premises at any one time.
- (4) The home occupation shall not generate excessive traffic or parking nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area.
- (5) Restriction on home occupations shall not apply to the sale of unprocessed agricultural and husbandry products.
- (6) The home occupation within the main building shall not occupy more than twenty-five (25) percent, or five hundred (500) square feet, whichever is smaller, of the floor area within the main building.
- (7) The home occupation located in an accessory building to the main dwelling shall occupy a space no larger than one-half (1/2) the total interior square footage of the main dwelling.

b. **Expiration.** A zoning permit for home occupations shall expire under the following conditions:

- (1) Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued, and no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application.
 - (2) Whenever the holder of such a permit fails to exercise the same for any period of twelve (12) consecutive months.
- c. **Parking.** One (1) on-site parking place will be provided for home occupation use in addition to other required parking, except in R-SF Districts.
 - d. **Home Occupation Sign.** Signs are permitted in accordance with the requirements of Section 22-17.2 of this Chapter.
 - e. **Special Requirements in a R-SF Residential District.**
 - (1) All parking for the home occupation shall be off-street and on the subject property. No more than two (2) vehicles associated with the home occupation shall come to or park on the premises at any one time.
 - (2) No equipment, materials or supplies used for transaction of the home occupation business will be stored or kept onsite unless inside the residential dwelling or another permitted enclosed structure.
42. **Hospital.** A place for the treatment of human disorders and ailments; an institution providing health services for in-patient medical or surgical care, care of sick or injured, and related laboratories, offices, and outpatient facilities and services.
43. **Hotel.** A building or buildings in which sleeping accommodations are provided, for compensation, to transient and short-term guests and which is not a rooming or tourist house.
44. **Industrialized Building.** A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Pursuant to VA. CODE ANN. §36-81 (Repl. Vol. 2019), local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site, and maintenance of the unit, remain in full force and effect as to both registered and unregistered industrialized buildings. Manufactured homes as defined in VA. CODE ANN. §36-85.3 (Repl. Vol. 2019) or in this section and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for purposes of the Virginia Industrialized Building Safety Law, VA. CODE ANN. §36-70 et seq. (Repl. Vol. 2019).
- 44a. **Inoperable Motor Vehicle.** Any motor vehicle, trailer or semitrailer which:

- (i) is not in operating condition; or
- (ii) for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
- (iii) on which there are displayed neither valid license plates nor a valid inspection decal.

A motor vehicle which meets any one of the descriptions listed at items (i) through (iii) above shall be deemed to be an inoperable motor vehicle. Such classification shall be subject to the standards, procedures, and exemptions provided by §15-40 et seq. of this Code and applicable state law.

- 44b. **Intensive Agricultural Facilities.** Confinement operations in which large numbers of animals or fowl are confined to a relatively small space (see § 22-16.01).
- 45. **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel and other old or scrap ferrous or nonferrous material; excluding hazardous, infectious or toxic materials. (See §15-48 of this Code).
- 46. **Junkyard.** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk; or for the maintenance or operation of an automobile graveyard. (See §15-48 of this Code).
- 47. **Kenel.** Any building and/or designated outside area where raising, grooming, caring for or boarding of five (5) or more dogs, cats or other small animals for private or commercial purposes is carried on.
- 47.1 **Landfill.** Public or private, including sanitary landfill, industrial waste landfill, or construction/demolition/debris landfill (as these terms are defined in the Solid Waste Management Regulations (9VAC20-81)).
- 47a. **Landscape Architect.** A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a landscape architect.
- 47aa. **Landscaping.** Where provided for in this Chapter, suitable landscaping shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species, and height or size at the time of planting. The landowner and business owner, if

different, may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

- 47b. **Logistics Center.** A fixed location, with adequate parking, maneuvering and access, where trucks pick up, deliver, and/or transfer freight. The term may include warehouses, parking for trucks and/or trailers, or a combination thereof, and may include related offices for drivers, dispatchers, etc.
48. **Lot.** A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land whether in subdivision or a development.
49. **Lot, Corner.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
50. **Lot Coverage.** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot.
- 50a. **Lot, Flag.** A lot or parcel of land which, due to topographic features or other unique physical characteristics, utilizes an elongated strip of land to provide access to a street within the secondary system of state highways or a street providing access to said system of highways. The lot or parcel shall be considered a flag lot if the elongated strip of land providing access to the street narrows to a width less than the required width at the front lot line regardless of the amount of road frontage of the lot.
51. **Lot, Front Line.** That lot line of a lot common to a road in the secondary system of state highways, dedicated right-of-way or easement that may provide the lot with vehicular access, provided that the front lot line of a lot bordering two (2) or more roads in the secondary system of state highways, two (2) or more dedicated rights-of-way, or two (2) or more easements shall be the line having the shortest dimension. If the lot line dimensions are equal on the highways, rights-of-way or easements, either may be considered the front lot line.
52. **Lot, Interior.** A lot other than a corner lot with only one frontage on a street.
53. **Reserved.**
54. **Lot Line (property line).** The boundary of a lot.
55. **Lot of Record.** A lot or parcel of land whose existence, location and dimensions have been recorded in the office of the Clerk of the Circuit Court at the time of the adoption of this ordinance.

56. **Lot Width.** The distance between side property lot lines.
57. **Manufacture and/or Manufacturing.** The processing and/or converting of materials or products or either of them into articles or substances of different character or for use for a different purpose.
58. **Manufactured Home.** A structure subject to federal regulation, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Pursuant to VA. CODE ANN. §36-85.11 (Repl. Vol. 2019), local zoning ordinances and other land use controls that do not affect the manner of construction or installation of manufactured homes shall remain in full force and effect. Site preparation, utility connections, skirting installation and maintenance of the manufactured home shall meet the requirements of the Uniform Statewide Building Code. No manufactured home, as defined herein, may be used for storage or as an accessory use in any zoning district.
- 58a. **Manufactured Home Lot.** That area designated to accommodate one (1) manufactured home within the manufactured home park.
- 58b. **Manufactured Home Park.** Any grouping of two (2) or more manufactured homes or manufactured home lots, unless otherwise specifically provided in a particular zoning district.
- 58c. **Materials Recovery Facility (MRF).** A solid waste management facility for the collection, processing, and recovery of material such as metals from solid waste or for the production of a fuel from solid waste. This does not include the production of a waste-derived fuel product.
59. **Mobile Home.** A manufactured home as defined in this ordinance.
- 59a. **Mentally or Physically Impaired Person.** A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.
- 59b. **Reserved.**
60. **Modular Home.** A single detached industrialized building as defined in this ordinance.
61. **Motel.** A building or buildings designed or occupied as the abiding place for individuals who are, for compensation, lodged with or without meals.
62. **Reserved.**

63. **Nonconforming Lot.** A lot which was previously lawful but which does not comply with the minimum lot area or width requirements of the zoning district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment thereto.
64. **Nonconforming Structure.** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designated or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as the result of amendment thereto.
65. **Nonconforming Use.**
- a. Any use of a lot which was previously lawful but which does not conform to the applicable use regulations of the zoning district in which it is located, either on the effective date of this Ordinance or as the result of any subsequent amendment thereto.
 - b. Any use of a building or other structure which was previously lawful but which does not conform to the applicable use regulations of the zoning district in which it is located, either on the effective date of this Ordinance, or as a result of any subsequent amendment thereto.
- 65a. **Official Map.** That map of legally established and future or proposed public streets, alleys, walkways, waterways and public areas adopted by the Board of Supervisors in accordance with the provisions of VA. CODE ANN. §15.2-2233 (Repl. Vol. 2018).
66. **Reserved.**
- 66a. **Open Space.** That part of the net area of the zoned district which is open and unobstructed from its lowest level to the sky except for roof eaves and overhangs. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed open space.
- 66b. **Owner.** Any person, agent, firm or corporation, or other legal entity having an ownership interest in property.
- 66c. **Pallet Assembly operations.** A facility for the formulation of any processed timber into pallets for sale to the general public.
- 66d. **Pet Services.** Retail sales of, grooming, caring for, or boarding dogs, cats, or other small pet animals, within a fully enclosed building. Animals shall be leashed and under the direct control of a custodian whenever outdoors.
67. **Planned Unit Development.** A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common

open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

- 67a. **Plat or Plat of Subdivision.** The schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.
- 68. **Professional Office.** An office in which is conducted the provision of services for which a regulatory license from the Commonwealth of Virginia is required.
- 69. **Proffer.** An offer of restrictions on use of property tendered by an applicant for conditional rezoning or a special exception.
- 70. **Public Park or Recreation Area.** A publicly owned pleasure ground set aside for recreation of the public to promote public health and enjoyment which generally provides an opportunity for open-air and/or protected or semi-protected activities.
- 70a. **Public Transportation Facilities.** Railroad and bus stations and related yards and facilities.
- 71. **Public Utilities.** Publicly or privately owned operations furnishing electricity, gas, rail transport, communications, water, treatment facilities, or related services to the general public.
- 72. **Public Water Supply and Sewage Disposal.** A water supply and distribution or sewage collection and disposal system owned and operated by a municipality or County agency or privately owned if inspected and approved by the State.
- 72a. **Rebuilder.** Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a 12 month period.
- 73. **Recycling or Remanufacturing.** Any process whereby material which would otherwise be solid waste is used or reused, or prepared for use or reuse, as an ingredient to an industrial process to make the products, or as an effective substitute for a commercial product, which may or may not be similar to the original product.
- 74. **Recreational Resort or Campground.** A tract of land and accompanying structures and other facilities where two or more recreational vehicles, motor homes, travel trailers, tents, or cabins may be erected, parked or maintained for temporary habitation for recreational or vacation purposes. A recreational resort or campground includes all accessory uses incident to the maintenance and operation of the resort or campground.
- 74a. **Recreational Vehicle or Recreational Camper.** A vehicle or structure which can be towed, hauled, or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. The terms shall include travel trailers, pick-up campers, motor homes, tent trailers, fifth-wheel

campers, camper bodies or similar devices designed primarily for temporary overnight housing. Shall not be used as a dwelling in any zoning district unless as exempted herein.

- 75. **Reserved.**
- 76. **Restaurant.** Any building in which, for compensation, food or beverage are dispensed to persons not residing on the premises.
- 77. **Retail Stores and Shops.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards).
- 77a. **Retirement Home.** A facility providing residential care for the elderly, and any uses necessarily and customarily incidental thereto.
- 77aa. **Rooming House.** A residential dwelling in which sleeping accommodations are provided, for compensation, to transient guests, that is the personal residence of the proprietor or owner and that is occupied by the proprietor or owner at the time of the rental.
- 77b. **Salvage Dealer.** Any person who acquires any vehicle for the purpose of reselling any parts thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2 of VA. CODE ANN. § 46.2-1602 (Repl. Vol. 2017).
- 77c. **Salvage Pool.** Any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company which stores and displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.
- 78. **Sanitary Landfill.** An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.
- 79. **Reserved.**
- 80. **Sawmill.** A facility for the processing of timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill or its environs without regard to point of origination. A private sawmill is one that is contained within a structure of less than 10,000 square feet in which the processed timber is not available for sale to the public at large and is instead intended for personal use by the owner or by his agents or designees. A commercial sawmill is any sawmill that is not a private sawmill.

- 80a. **Sand, Gravel, and Extraction of Rock.** Removal of natural resources from the ground by mechanical means including excavation and crushing of rock and stone for production of aggregate, and not including excavation for land clearing and construction purposes regulated elsewhere in this Code
81. **Schools.** An institution, including institutions of higher learning, colleges and universities, providing full-time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state of Virginia.
82. **School Support Facilities.** Facilities which are required to maintain efficient operation of a school or school system but which are not directly related to the academic program of study.
- 82a. **Self-storage or Mini-storage Facilities.** Any real property designed and used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes.
83. **Setback Line.** A line parallel to a street or other property line and extending the full length or width of a lot for a specified distance at all points from the street right-of-way or property line.
- 83a. **Shooting Range or Sport Shooting Range.** An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.
- 83b. **Sewage Sludge.** Any solid, semi-solid, or liquid residues, which contain materials removed from municipal or domestic wastewater during treatment including primary and secondary residues.
84. **Shopping Center.** A building or buildings with total square footage of 50,000 square feet or more (excluding outdoor storage areas), located on one or more contiguous parcels of land as shown on a single site plan, containing three (3) or more stores intended to be occupied primarily for commercial, retail or professional uses, in any combination.
85. **Sign.** Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any highway. (See VA. CODE ANN. §33.2-1200 (Repl. Vol. 2019).

86. **Sign Area.** The entire area of that part of a sign used for advertising within a single continuous perimeter. Only one side of a “V-type” or double-faced sign shall be considered when computing sign area.
- 86a. **Solar Energy Projects.** A renewable energy project that either (a) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy. A solar energy project will not include any project which has a disturbance zone of two or fewer acres, is mounted on or over an existing building or parking lot, or utilizes integrated PV only.
87. **Solid Waste.** Any garbage, refuse, sludge, or other discarded material, including, solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities, but shall not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by product materials defined by the Federal Atomic Energy Act of 1954, as amended.
- 87a. **Solid Waste Incinerator.** A facility or device designed for the processing of solid waste by combustion.
88. **Solid Waste Management Facility.** A facility or site used for planned treating, storing, or disposing of solid waste which may consist of several treatment, storage, or disposal units.
89. **Sign, On-site.** A sign relating its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
90. **Sign, Off-Site.** A sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject not specific to the premises upon which it is located.
91. **Silviculture.** The development and care of forests and farming of trees, or forestry.
92. **Sign, Temporary.** A sign, intended to be displayed for a period of not more than sixty (60) consecutive days.
- 92a. **Site Plan.** The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by this or the County subdivision ordinance to which the proposed development or subdivision is the subject.

- 92b. **Special Exception.** A special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter of the Campbell County Code.
93. **Street.** A street as defined in Sec. 21-2 of this Code.
94. **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 94a. **Subdivision.** The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
95. **Surveyor, Land.** A person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a land surveyor.
96. **Temporary Family Health Care Structures.** A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in the Virginia Code, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
- 96a. **Theater, Indoor.** A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of displays, acts, dramas by actors and/or actresses.
- 96b. **Theater, Outdoor.** An area not to exceed five (5) acres containing a screen projection booth, refreshment stand, parking spaces and sound transmission devices to individual parking spaces only for the purpose of commercial exhibition of motion pictures.
97. **Timber Harvesting.** The commercial cutting of timber.

98. **Time-share or timeshare** means either a time-share estate or a time-share use plus its incidental benefits; the term shall include similar terms or uses including, without limitation, “time-share interest,” “interval ownership,” “interval ownership interest,” “vacation ownership,” “vacation ownership interest,” or “product” as those terms are recognized in the time-share industry and shall include “time-share estate,” “time-share use,” “time-share program,” “time-share project,” and “time-share unit,” as those terms are defined in VA. CODE ANN. §55.1-2200 (Repl. Vol. 2019), which definitions are incorporated herein by reference with the express intent that such incorporation by reference shall include future amendments to the statutes and regulations pertaining to real estate time-shares and all cited related definitions. No conditions or requirements more restrictive than those imposed upon a time-share by any local zoning, subdivision or other ordinance or regulation.
- 98.01. **Time-share estate** means a right to occupy a unit or any of several units during five or more separated time periods over a period of at least five years, including renewal options, coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof.
- 98.02. **Time-share use** means a right to occupy a time-share unit or any of several time-share units during five or more separated time periods over a period of at least five years, including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof. "Time-share use" shall not mean a right to use which is subject to a first-come, first-served, space-available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.
- 98a. **Tire Pile or Tire Stockpile.** Any lot or place, covered or uncovered, upon which an accumulation of more than one hundred (100) waste tires is placed, located or found. A tire pile or tire stockpile shall comply with the permitting requirements of VA. CODE ANN. §10.1-1408.1 (Repl. Vol. 2018) and shall comply with the provisions of §12-8 et seq., the Campbell County Zoning Ordinance, and any other applicable provisions of state law or local ordinance.
- 98b. **Tire Storage/Disposal Convenience Center.** A collection point for the temporary storage of waste tires provided for individuals who choose to transport waste tires generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point shall not receive waste tires from collection vehicles that have collected waste from more than one real property owner. A convenience center shall have a system of regularly scheduled collections and may be covered or uncovered.
- 98c. **Tires or Waste Tires.** Any old or scrap tires, whether made of rubber, synthetic materials, or any combination thereof, including, but not limited to, tire carcasses, inner tubes, separated treads, or any other part of a tire.

- 98d. **Tourist House.** A residential dwelling unit provided for compensation to transient guests that includes vacation rentals, and that typically uses a system of advertising, reservations, deposits, and confirmations.
99. **Townhouse.** Single-family attached dwellings separated from one another by common vertical walls with no openings.
100. **Townhouse Lot.** A lot upon which a townhouse is or is to be erected.
- 100a. **Transfer Facility.** Any solid waste storage or collection facility at which solid waste – the average amount of which exceeds 50 tons per day or 1,000 tons per month – is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery. Not a convenience center.
101. **Truck Stop.** Any area of land, with adequate parking, maneuvering and access for at least three (3) combination tractor-trailer vehicles, that may provide for retail sale of diesel fuel and gasoline, restaurant facilities, sleeping quarters and minor repair facilities.
102. **Use.** Any purpose for which a structure or a tract of land is designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land except that such term shall not include an event of a temporary nature lasting seven (7) days or less for which a valid special entertainment permit is issued pursuant to §3-6 et seq. of this Code. [See also §14-18(d) of this Code.]
103. **Variance.** A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of the provisions of this ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this ordinance. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.
- 103a. **Vehicle Removal Operator.** Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.
104. **Veterinary Hospital.** A structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia.
- 104.1 **Waste Water.** Untreated liquids and water-carried solids, including industrial wastes and domestic sewage, from residential dwellings, and commercial, industrial, and manufacturing facilities.

- 104.2 **Waste Water Treatment Facility.** A facility in which chemical, biological, and mechanical procedures are applied to an industrial or municipal discharge or to any other sources of waste water to remove, reduce, or neutralize contaminants.
- 104.3 **Waste-to-Energy Facility.** A facility or a use dedicated primarily to generating energy from the treatment of waste, typically – but not limited to – combustion or production of combustible fuel. A waste energy facility may be a primary use or an accessory use to a landfill, waste disposal facility, waste treatment facility, or similar.
- 104.4 **Water Treatment Plant.** A facility which takes raw water from a natural source and passes the water through a series of treatment processes, including the addition of chemicals, filtration, and disinfection, and that requires a Health Department license to operate.
- 104a. **Wholesale Business Establishments With or Without Retail Sales.** A wholesale sales facility that assembles, packages, processes, stores or distributes previously prepared merchandise in gross for resale. Such businesses shall not generate excessive traffic, parking nor produce obnoxious odors, glare, noise, vibrations, electrical disturbances or other conditions detrimental to adjacent zoning districts and shall be conducted primarily within enclosed structures. If ancillary retail sales occur, such sales shall only be permitted in the building of primary occupancy and shall not occupy more than ten (10) percent of the building's gross floor area.
105. **Yard.** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.
106. **Yard, Front.** An open, unoccupied space on the same lot with the main structure, extending the full width of the lot and situated between the front lot line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the front lot line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the front lot line.
107. **Yard, Rear.** An open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.
108. **Yard, Side.** An open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. On corner lots, the side yard shall be considered as perpendicular to the front and rear yards.

109. **Zoning district.** A portion of Campbell County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
110. **Zoning Map.** That map of Campbell County, which is a part of this chapter of the Campbell County Code, delineating use classifications permitted herein.
- 110a. **Zoning or To Zone.** The process of classifying land within Campbell County into areas and districts, such areas and districts being generally referred to as "zones", by action of the Board of Supervisors and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put. (7/7/86, 2/2/88)

For state law authority, see VA. CODE ANN. §15.2-2201 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2247 (Repl. Vol. 2018). See also VA. CODE ANN. §33.2-804 (Repl. Vol. 2019), §33.2-1200 (Repl. Vol. 2019), §36-71.1 (Repl. Vol. 2019), §36-85.3 (Repl. Vol. 2019), §36-85.11 (Repl. Vol. 2019), §36-96.6 (Repl. Vol. 2019), VA. CODE ANN. §46.2-1600 (Repl. Vol. 2017) and VA. CODE ANN. §54.1-400 (Repl. Vol. 2019), VA. CODE ANN. §63.2-100 (Cum. Supp. 2019), VA. CODE ANN. §15.2-2244 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2288.01 (Repl. Vol. 2018), VA. CODE ANN. §15.2-917 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2292.1 (Repl. Vol. 2018) and VA. CODE ANN. §55.1-2900 (Repl. Vol. 2019). For local authority to regulate tire stockpiling, see VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2018). For authority to regulate inoperable motor vehicles, see VA. CODE ANN. §15.2-904 (Repl. Vol. 2018). For state law basis for definition of time-share, see VA. CODE ANN. §55.1-2200 et seq. (Repl. Vol. 2019). For state law basis for definition of cemetery, see VA. CODE ANN. §15.2-2288.5 (Repl. Vol. 2018) and §54.1-2310 (Repl. Vol. 2019)

Editor's note. – **Cemeteries.** VA. CODE ANN. §57-26 (Repl. Vol. 2019) provides that no cemetery shall be established “unless authorized by appropriate ordinance subject to any zoning

ordinance duly adopted by the governing body of such county, city or town.” However, the statute prescribes that such an ordinance shall not be required “for interment of the dead in any churchyard or for interment of members of a family on private property.” See also §6-1 of this Code.

[THE 1986 AMENDMENT revised and renumbered definitions in B.]

[THE FIRST 1988 AMENDMENT added 90 new definitions and renumbered all definitions to provide alphabetical listing; former No. 17, "Single Family Dwelling" deleted and replaced by "Dwelling, Single Family.")

[THE SECOND 1988 AMENDMENT inserted "firm" preceding "partnership" in subsection A, and, in subsection B, added parenthetical cross-references in definitions of "Automobile Graveyard," "Junk," and "Junkyard," substituted "three" for "five" in the first sentence of definition of "Development" and added second sentence therein, inserted definitions of "Industrialized Building" and "Manufactured Home," inserted "to" following "proposal" in definition of "Proffer," inserted "street, alley, or any public way" and substituted "within" for "with" in second sentence of definition of "Street," and added the second sentence in "Variance."]

[THE FIRST 1989 AMENDMENT, in subsection B, deleted examples from the definitions of "Accessory Building, Use or Structure" (1), "Agriculture" (2), and "Antique and Gift Shops" (3), deleted definitions of "Conditional Use" (20), "Development" (24), "Lot, Through" (53), "Natural Resources" (62), "Oil" (66), "Ramada" (73), "Residential Use" (75), "Sawmill, Temporary" (79), "Sign, Commercial" (87), "Sign, Directional" (88), "Sign, Outdoor Advertising" (91), and "Surveyor" (95), inserted new definitions of "Conditional Zoning" (19a), "Official Map" (65a), "Plat of Subdivision" (67a), "Retirement Home" (77a), "Site plan" (92a), "Special Exception" (92b), "Subdivision" (94a), and "Zoning or To Zone" (110a), revised definition of "Apartment" (4), amended definition of "Buffering or Screening" (10) to allow Zoning Administrator to establish minimum buffering/screening requirements on a case-by-case basis, inserted "enclosed" in definition of "Building" (12), substituted "Clubs" for "Clubs, Private" (17), deleted "a group of" preceding "children separated" in "Day Care Center" (23), revised definition of "Emergency Services" (29) to include any services necessary in time of emergency, added "or adoption" at end of definition of "Family" (31), deleted "a coop" at end of "Feed Lot" (32), revised definition of "Floor area" (33) to include usable floor space between interior walls, combined definitions of public and private garage, redefined "General Convenience Store" (36), deleted "do not walk, but onto which they" preceding "drive" in definition of "Golf Driving Range" (38), modified generally the requirements for "Home Occupations" (41(a)(2)), deleted "Hospital includes sanatorium, preventorium, clinic or rest home, and is deemed to mean" at beginning of "Hospital" (42), deleted "more or less temporary" preceding "abiding" and deleted "and in which provision is not generally made for cooking in individual rooms or suites" in definition of "Hotel" (43), excluded hazardous, infectious or toxic materials from definition of "Junk" (45), substituted "building or structure" for "location" and inserted "five (5) or more" and "private or" in definition of "Kennel" (47), deleted "except where otherwise defined herein" at end of "Lot Coverage" (50), substituted definition of "Lot, Front Line" (51) for "Lot Frontage Width," deleted "horizontal" following "average" in "Lot Width" (56), deleted "raw, unfinished" preceding "materials" in "Manufacture and/or Manufacturing"

(57), redefined "Mobile Home" (59) to cross-reference same to "Manufactured Home" (58), substituted "industrialized building as defined in this ordinance" for "house" in the first paragraph of "Modular Home" (60), rewrote definition of "Motel" (61) to eliminate distinction between hotel and motel, deleted "zoned" following "Any use of all in paragraph (a) of "Nonconforming Use" (65), substituted "or other legal entity having an ownership interest in property" for "having a legal or equitable interest in the property" in definition of "Owner" (67), revised definitions of "Professional Office" (68) and "Proffer" (69), deleted "Public" from definition of "Open Space" (70), substituted "including, but not limited to" for "such as" in definition of "Public Utilities" (71), deleted examples at end of "Restaurant" (76) and "Retail Stores and Shops" (77), rewrote definition of "Sanitary Landfill" (78) to conform to definition used by Department of Waste Management Regulations, rewrote definition of "Sawmill, Permanent" (80) to encompass both temporary and permanent operations, deleted language concerning potential nuisance factors and examples in "School Support Facilities" (82), inserted "or other property line," "length or," and "or property" in "Setback Line" (83) and deleted "and thus defining an area in which no building or structures or portions thereof may be constructed" at end thereof, rewrote definition of "Shopping Center" (84), rewrote definition of "Sign" (85) to conform with state code definition, rewrote the definition of "Sign Area" (86), "Sign, Temporary" (92), and "Street" (93), substituted "to the front lot line" for "street upon which the lot has its least dimension" in the fourth sentence in "Yard, Front" (106), substituted "perpendicular to the front and rear yards" for "parallel to the street upon which the lot has its greatest dimension" in the second sentence of "Yard, Side" (108), and rewrote the definition of "Zoning Map" (110).]

[THE SECOND 1989 AMENDMENT substituted "secondary system of state highways" for "State System of Highways" in definition of "Lot, Front Line" (51), redesignated "Open Space" (former 70) as present (66a), substituted "Sawmill" for "Sawmill, Permanent" (80), and substituted "County subdivision ordinance" for "preceding chapter of this Code" in definition of "Site Plan" (92a).]

[THE 1991 AMENDMENT inserted second paragraph in the definition of "Manufactured Home" (58).]

[THE FIRST 1992 AMENDMENT, in subsection B, inserted new definitions of "Lot, Flag" (50a), "Lot, Lake Front" (53), "Mobile Home Lot" (59a), "Mobile Home Park" (59b), and "Surveyor, Land" (95), substituted the present definition of "Engineer, Professional" (30) for "Engineer," added "including satellite dishes" in definition of "Accessory Building, Use or Structure" (1) and added second paragraph in definition of "Yard, Front" (106).]

[THE SECOND 1992 AMENDMENT, in subsection B, inserted "alleys, walkways" in definition of "Official Map" (65a).]

[THE APRIL 1993 AMENDMENT inserted definition of "Wholesale Business Establishments With or Without Retail Sales" (104a).]

[THE SECOND 1993 AMENDMENT inserted definitions of "Adult Care Residence" (1a) and "Adult Day Care Center" (1b).]

[THE APRIL 3, 1995 AMENDMENT, in subsection B, added definitions of "Bed and Breakfast, Rooming House, Boarding House or Tourist Home" (7a) and "Public Transportation Facilities" (70).]

[THE JULY 3, 1995 AMENDMENT inserted definition of "Public Park or Recreation Area" (70) in subsection B.]

[THE MAY 6, 1996 AMENDMENT, in "Lot, Front Line" (51), substituted "common to a road in the secondary system of state highways, dedicated right-of-way or easement that may provide" for "most nearly facing in the direction of the nearest road in the Secondary System of State Highways or nearest private easement serving," inserted "two (2) or more dedicated rights-of-way or two (2) or more easements," and substituted "shortest dimension" for "longest frontage," all in first sentence; and, in second sentence, substituted "lot line dimensions are equal on the highways, rights-of-way or easements" for "frontage is equal on both State highways."]

[THE JUNE 3, 1996 AMENDMENT in B., in definition of "Home Occupations" (41), added introductory paragraph, redesignated provisions, added proviso at the end of a.(2) and (c), inserted new a.(3), substituted "ground floor area" for "floor area" in a.(6), and added new e., imposing special requirements in R-1 districts.]

[THE OCTOBER 6, 1997 AMENDMENT, in subsection B., inserted "or structure" in "Dwelling, Single-Family" (27) and "Dwelling Unit" (28);and added "Family, Immediate" (31a).]

[THE MARCH 2, 1998 AMENDMENT added "Affordable housing" as (1c) in B.]

[THE MAY 17, 1999 AMENDMENT, in B., added introductory paragraph, substituted "educational, or recreational" for "education, or recreation" in "Clubs" (17), inserted "Certified Interior Designers" in "Engineer, Professional" (30) and "Surveyor, Land" (95), and inserted "future or" in "Official Map" (65a).]

[THE DECEMBER 20, 1999 AMENDMENT, in B., in definition of "Cemetery"(16), inserted "publicly-" preceding "privately-" in the first sentence and added the second sentence with subdivisions (a),(b),and (c).]

[THE AUGUST 7, 2000 AMENDMENT, in B., added "Antenna" (2a); inserted second sentence in "Industrialized Building" (44); inserted second sentence in "Manufactured Home" (58); substituted "Manufactured" for "Mobile" in the caption and text and redesignated "Mobile Home Lot" (59a) and "Mobile Home Park" (59b) as present (58a) and (58b).]

[THE NOVEMBER 6, 2000 AMENDMENT inserted definition of "Planned Unit Development" in paragraph 67 in B.]

[THE JULY 2, 2001 AMENDMENT, in B., inserted "or Assisted Living Facility" in caption of paragraph 1a. Adult Care Residence" and revised definition to conform to state

code, and inserted definitions of “Architect” (4a), “Landscape Architect, Certified” (47a), and “Shooting Range or Sports Shooting Range” (83a).]

[THE OCTOBER 7, 2002 AMENDMENT inserted definitions of “Recycling and Remanufacturing” in paragraph 73 and “Solid Waste” in paragraph 87 in B.]

[THE DECEMBER 2, 2002 AMENDMENT, in B., added the last sentence in the definitions of “Adult Care Residence or Assisted Living Facility” (1a) and in “Adult Day Care Center” (1b), and made other minor changes therein.]

[THE DECEMBER 1, 2003 AMENDMENT, in B., inserted definitions pertaining to “Inoperable Motor Vehicle” at 44a, “Tire Pile or Tire Stockpile” at 98a, “Tire Storage/Disposal Convenience Center” at 98b, and “Tires or Waste Tires” at 98c, and added the last sentence at the end of “Manufactured Home” at paragraph 58.]

[THE DECEMBER 6, 2004 AMENDMENT, in B., revised language in the definition of “Inoperable Motor Vehicle” at 44a to conform to similarly revised language in §15-40 et seq. of this Code and in the state code; and added the exception for certain events of a temporary nature at the end of the definition of “Use” (102).]

[THE AUGUST 1, 2005 AMENDMENT, in B., in the definition of “Automobile Graveyard” (6), inserted “that are” in the first sentence and added the second and third sentences; added the definition of “Church” at 16a; and inserted “or Child Day Care Center” in “Day Care Center” (#23).]

[THE AUGUST 15, 2005 AMENDMENT added the definition of “Logistics Center” (#47b) in subsection B.]

[THE JULY 31, 2006 AMENDMENT added the second sentence in the definition of “Dwelling, Single-Family” (27), added the definition of “Recreational Vehicle or Recreational Camper” (74a), and revised the definition of “Shopping Center” (84).]

[THE MARCH 5, 2007 AMENDMENT, in the definition of “Manufactured Home Park” (58b), substituted “two (2) or more” for “four (4) or more”; and also renumbered former definitions 96, 97, and 98 (“Theater, Indoor,” “Theater, Outdoor,” and “Timber Harvesting”) as present definitions 96a, 96b, and 97, and added the definitions of “Time-share” (98), “Time-share estate” (98.01) and “Time-share use”(98.02). In addition, internal references to “R-1” in (c) and (e) in the definition of “Home occupations” (41) were changed to “R-SF” editorially to reflect the change in the zoning district name.]

[THE JULY 2, 2007 AMENDMENT, in the definition of “Family” (#31) in B., deleted “or” preceding “adoption” and added “or under foster care placement or court-approved entrustment or other legally-recognized custodial agreement” in the first sentence, and added the second and third sentences.]

[THE DECEMBER 3, 2007 AMENDMENT added “unless otherwise specifically provided in a particular zoning district” at the end of the definition of “Manufactured Home Park” at subsection B.58b.]

[THE JULY 7, 2008 AMENDMENT added the last sentence to the definition of “Lot, Flag” at 50(a) for clarification and corrected a scrivener’s error in the definition of “Solid Waste at 87.]

[THE DECEMBER 1, 2008 AMENDMENT inserted the definition of “Children’s Residential Facility” at 16aa, inserted “stepchild” into the definition of “Family, immediate” at 31(a), inserted “and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes” into and slightly retitled the definition of “Plat or Plat of Subdivision” at 67(a), and added “or timeshare” to title of definition of “Time-share” at 98.]

[THE JULY 20, 2009 AMENDMENT added the definitions of “Crisis Center” at 21a and “Dock House” at 24a, deleted the definition of “Lot, Lake Front” at 53, substituted “front lot” for “right-of-way” twice in the first paragraph of the definition of “Yard, Front” at 106, and deleted the second paragraph of the definition of “Yard, Front” at 106 to remove references to lake front lots.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “Department of Behavioral Health and Developmental Services” for “Department of Mental Health, Mental Retardation and Substance Abuse Services” in the definition of “Adult Day Care Center,” and substituted “licensure” for “certification” in the definition of “Landscape Architect,” and removed “Certified” after “Landscape Architect,” added “including institutions of higher learning, colleges and universities” to the definition of “Schools”, and added the definition of “Sand, Gravel and Extraction of Rock” at 80a.]

[THE JULY 19, 2010 AMENDMENT substituted “nine” for “four” in the definition of “Adult Care Facility or Assisted Living Facility” at 1a, added the definitions of “Collector Street”, “Common Area”, “Common Area Right-of-Way”, “Connector Street”, “Demolisher”, “Rebuilder”, “Salvage Dealer”, “Salvage Pool”, and “Vehicle Removal Operator”, and substituted “onsite unless inside” for “outside” and added “or another permitted enclosed structure” in the definition of “Home Occupations” at subsection 41(e)(6), and substituted “entire” for “geographic” and added “within a single continuous perimeter” in the definition of “Sign Area” at subsection 86.]

[THE DECEMBER 6, 2010 AMENDMENT added the definition of “Pallet Assembly operations” at 66c and added the last two sentences in the definition of “Sawmill” at 80.]

[THE DECEMBER 6, 2011 AMENDMENT added “including but not limited to” and the following text to the definition of “Accessory Building, Use or Structure;” separated the definition of “Adult Care Residence or Assisted Living Facility” into two definitions for “Adult Care Residence” and “Assisted Living Facility;” added the definition of “Bio-mass Conversion, Small-Scale;” revised the definition of “Buffering and Screening” to include language from elsewhere in the chapter; deleted the definition of “Commission;” added the second paragraph to the definition of “Family;” added the definitions of “Caregiver,” “Family Day Home,” “Group Home,” “Intensive Agricultural Facilities,” “Mentally or Physically Impaired Person,” and “Landscaping;” added the last sentence to the definition of “Recreational Vehicle or Recreational Camper;” added the definitions of

“Sewage Sludge,” “Silviculture,” and “Temporary Family Health Care Structures;” and added the second sentence to the definition of “Sign Area” and the last sentence to the definition of “Time-share or timeshare.”]

[THE JULY 17, 2012 AMENDMENT revised the definition of “Cemetery” and added the definition of “Self-storage or Mini-storage Facilities.”]

[THE DECEMBER 4, 2012 AMENDMENT substituted “tract of land” for “property” in the second sentence of the definition of “Development,” revised the definition of “Building, Height of” and corrected the spelling of “facility” in the definition of “Group home.”]

[THE JULY 2, 2013 AMENDMENT added the second clause in part (ii) of the definition of “Temporary family health care structure.”]

[THE JULY 1, 2014 AMENDMENT revised the definitions of “Apartment” to differentiate non-transient intent and healthcare facilities, “Dwelling, Single-Family” to include “similar temporary habitation”, “Family Day Home” by adding the last sentence, “Hotel” to clarify that it is different from a Rooming House or a Tourist House, “Kennel” to clarify that it need not be inside a building, “Lot Width” to delete the word “average” prior to “distance”, and deleted the definition of “Bed and Breakfast, Rooming House, Boarding House or Tourist Home” in order to break up the meaning into individual definitions, and added the definitions of “Dormitory,” “Pet Services,” “Rooming House,” and “Tourist House.”]

[THE JULY 7, 2015 AMENDMENT revised the definition of “Home occupation” at 41(e)(3) to clarify that issue with employees is their on-premises parking.]

[THE DECEMBER 1, 2015 AMENDMENT deleted a cross-reference at 41(d) and revised the definition of “Variance” at 103.]

[THE JULY 5, 2016 AMENDMENT, in the definition of “Assisted Living Facility” at 1a, changed the number of adults from “nine or more” to “four or more” twice, deleted the definition of “Adult Care Residence” and replaced it with “Adult Foster Care” at 1aa, added the definitions of “Composting Facility” at 19ac, “Convenience Center” at 31b, “Landfill” at 47.1, “Materials Recovery Facility” at 58c, “Solid Waste Incinerator” at 87a, “Solid Waste Management Facility” at 88, “Transfer Facility” at 100a, “Waste Water” at 104.1, “Waste Water Treatment Facility” at 104.2, “Waste to Energy Facility” at 104.3, “Water Treatment Plant” at 104.4, rewrote the definitions of “Child Day Center” at 23 and “Public Utilities” at 71, added “However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed” to the definition of “Family Day Home” at 31b, and at 41 (“Home Occupations”), clarified parking at 41(e)(1) and removed specific requirements for signs and referred to 22-17.2.]

[THE DECEMBER 6, 2016 AMENDMENT added the second sentence to “Floor Area” at 33 and clarified that floor area only includes interior space.]

[THE DECEMBER 5, 2017 AMENDMENT rewrote the space limitations for home occupations in accessory buildings at 41(a)(7) and added “or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2 of VA. CODE ANN. § 46.2-1602 (Cum. Supp. 2017)” at 77b.]

[THE JUNE 12, 2018 AMENDMENT added the definition of “Solar Energy Projects” at 86a.]

[THE DECEMBER 4, 2018 AMENDMENT added the definition of “Cemetery, Pet” at 16a, and renumbered former 16aa (Children’s Residential Facility) to 16b and former 16a (Church) to 16c.]

Sec. 22-3. Official Zoning Map.

The official Zoning Map shall be in the charge of the Community Development Department and the Zoning Administrator, hereinafter appointed, and is incorporated herein by reference.

For state law provisions with reference to adoption of official zoning map see VA. CODE ANN. §15.2-2284 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2285 (Cum. Supp. 2019). For provisions regarding adoption of comprehensive plan, see VA. CODE ANN. §15.2-2223 (Repl. Vol. 2018).

For provisions regarding adoption of official county map showing location of legally established or future proposed public streets, alleys, walkways, waterways, and public areas, see VA. CODE ANN. §15.2-2233 (Repl. Vol. 2018). See also the last paragraph of VA. CODE ANN. §15.2-2233 regarding the procedure to be followed, including time limits for action, when an application for a building permit is made to the County for an area shown on the official map as a future or proposed right-of-way for such above-mentioned public improvements.

Editor's note.--A new comprehensive plan for Campbell County, Virginia, was adopted on December 7, 2009, by the Board of Supervisors, upon the recommendation of the Planning Commission.

[THE JULY 20, 2009 AMENDMENT added “Community Development Department” preceding “Zoning Administrator.”]

Sec. 22-4. Rules for determining district boundary line locations; conflicts in ordinances.

The district boundaries shown on the Zoning Map are intended to follow lot lines, property lines, or the center lines of streets as they exist at the time of passage of this chapter; except where a district boundary obviously does not follow any such line, and it is not defined by dimensions or other means, it shall be determined by scaling. District boundaries following railroad rights-of-way shall be construed to be midway between the main tracks.

When it becomes necessary to divide a lot under single ownership at the time this ordinance is enacted, the use classification of the largest portion of the lot so divided shall be extended to the remaining portion.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals. After notice to the owners of the property affected by the question, and after public hearing with notice as required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2309 (Repl. Vol. 2018), the Board of Zoning Appeals may interpret the map in such a way as to carry out the intent and purpose of the zoning ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

Whenever the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

For state law authority, see VA. CODE ANN. §15.2-2284 (Repl. Vol. 2018). For state law with reference to hearing on dispute over district lines, see VA. CODE ANN. §15.2-2309 at provision 4. (Repl. Vol. 2018); for similar state law concerning conflicting regulations see VA. CODE ANN. §15.2-2315 (Repl. Vol. 2018).

Cross-reference.--For powers and duties of local board of zoning appeals, see §22-26 of this Code and VA. CODE ANN. §15.2-2309 (Repl. Vol. 2018).

[THE MARCH 17, 1997 AMENDMENT added second, third, and fourth sentence in the third paragraph.]

[THE MAY 17, 1999 AMENDMENT, in third paragraph, substituted “the question” for “any such question” in the second sentence.]

[THE DECEMBER 4, 2018 AMENDMENT added the second sentence in the first paragraph that begins “District boundaries following railroad...”]

Sec. 22-4.1. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by Chapter 22 (Planning, Subdivision of Land and Zoning of Title 15.2 of the Virginia Code Annotated, as amended, or of this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the County where copies of the proposed plans, ordinances or amendments may be examined.

The Planning Commission shall not recommend nor the Board of Supervisors adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in such County; however, the notice for both the Planning Commission and the Board of Supervisors may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one (21) days after the second advertisement appears in such newspaper. The Planning Commission and Board of Supervisors may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the Board of Supervisors. The term "two successive weeks" as used in this subsection shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of twenty-five (25) or fewer parcels of land, then, in addition to the advertising as above required, written notice shall be given by the Planning Commission or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners' associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the Planning Commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate

compliance with this requirement. If the hearing is continued, notice shall be re-mailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than twenty-five (25) parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as above required, written notice shall be given by the Planning Commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of VA. CODE ANN. §15.2-2240 et seq. and of Chapter 21 of the Campbell County Code of 1988 where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the Planning Commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the Planning Commission to give written notice to the owner, owners or their agent of any parcel involved.

In the case of a condominium or a cooperative, the written notice required under this section, may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than fifty percent (50%) of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the Planning Commission, or its representative, at least ten (10) days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii), a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport, then, in addition to the advertising and written notification as above

required, written notice shall also be given by the Planning Commission, or its representative, at least thirty (30) days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by Chapter 22 of Title 15.2 of the Virginia Code Annotated, as amended, or this chapter, provided a public hearing was conducted by the Board of Supervisors prior to such adoption or amendment. **Every action contesting a decision of the County based on a failure to advertise or give notice as may be required by Chapter 22 of Title 15.2 of the Virginia Code Annotated, as amended, or this chapter, shall be filed within thirty (30) days of such decision with the circuit court having jurisdiction of the land affected by the decision.**

F. Reserved.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the Planning Commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision or determination from the zoning administrator, other administrative officer, or the Board of Zoning Appeals that is subject to the appeal provisions contained in VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019) or VA. CODE ANN. §15.2-2314 (Cum. Supp. 2020), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the Board of Supervisors, Planning Commission, or employees of Campbell County made in the normal course of business.

For state law authority, see VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2205 (Repl. Vol. 2018), and VA. CODE ANN. §15.2-2285, especially subsection C, (Cum. Supp. 2019), and VA. CODE ANN. §15.2-107 (Repl. Vol. 2018).

Additional notice requirements as to proposed amendments to zoning map: It should also be noted that VA. CODE ANN. §15.2-2285 (Cum. Supp. 2019) at subsection C. provides, inter alia, that:

"In the case of a proposed amendment to the zoning map, the public notice **shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan.** However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by [VA. CODE ANN.] §15.2-2204." [emphasis added].

Editor's notes.--See notes following §21-4.2 of this Code regarding special notice requirements regarding imposition or increase of certain fees or levies imposed under subdivision and zoning ordinances, inter alia; see also additional note regarding repeal and reenactment of underlying statutes in 1997.

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT redesignated subsections, added new last sentence at the end of second paragraph of subsection A., which sentence had previously appeared as subsection (h); in subsection B., inserted "including those parcels which lie in other localities of the Commonwealth" in the first sentence in first paragraph; substituted "that have members" for "that has members" in the first sentence in the first paragraph of B.; redesignated former subsection (i) as last paragraph in B.; redesignated former (d) as present C.; and substituted "locality" for "county or municipality" twice therein; redesignated former (g) as present D.]

[THE DECEMBER 3, 2001 AMENDMENT substituted "five days" for "six days" in the second sentence in the second paragraph in subsection A.]

[THE DECEMBER 2, 2002 AMENDMENT, in the second paragraph in subsection B., inserted "or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of more than twenty-five parcels of land" in first sentence and added the language beginning "provided, however, that written notice of such changes to zoning ordinance text regulations . . ." at the end of that sentence; and substituted "subsection" for "paragraph" in the last sentence of that paragraph.]

[THE JULY 6, 2004 AMENDMENT substituted "any parcel" for "more than twenty-five parcels" in the first sentence in second paragraph in B., redesignated former D. as present E., and added new D.]

[THE AUGUST 1, 2005 AMENDMENT, in D, deleted "or" preceding "military airport" twice, inserted "or licensed public-use airport," "or owner of such public-use airport" twice, and substituted "and the notice shall advise the military commander" for "and shall advise the commander."]

[THE DECEMBER 3, 2007 AMENDMENT added subsections F, reserved, and G.]

[THE JULY 5, 2011 AMENDMENT added subsection H.]

[THE JULY 17, 2012 AMENDMENT added the second sentence in the first paragraph in B.]

[THE DECEMBER 3, 2013 AMENDMENT substituted “thirty (30)” for “ten (10)” in clause iii of subsection D.]

Sec. 22-4.2. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 22-5. Zoning Administrator appointed.

The Board of Supervisors of Campbell County shall appoint the Zoning Administrator of Campbell County.

For state law authority, see VA. CODE ANN. §15.2-2286 at provision 4 (Cum. Supp. 2020).

Sec. 22-6. —Duties of Zoning Administrator.

(a) Pursuant to the authority of VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2019), the Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this zoning ordinance. His authority shall include:

(i) ordering in writing the remedying of any condition found in violation of the zoning ordinance;

(ii) insuring compliance with the zoning ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019); and

(iii) in specific cases, making findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018), or subsection C of VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019).

(b) Pursuant to the authority of VA. CODE ANN. §15.2-2299 (Repl. Vol. 2018), the Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

(i) the ordering in writing of the remedy of any noncompliance with the conditions;

(ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and

(iii) requiring a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Board of Supervisors, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

(c) The Zoning Administrator is authorized, on behalf of the Board of Supervisors, to take applications for special exceptions and variances in accordance with the provisions of Article XII and XIII hereof, and for modifications from certain requirements of this chapter pursuant to §22-26.1 of this Code, to keep the official zoning map in accordance with the provisions of §22-3 hereof, and to receive applications for zoning permits and act thereon in accordance with the provisions of Article XIII hereof.

(d) The Zoning Administrator shall be vested with all other general powers granted zoning administrators under the laws of the Commonwealth of Virginia, excepting those powers which must be specifically granted by ordinance of Campbell County.

(e) The Zoning Administrator shall respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. If the decision or determination by the Zoning Administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to §32.1-176.4 or any regulation adopted thereunder, the Zoning Administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.

For state law authorizing appointment of Zoning Administrator, see VA. CODE ANN. §15.2-2286 at provision 4. (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-2299 (Repl. Vol. 2018), §15.2-2310 (Repl. Vol. 2018), and §15.2-2208 (Repl. Vol. 2018).

Cross reference: For ordinance authorizing the Zoning Administrator to grant a modification from certain building setback requirements, subject to certain prescribed criteria, see §22-26.1 of this Code. For provisions regarding appeals to the Board of Zoning Appeals of any written notice of a zoning violation or a written order of the Zoning Administrator, and specific notice requirements, see §22-28 of this Code.

[THE 1988 AMENDMENT substituted "remedying" for "remedy" in clause (a).]

[THE 1989 AMENDMENT substituted "(a) the ordering in writing" for "(a) ordering in writing" at beginning of clause (a); deleted "and" preceding "in an amount sufficient, substituted "construction of such improvements has" for "construction of all such improvements have," in clause (C)(iii).]

[THE 1991 AMENDMENT substituted "Article XIII hereof" for "Article XII hereof" at the end of clause (f).]

[THE 1992 AMENDMENT substituted "official zoning map" for "official map" in clause (e).]

[THE 1993 AMENDMENT inserted clause beginning "including the authority to make conclusions of law and findings of fact . . ." and ending "rights accruing under VA. CODE ANN. §15.1-492 (Repl. Vol. 1989), and further" preceding clause (a), and inserted "subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993)" at the end of clauses (b) and (c)(ii).]

[THE MARCH 17, 1997 AMENDMENT rewrote and redesignated provisions without substantive changes.]

[THE MAY 17, 1999 AMENDMENT substituted "insuring" for "to insure" in item (iii) in (a); in (b), substituted "is vested" for "shall be vested" in the introductory paragraph; substituted "Articles XII and XIII" for "Article XI" in (c); added new (e), and substituted references to Title 15.2 for references to former Title 15.1.]

[THE AUGUST 1, 2005 AMENDMENT inserted "and for modifications from certain requirements of this chapter pursuant to §22-26.1 of this Code" in (c).]

[THE JULY 20, 2009 AMENDMENT added the second clause in (a)(iii).]

[THE DECEMBER 6, 2011 AMENDMENT changed the title of the section from "Same – Duties" to "Duties of Zoning Administrator."]

[THE JULY 21, 2020 AMENDMENT added the second sentence to (e).]

Sec. 22-6.1. Petitions or applications required to include sworn statement disclosing any interest of member of Planning Commission or Board of Supervisors.

Any petition brought or application made under this chapter by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local planning commission or Board of Supervisors has any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust or whether a member of the immediate household of any member of the Planning Commission or Board of Supervisors has any such interest.

For state law authority, see VA. CODE ANN. §15.2-2287 (Repl. Vol. 2018).

Cross-reference.—See §22-6.3 of this Code for ordinance requiring disclosure of real parties in interest in real estate to be affected by pending special exception, special use permit, amendment to zoning ordinance, or variance.

[THE MARCH 17, 1997 ACT adopted this section, which is substantially similar to former §22-37 B.]

[THE JULY 2, 2001 AMENDMENT deleted “Articles XI, XII, or XIII of” preceding “this chapter.”]

Sec. 22-6.2. Proof of payment of delinquent county real estate taxes on subject property required.

Prior to the initiation of an application by the owner of the subject property, the owner’s agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the applicant shall be required to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property owed to the County of Campbell and have been properly assessed against the subject property have been paid, unless otherwise authorized by the Treasurer.

For state law authority, VA. CODE ANN. §15.2-2286 at subsection B. (Cum. Supp. 2020).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE DECEMBER 2, 2002 AMENDMENT substituted “land disturbing permit, including building permits and erosion and sediment control permits” for “land use permit.”]

[THE JULY 17, 2012 AMENDMENT added “by the owner of the subject property, the owner’s agent, or any entity in which the owner holds an ownership interest greater than 50 percent” and “nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property” to the section, and substituted “and” for “which” prior to “have been properly assessed”.]

[THE DECEMBER 5, 2017 AMENDMENT added “unless otherwise authorized by the Treasurer” at the end of the section.]

Sec. 22-6.3. Disclosure of real parties in interest.

The Planning Commission, Board of Supervisors, or Board of Zoning Appeals may require any applicant for a special exception, or a special use permit, amendment to the zoning ordinance, or variance to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the names of stockholders, officers and directors and in any case the names and addresses of all of the real parties in interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own ten percent (10%) or more of the units in the condominium.

For state law authority, see VA. CODE ANN. §15.2-2289 (Repl. Vol. 2018).

Editor's note.--Prior to December 1, 1997, the statute upon which this ordinance is based was applicable only within designated localities. Chapter 587 of the 1997 Virginia Acts of Assembly amended the provisions such that VA. CODE ANN. §15.2-2289 now applies generally to all localities, authorizing, but not requiring, localities to adopt such an ordinance.

[THE MAY 17, 1999 ACT adopted this section.]

[THE DECEMBER 4, 2006 AMENDMENT added the last sentence.]

ARTICLE III. VESTED RIGHTS AND NONCONFORMING USES

Sec. 22-7. Vested rights not impaired.

Nothing in this chapter shall be construed to impair any vested right. Land, buildings, or structures and the uses thereof which do not conform to the zoning requirements prescribed for the district in which they are situated as such requirements were in effect on the effective date of this chapter, or subsequent amendments thereto, shall be allowed to continue as nonconforming uses, subject to the provisions of Section 22-7.1 and Section 22-8 hereof.

If (i) the County has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the County issued a certificate of occupancy or a use permit therefor, or (ii) the owner of the building or structure has paid taxes to the County for such building or structure for a period of more than the previous 15 years, such building or structure is not illegal or subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. Any such building or structure must be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the County has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, such improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized County official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, the structure is nonconforming but not illegal or subject to removal solely due to such nonconformity. In any proceeding when the

authorized County official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized County official made such statement.

For state law authority, see VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018).

Cross reference: For provisions regarding duration of approval of final site plan and effect of subsequent zoning ordinance amendments thereon, see §22-31 B and §21-8.1 C of this Code.

[THE MAY 17, 1999 AMENDMENT, in the second sentence, substituted “Land, buildings, or structures and the uses thereof” for “Uses of property,” “the zoning requirements prescribed for the district in which they are situated as such requirements were” for “those permitted by this chapter,” and “of this chapter, or subsequent amendments thereto” for “hereof, and inserted “Section 22-7.1 and.”]

[THE DECEMBER 5, 2017 AMENDMENT added the second paragraph.]

Sec. 22-7.1. Factors to be considered in determining vesting of rights in a land use; definition of “significant affirmative governmental acts.”

(a) Without limiting the time when rights might otherwise vest, a landowner’s rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner:

- (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project; and
- (ii) relies in good faith on the significant affirmative governmental act; and
- (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(b) For purposes of this article and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project:

- (i) the Board of Supervisors has accepted proffers and proffered conditions which specify use related to a zoning amendment; or
- (ii) the Board of Supervisors has approved an application for a rezoning for a specific use or density; or
- (iii) the Board of Supervisors or Board of Zoning Appeals has granted a special exception or use permit with conditions; or
- (iv) the Board of Zoning Appeals has approved a variance; or

(v) the Board of Supervisors or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances

(vi) the Board of Supervisors or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or

(vii) the Zoning Administrator has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § [15.2-2311](#).

For state law authority, see [VA. CODE ANN. §15.2-2307](#) (Repl. Vol. 2018).

[THE MAY 17, 1999 ACT adopted this section.]

[THE JULY 19, 2010 AMENDMENT added subsection (b)(vii).]

Sec. 22-8. Nonconforming lots of record, structures, uses of land, and uses of structures.

A. General.

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

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

If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the County for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the County shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the County or any agency affiliated with the County for fees associated with such filing.

B. Lots of Record.

Where a lot of record at the time of enactment of the Ordinance does not contain land of sufficient area or width to permit conformity with dimensional requirements of this Ordinance, the following provision shall apply:

Any lot of record, in any district, at the time of enactment or amendment of this Ordinance which is less in area, or width or both than the minimum required by this Ordinance may be used for a permitted use in that district, provided that setback and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. The required area for permitted uses utilizing individual water supply and/or sewage disposal systems shall be approved by the local Health Department and additional area shall be required if considered necessary for conditions encountered. Modifications pursuant to §22-26.1 of this Code or variances for setback requirements shall be obtained through original application or upon appeal to either the Zoning Administrator or to the Board of Zoning Appeals, as provided for in Article XII herein.

C. **Non-Conforming Structures.**

Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reasons of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. (a) Any structure or portion thereof declared unsafe by the Building Inspector, or destroyed by any means, may be restored to a safe condition, provided that the requirements of this section are met, and the ownership remains the same as before such declaration or destruction.

(b) If a residential or commercial building is damaged or destroyed by a natural disaster or other act of God, such building shall be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in §22-27 of this Code. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the County Zoning Ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then an additional two (2) years shall be allowed for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomenon including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. An accidental fire shall not adversely affect the rights of the property owner vested in the

affected property. Nothing herein shall be construed to enable the property owner to commit an arson under VA. CODE ANN. §§ 18.2-77 and 18.2-80, and obtain vested rights under this section.

(c) Notwithstanding any provision of this Code to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

2. A non-conforming structure may be enlarged or altered as necessary, provided such enlargements or alterations to the floor area do not exceed a cumulative fifty percent (50%) of the floor area of the original non-conforming structure, and provided all yard setbacks not in conformity with the ordinance are maintained so that no portion of the new addition has a setback that is less than the original structure; and other appropriate requirements herein are met; any structure or portion thereof may be altered to decrease its non-conformity.

3. Should a non-conforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.

4. (a) Nothing in this article shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home.

(b) The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code.

(c) Any such replacement unit shall retain the valid nonconforming status of the prior home.

5. Non-conforming signs are referenced in §22-17.6.

D. **Non-Conforming Uses of Land.**

Where a lawful use of land exists at the time of enactment of this ordinance or any amendment thereto that would not be permitted by the regulations imposed herein, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. A non-conforming use may be enlarged or increased or extended to occupy a cumulative area not exceeding fifty percent (50%) of the area that was occupied at the time of enactment of this Ordinance or any subsequent amendment thereto.

2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment of this Ordinance or any subsequent amendment thereto.

3. In the event that such use ceases for any reason for a period of more than two (2) years any subsequent use shall conform to all requirements of this ordinance for the district in which the land is located.

4. No additional structure not conforming to the requirements of this ordinance shall be constructed in connection with such non-conforming use.

E. **Non-Conforming Uses of Structures.**

Where a lawful use of individual structure, or of structures on premises in combination, exists at the time of enactment of this Ordinance or any subsequent amendment thereto that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. A structure existing at the time of enactment or amendment to this Ordinance devoted to a non-conforming use when enlarged, extended or altered shall not exceed a cumulative fifty percent (50%) in the aggregate of the floor area of the original structure devoted to a non-conforming use and provided all yard and other appropriate requirements herein are met. The provision shall not apply to the changing of the use of a structure to a conforming use.

2. A non-conforming use of a structure may be extended to include use of fifty percent (50%) of the structure, or any enlargement, extension or alteration thereof as provided herein, but shall not be extended to include either additional structures or land outside the structure.

3. When a non-conforming use of a structure and premises in combination is discontinued or abandoned for more than two (2) years, except when government action impedes access thereto, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.

4. (a) Where a structure which is used in combination with its premises for a use not in conformity with the regulations herein is destroyed by any means, the use of the land shall be allowed to continue after reconstruction of the structure, provided such reconstruction of the structure adheres to the yard and other appropriate requirements of the district in which said structure is located as approved by the Board of Zoning Appeals, and provided the ownership of said structure remains the same as before such destruction. (7/7/86, 2/2/88)(9/5/89)

(b) If a residential or commercial building is damaged or destroyed by a natural disaster or other act of God, such building shall be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in §22-27 of this Code. If such building cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions

of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired or rebuilt within two (2) years of the date of the natural disaster or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the County Zoning Ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then an additional two (2) years shall be allowed for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph.

For state law authority, see VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018).

[THE 1986 AMENDMENT rewrote this section.]

[THE 1988 AMENDMENT substituted "Article XII" for "Article XIII" at end of B and "reasons of restrictions" for "reasons or restrictions" in C.]

[THE 1989 AMENDMENT substituted "when enlarged, extended or altered" for "enlargement, extension or alteration" in the first sentence of E.1.]

[THE 1992 AMENDMENT substituted "access thereto, the structure and premises" for "access to the premises" in E.3.]

[THE AUGUST 7, 2000 AMENDMENT, in the second paragraph in B., substituted "original application or upon appeal to either the Zoning Administrator" for "an appeal" and substituted "manufactured" for "mobile" throughout C.]

[THE JANUARY 2, 2001 AMENDMENT substituted "two (2) years" for "twelve (12) months" in D.3., and "more than two (2) years" for "twelve consecutive months" in E.3.]

[THE JUNE 17, 2002 AMENDMENT inserted "setbacks not in conformity with the ordinance are maintained so that no portion of the new addition has a setback that is less than the original structure" in the middle of C.2.]

[THE DECEMBER 2, 2002 AMENDMENT rewrote C. 4. to allow removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another comparable manufactured housing unit that meets the current HUD manufactured housing code.]

[THE DECEMBER 1, 2003 AMENDMENT rewrote C.4., designating the former first sentence as paragraph (b) therein and rewriting its provisions, adding new paragraph (a), and designating the former second sentence as paragraph (c) and making minor changes therein; and added new C.5.]

[THE JULY 6, 2004 AMENDMENT added the third through sixth sentences in C.5.]

[THE AUGUST 1, 2005 AMENDMENT inserted "Modifications pursuant to §22-26.1 of this Code or" at the beginning of the last sentence in the second paragraph in B.]

[THE DECEMBER 4, 2006 AMENDMENT designated the provisions of C.1. as present C.1.(a) and added present (b) thereafter; and designated the provisions of E.4. as present E.4.(a) and added present (b) thereafter.]

[THE JULY 20, 2009 AMENDMENT added “is damaged greater than 50 percent and” to the second sentence in C.1.(b), deleted “within two (2) years of the date of the natural disaster” in the fourth sentence of C.1.(b), and added the sixth, seventh and eighth sentences in C.1.(b).]

[THE JULY 19, 2010 AMENDMENT added subsection (C)(1)(c).]

[THE JULY 5, 2016 AMENDMENT added the third paragraph in (A).]

[THE DECEMBER 6, 2016 AMENDMENT added “to the floor area” to (C)(2) and replaced former language at (C)(5) with cross-reference to sign ordinance.]

ARTICLE IV. RESIDENTIAL ZONING DISTRICTS

Sec. 22-9. Residential – Single Family Zoning District (R-SF).

LEGISLATIVE INTENT

This zoning district is intended to provide for medium to high-density single family residential development on lands which by their soils, drainage and other natural characteristics and amenities, their proximity to utilities, schools, parks, roadways, and their relationship to neighboring uses are best suited to the intensity of residential development indicated. Zoning district boundaries are intended to include development of the same general character and density and to exclude development of a nature inappropriate to the character of the neighborhoods involved.

A. **Principal uses permitted.** The principal uses permitted in districts zoned R-SF shall be the following:

1. No more than one (1) single family dwelling, including no more than one (1) modular home, on each lot.
2. Churches built on a permanent foundation.
- 3.A. Adult foster care or group homes.
- 3.B. Family day homes serving no more than five children.

4. Private noncommercial recreational areas such as country clubs, swimming pool clubs, golf courses, boat clubs and riding clubs, but not including any shooting ranges or traps; provided that each establishment shall have an area of two (2) acres or more.

5. Accessory buildings and structures customarily incidental to an existing R-SF District permitted uses.

6. Signs, as regulated in Article IX.

7. Reserved.

7.A. Home occupations.

7.B. Temporary family health care structures.

7.C. Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

7.D. Transmitting or receiving stations or towers for communication not more than 50 feet in height pursuant to VA. CODE ANN. §15.2-2316.3 et seq. (Repl. Vol. 2018).

(Permitted Uses REQUIRING SPECIAL USE PERMIT:)

8. Public utility structures and facilities, including wastewater facilities, excluding accessory structures as identified herein (Sec. 22-9 A.5.), but not including landfills or facilities for construction, repair service, or storage of utility equipment.

9. Governmental buildings and libraries.

10. Uses of a temporary nature (site plan and sign requirements are exempted) that are neither subject to the special entertainment permit issued pursuant to §3-6 et seq. of this Code, nor otherwise exempt under applicable law.

11. Emergency service facilities.

12. Fairgrounds and similar facilities.

13. Public Park or Recreation Area.

14. No more than one (1) additional dwelling unit in the primary single family dwelling (site plan and sign requirements are exempted); such additional dwelling unit shall be allowed only for use by a member of the immediate family as defined in §22-2 of this Code.

15. Schools, public, private or parochial.

16. Nursery schools or preschools, private or parochial.

17. Day care and child care centers.
18. The keeping of agricultural animals as an accessory use to an R-SF permitted use on contiguous property under the same ownership, provided that a minimum lot size of three (3) acres shall be required.
19. Children's residential facilities.
20. Transmitting or receiving stations or towers for communication.
21. Rooming House.
22. Tourist House.
23. Dormitory, primary use on the property.
24. Family day homes serving six (6) to twelve (12) children.
25. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).
26. Wastewater treatment facility, accessory to permitted use

B. **Minimum lot requirements.** The minimum lot requirements in a district zoned R-SF shall be as follows:

1. **Minimum lot area.** The minimum lot area shall be twenty thousand (20,000) square feet, except where public water and/or sewage utilities are available.

(a) **Lots served by public water and sewer.** Residential lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Residential lots served by only one of the public water or public sewer systems shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Residential lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of

this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line.

3. **Yard requirements.** The minimum front setback for all uses shall be twenty-five (25) feet; rear setback twenty-five (25) feet; side yard fifteen (15) feet for each side, except as excluded herein. The front and exterior side setback shall be increased by ten (10) feet for any corner lot.

4. **Height limitations.** No structure in a district zoned R-SF shall exceed thirty-five (35) feet in height unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in a R-SF District shall:

1. Not be located in the front yard of a lot.

2. Have rear and side lot line setbacks of not less than ten (10) feet. The front and exterior side setback shall be increased by ten (10) feet for any corner lot.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a R-SF District:

1. Shall not be located in front and/or side yards of a lot, excluding ornamental, horticultural, identification, ingress/egress, docks and dock houses, illumination sources, postal service and similar structures.

2. Shall, if an excluded accessory structure, not be subject to the setback or yard requirements set forth herein.

3. Shall have rear and side lot line setbacks of not less than ten (10) feet. The front and exterior side setback shall be increased by ten (10) feet for any corner lot.

For state law authority, see VA. CODE ANN. §15.2-2291 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2292 (Cum. Supp. 2019). See also VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

For provisions applicable to the placement of amateur radio antennas, see §22-17.12(b) of this Code and VA. CODE ANN. §15.2-2293.1 (Repl. Vol. 2018).

[THE 1986 AMENDMENT revised A and B; added C, and D.]

(THE 1988 AMENDMENT revised B.3., C.2., and D.3.)

[THE 1989 AMENDMENT substituted "(Permitted Uses Requiring Special Use Permit)" for "(Permitted Uses Requiring Conditional Use Permit)" following paragraph 6 in A, and, in B, inserted new subparagraphs (a), (b), and (c) in paragraph 1 and substituted "building" for "setback" in paragraph 2.]

[THE 1991 AMENDMENT redesignated former paragraphs 3 through 11 in A. as present paragraphs 4 through 12 and inserted new paragraph 3.]

[THE 1992 AMENDMENT substituted "(Sec. 22-9 A.7.)" for "Sec. 22-9 A.6.)" in paragraph 8 in subsection A.]

[THE JULY 3, 1995 AMENDMENT added "Public Park or Recreation Area" as a use requiring a Special Use Permit in A.]

[THE JUNE 3, 1996 AMENDMENT inserted new paragraph 7.A. in A. to allow home occupations as a permitted use of right in R-1.]

[THE MARCH 17, 1997 AMENDMENT, in A, redesignated former paragraph 3 as present paragraph 3.A. and inserted new paragraph 3.B.]

[THE OCTOBER 6, 1997 AMENDMENT, in A.1., inserted "No more than one (1)" twice, and added "on each lot"; and added new paragraph 14. in A.]

[THE AUGUST 3, 1998 AMENDMENT added “And specifically excluding transmitting or receiving stations or towers for communication” as language limiting “public utility structures and facilities” in paragraph A.8.]

[THE JULY 2, 2001 AMENDMENT, in paragraph 2. in A., deleted “schools, day care centers;” and added paragraph 15 “Schools, public, private or parochial,” paragraph 16 “Nursery schools or preschools, private or parochial,” and paragraph 17 “Day care centers” as uses requiring a special use permit.]

[THE DECEMBER 2, 2002 AMENDMENT updated the reference for definition of “Family day home” in paragraph 3B. in A. and added paragraph 18 in A. (*requiring a special use permit*), allowing the keeping of a prescribed number of horses as an accessory use to an R-1 permitted use on contiguous property under the same ownership, subject to acreage requirements and other prescribed conditions.]

[THE DECEMBER 6, 2004 AMENDMENT, in paragraph 10., [uses requiring a special use permit], in A., deleted “Fair, circus, carnival, sideshow, tent meeting and similar,” at the beginning and added the language “that are neither subject . . . otherwise exempt under applicable law”; in subparagraphs (a), (b), and (c) in B.1., substituted “front lot line” for “building line”; and in B.2., substituted “front lot line” for “front building line.”]

[THE AUGUST 1, 2005 AMENDMENT, in A.2., substituted “Churches built on a permanent foundation” for “Church buildings of a permanent construction.”]

[THE MARCH 5, 2007 AMENDMENT revised this section, changing the name from “Residential zoning district R-1” to “Residential – Single Family Zoning District (R-SF)”; relocated the “Legislative Intent” section and substituted “medium to high-density single family residential development” for “low density residential development within urban development areas” therein; and substituted “R-SF” for “R-1” throughout the section.]

[THE DECEMBER 1, 2008 AMENDMENT added “Children’s residential facilities” as a special use.]

[THE JULY 20, 2009 AMENDMENT added “docks and dock houses” to D.1.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “individuals with mental illness, mental retardation, or developmental disabilities” for “mentally ill, mentally retarded, or developmentally disabled persons” and “Department of Behavioral Health and Developmental Services” for “Department of Mental Health, Mental Retardation and Substance Abuse Services” in subsection A.3A].

[THE JULY 19, 2010 AMENDMENT added “or residential facilities in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff members” in A.3A, added “Temporary family health care structures” as a permitted use at A.7.B., added “(site plan and sign requirements are exempted)” in A.14, and “The front and exterior side setback shall be increased by ten (10) feet for any corner lot” in subsection C.2 and D.3.]

[THE DECEMBER 6, 2010 AMENDMENT added subsection A.20.]

[THE DECEMBER 6, 2011 AMENDMENT substituted “Adult care residences or group homes” for a longer description that is now found in the definition section at A.3A, substituted “Family day homes” for a longer description that is now found in the definition section at A.3B, added “and structures” at A.5, deleted “Accessory structures” at A.7 because the definition was moved to 22-2, and deleted “as defined and permitted under Section 22-11.4” in A.7B.]

[THE DECEMBER 4, 2012 AMENDMENT revised the language at B.4, requiring the Building Official to approve heights higher than 35 feet.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.5.]

[THE JULY 1, 2014 AMENDMENT added “serving no more than five children” to A.3B, deleted “and specifically excluding transmitting or receiving stations or towers for communications” in A.8, deleted “administrative service” from A.9, added A.21, A.22, and A.23, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c.]

[THE JULY 7, 2015 AMENDMENT added subsection A.24.]

[THE JULY 5, 2016 AMENDMENT added at A.7C “wastewater treatment facility” serving fewer than 10 connections as a use by right, and “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.25 and A.26, respectively, added “or wastewater” to A.8, and rewrote A.18 to allow agricultural animals on a three acre lot where previously only horses were allowed on a five acre lot.]

[THE DECEMBER 6, 2016 AMENDMENT substituted “Adult foster care” for “Adult care residences” in A.3A and added “and child care” in A.17.]

[THE DECEMBER 4, 2018 AMENDMENT added at A.7D “Transmitting or receiving stations or towers for communication” as a use by right.]

Sec. 22-9.1. Zoning provisions for temporary family health care structures.

(a) This chapter for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

(b) Any person proposing to install a temporary family health care structure shall first obtain a permit from the County, for which the County may charge a fee of up to \$100. The County may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The County may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the County of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(c) Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

(d) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(e) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving or in need of the assistance provided for in this section.

(f) The Board of Supervisors, or the Zoning Administrator on its behalf, may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the Board of Supervisors may seek injunctive relief or other appropriate actions or proceedings in the circuit court of Campbell County to ensure compliance with this section. The Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to ensure compliance with this section.

For state authority, see VA. CODE ANN. §15.2-2292.1 (Repl. Vol. 2018).

[THE JULY 19, 2010 ACT enacted this section.]

[THE DECEMBER 6, 2011 AMENDMENT moved this section, previously numbered 22-11.4, and renumbered it, and deleted former subsection (b) by moving all definitions to Section 22-2, and renumbered the remaining subsections.]

[THE JULY 2, 2013 AMENDMENT increased the period by which the structure must be removed from 30 to 60 days after the last date it was occupied.]

Sec. 22-10. Residential – Multi Family Zoning District (R-MF).

LEGISLATIVE INTENT

This zoning district is intended to provide for medium to high-density residential development of a variety of types. This development should occur on lands which by their soils, drainage and other natural characteristics and amenities, their proximity to utilities, schools, parks, roadways, and their relationship to neighboring uses are best suited to the intensity of residential development indicated. Zoning district boundaries are intended to include development of the same general character and density and to exclude development of a nature inappropriate to the character of the neighborhoods involved.

A. **Principal uses permitted.** The principal uses permitted in districts zoned R-MF shall be the following:

1. Any principal use permitted and as regulated in the R-SF district as long as minimum R-SF lot area, yard setbacks, and building or structure height requirements are utilized.
2. Multifamily dwellings.
3. Reserved.
4. Clubs, fraternities, lodges, and similar meeting places of non-profit organizations, except those customarily conducted as gainful business.

5. Home occupations.
6. Time-share or similar use.
7. Accessory buildings and structures customarily incidental to an existing R-MF District permitted use.
8. Reserved.
- 8A. Crisis Centers.
- 8.B. Temporary family health care structures as defined and permitted under section 22-11.4.
- 8.C. Dormitories.
- 8.D. Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

(Permitted Uses REQUIRING SPECIAL USE PERMIT:)

9. Retirement homes.
10. Assisted living facility.
11. Planned unit developments, subject to the provisions of Article XI.A. of this chapter.
12. Schools, public, private or parochial.
13. Nursery schools or preschools, private or parochial.
14. Day care and child care centers.
15. Children's residential facilities.
16. Transmitting or receiving stations or towers for communication.
17. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).
18. Wastewater treatment facility, accessory to permitted use.

19. Rooming houses.
20. Tourist houses.

B. **Minimum lot requirements.** The minimum lot requirements in districts zoned R-MF shall be the following:

1. **Lot area.** The minimum lot area, except where public sewage and/or water utilities are available for a single family or multi-family dwelling, or modular home, shall be twenty thousand (20,000) square feet. Minimum lot area for each townhouse, offered for public sale, shall be 1,300 square feet.

(a) **Lots served by public water and sewer.** Residential lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Residential lots served by only one of the public water or public sewer systems shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Residential lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

1a. **Lot Width.** The minimum lot width shall be seventy-five (75) feet at the front lot line. The minimum lot width for each unit within a townhouse development shall be 16 feet for interior and 26 feet for end lots measured at the building location.

2. **Yard requirements.** The minimum front and rear yard requirements for all uses shall be twenty (20) feet, except for R-SF uses which shall be governed by all yard provisions of §22-9 of this Code and except for townhouse lots. All side yards shall be a minimum of ten (10) feet except where such side yards are joining a street, in which case they shall be increased by ten (10) feet.

The minimum front and rear yard requirements for a townhouse or condominium unit fronting on a street in the secondary system of state highways or a collector street shall be twenty (20) feet. The front yard requirement for a townhouse or condominium unit fronting on a connector street shall not be less than ten (10) feet and the rear yard requirement shall be twenty (20) feet. There shall be no side yard requirements for each individual interior townhouse unit, but each exterior townhouse unit shall have a side yard measuring at least ten (10) feet, except where such side yards are adjoining a street, in which case they shall be increased by ten (10) feet.

3. **Open space.** Maximum total building footprint(s) of the lot shall be forty percent (40%); minimum open space, including yard area, shall be forty-five percent (45%). Open space requirements shall not apply for townhouse lots offered for public sale.

C. **Height Limitation.** No building or structure shall be built in a district zoned R-MF which shall exceed seventy (70) feet in height, except that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Fire Marshal and Building Official prior to construction. R-SF uses shall be governed by the provisions of §22-9 of this Code.

D. **Reserved.**

E. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in an R-MF District shall:

1. Not be located in the front yard of a lot.
2. Have rear and side lot line setbacks of not less than ten (10) feet.
3. For R-SF permitted uses, shall be governed by §22-9 of this Code.

F. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a R-MF District shall:

1. Comply with the front and side lot line setbacks of the district, excluding ornamental, horticultural, identification, ingress/egress, docks and dock houses, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirements set forth herein.

2. Have a rear lot line setback of not less than ten (10) feet.
3. For R-SF permitted uses, shall be governed by §22-9 of this Code.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2286, particularly at A.3. and A.9. (Cum. Supp. 2020).

Cross-reference.--For provisions applicable to the placement of amateur radio antennas, see §22-17.12(b) of this Code and VA. CODE ANN. §15.2-2293.1 (Repl. Vol. 2018).

[THE DECEMBER 1985 AMENDMENTS substituted “dwelling” for “building” in the last line of B.1. and changed the distance from five (5) to six (6) feet in the last line of D.4.]

[THE 1986 AMENDMENT added A.9. and 10; changed language in B.1., D.8. and 16; and added E and F.]

[THE 1988 AMENDMENT inserted "except as excluded herein" after "twenty (20) feet" in B.2.; rewrote E.2. and F.]

[THE FIRST 1989 AMENDMENT added "11. Retirement homes" as a permitted use requiring Special Use Permit in A, inserted new subparagraphs (a), (b), and (c) in paragraph 1 of B, and substituted "all zoning districts permitting manufactured home parks" for "a district zoned R-2" at end of the introductory language of D, and "Uniform Statewide Building Code and National Electrical Code" for "BOCA" in paragraph 13.]

[THE SECOND 1989 AMENDMENT added new last sentence at the end of paragraphs 1 and 2 in B.]

[THE 1992 AMENDMENT, in A, inserted "area, yard setbacks, and building or structure height" in paragraph 1, substituted "except for R-1 uses which shall be governed by all yard provisions of §22-9 of this Code" for "except as excluded herein" at end of the first sentence in paragraph 2 of B and at the end of C, and added new clause 3 to the end of E and F.]

[THE 1993 AMENDMENT added "subject to the provisions of §22-10.1 of this Code" at the end of subsection A.5., added "A.12. Adult care residence" as a permitted use requiring special use permit, and deleted former D.]

[THE AUGUST 7, 2000 AMENDMENT substituted "manufactured" for "mobile.]"

[THE NOVEMBER 6, 2000 AMENDMENT, in A., added Planned Unit Development as a permitted use requiring a special use permit in district R-2.]

[THE JULY 2, 2001 AMENDMENT added "or assisted living facility" following "Adult care residence" in paragraph 12 in A., and added paragraph 14 "Schools, public, private or parochial," paragraph 15 "Nursery schools or preschool, private or parochial," and paragraph 16 "Day care centers" in A. as permitted uses requiring a special use permit.]

[THE DECEMBER 1, 2003 AMENDMENT added the proviso at the end of paragraphs 5, 6, 9, and 10 in A. that no manufactured home shall be used for storage or as an accessory use.]

[THE DECEMBER 6, 2004 AMENDMENT, in subparagraphs (a), (b), and (c) in B.1., substituted "front lot line" for "building line."]

[THE MARCH 5, 2007 AMENDMENT revised the section; changing the name from "Residential zoning district R-2" to "Residential – Multi Family Zoning District (R-MF)"; inserted the "Legislative Intent" section, substituted "R-MF" for "R-2" and "R-SF" for "R-1" throughout the section; in subsection A, deleted former item 5 (manufactured home parks), former item 6 (manufactured homes separately sited), and former item 8 (modular homes), added new item 6 (time-share or similar use) and renumbered remaining items; and, at the end of E. 2., deleted the former parenthetical language regarding accessory buildings in manufactured home parks, which provisions

are now contained in §22-11 and §22-11.01 of this Code. In addition, “or modular home” was substituted editorially for “modular or manufactured home” in the first sentence in B.1. in order to conform these provisions to the current amendment which deleted “manufactured homes” as a permitted use in an R-MF zone. In accordance with subsection A.1. of this section, a modular home, being a principal use permitted in an R-SF zone, is allowed in an R-MF zone as long as pertinent R-SF regulations and minimum R-SF lot area, yard setbacks, etc. are utilized.]

[THE JULY 7, 2008 AMENDMENT changed the height limitation of buildings in this zone from fifty to seventy feet in C.]

[THE DECEMBER 1, 2008 AMENDMENT added “children’s residential facilities” at A.15.]

[THE JULY 20, 2009 AMENDMENT added “Crisis Centers” as a permitted use and added “docks and dock houses” to F.1.]

[THE JULY 19, 2010 AMENDMENT added “Temporary family health care structures” as a permitted use at A.8.B., substituted “1,300 square feet. The minimum lot width for each unit within a townhouse development shall be 16 feet for interior and 26 feet for end lots measured at the building location” for “as set forth in §21-28 C of this Code” in subsection B.1, substituted the current second paragraph for “However, yard requirements for each townhouse unit shall be as set forth in §21-28 (C-1) of this Code” in subsection B.2, retitled subsection B.3 “Open space” from the earlier “Floor Area Ratio”, and reworded subsection B.3 for clarity, and added subsections G, G-1, G-2, and G-3.]

[THE DECEMBER 6, 2010 AMENDMENT added subsection A.16.]

[THE DECEMBER 6, 2011 AMENDMENT deleted a citation from the listing of “Time-share or similar use” at A.6, added “and structures” and deleted “No manufactured home shall be used for storage or as an accessory use” at A.7, deleted “Accessory structures” at A.8, deleted “Adult care residence” from A.10, and deleted subsection G, related to parking and moved it to 22-17.]

[THE DECEMBER 4, 2012 AMENDMENT added “that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Fire Marshal and Building Official prior to construction” to C, and deleted “measured from the natural grade, exclusive of chimneys and antennae” from C.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.7.]

[THE JULY 1, 2014 AMENDMENT deleted “boarding” from A.3, added A.8C, deleted “this minimum lot area shall be increased in increments of 5,000 square feet of land suitable for septic tank and drainfield system per additional dwelling unit” from B.1, “deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c, added B.1a, and added “and side” to E.2.]

[THE JULY 5, 2016 AMENDMENT added at A.8D “wastewater treatment facility” serving fewer than 10 connections as a use by right, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.17 and A.18, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT added “and child care” to A.14, substituted “area” for “size” in B.1, moved language regarding minimum lot widths for units in townhouse developments from B.1 to B.1a, added “except for townhouse lots” to B.2, and added last sentence in B.3.]

[THE JULY 21, 2020 AMENDMENT deleted “rooming and tourist houses” from principal uses by right and added “Rooming houses” and “Tourist houses” as special uses at A.19 and A.20, respectively.]

Sec. 22-10.1. Reserved.

Editor’s note: The March 5, 2007 amendment renumbered the provisions of this section as present §22-11.01 of this Code, and made revisions therein.

Sec. 22-11. Residential –Manufactured Housing Zoning District (R-MH).

LEGISLATIVE INTENT

The purpose of this zoning district is to provide for residential use of land by one or more units of manufactured housing. This district is intended to be applied where there is adequate infrastructure, amenities and proximity to services for residential development appropriate to the character of the neighborhoods involved.

A. **Principal uses permitted.** The principal uses permitted in districts zoned R-MH shall be the following:

1. Any principal use permitted and as regulated in the R-SF district as long as minimum R-SF lot area, yard setbacks, and building or structure height requirements are utilized.
2. Manufactured home(s).
3. Manufactured home parks, subject to the provisions of §22-11.01 of this Code.
4. Home occupations.
5. Accessory buildings and structures customarily incidental to an existing R-MH District permitted use.

6. Reserved.

6.A. Temporary family health care structures.

6.B. Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

(Permitted Uses **REQUIRING SPECIAL USE PERMIT** :)

7. Day care and child care centers.

8. Nursery schools or preschools, private or parochial.

9. Transmitting or receiving stations or towers for communication.

10. Rooming House.

11. Tourist House.

12. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

13. Wastewater treatment facility, accessory to permitted use.

B. **Minimum lot requirements.** The minimum lot requirements in districts zoned R-MH shall be the following:

1. **Lot area.** The minimum lot area, except where public sewage and/or water utilities are available for a single family dwelling, modular or manufactured home, shall be twenty thousand (20,000) square feet.

(a) **Lots served by public water and sewer.** Residential lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Residential lots served by only one of the public water or public sewer systems shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Residential lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

1a. **Lot Width.** The minimum lot width shall be seventy-five (75) feet at the front lot line.

2. **Yard requirements.** The minimum front and rear yard requirement for all uses shall be twenty (20) feet, except for R-SF uses which shall be governed by all yard provisions of §22-9 of this Code. All side yards shall be a minimum of ten (10) feet except where such side yards are adjoining a street, in which case they shall be increased by ten (10) feet. Minimum setbacks for manufactured home parks shall be subject to the requirements of §22-11.01 of this Code. Where manufactured home park requirements call for a greater setback, the greater setback distance shall apply.

C. **Height limitation.** No building or structure shall be built in a district zoned R-MH which shall exceed thirty-five (35) feet in height, unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction.

D. **Recreational vehicles or recreational campers as dwellings prohibited.** No recreational vehicle or recreational camper, as those terms are defined in §22-2 of this Code, or similar temporary habitation shall be used as a dwelling in the R-MH district.

E. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in an R-MH District shall:

1. Not be located in the front yard of a lot.
2. Have rear and side lot line setbacks of not less than ten (10) feet. (Accessory buildings in manufactured home parks are subject to the restrictions of Section 22-11.01 herein.)
3. For R-SF permitted uses, shall be governed by §22-9 of this Code.

F. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a R-MH District shall:

1. Comply with the front and side lot line setbacks of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirements set forth herein.
2. Have a rear lot line setback of not less than ten (10) feet.
3. For R-SF permitted uses, shall be governed by §22-9 of this Code.

For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020).

[THE MARCH 5, 2007 ACT adopted this section, the provisions of which are similar in some regards to those in former §22-10 (R-2 zone). However, because multi family dwellings are not a permitted use in the R-MH zone as they had previously been in the former R-2 zone, the words “or multi family” have been deleted editorially in the first sentence in B.1. of this section in order to conform to the March 5, 2007 amendment. It should also be noted that, in accordance with subsection A.1. of this section, a modular home, being a principal use permitted in an R-SF zone, is allowed in an R-MH zone as long as pertinent R-SF regulations and minimum R-SF lot area, yard setbacks, etc. are utilized.]

[THE JULY 19, 2010 AMENDMENT added “Temporary family health care structures” as a permitted use at A.6.A.]

[THE DECEMBER 6, 2010 added subsection A.9.]

[THE DECEMBER 6, 2011 AMENDMENT deleted “and provided also that no manufactured home shall be used for storage or as an accessory use” from A.2, A.3, and A.5, added “and structures” to A.5, deleted A.6, and deleted a citation from A.6A.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in C.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.5.]

[THE JULY 1, 2014 AMENDMENT substituted “No more than one (1) manufactured home on each parcel of land” for “Manufactured homes separately sited, such that only one manufactured home may occupy each lot in a R-MH district” in A.2, added A.10 and A.11, deleted “this minimum lot area shall be increased in increments of 5,000 square feet of land suitable for septic tank and drainfield system per additional dwelling unit” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added B.1a, and inserted “and side” in E.2.]

[THE JULY 5, 2016 AMENDMENT substituted “manufactured home(s)” for “no more than one (1) manufactured home on each parcel of land” in A.2, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.6B, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special uses at A.12 and A.13, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT added “and child care” to A.7.]

Sec. 22-11.01. Manufactured home parks--Permitted use in R-MH district; site development requirements.

Manufactured home parks, as defined in §22-2 of this Code, shall be a permitted use in a district zoned R-MH, subject to the provisions of this section.

1. Clearly defined manufactured home spaces shall consist of a minimum five thousand (5,000) square feet of ground area with each space not less than fifty (50) feet wide.

2. The minimum side yard for each manufactured home shall be ten (10) feet and the total width of the two (2) required side yards shall be twenty-five (25) feet or more. The side yard setbacks may be varied provided the variance is uniform and is approved by the Zoning Administrator, in accordance with the provisions of §22-26.1 of this Code.

3. Each manufactured home shall have a rear yard of fifteen (15) feet or more. Approved accessory buildings must be located at least six (6) feet from the line on the rear of the manufactured home lot.

4. For corner lots, manufactured homes shall not be located closer than fifteen (15) feet to a side lot line facing a side street, or fifteen (15) feet to any exterior boundary line provided the manufactured home park is within an approved fence. If a fence is not provided, a setback of twenty-five (25) feet will be required from the exterior boundary line.

5. No manufactured home shall be located closer than thirty (30) feet to any service building within the park.

6. Each manufactured home space shall be provided with at least one off-street parking space located on the manufactured home lot. Such space shall have a minimum plan dimension of ten (10) feet by twenty (20) feet. On-street parking shall be permitted only as incidental visitor type or of a similar short term nature.

7. All streets shall be contained within a minimum forty (40) foot right-of-way and be constructed and maintained with either a gravel, surface treatment, concrete or asphalt surface, except that streets shall be constructed and maintained with either surface treatment, concrete or asphalt surface in manufactured home parks providing eleven (11) or more approved manufactured home spaces. Streets shall be at least twenty (20) feet in width with access to a public road. All interior streets that dead end shall be provided with cul de sacs with turning radius of at least fifty (50) feet, or with "T" or "Y" turning areas. The Fire Marshall may require additional turning area when necessary to meet applicable codes.

8. In any manufactured home park where a public sewage system is not to be utilized and septic tanks will be used, the lot size requirement shall comply with the area and frontage regulations required by the local health department.

9. Should a public sewage collection and disposal system be provided, it shall be approved by the County and the Department of Health.

10. When required, service buildings intended for public use and housing of sanitation and laundry facilities or any such facilities shall be permanent structures complying with the Uniform Statewide Building Code and National Electrical Code.

11. Petroleum storage and related facilities shall not be allowed without a special use permit, except that one fuel oil tank not to exceed 300-gallon capacity and commercial propane cylinder, as recommended by the gas company, per manufactured home will be allowed.

12. It shall be the responsibility of the manufactured home park owner to ensure the removal of all garbage and trash.

13. No manufactured home shall be used for storage or as an accessory use.

14. No recreational vehicle or recreational camper as those terms are defined in §22-2 of this Code, or similar temporary habitation, shall be used as a dwelling within a manufactured home park.

15. A public water system approved by the County and the Virginia Department of Health shall be installed unless another source of water is permitted under current Department of Health regulations.

In addition to the above, manufactured home parks providing eleven (11) or more approved manufactured home spaces shall meet the following requirements:

16. Manufactured home parks shall provide and maintain defined recreational space of at least 100 square feet per home space as shown on the approved site plan.

17. Street lights shall be installed at three hundred (300) foot intervals within the manufactured home park.

18. All streets shall be constructed and maintained with either surface treatment, concrete or asphalt surface.

For general state authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-2247 (Repl. Vol. 2018).

[THE 1993 ACT adopted this section, containing some provisions of former §22-10 D. of this Code.]

[THE AUGUST 7, 2000 AMENDMENT added “in accordance with the provisions of §22-26.1 of this Code” in paragraph 3 and substituted “manufactured” for “mobile.”]

[THE DECEMBER 1, 2003 AMENDMENT added paragraph 17.]

[THE AUGUST 1, 2005 AMENDMENT inserted “or modification” in the second sentence in paragraph 3.]

[THE MARCH 5, 2007 AMENDMENT revised and renumbered the provisions of former §22-10.1 as new §22-11.01; and substituted “R-MH” for “R-2” throughout the section, deleted former item 1 and added a new second paragraph, renumbered former items 2 through 9 as present items 1 through 8; and renumbered former item 10 as present 15, former 11 as present 9, former 12 as present 16, former 13 as present 10, former 14 as present 17, former items 15, 16, and 17 as present items 11, 12, and 13, added new item 14, specified additional requirements applicable to manufactured home parks providing 11 or more approved spaces in items 16, 17, and added new item 18; in present item 7, divided the first sentence into first and second sentences, adding “except that streets . . . home spaces” and substituting “Streets shall” for “and,” and also added the last sentence; in item 15, inserted “Virginia” and added “unless another source . . . regulations”; in item 16, inserted “and maintain defined” and “of at least . . . site plan”; and in item 17, substituted “three hundred (300)” for “six hundred (600).”]

[THE JULY 1, 2014 AMENDMENT deleted “*Manufactured home parks providing two (2) to ten (10) approved manufactured home spaces shall meet the following requirements:*” immediately prior to the numbered paragraphs.]

Sec. 22-11.1. Reserved.

Sec. 22-11.2. Reserved.

Sec. 22-11.3 Use of recreational vehicle or recreational camper for temporary residence permitted while constructing primary residence in R-MF or R-MH zone; limitations.

Notwithstanding other provisions of this Code, one recreational vehicle or recreational camper, as defined in §22-2 of this Code, may be used as a temporary residence in an R-MF or an R-MH zone, subject to the following conditions:

- (i) The recreational vehicle or recreational camper shall be located on the same lot on which the primary residence is being constructed;
- (ii) Such temporary residential use shall be allowed for a period not to exceed six (6) months;
- (iii) The recreational vehicle or recreational camper must be operable and have a current state inspection sticker and licenses or be marked as a rental unit from a rental agency, insurance company or governmental entity;

(iv) There shall be no delinquent personal property taxes owed on the recreational vehicle or recreational camper;

(v) The recreational vehicle or recreational camper shall have available onboard electrical service, plumbing, and waste management facilities;

(vi) Proper building, water, and septic permits have been issued for the building site; and

(vii) The building site, whereupon the recreational vehicle or recreational camper is temporarily situated, shall be hooked up to a permanent permitted water supply, a permanent permitted waste disposal system, and a permitted temporary electrical power source.

Cross-reference: For similar provisions applicable to Agricultural (A-1) zone, see §22-16 G. of this Code.

Editor's note: Internal references to "R-2" in section catchline and in the introductory paragraph were changed to "R-MF or R-MH" editorially to reflect the change in the zoning district name for the former R-2 district and the creation of the new R-MH district, as of March 5, 2007.

[THE DECEMBER 4, 2006 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT added "or be marked as a rental unit from a rental agency, insurance company or governmental entity" after "licenses" in (iii).]

ARTICLE V. BUSINESS ZONING DISTRICTS.

Sec. 22-12. Business-Limited Commercial Zoning District (B-LC).

LEGISLATIVE INTENT

The purpose of this zoning district is to provide for use of land which by its accessibility and relationship to adjoining uses is well suited to provide for certain low-density commercial and professional services required by the citizens of Campbell County. This district is intended to provide a suitable transition between residential zones and other more intense commercial zoning.

A. **Principal uses permitted.** The principal uses permitted in districts zoned B-LC shall include the following:

1. Professional offices.
2. Child care centers.
3. Adult day care centers.

4. Clubs, fraternities, lodges, and similar meeting places or offices of non-profit organizations, except those customarily conducted as a gainful business.

5. Barber shops and beauty shops.

6. Rooming and tourist houses.

7. Churches built on a permanent foundation.

8. Cemeteries.

9. Financial institutions.

10. Governmental buildings and libraries.

11. Museums and art galleries.

12. One residential dwelling unit within the main structure incidental to a permitted B-LC district use.

13. Accessory buildings and structures customarily incidental to an existing permitted B-LC district use, but not including residential uses.

14. Signs, as regulated in Article IX of this chapter.

14.A Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

14.B Community centers and similar places of non-profit organizations.

14.C Pet cemeteries.

14.D Transmitting or receiving stations or towers for communication not more than 50 feet in height pursuant to VA. CODE ANN. §15.2-2316.3 et seq. (Repl. Vol. 2018).

(Permitted uses REQUIRING SPECIAL USE PERMIT:)

15. Emergency service facilities.

16. Veterinarian hospitals, clinics, and kennels incidental to a veterinary hospital or veterinary clinic.

17. Off premises parking lots incidental to governmental buildings and libraries.

18. Public parks and recreational facilities.

19. Clubs, fraternities, lodges, and similar meeting places or offices of non-profit organizations not otherwise permitted by right.

20. Any individual retail or service establishment not otherwise permitted by right.

21. A building or structure serving a permitted B-LC district use, but exceeding the maximum height or building size established for a B-LC district.

22. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

24. Wastewater treatment facility, accessory to permitted use.

B. **Minimum lot requirements.** The minimum lot requirements for buildings and structures in districts zoned B-LC shall be the following:

1. **Lot area.** The minimum lot area shall be seven thousand five hundred (7,500) square feet.

(a) **Lots served by public water and sewer.** Lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7,500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Lots served by either a public water system or a public sewer system shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line, but subject to the requirements of §21-13 of this Code.

3. **Reserved.**

4. **Yard requirements.** The minimum front setback shall be ten (10) feet. Within any Business District or Industrial District, individual buildings or structures may be

attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where a B-LC district adjoins a Residential district or an Agricultural district without an intervening street, the adjacent side yard setback and rear setback for the B-LC use shall be ten (10) feet.

5. **Height limitation.** No building or structure shall be built in a district zoned B-LC that exceeds thirty-five (35) feet in height, unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction.

6. **Maximum building size.** No building or structure shall be built in a district zoned B-LC that exceeds ten thousand (10,000) square feet of gross floor area per lot.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in a B-LC district shall comply with the setback lines of the district.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a B-LC district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. **Landscaping Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-LC District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in a B-LC district adjoins a Residential district or an Agricultural district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential and/or Agricultural districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. **Sidewalk Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-LC District shall also include the installation of sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s).

Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

H. **Prohibition of outside storage or display.** No outside storage or display of materials, equipment, or products shall be permitted on any lot within a B-LC district, whether or not such items are offered for sale.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

Editor's note: The August 15, 2005 amendment completely revised this section, utilizing provisions in the new business zoning districts set out in this section and in new §22-12.1 and new §22-12.2. The uses formerly permitted either by right or with a special use permit in former §22-12 have been revised and reenacted in the above-noted sections, with the exception of “Coal ash fills” which have been deleted as a permitted use in any business district. Where existing amendment notes to former §22-12 relate to the provisions of revised §22-12, they have been retained.

[THE 1986 AMENDMENT added C and D.]

[THE 1989 AMENDMENT inserted subparagraphs (a), (b), and (c) in paragraph 1 of B.]

[THE JULY 2, 2001 AMENDMENT added new E. and F [now present G].]

[THE DECEMBER 6, 2004 AMENDMENT, in subparagraphs (a), (b), and (c) in B.1., substituted “front lot line” for “building line.”]

[THE AUGUST 15, 2005 AMENDMENTS completely revised this section, utilizing some provisions from the former Business (B-1) district in the present Business-Limited Commercial (B-LC) district and changing some of the uses permitted therein; other changes in the provisions include: renumbering former B.3. as present B.5. and changing maximum height limitation from 50 feet to 35 feet in height, inserting new B.3. (road frontage requirements), B.4. (yard requirements), and B.6. (maximum building size), redesignating former F. as present G., adding present F. and H., and changing internal references from “B-1” to “B-LC.” Other provisions of former §22-12 have been revised and are now found in new business zoning districts at §22-12.1 (Business-General Commercial) and §22-12.2 (Business-Heavy Commercial).]

[THE DECEMBER 6, 2011 AMENDMENT deleted “as defined in §22-2 of this Code” twice, from A.2 and A.3.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “unless the height is approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in B.5.]

[THE JULY 2, 2013 AMENDMENT added “an existing” to A.13.]

[THE JULY 1, 2014 AMENDMENT deleted “boarding” and “bed and breakfast establishments” from A.6, deleted “administrative services” from A.10 and A.17, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.14A, “Community centers and similar places of non-profit organizations” at a use by right at A.14B, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as special uses at A.22 and A.23, respectively.]

[THE DECEMBER 6, 2016 AMENDMENT revised “child day care centers” to “child care centers” at A.2.]

[THE DECEMBER 4, 2018 AMENDMENT added “Pet cemeteries” as a use by right at A.14.C and “Transmitting or receiving stations or towers for communication not more than 50 feet in height” as a use by right at A.14.D.]

Sec. 22-12.1. Business-General Commercial Zoning District (B-GC).

LEGISLATIVE INTENT

The purpose of this zoning district is to provide for general commercial services required by the citizens of Campbell County. This zoning district is characterized by accessibility, availability of infrastructure, a location relevant to defined market areas, and general compatibility with adjoining uses.

A. **Principal uses permitted:** The principal uses permitted in districts zoned B-GC shall include the following:

1. Any principal use permitted by right in the Business-Limited Commercial District (B-LC).
2. Restaurants.
3. Funeral homes.

4. Civic and cultural centers, historic exhibits, parks and recreational facilities, indoor theaters.

5. Bowling, skating, billiards and similar indoor recreational establishments; but not within one hundred (100) feet of any Residential District, except that such establishment shall be exempt from the one hundred (100) foot setback if conducted wholly within a completely enclosed, air-conditioned and soundproofed building, and subject to such conditions as may be determined by the Zoning Administrator and other appropriate public officials as to location of entrances, parking, lighting and other details in the hours of operation, in order to protect the welfare of the inhabitants of the adjacent district.

6. Dancing establishments when conducted wholly within a completely enclosed, air-conditioned and soundproofed building, and not located within two hundred (200) feet of any Residential District.

7. Automobile service stations.

8. Automobile and equipment sales, service and repair establishments.

9. Building material establishments with outside storage under cover.

10. Hospitals.

11. Car washes, automatic, self-service, or full-service manned car washes.

12. Dry cleaners.

13. Hotels and motels.

14. Accessory buildings and structures customarily incidental to permitted B-GC district uses; including public utility structures not otherwise prohibited or requiring a special use permit.

15. Emergency service facilities.

16. Veterinarian hospitals, clinics and kennels incidental to a veterinary hospital or veterinary clinic.

17. Off premises parking lots incidental to governmental buildings, and libraries.

18. Clubs, fraternities, lodges, and similar meeting places or offices of non-profit organizations not otherwise permitted by right.

19. Wholesale business establishments with or without retail sales.

20. Contractors' grading, excavating or clearing equipment sales, repair or rental establishment.

- 21. General retail sales establishments not otherwise listed, to include general convenience stores.
- 22. Service establishments catering to the general public and not otherwise listed.
 - 22a. Blacksmith shop, welding or machine shop, and metal fabrication in a building the total area of which is less than 5,000 square feet.
 - 22b. Self-storage or mini-storage facilities.
 - 22c. Assisted living facility.
 - 22d. Cabinet or woodworking shops.
 - 22e. Antique shops.
 - 22f. Dormitory, incidental to a permitted use on the same property.
 - 22g. Pet services.
 - 22h. Flea market or swap meet.
 - 22i. Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

(Permitted uses REQUIRING SPECIAL USE PERMIT:)

- 23. Shopping Centers as provided in §22-13 herein.
- 24. Airports, heliports and private landing areas.
- 25. Outdoor theaters.
- 26. Public utility structures and facilities, excluding accessory structures as identified herein, but not including landfills, facilities for construction, repair service or storage of utility equipment.
- 27. Public transportation facilities.
- 28. Fairgrounds and similar facilities.
- 29. Transmitting or receiving stations or towers for communication.
- 30. A building or structure serving a permitted B-GC district use, but exceeding the maximum height established for a B-GC district.

31. Schools, public, private, or parochial.
32. Off premises parking lots incidental to schools.
33. Recreation, amusement, and entertainment enterprises, outside a building, for profit, and not otherwise listed.
34. Laboratories.
35. Dormitory, primary use on the property.
36. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).
37. Wastewater treatment facility, accessory to permitted use.

B. **Minimum lot requirements.** The minimum lot requirements for buildings and structures in districts zoned B-GC shall be the following:

1. **Lot area.** The minimum lot area shall be seven thousand five hundred (7,500) square feet.

(a) **Lots served by public water and sewer.** Lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7,500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Lots served by either a public water system or a public sewer system shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line, but subject to the requirements of §21-13 of this Code.

3. **Reserved.**

4. **Yard requirements.** The minimum front setback shall be ten (10) feet. Within any Business District or Industrial District, individual buildings or structures may be attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where a B-GC district adjoins a Residential district or an Agricultural district without an intervening street, the adjacent side yard setback and rear setback for the B-GC use shall be ten (10) feet.

5. **Height limitation.** No building or structure shall be built in a district zoned B-GC that exceeds seventy (70) feet in height except that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Fire Marshal and Building Official prior to construction.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in a B-GC district shall comply with the setback lines of the district.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a B-GC district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. **Landscaping Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-GC District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in a B-GC district adjoins a Residential district or an Agricultural district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential and/or Agricultural districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. **Sidewalk Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-GC District shall also include the installation of

sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s). Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

Cross-reference.--For standards applicable to telecommunication antennas and towers, see §22-17.10 et seq. of this Code.

[THE AUGUST 15, 2005 ACT adopted this section, creating a new Business-General Commercial district, by utilizing some provisions formerly set out in former §22-12 (B-1 district) of this Code and inserting additional provisions.]

[THE JULY 7, 2008 AMENDMENT changed the height limitation of buildings in this zone from fifty to seventy feet in B.5.]

[THE JULY 19, 2010 AMENDMENT added “Blacksmith shop, welding or machine shop, and metal fabrication in a building the total area of which is less than 5,000 square feet” as a permitted use at 22a, and “Recreation, amusement, and entertainment enterprises, outside a building, for profit, and not otherwise listed” as a use permitted with a special use permit at A.33.]

[THE DECEMBER 6, 2011 AMENDMENT added, at A.22b and A.22c as uses by right, “Self-storage or mini-storage facilities” and “Assisted living facilities.”]

[THE JULY 17, 2012 AMENDMENT added “Laboratories” as a use permitted with a special use permit at A.34.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “except that buildings served by approved fire protection systems may be built up to 100 feet in height if approved in writing by the Zoning Administrator and Building Official prior to construction” for “measured from the natural grade, exclusive of chimneys and antennae” in B.5.]

[THE JULY 1, 2014 AMENDMENT substituted “dry cleaners” for “dyeing and cleaning works” in A.12, deleted “administrative services” from A.17, added A.22d, A.22e, A.22f, A.22g and A.35, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” in B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c., added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added A.22h and “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “to include general convenience stores” in A.21, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.22i, rewrote “public utility structures and facilities” as a special use at A.26, and added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.36 and A.37, respectively.]

Sec. 22-12.2. Business-Heavy Commercial Zoning District (B-HC).

LEGISLATIVE INTENT

The purpose of this zoning district is to provide for use of land which by its accessibility, available infrastructure and relationship to adjoining uses is well suited to provide for certain heavy commercial services required by the citizens of Campbell County. This district is intended to provide a suitable transition between general commercial zones and other more intense industrial zoning.

A. **Principal uses permitted:** The principal uses permitted in districts zoned B-HC shall include the following:

1. Any principal use permitted by right in the Business-Limited Commercial District (B-LC) or Business-General Commercial District (B-GC).

2. Automobile and truck painting, upholstering, rebuilding, body and fender work if done within enclosed buildings or otherwise screened from view from surrounding properties and public rights-of-way.

3. Blacksmith shop, welding or machine shop, and metal fabrication.

4. Laboratories.

5. Storage warehouse.

6. Public transportation facility.

7. Accessory buildings and structures customarily incidental to permitted uses; including public utility structures not otherwise prohibited or requiring a special use permit.

7A. Transmitting or receiving stations or towers for communication if using a monopole design, not exceeding 199 feet in height and only one tower per parcel of land. All other requirements of §22-17.10 *et seq.* shall apply.

7B. Pallet assembly operations.

(Permitted uses REQUIRING SPECIAL USE PERMIT:)

8. Airports, heliports and private landing areas.
9. Shopping centers, as provided in §22-13 herein.
10. Schools, public, private, or parochial.
11. Off-premises parking lots incidental to schools.
12. School support facilities.
13. Automobile graveyard or junkyard, if screened from view as required by §15-48 et seq. of this Code.
14. Livestock sales and/or auction markets.
15. Transmitting or receiving stations or towers for communication exceeding 199 feet in height.
16. Shooting ranges or sport shooting ranges, whether operated indoors or outdoors, provided (1) the applicant satisfactorily demonstrates that proper design and supervision are present to ensure public safety, (2) that the range shall not operate or be used between the hours of 10:00 p.m. to 6:00 a.m., and (3) that the operation and use of the range shall be in compliance with all ordinances relating to noise control in effect at the time the construction or operation of the range initially was approved, or at the time any application was submitted for the construction or operation of the range, whichever is earliest.
17. Uses of a temporary nature (site plan and sign requirements are exempted) that are neither subject to the special entertainment permit issued pursuant to §3-6 et seq. of this Code, nor otherwise exempt under applicable law.
18. Solid waste collection drop-off sites if open to the public for typical household refuse, but excluding permanent disposal or processing of the waste on site.
19. Towing and recovery of automobiles.
20. Salvage dealers.
21. Salvage pools.
22. Vehicle removal operators.
23. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an

extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

24. Wastewater treatment facility, accessory to permitted use.
25. Water Treatment Plant, publicly owned.
26. Solar energy projects.
27. Any use permitted by special use permit in any Business (B) district if not otherwise permitted by right.

B. **Minimum lot requirements.** The minimum lot requirements for buildings and structures in districts zoned B-HC shall be the following:

1. **Lot area.** The minimum lot area shall be seven thousand five hundred (7,500) square feet.

(a) **Lots served by public water and sewer.** Lots served by both public water and public sewer systems shall be not less than seventy-five hundred (7,500) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

(b) **Lots served by public water or public sewer.** Lots served by either a public water system or a public sewer system shall not be less than fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with standards set forth by the Virginia Department of Transportation.

(c) **Lots served by neither public water nor public sewer.** Lots served by neither public water nor public sewer systems shall be not less than twenty thousand (20,000) square feet or more in area. An additional improvement in subdivisions containing lots of this size is that all streets be hard surfaced and treated in accordance with the standards set forth by the Virginia Department of Transportation.

2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line, but subject to the requirements of §21-13 of this Code.

3. **Reserved.**

4. **Yard requirements.** The minimum front setback shall be ten (10) feet. Within any Business District or Industrial District, individual buildings or structures may be attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where a B-HC district adjoins a Residential district or an Agricultural district without an intervening street, the adjacent side yard setback for the B-HC use shall be ten (10) feet, and the adjacent rear yard setback for the B-HC use shall be twenty-five (25) feet.

5. **Height limitation.** There is no maximum height limitation in this district, except where airport district height limitations may apply.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in a B-HC district shall comply with the setback lines of the district.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in a B-HC district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. **Landscaping Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-HC District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in a B-HC district adjoins a Residential district or an Agricultural district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential and/or Agricultural districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. **Sidewalk Requirements.** New construction, including additions to existing buildings, structures, or other facilities in a B-HC District shall also include the installation of sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s). Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018), VA. CODE ANN. §15.2-917 (Repl. Vol. 2018).

[THE AUGUST 15, 2005 ACT adopted this section, creating a new Business-Heavy Commercial district, by utilizing some provisions formerly set out in former §22-12 (B-1 district) of this Code and inserting additional provisions.]

[THE DECEMBER 4, 2006 AMENDMENT added “whichever is earliest” at the end of A.16. regarding shooting ranges or sport shooting ranges.]

[THE DECEMBER 3, 2007 AMENDMENT added sections A.19.]

[THE JULY 19, 2010 AMENDMENT added sections A.20, A.21 and A.22.]

[THE DECEMBER 6, 2010 AMENDMENT moved “Transmitting or receiving stations or towers for communications” from special use at A.15 to by right at A.7A, added additional language at A.7A, and added “Pallet Assembly operations” at A.7B.]

[THE DECEMBER 6, 2011 AMENDMENT deleted “repairing” from subsection A.2.]

[THE JULY 1, 2014 AMENDMENT deleted “wholesale business” from A.5, deleted “except that the required area for permitted uses utilizing individual water supply or sewage disposal system, shall be approved by the local health department and additional area provided if considered necessary for conditions encountered” from B.1, deleted “seventy-five (75) feet in width at the front lot line and” after “less than” in B.1.a, and deleted “seventy-five (75) feet in width at the front lot line and not less than” after “less than” in B.1.b and B.1.c, and added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added under special uses, “Transmitting or receiving stations or towers for communication exceeding 199 feet in height ” at A.15, “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.23 and A.24, respectively, and “water treatment plant, publicly owned” as a special use at A.25.]

[THE JULY 6, 2017 AMENDMENT added A.26.]

[THE JUNE 12, 2018 AMENDMENT added “solar energy projects” at A.26 and renumbered former A.26 to A.27.]

Sec. 22-13. Shopping Centers Special Use Permits.

A. Reserved.

B. **Shopping Center Plans.** An applicant for a shopping center special use permit shall submit to the Planning Commission for review and approval a layout plan of development for the shopping center which is in keeping with modern planning principles, is of coordinated and harmonious design and will produce an attractive and efficient shopping center, which is convenient, pleasant and safe to use, and which will fit harmoniously into, and will have no adverse effect upon, the adjoining or surrounding development. Such plan, in particular, shall be in accordance with the following regulations:

1. **Buffering and screening.** Shopping centers shall be buffered and screened, as defined in Section 22-2, along the boundary line(s) adjoining any Residential or Agricultural zoning districts.

2. **Site coverage.** The ground area covered by all the buildings shall not exceed in the aggregate twenty-five percent (25%) of the total area.

3. **Drainage.** Plans for drainage shall be approved by the Resident Engineer of the Virginia Department of Transportation as well as all other State and County officials charged with the duty of enforcing laws pertaining to drainage including, but not limited to, the Erosion and Sediment Control Administrator for Campbell County.

4. **Utilities.** A preliminary utilities plan shall be submitted by the developer for review and approval. All utilities shall be underground except power substations, which shall be adequately screened.

5. The dedication of all rights-of-way for any street, curb, gutters, bicycle trails, or sewer systems shall be by dedication to the County or agency of the County and shall be in such form as may be approved by the County Administrator. (7/7/86)(9/5/89)

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

[THE 1986 AMENDMENT revised paragraph A and B.4.]

[THE 1988 AMENDMENT substituted "Virginia Department of Transportation" For "Virginia Department of Highways and Transportation" in paragraph B.3.]

[THE 1989 AMENDMENT substituted "special use" for "conditional use" in the undesignated introductory paragraph, in A, and in the first sentence of B.]

[THE AUGUST 15, 2005 AMENDMENT, in the introductory paragraph, rearranged language and substituted "Business-General Commercial (B-GC) or Business-Heavy Commercial (B-HC) or Industrial-General (I-G)" for "B-1"; and, in subsection B.1., deleted former subparagraphs a. and b. which had specified screening by construction of walls of specified height and materials, and rewrote screening provisions in B.1.]

[THE DECEMBER 6, 2011 AMENDMENT deleted generalized language by deleting the introductory paragraph and subsection A, substituted "Shopping centers shall be buffered and screened, as defined in Section 22-2, along the boundary line(s) adjoining

any Residential or Agricultural zoning districts” for the previous language in B.1, which was moved to 22-2 to comprise the definition of “Buffering and screening”, and deleted the first and last two sentences in B.3.]

ARTICLE VI. INDUSTRIAL ZONING DISTRICTS.

Sec. 22-14. Industrial-General Zoning District (I-G).

LEGISLATIVE INTENT

This zoning district is intended to establish areas by which their accessibility to utilities and transportation routes are well suited for industrial/manufacturing development which would not be in significant conflict with neighboring activities. This district is intended to be a suitable transition between heavy industrial zoning and other less-sensitive commercial zoning districts.

A. **Principal uses permitted:** The principal uses permitted in districts zoned I-G shall include the following:

1. Any principal use permitted by right in any Business (B) district.
2. Assembly, manufacturing, compounding, processing, packaging or treatment of non-objectionable products from raw materials or component parts if done within enclosed buildings.
3. Solid waste collection drop-off sites if open to the public for typical household refuse, but excluding permanent disposal or processing of the waste on site.
4. Accessory buildings and structures customarily incidental to permitted uses, including public utility structures not otherwise prohibited or requiring a special use permit.
 - 4a. Towing and recovery of automobiles.

(Permitted uses REQUIRING SPECIAL USE PERMIT:)

5. Any use permitted by special use permit in any Business-Heavy Commercial (B-HC) district if not otherwise permitted by right.

B. **Minimum lot requirements.** The minimum lot requirements for buildings and structures in districts zoned I-G shall be the following:

1. **Lot area.** There is no minimum acreage requirement for this district.
2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line, but subject to the requirements of §21-13 of this Code.

3. **Reserved.**

4. **Yard requirements.** The minimum front setback shall be fifty (50) feet. Within any Business District or Industrial District, individual buildings or structures may be attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where an I-G district adjoins a Residential district or an Agricultural district without an intervening street, the adjacent side yard setback for the I-G use shall be fifty (50) feet, and the adjacent rear yard setback for the I-G use shall be fifty (50) feet.

5. **Height limitation.** There is no maximum height limitation in this district, except where airport district height limitations may apply.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in an I-G district shall comply with the setback lines of the district.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in an I-G district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. **Landscaping Requirements.** New construction, including additions to existing buildings, structures, or other facilities in an I-G District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in an I-G district adjoins a Residential district or an Agricultural district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential and/or Agricultural districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. **Sidewalk Requirements.** New construction, including additions to existing buildings, structures, or other facilities in an I-G District shall also include the installation of sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s).

Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-903 (Repl. Vol. 2018), §15.2-917 (Repl. Vol. 2018).

Cross-references.--For standards applicable to telecommunication antennas and towers, see §22-17.10 et seq. of this Code. For County noise ordinance, see §16-10 et seq. of this Code, with attention to §16-10.6:2.

[THE 1986 AMENDMENT added D and E [now present C. and D].]

[THE JULY 2, 2001 AMENDMENT added new F. and G [now present E. and G.].]

[THE OCTOBER 7, 2002 AMENDMENT added H.[now subsection H. in new §22-15.]]

[THE AUGUST 15, 2005 AMENDMENT completely revised this section, utilizing some provisions from the former Industrial (M-1) district in the present Industrial-General (I-G) and Industrial-Heavy (I-H) zoning districts and revising some of the uses permitted therein; other changes in the provisions include: revising B. to specify that there is no minimum acreage requirement and there is no maximum height limitation (except airport district height limitations), and changing requirements for lot width, road frontage, and yard requirements, redesignating former F. and G. as present E. and G, deleting former H. which is now set out as subsection H. in §22-15, and adding present F., and changing internal references from “M-1” to I-G.” Other provisions of former §22-14 have been revised and are now found in the new industrial zoning district at §22-15 (Industrial-Heavy).]

[THE JULY 17, 2012 AMENDMENT added “Towing and recovery of automobiles” at A.4a as a use by right.]

[THE JULY 1, 2014 AMENDMENT added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

Sec. 22-15. Industrial-Heavy Zoning District (I-H).

LEGISLATIVE INTENT

This zoning district is intended to establish areas by which their accessibility to utilities and transportation routes are well suited for industrial/manufacturing development.

A. **Principal uses permitted:** The principal uses permitted in districts zoned I-H shall include the following:

1. Any principal use permitted by right in any Business (B) district.
2. Any principal use permitted by right in the Industrial-General (I-G) district.
3. Heavy equipment and truck repairing or overhauling, tire retreading, recapping of tires, battery manufacturing.
4. Building materials sales yards.
5. Coal and wood yards, lumber yards, sawmills and wood preserving operations.
6. Contractors' equipment storage yards.
7. Manufacturing, compounding, processing, assembling or treatment of products or component parts thereof.
8. Stone monument works, wholesale.
9. Machinery manufacturing.
10. Central mixing plant for concrete.
11. Foundries.
12. Manufacturing, compounding, assembling or treatment of nuclear fuels and all accessory uses in buildings customarily incidental to such operations.
13. Transmitting or receiving stations or towers for communication if using a monopole design, not exceeding 199 feet in height and only one such tower per parcel of land. All other requirements of §22-17.10 et seq. shall apply.
14. Accessory buildings and structures customarily incidental to permitted uses, including public utility structures not otherwise prohibited or requiring a special use permit.
15. Paint, oil, shellac, turpentine or varnish manufacturing.
- 15A. Wastewater treatment facility, accessory to permitted use

(Permitted uses **REQUIRING SPECIAL USE PERMIT:**)

16. Extraction of sand, gravel and rock.
17. Mining operations.
18. Petroleum refining, ethanol refining, including by-products, and similar uses.
19. Bulk petroleum and other flammable liquids bulk storage structures.
20. Tire stockpiles, subject to the requirements of §12-8 et seq. of this Code.
21. Truck stops.
22. Logistics center, trucking yard or terminal.

23. Correctional facilities operated under the auspices and direct control of the Virginia Department of Corrections, whether privately owned and leased to the Department of Corrections or constructed and owned by the Commonwealth of Virginia; provided, however, that before a certificate of occupancy is issued, all requirements of the Department of Corrections regarding prisoner security and protection of the public health, safety and welfare must be met.

24. Solid waste management facility, transfer facility, solid waste incinerator, and landfills, and any combination of the foregoing or addition of one of the foregoing uses to another of the foregoing uses.

25. Recycling or remanufacturing, subject to the bonding requirements of subsection H. hereof.

25a. Demolisher operations.

26. Reserved.

27. Any use permitted by special use permit in any Business-Heavy Commercial (B-HC) district or any Industrial (I) district if not otherwise permitted by right.

B. **Minimum lot requirements.** The minimum lot requirements for buildings and structures in districts zoned I-H shall be the following:

1. **Lot area.** There is no minimum acreage requirement for this district.

2. **Lot width.** The minimum lot width shall be seventy-five (75) feet at the front lot line, but subject to the requirements of §21-13 of this Code.

3. **Reserved**

4. **Yard requirements.** The minimum front setback shall be fifty (50) feet. Within any Business District or Industrial District, individual buildings or structures may be

attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where an I-H district adjoins a Residential district without an intervening street, the adjacent side yard setback for the I-H use shall be one hundred (100) feet, and the adjacent rear yard setback for the I-H use shall be one hundred (100) feet. Where an I-H district adjoins an Agricultural district without an intervening street, the adjacent side yard setback for the I-H use shall be fifty (50) feet, and the adjacent rear yard setback for the I-H use shall be fifty (50) feet.

5. **Height limitation.** There is no maximum height limitation in this district, except where airport district height limitations may apply.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in an I-H district shall comply with the setback lines of the district.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in an I-H district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. **Landscaping Requirements.** New construction, including additions to existing buildings, structures, or other facilities in an I-H District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in an I-H district adjoins a Residential district, an Agricultural district, or a Business district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential, Agricultural, or Business districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. **Sidewalk Requirements.** New construction, including additions to existing buildings, structures, or other facilities in an I-H District shall also include the installation of sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s). Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT

and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

H. **Recycling or Remanufacturing Requirements.** As a part of the Special Use Permit Application process any person or other entity seeking to establish a recycling or remanufacturing facility as permitted by subsection A.25. hereof shall comply with all the requirements of Art. III of Chapter 12 of this Code if for tire recycling and if recycling or remanufacturing of other solid waste shall meet all the requirements of the Virginia Waste Management Act and the regulations promulgated pursuant thereto and, in addition, shall post a bond or letter of credit, with adequate surety, in form satisfactory to the Board of Supervisors, to ensure that in the event of the bankruptcy or other insolvency of the Applicant the site upon which the recycling or remanufacturing of products has been permitted can be claimed so as to be in compliance with all Federal and State Solid Waste Management regulations.

For state law authority generally, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-903 (Repl. Vol. 2018), §15.2-917 (Repl. Vol. 2018).

Editor's note: Recycling activities may be subject to regulations of the Virginia Waste Management Act VA. CODE ANN. §10.1-1400 et seq. (Repl. Vol. 2018 and Cum. Supp. 2019). Attention is also directed to Sections 12-8 et seq. of the Campbell County Code of 1988.

[THE AUGUST 15, 2005 ACT adopted the provisions of this section [formerly a reserved section], creating a new Industrial-Heavy district, by utilizing some provisions formerly set out in former §22-14 (M-1) district of this Code and inserting additional provisions.]

[THE DECEMBER 7, 2009 AMENDMENT substituted “extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on tracts of land that are greater than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” for “crushed stone operations” at A.16.]

[THE JULY 19, 2010 AMENDMENT added subsection A.25a.]

[THE JULY 1, 2014 AMENDMENT substituted “Extraction of sand” for “Sand, gravel and rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” in A.16, deleted A.26 which related to signs, addressed elsewhere, and added “at the front lot line” in B.2.]

[THE JULY 7, 2015 AMENDMENT added “but subject to the requirements of §21-13 of this Code” to B.2 and deleted B.3.]

[THE JULY 5, 2016 AMENDMENT added “wastewater treatment facility as an accessory to a permitted use” as a use by right at A.15.]

[THE DECEMBER 6, 2016 AMENDMENT substituted “Solid waste management facility, transfer facility, solid waste incinerator, and landfills” for “Solid waste processing or transfer facilities and landfills” at A.24.]

[THE JULY 6, 2017 AMENDMENT added “and any combination of the foregoing or addition of one of the foregoing uses to another of the foregoing uses” to A.24.]

ARTICLE VII. AGRICULTURAL ZONING DISTRICTS.

LEGISLATIVE INTENT

The purpose of the Agricultural zoning district is to protect and preserve agricultural lands for the performance of agricultural functions, and to allow other open space and outdoor recreational uses which enhance the enjoyment of the natural environment and do not significantly impact adjacent agricultural production.

Sec. 22-16. Agricultural zoning district A-1.

A. **Principal uses permitted.** The principal uses permitted in districts zoned A-1 shall be the following:

1. Single family dwellings, modular homes, and manufactured homes, but provided, however, that no more than two (2) dwellings shall be allowed per minimum lot area. The second dwelling on the lot shall be allowed only for use by a member of the immediate family as defined in §22-2 of this Code, and shall be allowed only on a lot of sufficient size and shape such that if the lot or parcel of land is ever divided to separate the dwellings, no substandard lots, deficient setbacks, or non-conforming buildings are created.

2. An arrangement of two (2) manufactured homes used as dwellings in compliance with the requirements of this subsection and of this district shall not be considered to be a manufactured home park for purposes of this Chapter.

3. Forestry (silviculture).

4. Agricultural and horticultural uses including the tilling of soil, the raising and/or production of crops and horticulture, including the keeping and breeding of livestock, except that intensive agricultural activities, as defined in Article VII-A of this chapter, shall comply with the setback requirements, minimum area requirements, and other requirements set out in Article VII-A of this chapter.

4.A. Horticultural nursery sales.

4.B. Office for farm supply or farm services.

4.C. Production of livestock and poultry products, including dairy products, eggs, meat, fur, and honey, incidental to an existing agricultural operation on the premises.

5. Antique shops.
6. Horse stables.
7. Kennels and kennels incidental to a veterinary hospital or veterinary clinic, and pet services.
 - 7.A. Veterinary hospital or clinic.
8. Cabinet or woodworking shops, not to include retail sales, contained within a structure less than 5,000 square feet in total area.
9. General convenience stores.
10. Private sawmills.
11. Home occupations.
12. School support facilities.
13. Child care centers, adult foster care, family day homes and similar establishments.
14. Church or summer camps with interior dining facilities, community centers and similar places of non-profit organizations.
 - 14.A. Churches built on a permanent foundation.
15. Parks, lakes, playgrounds, pedestrian trails, walkways and similar recreational facilities.
16. Reserved.
17. Preserves, conservation areas, wildlife areas or game refuges.
18. Off-site school athletic practice and training facilities, not open to the public and not intended to accommodate spectators.
19. Signs, as regulated in Article IX.
20. Flood control or watershed structures.
21. Emergency service facilities.
22. Railroad stations or yards.
23. Accessory buildings and structures customarily incidental to existing A-1 District permitted uses. No manufactured home shall be used for storage or as an accessory use.

24. Accessory structures customarily incidental to A-1 District permitted uses.

24.a. Existing cemeteries adjacent to an operating church, provided that (i) a minimum lot size of one (1) acre shall be required, and (ii) the requirements set forth in VA. CODE ANN. §57-26 (Repl. Vol. 2019) and §6-1 of this Code are satisfied.

24.b. Wastewater treatment facility, fewer than ten (10) connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

24.c. Transmitting or receiving stations or towers for communication not more than 50 feet in height pursuant to VA. CODE ANN. §15.2-2316.3 et seq. (Repl. Vol. 2018).

24.d. Landscape service business.

(Permitted Uses REQUIRING SPECIAL USE PERMIT:)

25. Reserved.

26. Public utility structures and facilities, including facilities for construction, repair service, or storage of utility equipment, excluding accessory structures as identified herein.

27. Governmental buildings and libraries.

28. Uses of a temporary nature (site plan and sign requirements are exempted) that are neither subject to the special entertainment permit issued pursuant to §3-6 et seq. of this Code, nor otherwise exempt under applicable law.

29. Fairgrounds and similar facilities.

30. Recreation resorts, campgrounds and similar uses subject to the following:

a. Each recreation resort use shall occupy a site not less than five acres.

b. No less than ten (10) percent of the gross site area shall be devoted to recreational area, child play areas, swimming pools, etc.

c. Camping area shall contain no less than 2,000 square feet per camping unit and the maximum density of campsites or camping units shall not exceed 15 per gross acre.

d. Any camping area or camping unit shall be occupied by the day or week only and shall not be utilized as a permanent, year-round residence.

e. All other uses customarily incidental to the operation of a resort camping area shall be permitted provided such facilities are intended primarily for the use and service of those people staying at the campground.

f. The Zoning Administrator shall insure compliance with these requirements prior to issuance of a Zoning Permit as described in Section 22-31, *infra*.

31. Extraction of sand, gravel and rock.

32. Schools, public, private, or parochial.

33. Cemeteries.

34. Reserved.

35. Clubs, lodges, country clubs, swimming and/or tennis clubs, hunting and fishing clubs, golf courses and golf driving ranges.

36. Recreation, amusement and entertainment enterprises, outside a building, for profit, and not otherwise listed.

37. Automobile graveyard or junkyard, if screened from view as required by §15-48 et seq. of this Code.

38. Automobile, truck and equipment sales, assembling, painting, upholstering, rebuilding, reconditioning and body and fender work establishments.

39. Airports, heliports and private landing areas.

40. Transmitting or receiving stations or towers for communication.

41. Livestock sales and/or auction markets or slaughterhouses.

42. Reserved.

43. Outdoor theaters.

44. Truck stops.

45. Adult day care center.

46. Assisted living facility.

47. Reserved.

48. Shooting ranges or sport shooting ranges, whether operated indoors or outdoors, provided (1) the applicant satisfactorily demonstrates that proper design and supervision are present to ensure public safety, (2) that the range shall not operate or be used between the hours

of 10:00 p.m. to 6:00 a.m., and (3) that the operation and use of the range shall be in compliance with all ordinances relating to noise control in effect at the time the construction or operation of the range initially was approved, or at the time any application was submitted for the construction or operation of the range, whichever is earliest.

49. Time-share or similar use.

50. Storage of sewage sludge, expressly subject to the requirements of §13-28 of this Code and §22-4.3 of this Code and of VA. CODE ANN. §62.1-44.19:3(R) (Repl. Vol. 2019), and such other applicable County, Federal, and State statutes, ordinances, and regulations as may be adopted from time to time. However, a special use permit shall not be required to begin the storage of sewage sludge on property in an Agricultural (A-1) zoning district as long as such sewage sludge is being stored (i) solely for land application on the farm on which the storage facility is located and (ii) for a period no longer than forty-five (45) days.

51. Towing and recovery of automobiles.

52. Children's residential facilities.

53. Crisis Centers.

54. Museums, art galleries, cultural centers.

55. Commercial sawmills.

56. Pallet assembly operations.

57. Automobile and equipment repair shops.

58. Automobile service stations.

59. No more than one (1) additional dwelling unit in a single family dwelling (site plan exempted); such additional dwelling unit shall be allowed only for use by a member of the immediate family as defined in §22-2 of this Chapter.

60. Production of livestock and poultry products, including dairy products, eggs, meat, fur, and honey for commercial purposes and not otherwise permitted by right.

61. Rooming House.

62. Tourist House.

63. Dormitory, primary use on property.

64. Flea market or swap meet.

65. Wastewater treatment facility, ten (10) or more connections served (For any person, including municipal corporations, that proposes to establish a sewage system, or an

extension of any existing system, used for conducting or treating sewage. See requirements of Section 18-25).

66. Wastewater treatment facility, accessory to permitted use
67. Water treatment plant, publicly owned
68. Solar energy projects.
69. Pet cemeteries.
70. Bulk storage and sale of mulch, gravel, rock, sand, soil, and other similar landscaping materials.
71. Salvage dealers.
72. Vehicle removal operators.

B. **Minimum lot requirements.** The minimum lot requirements in a district zoned A-1 shall be as follows:

1. **Minimum lot area.** The minimum lot area shall be two and a half (2.5) acres, except for family single lot divisions for which the minimum lot area shall be one (1) acre.

2. **Lot width.** The minimum lot width shall be one hundred and fifty (150) feet at the front lot line, with the exception of (i) lots abutting on a cul-de-sac which shall be subject to the requirements of §21-13 of this Code, and (ii) flag lots which shall be subject to the following requirements: (a) the front lot line and frontage requirements of the elongated strip of land ("pole") providing access to the street shall meet the requirements of §21-13 of this Code; and (b) the minimum lot width, as measured at the top of the elongated strip of land ("pole") opposite the front lot line, shall be at least one hundred and fifty (150) feet.

3. **Yard requirements.** The minimum front setback requirement for all structures shall be fifty (50) feet; however, *for flag lots* the fifty foot (50') minimum front setback requirement shall apply to the "pole" or elongated strip of land connecting the lot to a street or other means of ingress/egress, and a minimum front setback requirement of twenty-five feet (25') shall apply to the remainder of the front lot line of a flag lot. The minimum front setback for new additions or modifications to buildings and structures existing as of October 6, 1997 and nonconforming due to the front setback requirement shall be twenty-five feet (25'). The minimum rear yard setback requirement for all uses shall be twenty-five (25) feet and the side yard setback shall be fifteen (15) feet, except as excluded herein. Provided, however, that on undivided parcels, each dwelling and/or manufactured home shall be so situated on the lot and so separated from each other such that if the lot or parcel of land is ever divided, no substandard lots, deficient setbacks, or nonconforming buildings are created.

4. **Height limitation.** There is no maximum height limitation in this district, except where airport district height limitations may apply.

C. **Setbacks for Accessory Buildings.** Detached accessory buildings which are customarily incidental to use in an A-1 District shall comply with the front setback lines of the district and have rear and side lot line setbacks of not less than ten (10) feet.

D. **Requirements for Accessory Structures.** Detached accessory structures which are customarily incidental to use in an A-1 District shall:

1. Comply with the setback lines of the district, excluding ornamental, horticultural, general agricultural uses as regulated in Section 22-31 of this Code, identification, ingress/egress, docks and dock houses, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirements set forth herein; and

2. Have rear and side lot line setbacks of not less than ten (10) feet. (7/7/86, 2/2/88)(9-5-89)

E. **Production agriculture or silviculture activity permitted.** Nothing in this Code shall require that *a special exception or special use permit* be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in VA. CODE ANN. §3.2-6400, including silviculture products but shall not include the processing of agricultural or silviculture products or the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, land used for agriculture or silviculture activity within an agricultural district is subject to setback requirements, minimum area requirements, and other requirements prescribed by the County.

F. **Licensed farm wineries, limited breweries, and limited distilleries permitted.** Nothing in this Code shall restrict the usual and customary activities and events at licensed farm wineries, limited breweries, or limited distilleries unless there is a substantial impact on the health, safety, or welfare of the public pursuant to VA. CODE ANN. §15.2-2288.3 et seq. (Repl. Vol. 2018 and Cum. Supp. 2019). See §22-31.A of this code for exemptions.

G. **Use of recreational vehicle or recreational camper for temporary residence permitted while constructing primary residence in A-1 zone; limitations.** Notwithstanding other provisions of this Code, one recreational vehicle or recreational camper, as defined in §22-2 of this Code, may be used as a temporary residence in an A-1 zone, subject to the following conditions:

1. The recreational vehicle or recreational camper shall be located on the same lot on which the primary residence is being constructed;

2. Such temporary residential use shall be allowed for a period not to exceed six (6) months;

3. The recreational vehicle or recreational camper must be operable and have a current state inspection sticker and licenses or be marked as a rental unit from a rental agency, insurance company or governmental entity;

4. There shall be no delinquent personal property taxes owed on the recreational vehicle or recreational camper;
5. The recreational vehicle or recreational camper shall have available onboard electrical service, plumbing, and waste management facilities;
6. Proper building, water, and septic permits have been issued for the building site; and
7. The building site, whereupon the recreational vehicle or recreational camper is temporarily situated, shall be hooked up to a permanent permitted water supply, a permanent permitted waste disposal system, and a permitted temporary electrical power source.

For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2288.1 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2290 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2247 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2288 (Repl. Vol. 2018), and VA. CODE ANN. §15.2-2288.3 (Repl. Vol. 2018). See also VA. CODE ANN. §3.2-301 (Repl. Vol. 2016). For state law authority regarding cemeteries, see VA. CODE ANN. §57-26 (Repl. Vol. 2019).

Editor's note.--Pursuant to VA. CODE ANN. §15.2-2290 (Repl. Vol. 2018), the County may, in order to provide for the general purposes of zoning ordinances, adopt uniform standards, so long as they apply to all residential structures erected within the A-1 or equivalent zoning district. Such standards shall not have the effect of excluding manufactured housing. However, it should be noted that local zoning ordinances adopting provisions consistent with VA. CODE ANN. §15.2-2290 shall not relieve lots or parcels from the obligations relating to manufactured housing units imposed by the terms of a restrictive covenant.

Cross references.--For provisions regarding family single lot divisions, see §21-23 of this Code. For standards applicable to telecommunication antennas and towers, see §22-17.10 et seq. of this Code. For provisions of Right to Farm Act, see VA. CODE ANN. §3.2-300 et seq. (Repl. Vol. 2016 and Cum. Supp. 2019). For development standards for intensive agricultural facilities, see §22-16.01 et seq. of this Code. For requirement of zoning *permit* for intensive agricultural activities, see §22-16.02(b) and §22-31 of this Code.

Cross-reference regarding storage of sewage sludge: For provisions requiring compliance with all applicable Federal, State, and local statutes, ordinances, and regulations prior to application to State Health Department or Department of Environmental Quality for permit, variance, or permit modification to authorize storage of sewage sludge, and, especially for provisions requiring certification by Board of Supervisors of Campbell County as to whether or not a proposed site for storage of sewage sludge is consistent with all applicable local ordinances, see §13-28(a) of this Code. ***Caveat:*** *The Board of Supervisors shall confirm or deny such consistency within thirty (30) days of receiving a request for certification. If the Board of Supervisors does not so respond, the site shall be deemed consistent.*

[THE 1986 AMENDMENT revised A.1. through 41; added to the first paragraph of B; and added C and D.]

[THE 1988 AMENDMENT added "except as excluded herein" to B; inserted "front" between "the" and "setback" and added "and have rear and side lot line setbacks of not less than ten (10) feet" to C; and "and have rear and side lot lines setbacks of not less than ten (10) feet" to D.]

[THE 1989 AMENDMENT substituted "(Permitted Uses Requiring Special Use Permit)" for "(Permitted Uses Requiring Conditional Use Permit)" following paragraph 23 in A and added "42. Outdoor theaters" and "43. Truck stops."]

[THE 1991 AMENDMENT redesignated former paragraphs 2 through 43 of A. as present paragraphs 3 through 44, and added new paragraph 2.]

[THE 1992 AMENDMENT, in A, deleted "mobile homes" following "Single family dwellings" in paragraph 1, inserted paragraph 2.B., added "subject to the provisions of §22-10.1 of this Code" in paragraph 42, and, in B, added new third sentence.]

[THE FIRST 1993 AMENDMENT added second sentence in paragraph 2.A. in A.]

[THE SECOND 1993 AMENDMENT, in A., inserted "office" in paragraph 4, inserted paragraph 4A "Horticultural nursery sales office," and added paragraphs 45 and 46 "Adult day care center" and "Adult care residence," respectively.]

[THE APRIL 3, 1995 AMENDMENT added "Bed and breakfast establishments" as a permitted use requiring a Special Use Permit in A.]

[THE MARCH 17, 1997 AMENDMENT, in A., deleted "nineteen or more feet in width," preceding "on a permanent foundation," inserted "and" preceding "on individual lots," and deleted "conventional" preceding "site-built" in first sentence in paragraph 2.A.; and added new E.)

[THE OCTOBER 6, 1997 AMENDMENT, in paragraphs 1, 2.A, and 2.B of A, added "but provided, however, that no more than two (2) dwelling units shall be allowed per minimum lot area" at end of first sentences therein and inserted identical second sentences herein; deleted paragraph 42. in A. "Mobile Home Parks, subject to provisions of §22-16.01 of this Code" as a permitted use by special exception; redesignated B as paragraphs 1, 2, and 3 thereof, adding introductory language; and, in paragraph 1 thereof, divided former first sentence into present first and second sentences, substituting "three (3) acres, except for family single lot divisions for which the minimum lot area shall be one (1) acre" for "one (1) acre" in present first sentence and substituting "However" for "except that" in present second sentence; added new paragraph 2 defining minimum lot width requirements; and in paragraph 3, increased minimum front setback requirement for all uses from twenty-five (25) feet to one hundred (100) feet, and, in second sentence, substituted "each dwelling unit and/or mobile home shall be so situated . ." for "minimum separation between each dwelling unit and/or mobile home shall be thirty (30) feet from the side of one dwelling unit or mobile home to the side of the other dwelling unit or

mobile home and such front and rear separation between each dwelling unit or mobile home shall be no less than fifty (50) feet.”]

[THE MAY 17, 1999 AMENDMENT added last sentence in paragraph 2.B. in A.]

[THE DECEMBER 6, 1999 AMENDMENT, in paragraph 4 in A., added the proviso language following “farm supply sales and service office” in order to specify that intensive agricultural activities shall comply with the setback requirements, minimum area requirements, and other requirements set out in Article VII-A.]

[THE DECEMBER 20, 1999 AMENDMENT, in paragraph 33 in A., deleted “if adjunctive to a church” following “Cemeteries.”]

[THE AUGUST 7, 2000 AMENDMENT, in paragraph 2.B. in A., substituted “Manufactured” for “Mobile” and inserted “that are not on a permanent foundation” in first sentence; substituted “manufactured” for “mobile” in third sentence in paragraph 3. in B.; and redesignated provisions of D as paragraphs 1 and 2 and inserted “general” preceding “agricultural uses” in paragraph 1.]

[THE JULY 2, 2001 AMENDMENT added “or assisted living facility” in paragraph 46., and added paragraph 48 “Shooting ranges or sports shooting ranges . . .” in A. as a use requiring a special use permit, and in B.3., inserted language beginning “however, *for flag lots* . . .” and ending “of a flag lot” at the end of the first sentence.]

[THE JUNE 17, 2002 AMENDMENT, in B.3., inserted “new” following “requirement for all” in first clause of first sentence, and inserted a new second sentence.]

[THE DECEMBER 1, 2003 AMENDMENT, in A., at the ends of paragraphs 1., 2A., 2B. 23, and 24, added the proviso that no manufactured home shall be used for storage or as an accessory use; and added paragraph 24.A. “Existing cemeteries adjacent to an operating church” as a permitted use of right, subject to stated conditions.]

[THE DECEMBER 6, 2004 AMENDMENT, in paragraph 28., [uses requiring a special use permit], in A., deleted “Fair, circus, carnival, sideshow, tent meeting and similar,” at the beginning and added the language “that are neither subject . . . otherwise exempt under applicable law.”]

[THE AUGUST 1, 2005 AMENDMENT, in A., moved “Churches built on a permanent foundation” from paragraph 32 (requiring SUP) to paragraph 14A (principal use of right); deleted “Schools and” in paragraph 34; inserted new paragraph 32 “Schools, public, private, or parochial” as a use requiring a SUP; added “if screened from view as required by §15-48 *et seq.* of this Code” in paragraph 37 (“Automobile graveyard or junkyard”); and, in paragraph 48 (“Shooting ranges or sport shooting ranges . . .,” substituted “10:00 p.m. to 6:00 a.m.” for “8:00 p.m. to 8:00 a.m.” in item (2) and, in item (3), inserted “initially” and added “or at the time any application was submitted for the construction or operation of the range.”]

[THE DECEMBER 4, 2006 AMENDMENT, in A.48., substituted “sport” for “sports” near the beginning and added “whichever is earliest” at the end; and added new F. and G.]

[THE MARCH 5, 2007 AMENDMENT, in A., added new paragraph 49 “Time-share or similar use” as a use requiring a special use permit.]

[THE JULY 2, 2007 AMENDMENT, in A., added new paragraph 50 “Storage of sewage sludge” as a use requiring a special use permit.]

[THE DECEMBER 3, 2007 AMENDMENT added the third sentences in subsections A.2.A and A.2.B, added subsection A.51 and substituted “restrict the usual and customary activities and events at farm wineries unless there is a substantial impact on the health, safety, or welfare of the public” at section F for “require that a special exception or special use permit be obtained for the processing of wine by licensed farm wineries”]

[THE JULY 7, 2008 AMENDMENT added “or be marked as a rental unit from a rental agency, insurance company or governmental entity” at the end of subsection G(iii).]

[THE DECEMBER 1, 2008 AMENDMENT added “Children’s residential facilities” at A.52.]

[THE JULY 20, 2009 AMENDMENT added “Crisis Centers” as a special use and added “docks and dock houses” at D.1.]

[THE DECEMBER 7, 2009 AMENDMENT deleted “Colleges, public or private” from the list of entities allowed as a special use and substituted “extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on tracts of land that are greater than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” for “crushed stone operations” at A.16.]

[THE JULY 19, 2010 AMENDMENT consolidated the language of subsection A.2(A) and A.2(B) into a single subsection A.2 without changing the meaning, added “family day homes” to subsection A.13, substituted “structures” for “new uses” in the first sentence of subsection B.3, and added “new additions or modifications to” to the second sentence of subsection B.3.]

[THE DECEMBER 6, 2010 AMENDMENT moved “Museums, art galleries, cultural centers” from use by right to special use permit at A.54, and added “Commercial sawmills” at A.55 and “Pallet assembly operations” at A.56.]

[THE JULY 5, 2011 AMENDMENT added “or slaughterhouses” as a special use at A.41.]

[THE DECEMBER 6, 2011 AMENDMENT added “Cabinet or woodworking shops, not to include retail sales, contained within a structure less than 5,000 square feet in total area” at A.8, added “Off-site school athletic practice and training facilities, not open to

the public and not intended to accommodate spectators” at A.18, deleted language providing examples of accessory structures at A.24 and moved it to the definitions section at 22-2, moved “Automobile repair” and “Automobile service stations” from uses by right to uses by special use permit at A.57 and A.58, deleted “repairing” from A.38, deleted a citation in A.49 and corrected the form of a citation in A.50.]

[THE JULY 17, 2012 AMENDMENT inserted “or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act” into the second sentence of E.]

[THE JULY 2, 2013 AMENDMENT added “and structures” and “an existing” to A.23.]

[THE DECEMBER 3, 2013 AMENDMENT revised section A.1 for clarity, added A.59, and added “and nonconforming due to the front setback requirement” to the second sentence of B.3.]

[THE JULY 1, 2014 AMENDMENT added “and manufactured homes” and substituted “per minimum lot area” for “per lot” in the first sentence in A.1, deleted “No manufactured home shall be used for storage or as an accessory use” from A.1, deleted “Manufactured homes, provided, however, that no more than two (2) dwelling units shall be allowed per minimum lot area. The second dwelling unit on the minimum lot area shall be allowed only for use by a member of the immediate family as defined in §22-2 of this Code, and shall be allowed only on a lot where sufficient lot size and setbacks are available and adequate separation requirements are met such that if the lot or parcel of land is ever divided, no substandard lots, deficient setbacks, or non-conforming buildings are created. Such an” from A.2, deleted “units” after “dwellings” in A.2, and deleted “Such zoning classification shall not relieve lots or parcels from the obligations relating to manufactured housing units imposed by the terms of a restrictive covenant. No manufactured home shall be used for storage or as an accessory use” from A.2, deleted “and/or production of livestock and poultry products, including dairy products, eggs, meat, fur, and honey” from A.4, deleted “office” from A.4A, added A.4B and A.4C, substituted “pet” for “veterinary” in A.7, added A.7A, added “convenience” to A.9 and “day” to A.13, deleted “administrative, services” from A.27, substituted “Extraction of sand, gravel and rock” for “Sand, gravel and extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary” in A.31, deleted “Adult care residence” from A.46, deleted “Bed and breakfast establishments” from A.47, substituted “Automobile and equipment repair” for “Auto repair” in A.57, added A.60, A.61, A.62 and A.63, deleted “However, the required area for permitted uses utilizing individual water supply and sewage disposal systems shall be approved by the local health department and additional area shall be required if considered necessary for conditions encountered” from B.1, and added “products as defined in VA. CODE ANN. §3.2-6400, including” in E.]

[THE JULY 7, 2015 AMENDMENT deleted “day care centers” from A.13 and “and” from A.23, and added A.64; deleted “unit” from the last sentence of B.3, and added B.4.]

[THE JULY 5, 2016 AMENDMENT added “kennels incidental to a veterinary hospital or veterinary clinic, and” to A.7, added “wastewater treatment facility” serving fewer than 10 connections as a use by right at A.24b, added “wastewater treatment facility” serving 10 or more connections and as an accessory use as a special use at A.65 and A.66, respectively, and “water treatment plant, publicly owned” at A.67, and substituted “fifty (50) feet” for “one hundred (100) feet” for the overall setback within this zone in B.3.]

[THE DECEMBER 6, 2016 AMENDMENT deleted “day” from “child care center” and added “adult foster care” at A.13, deleted A.25, and revised F to add limited breweries and limited distilleries to permitted activities.]

[THE JUNE 12, 2018 AMENDMENT added “solar energy projects” as a special use at A.68.]

[THE DECEMBER 4, 2018 AMENDMENT added “Transmitting or receiving stations or towers for communications not more than 50 feet in height” as a use by right at A.24.c and “Pet cemeteries” as a special use at A.69.]

[THE JULY 16, 2019 AMENDMENT added “Bulk storage and sale of mulch, gravel, rock, sand, soil, and other similar landscaping materials” as a special use at A.70, at B.1, changed the minimum lot area from three acres to two and a half, and at B.2, changed the minimum lot width from 200 feet to 150 feet.]

[THE DECEMBER 3, 2019 AMENDMENT added “Salvage dealers” as a special use at A.71 and “Vehicle removal operators” as a special use at A.72.]

[THE JULY 21, 2020 AMENDMENT added “Landscape service business” as a use by right at A.24.d.]

ARTICLE VII-A. DEVELOPMENT STANDARDS FOR INTENSIVE AGRICULTURAL FACILITIES.

Sec. 22-16.01. Purpose of article; findings.

The Board of Supervisors of Campbell County, Virginia, recognizes that normal operation of some agricultural and forestal uses produces noise, odors, and other effects, and that a certain level of tolerance for these effects is to be expected of those who choose to live in a district where such uses are intended. However, the Board also finds that intensive agricultural facilities, commonly known as confinement operations in which large numbers of animals or fowl are confined to a relatively small space, when not subject to appropriate regulations, may produce offensive odors and noise, and may provide conditions conducive to the spread of flies, rats, and other vermin, and may contaminate ground and surface waters. Therefore, the Board of Supervisors

deems it necessary to promulgate development standards for intensive agricultural facilities in order to provide for the orderly development of such uses at appropriate locations and to protect the health, safety and welfare of the citizens of Campbell County. Such standards shall include, but not be limited to, setback requirements, minimum area requirements, and such other requirements as the Board may adopt from time to time to protect the health, safety, and general welfare of its citizens.

Accordingly, it is the intent of this article of the Campbell County Zoning Ordinance to encourage economic development and to preserve farmland by providing for the continued security of Campbell County's agricultural sector by encouraging the orderly and responsible growth of its dairy, livestock, poultry, and swine industry, while protecting the public health, safety, and welfare and preserving the environment.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018), VA. CODE ANN. §§15.2-2283 (Repl. Vol. 2018) and 15.2-2288 (Repl. Vol. 2018), VA. CODE ANN. §3.2-301 (Repl. Vol. 2016), VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019), VA. CODE ANN. §62.1-44.17:1.1 (Repl. Vol. 2019), and VA. CODE ANN. §3.2-6544 (Repl. Vol. 2016).

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.02. Applicability.

(a) *General agriculture or general production agriculture*, as defined in this article, that is undertaken in accordance with the provisions of §22-16 of this Code and in compliance with other local, state, and federal laws and regulations shall be a use of right within an A-1, Agricultural District in Campbell County. Such general agricultural activities shall be subject to setback requirements, minimum area requirements, and other requirements prescribed in §22-16 of this Code. However, pursuant to §22-31 A.1. of this Code, a zoning permit shall not be required for such general agricultural activities.

(b) *Intensive agriculture*, as defined in this article, that is undertaken in accordance with the development standards prescribed in this article and in compliance with other local, state, and federal laws and regulations shall be a use of right within an A-1, Agricultural District in Campbell County. Such intensive agricultural activities shall be subject to setback requirements, minimum area requirements, and other requirements prescribed in this article. In addition, in accordance with the exclusionary language of §22-31 A.1. of this Code and the stated purpose and intent of this article, a zoning permit shall be required for such intensive agricultural activities in order to effectively protect the health, safety, and general welfare of the citizens of Campbell County.

(c) Nothing contained within this Chapter shall be construed as requiring that a special exception or special use permit be obtained for the small-scale conversion of biomass if: (i) at least 50 percent of the feedstock is produced either on site or by the owner of the conversion equipment; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet, not including the space required for storage of feedstock; and (iii) the owner of the farm

notifies the County Administrator in which the processing occurs. Such small-scale conversion of biomass shall be subject to setback requirements, minimum area requirements, and other requirements prescribed in §22-16 of this Code. "Biomass" means agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees planted for energy production. "Small-scale conversion of biomass" means the conversion of any renewable biomass into heat, power, or biofuels.

For state law authority, see VA. CODE ANN. §15.2-2288 (Repl. Vol. 2018), VA. CODE ANN. §3.2-301 (Repl. Vol. 2016), and VA. CODE ANN. §15.2-2288.01 (Repl. Vol. 2018). See also VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019), especially subsection C.3.

Editor's note.--VA. CODE ANN. §15.2-2288 and VA. CODE ANN. §3.2-301 prohibit counties from requiring a special exception or special use permit for any production agriculture or silviculture activity in an area that is zoned as an agricultural district, but authorize counties to adopt setback requirements, minimum area requirements, and other requirements. For the purposes of those sections, "production agriculture or silviculture means the bona fide production or harvesting of agricultural products as defined in VA. CODE ANN. §3.2-6400, including silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act." Furthermore, those sections provide that "No county, city, or town shall enact zoning ordinances which would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety and general welfare of its citizens."

VA. CODE ANN. §3.2-300 (Repl. Vol. 2016), *for purposes of limiting the circumstances under which agricultural operations may be deemed to be a nuisance*, defines "agricultural operation" broadly so as to include "any operation devoted to the bona fide production of crops, or animals, or fowl, including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery and floral products; and the production and harvest of products from silviculture activity," and VA. CODE ANN. §3.2-302 (A) (Cum. Supp. 2019) provides that no agricultural operation shall be deemed "a nuisance, private or public, if such operations are conducted in substantial compliance with any applicable best management practices in use by the operation at the time of the alleged nuisance and with existing laws and regulations of the Commonwealth." This statutory protection does not apply whenever a "nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances."

[THE DECEMBER 6, 1999 ACT adopted this section.]

[THE JULY 20, 2009 AMENDMENT added subsection (c).]

Sec. 22-16.03 Definitions.

As used in this article unless the context requires a different meaning:

“Accessory structures” or **“accessory uses”** shall mean all uses or structures associated with intensive agricultural facility including but not limited to litter storage sites, incinerators, manure storage sites, manure disposal pits or lagoons, and/or disposal pits, or cold storage chests used for the collection of dead animals. Ordinary and customary uses and structures such as silos, garages, and workshops customarily associated with non-intensive agriculture shall not for the purposes of this article be deemed accessory structures or accessory uses.

“Agricultural animals” means all livestock and poultry as defined herein.

“Animal unit” means a unit of measurement for general and intensive livestock and poultry operations used to determine the total number of particular animal types or combinations of animal types which have been, are, or will be fed, confined, maintained, or stabled in an animal feeding operation. An animal unit is approximately equivalent to one thousand (1,000) pounds of live animal weight. The following scale and chart, which shall be deemed to be an integral part of this ordinance, will be used to calculate total animal units:

**Scale for Calculation of Animal Units and
Chart of Equivalents of 300 Animal Units (200 for poultry)**

Animal Type	Multiplier	Equivalent Animal Units
(a) Slaughter cattle	each multiplied by 1.00	300
(b) Feeder cattle	each multiplied by 1.00	300
(c) Milking dairy cows	each multiplied by 1.50	200
(d) Young dairy stock	each multiplied by 0.60	500
(e) Swine, breeding stock	each multiplied by 0.40	750
(f) Swine, finishing hog over 55 pounds	each multiplied by 0.15	2,000
(g) Swine, piglets under 55 pounds	each multiplied by 0.03	10,000
(h) Sheep, lambs, and goats	each multiplied by 0.25	1,200
(i) Horses	each multiplied by 2.00	150
	each multiplied by 0.02	10,000

(j) Turkeys		
(k) Laying hens and broilers	each multiplied by 0.01	20,000
(l) Veal calves	each multiplied by 0.08	3,750
(m) Other animals not listed above	to be determined case by case *	*

* Classification of other animals not listed above shall be determined by the Campbell County Zoning Administrator upon consultation with the Soil and Water Conservation District Official and/or other appropriate official, based upon identified criteria which may include, but not be limited to, size of the animal, behavioral characteristics, feeding habits.

“Buffering” or **“screening”** shall include the meaning ascribed in §22-2 B of this Code.

“Confinement area” shall mean the smallest area around which one can draw a line wherein any intensive agricultural activity as hereinafter defined is being conducted.

“Dairy” or **“dairy cows”** means cows raised mainly for their milk; also, a facility in the business of producing milk.

“Dead livestock” or **“dead poultry”** means livestock or poultry, respectively, exclusive of those intentionally slaughtered, which die as a result of disease, injury, or of natural causes, upon any premises in Campbell County.

“Enclosure” means a structure used to house or restrict agricultural animals from running at large.

“Existing dwelling” for the purpose of this article, means either:

(a) A structure, designed for residential use, which is occupied on the date a completed application for an intensive dairy, livestock, poultry, or swine facility, zoning permit or building permit is received by the office of the Zoning Administrator; or

(b) A structure, designed for residential use, which is not occupied on the date a completed application for an intensive dairy, livestock, poultry, or swine facility zoning permit or building permit is received in said office, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the one (1) year immediately preceding the date on which a completed application for an intensive dairy, livestock, poultry, or swine facility zoning permit or building permit is received by the office of the Zoning Administrator; or

(c) A structure, designed for residential use, which has a current building permit on the date a completed application for an intensive dairy, livestock, poultry, or swine facility zoning permit or building permit is received by the office of the Zoning Administrator.

“Existing intensive dairy, livestock, poultry, or swine facility” (only for the purposes of determining residential setbacks in an A-1, Agricultural District, under this article), means an intensive dairy, livestock, poultry, or swine facility which is occupied or has been occupied by a commercial livestock or swine raiser, dairy or feed lot operator, poultry grower, or similar facility for any period of time within the one (1) year immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the dairy, livestock, poultry, or swine facility.

“General agriculture” or **“General production agriculture”** means the art or science of cultivating the ground, including the bona fide production or harvesting of agricultural or silvicultural products, the rearing and management of livestock; tillage; husbandry; farming. The term shall include farming, horticulture, aquaculture, and forestry (silviculture), but shall not include intensive agriculture as defined in this article, livestock markets, commercial slaughtering or processing of animals or poultry, the processing of other agricultural or silvicultural products, or the above-ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

“Intensive agriculture” means the bona fide production or harvesting of agricultural or silvicultural products, the rearing and management of livestock, tillage, husbandry, farming, etc., on a more intensive basis than associated with general agricultural activities, including especially the method of land cultivation or animal husbandry whose purpose is to increase the productivity of a given area by means of an increase in the capital and labor and which results in more intensive use of agricultural land than involved in traditional agricultural practices. The term shall not include livestock markets, commercial slaughtering or processing of animals or poultry, the processing of other agricultural or silvicultural products, or the above-ground application or storage of sewage sludge unless specifically included under provisions of an approved nutrient management plan. For the purposes of this article, the term shall include, but not be limited to, those intensive agricultural facilities commonly known as confinement operations, and defined hereinafter as “intensive dairy facility,” “intensive livestock facility,” “intensive poultry facility,” or “intensive swine facility,” in which large numbers of animals or fowl are confined in a relatively small space:

(a) **“Intensive dairy facility”** means a dairy operation, with accessory uses or accessory structures, including litter storage sites, manure storage sites, manure disposal pits, which at any one time has at least three hundred (300) equivalent animal units as referenced in the scale and chart above and where (i) such animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (ii) crops, vegetation, forage growth or post-harvest residues are not sustained on the operation of the lot or facility.

(b) **“Intensive livestock facility”** means a livestock operation, with accessory uses or accessory structures, including litter storage sites, incinerators, manure storage sites, manure disposal pits or lagoons, and/or disposal pits, which at any one time has at least three hundred (300) equivalent animal units as referenced in the scale and chart above and where (i) such animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (ii) crops, vegetation, forage growth or post-harvest residues are not sustained on the operation of the lot or facility.

(c) **“Intensive poultry facility”** means a poultry operation, with accessory uses or accessory structures, including litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds, which at any one time has at least two hundred (200) equivalent animal units as referenced in the scale and chart above and where (i) such animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (ii) crops, vegetation, forage growth or post-harvest residues are not sustained on the operation of the lot or facility. Intensive poultry facilities shall not be permitted to maintain more than five hundred (500) equivalent animal units of poultry per facility at any time.

(d) **“Intensive swine facility”** means a swine operation with accessory uses or accessory structures, including litter storage sites, incinerators, manure storage sites, manure disposal pits or lagoons, and/or disposal pits, which at any one time has at least three hundred (300) equivalent animal units as referenced in the scale and chart above and where (i) such animals have been are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (ii) crops, vegetation, forage growth or post-harvest residues are not sustained on the operation of the lot or facility. Intensive swine facilities shall not be permitted to maintain more than five thousand (5,000) swine per facility at any time.

“Livestock” means all domestic or domesticated: bovine animals, including but not limited to cattle, cows, oxen; equine animals, including but not limited to horses; ovine animals, including but not limited to sheep; porcine animals, including but not limited to swine, hogs, finishing or slaughter hogs, pigs, feeder pigs, and piglets; cervidae animals, including but not limited to reindeer, etc.; capradae animals, including but not limited to goats; animals of the genus Lama, including but not limited to llamas; ratites, including but not limited to ostriches, emus, etc.; fish or shellfish in aquaculture facilities, as defined in V.A. CODE ANN. §3.2-2600 (Repl. Vol. 2016); enclosed domesticated rabbits or hares raised for human food or fiber; or any other animal specifically raised for food or fiber, except companion animals. “Livestock” shall be deemed to include dairy cows and swine unless the context clearly requires otherwise.

“Parcel of land” means a measured portion of real estate separated from other portions of land by a metes and bounds description or described as a separate, discrete tract of land in an instrument of conveyance or devise and recorded in the Office of the Clerk of the Circuit Court of Campbell County. However, contiguous parcels of land which are owned by producers as defined in this section or are under common ownership or control shall be considered a single parcel of land for the purposes of this section.

“Poultry” includes all domestic or domesticated chickens, ducks, turkeys, geese or other fowl being raised or kept on any premises in Campbell County, including gamebirds lawfully raised in captivity.

“Premises” means the entire tract of land including, but not limited to, any buildings thereon, its grounds and other appurtenances, owned, leased, or used by any person for intensive agricultural activity.

“Processing” or **“to process”** means to change the physical form or characteristics of products of intensive agricultural activity by slaughtering, dressing, butchering, freezing, dehydrating, smoking, curing, canning, or otherwise, except for personal consumption or use.

“Producer” means a person, firm, corporation, association, or cooperative who or which is engaged in intensive agricultural activity as an owner or operator of an intensive livestock, dairy, or poultry facility within Campbell County. The term shall include **livestock raisers, dairy owners and operators, and poultry growers**.

“Property Line” means, for the purposes of this article, the perimeter around the parcel of land upon which the producer’s intensive livestock facility is located.

“Structure” means any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, dead poultry cold storage chests, etc.

“Swine” means all porcine animals, including but not limited to swine, hogs, finishing or slaughter hogs, pigs, feeder pigs, piglets, etc. For the purposes of this article the term “piglet” shall include swine weighing under 55 pounds and the term “finishing hog” shall include swine weighing more than 55 pounds.

For state law basis for definitions, see VA. CODE ANN. §3.2-300 (Repl. Vol. 2016), VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019), VA. CODE ANN. §62.1-44.17:1.1 (Repl. Vol. 2019), VA. CODE ANN. §3.2-6024 (Repl. Vol. 2016), VA. CODE ANN. §3.2-2000 (Repl. Vol. 2016), VA. CODE ANN. §3.2-1300 (Cum. Supp. 2019), VA. CODE ANN. §3.2-5900 (Repl. Vol. 2016), VA. CODE ANN. §3.2-6500 (Cum. Supp. 2019), VA. CODE ANN. §15.2-2288 (Repl. Vol. 2018), and VA. CODE ANN. §33.2-804 (Repl. Vol. 2019).

[THE DECEMBER 6, 1999 ACT adopted this section.]

[THE JULY 17, 2012 AMENDMENT added “or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act” to the definition of “General agriculture”.]

Sec. 22-16.04. Acreage requirements.

(a) The minimum contiguous acreage requirements on which any new intensive dairy facility may be established or maintained shall be the larger of either the number of acres required by the nutrient management plan or a minimum of one hundred (100) acres per three hundred (300) animal units, or portion thereof, provided that all other requirements of this article are met.

(b) The minimum contiguous acreage requirements on which any new intensive livestock or intensive swine facility may be established or maintained shall be the larger of either

the number of acres required by the nutrient management plan or a minimum of one hundred (100) acres per three hundred (300) animal units, or portion thereof, provided that all other requirements of this article are met.

(c) The minimum contiguous acreage requirements on which any new intensive poultry facility may be established or maintained shall be the larger of either the number of acres required by the nutrient management plan or a minimum of fifty (50) acres per two hundred (200) animal units, or portion thereof, provided that all other requirements of this article are met.

(d) Existing intensive dairy, livestock, poultry, or swine facilities in use as of the effective date of this article which do not have sufficient acres, as required above, shall be considered non-conforming uses and may continue in operation so long as the facility is not abandoned for a period of twelve (12) consecutive months and there is no diminution in the size of the parcel of land containing the intensive dairy, livestock, poultry, or swine facility.

(e) Application for a variance, as defined in §22-2 B. of this Code, from the acreage requirements prescribed above may be made in accordance with the procedure set forth in §22-27 of this Code. No such variance shall be authorized except after notice and hearing in accordance with VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). Notwithstanding other provisions of this chapter, in no event shall the Zoning Administrator grant a variance from the acreage requirements of this section.

(f) Two or more intensive dairy, livestock, poultry, or swine facilities, in any combination, **under common ownership or control** are considered to be a single intensive operation if they adjoin each other or if they use a common area or system for the disposal of liquid waste.

For state law authority, see VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019).

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.05. Setback requirements.

(a) Any new intensive dairy, livestock, poultry, or swine facility confinement area shall be located in accordance with the following minimum setback requirements:

Minimum Required Setbacks (measured in feet)	Dairy	Livestock	Poultry	Swine
(1) From any property line	250	250	500	1,000
(2) From any existing dwelling in an A-1 district	300	300	1,000	2,500

(3) From any existing structure in an adjoining District Zoned Business (B) or Industrial (I)	300	300	1,000	2,500
(4) From an incorporated town	1,000	1,000	2,000	5,000
(5) From a Residentially Zoned District	500	500	2,000	5,000
(6) From public or private schools, churches; county, town, or community recreation areas; public or private campgrounds, summer camp facilities, retreat centers, etc.	1,000	1,000	2,000	5,000
(7) From public wells, public springs and public water intakes.	1,000	1,000	2,000	5,000
(8) From “blue line” * streams and rivers	250	250	2,000	3,000
(9) From public roads or public street	250	250	1,000	2,500
(10) Portions of a River designated as a Scenic River	1,000	1,000	2,000	5,000

For the purposes of this article, “blue line” streams and rivers shall be deemed to mean those streams and rivers indicated in blue on the official map of the U. S. Geological Survey 1993 Edition Topographic Map No. 37079-C1-CF-050,1:50,000 Scale Of Campbell County and the City of Lynchburg.

(b) The setbacks prescribed above shall apply to all accessory uses or accessory structures associated with the intensive agricultural facility including, but not limited to, litter storage sites, incinerators, manure storage sites, manure disposal pits or lagoons, and/or disposal pits or cold storage chests or other means used for the collection and/or disposal of dead animals and/or their wastes.

(c) Existing intensive dairy, livestock, poultry, or swine facilities in use as of the effective date of this article which do not meet the prescribed setback requirements, as required above, shall be considered non-conforming uses and may continue in operation so long as the facility is not abandoned for a period of twelve (12) consecutive months and there is no diminution in the size of the parcel of land containing the intensive dairy, livestock, poultry, or swine facility.

(d) Application for a variance, as defined in §22-2 B. of this Code, from the setback requirements prescribed above may be made in accordance with the procedure set forth in §22-27 of this Code. No such variance shall be authorized except after notice and hearing in accordance with VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). Notwithstanding other provisions of this chapter,

in no event shall the Zoning Administrator grant a variance from the setback requirements of this section.

For state law authority, see VA.CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019), especially at subsection E.3. See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) generally.

Editor's note: Pursuant to the August 15, 2005 amendments to §22-12 et seq. and §22-14 et seq. of this Code in which the zoning provisions concerning Business Districts and Industrial Districts were revised, the former reference to “in an adjoining District Zoned B-1 or M-1” in item (3) in the chart at subsection (a) of this section has been replaced editorially by a reference to “in an adjoining District Zoned Business (B) or Industrial (I)” in order to conform the reference to the cited amendments.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.06. Buffering or screening requirements.

(a) Any new intensive dairy, livestock, poultry, or swine facility established after the effective date of this article shall provide for buffering and/or screening along the perimeter of the confinement area upon which the intensive agricultural facility, or any of its appurtenances, is located. The buffer or screen may incorporate existing mature tree growth, natural land forms on the perimeter of the premises, or other natural or man-made materials that effectively reduce visibility of the facility and dissipate the noise from support buildings or structures from adjacent properties.

(b) The standard buffer shall consist of a landscaped strip of land at least ten (10) feet wide at or outside the perimeter of the confinement area. In determining the sufficiency of the buffering and/or screening proposed or provided, the Zoning Administrator shall consider the following factors:

- (1) The proximity to residential structures and residential district boundaries;
- (2) The nature of the uses on adjacent and nearby property;
- (3) The surrounding topography;
- (4) The surrounding tree coverage and foliage, and whether such foliage is evergreen or deciduous; which tree coverage must be calculated to be six feet (6') in height within two years, at a minimum.
- (5) The means of ingress and egress to and from the premises;
- (6) The usual direction of the prevailing winds in the area; and

(7) Other factors peculiar to the location of the facility.

(c) The buffering and/or screening requirements above shall apply to all accessory uses or accessory structures associated with the intensive dairy, livestock, poultry, or swine facility, including, but not limited to, litter storage sites, incinerators, manure storage sites, manure disposal pits and/or disposal pits or cold storage chests for the collection of dead animals.

(d) Buffering and/or screening on or around the perimeter of the premises of an intensive dairy, livestock, poultry, or swine facility shall not be deemed a substitute, in whole or in part, for the setback requirements prescribed by this article.

(e) Existing intensive dairy, livestock, poultry, or swine facilities in use as of the effective date of this article which do not meet the prescribed buffering or screening requirements, as required above, shall be considered non-conforming uses and may continue in operation so long as the facility is not abandoned for a period of twelve (12) consecutive months and there is no diminution in the size of the parcel of land containing the intensive dairy, livestock, poultry, or swine facility.

(f) Application for a variance, as defined in §22-2 B. of this Code, from the buffering and screening requirements prescribed above may be made in accordance with the procedure set forth in §22-27 of this Code. No such variance shall be authorized except after notice and hearing in accordance with VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). Notwithstanding other provisions of this chapter, in no event shall the Zoning Administrator grant a variance from the buffering and screening requirements of this section.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.07. Strict compliance required.

All intensive agricultural facilities, especially intensive dairy, livestock, poultry, and swine facilities, shall be operated in compliance with the requirements of this article and other applicable local, state, and federal laws and regulations, particularly those provisions requiring that areas wherein livestock, swine, or poultry are repeatedly assembled and which may harbor diseases of livestock, swine, or poultry shall be maintained in a sanitary condition and those provisions requiring the proper disposal of dead poultry, dead livestock, and dead swine. All such requirements shall be strictly construed and enforced in order to preserve and protect the health, safety, and general welfare of the citizens of Campbell County and to protect the livestock, poultry, and swine in the County against unsanitary conditions which may encourage the development and spread of contagious and infectious diseases among livestock, poultry, and swine and then to other animals and humans.

No parcel of land upon which an intensive agricultural facility is located shall be subdivided, conveyed or otherwise alienated when the result of such subdivision, conveyance or other alienation would create a parcel of land that is smaller than the minimum acreage required for the permitted intensive agricultural facility use and/or which thereafter does not meet the setbacks required by this Code.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018); VA. CODE ANN. §3.2-5200 et seq. (Repl. Vol. 2016), VA. CODE ANN. §3.2-5900 et seq. (Repl. Vol. 2016), especially §3.2-6012 (Repl. Vol. 2016), and VA. CODE ANN. §3.2-6025 (Repl. Vol. 2016). See also VA. CODE ANN. §18.2-510 (Repl. Vol. 2014).

Editor's note. – Section 4-3.1 of the Campbell County Code of 1988, adopted by the Board of Supervisors pursuant to VA. CODE ANN. §18.2-510, requires the owner of any animal or grown fowl which has died to have its body cremated or buried. Violation of this ordinance is punishable as a Class 4 misdemeanor. See also VA. CODE ANN. §3.2-6025 and §3.2-6026 regarding state law requiring proper disposal of dead poultry.

Cross references. - For other state laws applicable to livestock (including swine) and poultry, see VA. CODE ANN. §3.2-5900 et seq., especially §3.2-6012, and VA. CODE ANN. §3.2-6032.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.08. Replacement and reconfiguration of non-conforming dairy, livestock, poultry, or swine facilities.

Notwithstanding the provisions of §§22-7, 22-7.1 and 22-8 of this Code, replacement or reconfiguration of existing intensive dairy, livestock, poultry, and swine facilities in operation as of the effective date of this article, but which do not meet the requirements of this article, may be permitted provided that:

(1) There is no increase in the square footage outside the scope of the original development plan in effect on the date of adoption devoted to the intensive dairy, livestock, poultry, or swine operation or facility on the parcel; and

(2) Replacement facilities or the reconfiguration of existing facilities shall not encroach upon any setbacks required under this article to a greater extent than the facilities being replaced; and

(3) A nutrient management plan is obtained as provided for in this article; and

(4) It is the intent of this ordinance to allow any existing intensive livestock operation to continue to exist after enactment and to allow the number of animal units to expand to the originally designed capacity.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.09. Plat required.

Each application for an intensive dairy, livestock, poultry, or swine facility shall be accompanied by a plat of the entire confinement area, with location of the proposed facility, prepared by a certified land surveyor or licensed professional engineer, certifying that the proposed intensive dairy, livestock, poultry, or swine facility meets all applicable acreage and setback requirements of this article. This plat shall also show the direction and distances to nearest residences, adjoining zoning districts, public and private schools, recreation areas, public wells, public springs, and water intakes, etc., "blue line" streams and rivers as indicated on the official maps of the U. S. Geological Survey and which generally denote streams and rivers which flow continuously under normal conditions, Scenic Rivers, etc. listed in this article. The plat shall also indicate location and composition of required buffering and/or screening and, when practicable, the approximate dimensions of same. For the purpose of this section a certification by the certified land surveyor or licensed professional engineer of acreage and setback requirements will not require actual survey but may be done by reference to U. S. Geological Survey maps. Minimum setbacks shall be as specified and applicable under the provisions of Section 22-16.05 of this Article.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.010. Intensive dairy, livestock, poultry, or swine facility development plans to be filed; contents; effects of approval.

(a) In the A-1 Agricultural District, an intensive livestock or swine raiser, intensive dairy or feed lot operator, intensive poultry grower, or such potential raiser, operator, or grower, shall file with the Zoning Administrator a development plan which indicates the number, size and location of intensive dairy, livestock, poultry, or swine facilities planned for the subject parcel. When such development plan is approved and filed with the Zoning Administrator and during the period in which it remains in effect, the planned facilities shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is filed.

(b) The development plan shall be based on the requirements of this article and shall be accompanied by a plat pursuant to Sec. 22-16.09 of this Code verifying the accuracy of the distances shown in the development plan and containing all of the data required on plats hereinabove required.

(c) The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and are placed in service in a timely manner, in accordance with the time frames stated in the development plan.

(d) The raiser, operator, or grower shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any facilities indicated in his development plan.

(e) Each parcel for which a development plan has been approved by the Zoning Administrator shall display at its entrance a sign no smaller than two (2) square feet, or larger than four (4) square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified _____ Development Site."

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.010:1. Agreement for long term maintenance of facilities

Security for performance is a condition precedent to approval of any development plan hereunder. The raiser, operator or grower of the facility and the owner of the land upon which the facility is proposed to be located shall enter into a legally binding agreement with the Board of Supervisors of Campbell County establishing the maintenance requirements of the facility, detailing the owner's, raiser's, operator's, and grower's responsibilities for long term maintenance of the facility, identifying any other person responsible for performing such maintenance, and specifying such other requirements as may be adopted from time to time, by the Board of Supervisors. The agreement shall be acceptable in form and in content to the County Attorney and, upon execution by necessary parties, shall be duly recorded among the land records of the Clerk's Office of the Circuit Court of Campbell County, Virginia and shall constitute a covenant running with the land.

The foregoing provisions of this section shall not apply to closed subsurface disposal systems.

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.011. Nutrient management plan required.

(a) After the effective date of this article, no intensive dairy, livestock, poultry, or swine facility shall commence operation until a nutrient management plan, if required by the Commonwealth of Virginia, for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation, the Virginia Department of Environmental Quality, and/or other required agencies, or by a person certified or employed by the Commonwealth as a nutrient management planner. A copy of the approved nutrient management plan shall be filed with the Zoning Administrator of Campbell County.

(b) Each intensive dairy, livestock, poultry, or swine facility already in operation in Campbell County or approved by the County prior to the effective date of this article shall have an approved nutrient management plan, if required by the Commonwealth of Virginia. A copy of the approved nutrient management plan shall be filed with the Zoning Administrator of Campbell County.

(c) After two (2) years from the effective date of this article, no facility subject to this article shall operate without an approved nutrient management plan.

(d) Nutrient management plans shall be subject to review and updating by the above-cited appropriate state agencies or qualified persons at regular intervals and/or at such time as additional area devoted to intensive raising or housing of dairy cows, livestock, poultry, or swine, litter storage, manure storage, composting of dead birds or other activity which would increase nutrient output of the facility is placed into service on the same parcel, whichever shall occur first.

A copy of the approved updated nutrient management plan shall be filed with the Zoning Administrator of Campbell County.

For state law requiring general permit and other permits for confined animal feeding operations, see VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019); see especially subsection C.3. therein. For state law regarding poultry waste management program, see VA. CODE ANN. §62.1-44.17:1.1 (Repl. Vol. 2019).

Cross-reference.--For Virginia Freedom of Information Act, see VA. CODE ANN. §2.2-3700 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019).

[THE DECEMBER 6, 1999 ACT adopted this section.]

Sec. 22-16.012. Severability.

If any part, section, subsection, sentence, clause, or phrase in this article is for any reason declared to be unconstitutional or invalid, by the valid final judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article which can be given effect without the invalid provisions or applications.

For similar state law, see VA. CODE ANN. §1-243 (Repl. Vol. 2017).

[THE DECEMBER 6, 1999 ACT adopted this section.]

ARTICLE VIII. AIRPORT ZONING DISTRICT

Sec. 22-16.1. Legislative Intent.

The near airport environs are as shown on those certain documents styled, "Airport Layout Plan (Sheet 2 of 5), Lynchburg Regional Airport, Lynchburg, Virginia," by Delta Airport Consultants, Inc. of Richmond, Virginia, dated February 2010 and as amended from time to time, "1993 Noise Contours (Sheet 1 of 1), Lynchburg Regional Airport, Lynchburg, Virginia," by Delta Airport Consultants, Inc., dated April 1995 and as amended from time to time, and "F.A.R. Part 77 Imaginary Surfaces (Sheet 9 of 18), Lynchburg Regional Airport, Lynchburg, Virginia" by Delta Airport Consultants, Inc., dated September 1994 and as amended from time to time. This zoning district is intended to establish and preserve areas within the boundaries of the established airport and areas immediately affected by airport activities known as near airport environs. The zoning district is to apply to those areas subject to four (4) levels of aircraft noise, aircraft emissions, glide slopes and superjacent airspace of all non-public owned land areas, public highways, streets, lanes, alleys and other ways and all public road property.

A. **Principal uses permitted:**

1. **AIRPORT DISTRICT AP-A.** The principal uses permitted in districts zoned AP-A shall be determined by designation on the official zoning map and the uses shall be those uses permitted in the underlying zoning designation.

2. **AIRPORT DISTRICT AP-B.** The principal uses permitted in districts zoned AP-B shall be determined by designation on the official zoning map and the uses shall be those permitted in the underlying zoning designation; provided, however, that residential uses, churches, schools and day care centers shall be only permitted upon special use permit issued as herein provided in Section 22-35 of this Code.

3. **AIRPORT DISTRICT AP-C.** The principal uses permitted in districts zoned AP-C shall be determined by designation on the official zoning map, except that residential uses are not permitted.

4. **AIRPORT DISTRICT AP-D.** The principal uses permitted in districts zoned AP-D shall be those required for airport activities and airport support activities only.

B. **Minimum Lot Requirements.**

Minimum lot requirements for buildings and structures in airport districts zoned AP-A, AP-B, AP-C and AP-D shall be in conformance with the requirements as found specifically with those uses in other articles of this Zoning Ordinance.

C. **Requirements for reduction in noise transmission within Airport Districts AP-A, AP-B, AP-C and AP-D.**

The Zoning Administrator may require soundproofing, both feasible and practical, as a means of alleviating the impact of external noise generated by the airport. Requirements for soundproofing shall be based on an analysis made on a case by case basis in concert with both acoustical and architectural expertise.

1. **Soundproofing Modification** - Achieving noise reduction through soundproofing modifications include minimal efforts of sealing and/or weatherstripping window, doors, vents, and external openings, and also include replacement of hollow-core doors with solid ones and elimination of direct exterior-interior transmission paths. For progressive levels of noise reduction, additional measures, may include full time air conditioning, acoustically treated ceiling panels, double-glazed windows, elimination of windows, acoustical entryways, attic treatment, wall paneling, treated crawl-spaces, and other sound "sealing" applications. Ventilating systems may be required with seal windows. The selection of a single or combination of approved soundproofing measures should be made only after a case-by-case analysis.

2. **Case-by-Case Analysis** - The general condition, age and repair of a structure normally dictate the degree of soundproofing required. Also, the building's location and noise exposure levels both ambient and impact, must be quantified to identify the appropriate reduction in noise to be obtained.

D. **Airport Height Zones.**

In order to carry out the provision of this Article, certain height zones are hereby created and established which include all the land lying underneath the approach surface, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Lynchburg Municipal Airport. Such height zones are shown on a map styled "Lynchburg Municipal Airport (Sheet 1 of 1), Air Space Protection Chart, County of Campbell, City of Lynchburg, Virginia" by Delta Airport Consultants, Inc., Richmond, Virginia, dated June 1993 and as amended from time to time, which is made a part of this Article. An area located in more than one of the following height zones shall be considered to be only in the zone with more restrictive height limitations.

1. The various height zones are hereby established and defined as follows:

a. **Utility Runway Visual Approach Height Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. This approach zone expands outward uniformly to a width of 1,250 feet in a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

b. **Non-Precision Instrument Runway Approach Height Zone** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. This approach zone expands outward uniformly to a width of 3,500 feet in a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

c. **Precision Instrument Runway Approach Height Zone** – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. This approach zone expands outward uniformly to a width of 16,000 feet in a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

d. **Transitional Height Zones** - The transitional zones are the areas beneath the transitional surfaces.

e. **Horizontal Height Zone** - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

f. **Conical Height Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

2. **Definitions:**

a. **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in paragraph D.3.a. of this

section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

b. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL HEIGHT ZONES** - These zones are set forth in paragraph D.1. of this section.

c. **CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

d. **HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

e. **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevations unless otherwise specified.

f. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

g. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land which is nonconsistent with the provisions of this Article or an amendment thereto.

h. **NON-PRECISION INSTRUMENT RUNWAY OTHER THAN UTILITY** – A runway that is intended for the operation of aircraft using non-precision instrument approach procedures.

i. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in paragraph D.3. of this section.

j. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

k. **PRECISION INSTRUMENT RUNWAY** – A runway that is intended for the operation of aircraft using precision instrument approach procedures.

lj. **PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in paragraphs D.1.a., D.1.b and D.1.c of this section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

m. **RUNWAY** - A defined area on an airport prepared for landing and take-off of aircraft along its length.

n. **STRUCTURE** - An object, including a mobile object, constructed or erected by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flag poles, and ship masts.

o. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

p. **TREE** - Any object of natural growth.

q. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

r. **VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures.

3. **Airport Height Zone Limitations:**

a. **Utility Runway Visual Approach Height Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

b. **Non-Precision Instrument Runway Approach Height Zone** – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending for a horizontal distance of 10,000 feet along the extended runway centerline.

c. **Precision Instrument Runway Approach Height Zone** – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending for a horizontal distance of 10,000 feet along the extended runway centerline, then slopes forty (40) outward for each foot upward horizontally for the next 40,000 feet.

d. **Transitional Height Zones** - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 942 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

e. **Horizontal Height Zone** - Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.

f. **Conical Height Zone** - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

4. **Excepted Height Limitations.**

Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

5. **Use Restrictions.**

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of an aircraft intending to use the airport.

6. **Nonconforming Uses:**

a. **Utility Runway Visual Approach Height Zone** - The regulations prescribed by this Article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently prosecuted.

b. **Marking and Lighting** - Notwithstanding the preceding provisions of this Article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

7. **Permits:**

a. **Future Land Use.** Except as specifically provided herein, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any height zone hereby created unless a permit therefor shall have been applied for and granted. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity so that it can be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this section. In addition to the required permit the applicant shall complete the FAA Form 7460-1 "Notice of Proposed Construction or Alteration" if the proposed use falls within the criteria set forth in the instructions. A copy of FAA Form 7460-1 and instructions for filing is available online at <http://forms.faa.gov/forms/faa7460-1.pdf> and the City web page. If the criteria require the filing of the 7460-1, the subsequent determination received from the FAA shall be submitted with the necessary permit application. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal height zone and conical height zone, no permit shall be required for any tree or structure less than seventy-five feet

of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zone.

(2) In areas lying within the limits of the approach height zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach height zone.

(3) In the areas lying within the limits of the transition height zones beyond the perimeter of the horizontal height zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for transition height zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article.

8. **Existing Uses.**

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit was made. Except as indicated, all applications for such a permit shall be granted.

9. **Nonconforming Uses Abandoned or Destroyed.**

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10. **Variances.**

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. In addition to the required application for a variance the applicant shall complete the FAA form 7460-1 "Notice of Proposed Construction or Alteration." A copy of the FAA form 7460-1 and instructions for filing is available online at <http://forms.faa.gov/forms/faa7460-1.pdf> and the City web page. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no

application for variance to the requirements of this Article may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

11. **Obstruction Marking and Lighting.**

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Supervisors, this condition may be modified to require the owner to permit the County of Campbell, at its own expense, to install, operate, and maintain the necessary markings and lights.

12. **Enforcement.**

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Article to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Applications for action by the Board of Supervisors shall be forthwith transmitted by the Zoning Administrator.

13. **Conflicting Regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern or prevail.

14. **Severability.**

If any of the provisions of this Article or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end, the provisions of this Article are declared to be severable. (9/5/89)

For state law mandating this section, see VA. CODE ANN. §15.2-2294 (Repl. Vol. 2018). For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018) and §15.2-2284 (Repl. Vol. 2018). For definition of "Structure," see VA. CODE ANN. §5.1-25.1 (Repl. Vol. 2016). For other state provisions regarding aircraft noise attenuation features in buildings and structures within designated airport noise zones see VA. CODE ANN. §15.2-2295 (Repl. Vol. 2018).

Editor's note: VA. CODE ANN. §15.2-2295 authorizes, but does not require, the adoption of one or more noise *overlay* zones as an amendment to a locality's zoning map. Where such *overlay* zones are adopted, certain notice requirements must be followed, including the placement of a statement on all recorded surveys, subdivision plats and all final site plans approved after January 1, 2003, giving notice that the parcel of property either partially or wholly lies within an airport noise *overlay* zone. However, the statute further provides that its requirements shall not affect any local aircraft noise attenuation regulations or ordinances adopted prior to the effective date of such act, subject to stated conditions. Section 22-16.1 et seq. of this Code provide for base zones as airport districts, not *overlay* zones, and these provisions were adopted on September 5, 1989, and are therefore unaffected by the requirements of VA. CODE ANN. §15.2-2295 as noted above.

Cross-references.--See also "1993 Land Use Plan, Lynchburg Regional Airport, Lynchburg, Virginia," dated March 1994, by Delta Airport Consultants, Inc., Richmond, Virginia, and also "Exhibit A," Lynchburg Regional Airport, Lynchburg, Virginia, dated March 1994, by Delta Airport Consultants, which exhibit shows tax map parcels (with deed book and page references) and property lines.

[THE 1988 AMENDMENT combined former first and second sentences of paragraph C.1. into one sentence by substituting "openings; and also include replacement" for "openings. Replacement," substituted "may include" for "including" in present second sentence of that paragraph; in introductory language of paragraph D, inserted "certain height zones" preceding "are hereby created" and deleted "certain height zones" preceding "which include" in first sentence thereof, substituted "paragraph D.3.a. of this section" for "Paragraph 1 of this Article" in the first sentence of paragraph D.2.a., substituted "paragraph D.1 of this section" for "Paragraph 1 of this Article" at end of paragraph D.2.b., substituted "paragraph D.3. of this section" for "Paragraph 3 of this Article" at end of paragraph D.2.h., substituted "paragraph D.1.a. of this section" for "Paragraph 1 of this Article" at end of third sentence therein, and substituted "paragraph D.10. of this section" for "paragraph 8 of this Article" at end of paragraph D.7.a.]

[THE FIRST 1989 AMENDMENT added a new first sentence in the undesignated introductory paragraph, substituted "special use permit" for "conditional use permit" in proviso language in paragraph 2 of A, and added "residential uses excluded" at the end of paragraph 3 in A.]

[THE SECOND 1989 AMENDMENT, in the definition of "Structure" in paragraph D.2.1., substituted "erected" for "installed," but not limited to" for "but without limitation," and "formations," for "formation, and" and added "flag poles and ship masts."]

[THE 1992 AMENDMENT inserted "that" following "unnecessary hardship and" and in third sentence in paragraph 10 of D.]

[THE MARCH 17, 1997 AMENDMENT updated references to the current land use plan governing Lynchburg Regional Airport in introductory paragraph and to maps showing vertical and horizontal clearances in and around airport in first undesignated paragraph in D.]

[THE JUNE 5, 2006 AMENDMENT, in paragraph A.1., deleted “of those areas shown as Districts R-1, R-2, B-1, M-1, and A-1” following “official zoning map” and substituted “those uses permitted in the underlying zoning designation” for “according to that designation and shall be those uses permitted in those districts as heretofore set out in this ordinance”; in paragraph A.2., substituted “and the uses shall be those permitted in the underlying zoning designation” for “of those areas shown as Districts R-1, R-2, B-1, M-1, and A-1” and substituted “that residential uses” for “the uses for single family dwelling, modular home, mobile home”; and in paragraph A.3., substituted “except that residential uses are not permitted” for “of those areas shown as Districts B-1, A-1, and M-1, residential uses excluded.”]

[THE DECEMBER 3, 2013 AMENDMENT made some changes to the reference documents in the first paragraph under “Legislative Intent”, added subsections D.1.b and D.1.c and renumbered the other subsections of D.1 and made related reference changes, added definitions at D.2.h and D.2.k and renumbered the other subsections of D.2, added subsections D.3.b and D.3.c. and renumbered the other subsections of D.3, added the third, fourth, and fifth sentences in D.7.a, and added the second and third sentences of D.10.]

ARTICLE VIII-A. OVERLAY DISTRICTS.

Sec. 22-16.2. Overlay districts in general.

(a) **Purpose of districts.** Overlay districts, as presented in this Article or elsewhere in this Code, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay, all other zoning districts so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Chapter. All regulations of the underlying zoning districts shall be applicable except as modified by the regulations imposed by the overlay district.

(b) **Establishment and mapping of overlay districts.** Overlay districts shall be established as set forth in this Chapter in §§22-3 and 22-4 of this Code for the creation of zoning districts and in accordance with the provisions of state law. When so established, the boundaries of overlay districts shall be as shown on the official zoning map as provided in this Chapter.

[THE DECEMBER 4, 2006 ACT adopted this section.]

Sec. 22-16.3. Landfill Area Overlay District (LAO)

(a) **Legislative Intent.** It is the intent of this LAO district to provide for the general development of land in proximity to the County landfill consistent with the development goals reflected in the Campbell County Comprehensive Plan. Furthermore, the LAO district is intended to promote the health, safety and general welfare of the public by ensuring connection to a public water system and limiting construction near the boundaries of the landfill property.

(b) **Reserved.**

(c) **Boundaries of the LAO district.**

(1) The boundaries of the Landfill Area Overlay district are hereby established on the official zoning map of Campbell County and made part of the applicable regulations for all properties shown on the zoning district map. In addition, all other district regulations that apply to such official zoning map shall apply to the LAO district unless modified by this Division. The LAO district boundaries are defined as follows:

All the property within a circular boundary extending a one-half mile radius from a center point on the County landfill property at 79 degrees, 9 minutes, 5.36 seconds, west longitude and 37 degrees, 16 minutes, 45.17 seconds north latitude.

(2) Any subsequent subdivision or re-subdivision of property will not alter the boundaries of the LAO district. The Board of Supervisors may alter the boundaries of the LAO district after notice and public hearing as required by the zoning ordinance.

(d) **Permitted uses.** Permitted uses in the LAO district are all uses permitted by right or by special use permit in the underlying zoning district(s), except as specifically modified by ordinance for the LAO district.

(e) **Lot area and frontage.** The minimum required lot area and frontage shall be the same as in the underlying zoning district, except as specifically modified by ordinance for the LAO district.

(f) **Development standards.**

(1) **Setbacks.** The setbacks shall be the same as in the underlying zoning district, except along any shared boundary line with the County landfill property. Where any lot or parcel adjoins the County landfill property, a buffer of not less than fifty (50) feet shall be established and maintained on such lot or parcel along the boundary line with the County landfill property. No buildings or structures shall be erected and no land disturbing activities shall occur within the buffer area, except that either the County or the property owners whose land adjoins the County landfill property may erect barriers and/or fencing to eliminate or reduce visibility of the landfill, noise from the landfill, and/or increase security. Trees and other natural vegetation shall remain in place and undisturbed except for normal maintenance activities necessary to remove dead or dangerous material, or for the installation of underground utilities. A vegetative buffer shall be installed at the conclusion of construction at least equal to that which was damaged or removed. Review and approval by the Zoning Administrator is required prior to any disturbance within the buffer area. Campbell County shall observe the same buffer requirement along its side of the shared boundary

line, such that the total combined undisturbed buffer along the perimeter of the County landfill shall be one hundred (100) feet in width. This buffer area requirement shall not require the removal or alteration of any nonconforming building or structure that existed prior to the effective date of this ordinance. Any such nonconforming use shall be subject to the provisions of §22-7 et seq. of this Code.

(2) Utilities. All development or redevelopment within the LAO district occurring after the effective date of this ordinance shall be served by an approved public water system. No new wells shall be permitted. Existing wells may continue to be used in compliance with the regulations of the Virginia Department of Health. However, an existing well shall not be replaced with any source of water other than an approved public water system unless no such approved public water system is available to the property line of the property in question. However, groundwater monitoring wells shall be allowed to be installed as necessary.

[THE DECEMBER 4, 2006 ACT adopted this section.]

[THE JULY 5, 2011 AMENDMENT added “except that either the County or the property owners whose land adjoins the County landfill property may erect barriers and/or fencing to eliminate or reduce visibility of the landfill, noise from the landfill, and/or increase security” at the end of the third sentence in subsection (f)(1), “or for the installation of underground utilities” at the end of the fourth sentence in subsection (f)(1), and the fifth and sixth sentence in subsection (f)(1).]

[THE DECEMBER 6, 2011 AMENDMENT retitled subsection (a) and deleted the first sentence of (a), and deleted (b).

Sec. 22-16.4. Transportation Corridor Overlay District (TCO).

(a) Legislative intent. It is the intent of the Board of Supervisors in enacting this Transportation Corridor Overlay district to provide for the orderly development along certain highway frontages within the County and within the development goals reflected in the Campbell County Comprehensive Plan and good zoning practice. Further, the Transportation Corridor Overlay district is intended to maintain the long term functionality of certain primary highways; to limit access and the number of conflict points; to promote vehicular circulation; and to promote the prevention or reduction of traffic congestion and danger in public streets.

The requirements of this Transportation Corridor Overlay district shall be in addition to and shall overlay all other zoning districts so that any parcel of land lying in the Transportation Corridor Overlay district shall also lie in one or more of the other zoning districts provided for by this Chapter.

(b) Boundaries. The boundaries of the Transportation Corridor Overlay district are hereby established on the County’s zoning district map and made a part of the zoning regulations for all affected properties as set forth below. All other district regulations that apply to such zoning district map shall apply to the Transportation Corridor Overlay district unless modified by this division. The Transportation Corridor Overlay district boundaries are defined as follows:

(1) *Route 29.* All parcels that have frontage on either side of U.S. Highway 29 (Wards Road) from its intersection with State Route 685 (Calohan Road) and extending north to the Lynchburg City limits.

(2) *Reserved for future route designations.*

(3) *Reserved for future route designations.*

(4) All affected parcels are included in their entirety at the time this Division is enacted. Any subsequent subdivision or re-subdivision of property will not alter the boundaries of the Transportation Corridor Overlay district.

(c) **Permitted uses.** Permitted uses in the Transportation Corridor Overlay district shall be all uses permitted by right or by special use permit in the underlying zoning district(s).

(d) **Lot area and frontage.** The minimum required lot area shall be the same as in the underlying zoning district. The minimum frontage for any lot along a primary highway shall be eight hundred feet. The minimum frontage requirement may be reduced to that which is normally required in the underlying zoning district where there is provided one shared entrance between adjacent lots or other road construction approved by the Planning Commission, provided that no additional direct access to the primary highway is proposed.

(e) **Development standards.** The following development standards shall apply within the Transportation Corridor Overlay district:

(1) **Access.** The entrances to a highway within a primary system of state highways shall be evaluated jointly by the Virginia Department of Transportation and the County. Direct and convenient vehicular access between adjacent commercial properties shall be provided unless the Planning Commission determines such access is impractical. Shared entrances and internal service roads shall be encouraged in order to reduce the number of direct access points on a highway within a primary system of state highways. The owners of lots providing for shared entrances or internal service roads shall make adequate provision by dedication, easements, covenants, restrictions, or other legal instruments in a form approved by the County Attorney, for ensuring their maintenance and functionality consistent with the regulations and intent of this Division. Any lot existing at the time of enactment of this Division and having frontage on a highway within a primary system of state highways shall not be denied access to that highway if no reasonable alternative access is possible at the time of development as determined by the Planning Commission.

(2) **Turning Lanes.** Whenever required by the Virginia Department of Transportation or the County, businesses or other uses requiring off-street parking shall provide turning lanes at their intersections with primary highways. Such turning lanes shall be designed, spaced and constructed in accordance with the then current Virginia Department of Transportation Standards.

(3) **Traffic Management.** Site plans for uses which abut directly on a highway within a primary system of state highways shall include traffic management improvements

sufficient to prevent undue traffic congestion and protect against other safety hazards related to ingress and egress. No new signalized intersections shall be proposed unless specifically authorized by the Board of Supervisors. No net increase in the number of median crossovers shall be proposed. The installation of a new median crossover shall be accompanied by a plan to close an existing crossover within the same Transportation Corridor Overlay district. The relocation of a crossover requires approval by the Board of Supervisors and the Virginia Department of Transportation. Crossovers may be improved in their current location with the approval of the Virginia Department of Transportation.

(4) *Parking.* Where parking areas are required to serve permitted uses, such parking areas shall be arranged so that vehicular and pedestrian circulation among or between various businesses can be accomplished without reentering a highway within a primary system of state highways. The number of required parking spaces shall be that which is required by the Zoning Ordinance, except that the Planning Commission may reduce the total number of required spaces up to fifteen percent when the site plan provides for shared parking and adequate circulation between multiple businesses.

(5) *Setbacks.* No buildings or additions shall be constructed within fifty feet of the right-of-way line of a highway within a primary system of state highways. A greater setback shall be enforced when required by the underlying zoning district.

(6) *Signage:* The signage requirements shall be the same as in the underlying zoning district except that no signs larger than 100 square feet or taller than 20 feet shall be constructed within fifty feet of the right-of-way line of a highway within a primary system of state highways. Only one such sign may be installed per lot. The restrictions of this section apply only to freestanding signs and sign structures.

(7) *Residential and Agricultural.* No new residential or agricultural lots may be established so that the front lot line abuts a highway within a primary system of state highways. All new non-commercial subdivision lots shall be arranged so that the main access or driveway enters the property from a street within the state secondary system of highways. In the case of a family division, access may be provided by easement across the existing private drive. No new access from the primary highway will be permitted.

For state law authority for this section, see VA. CODE ANN. §15.2-2286A.7. (Cum. Supp. 2020).

[THE MARCH 20, 2006 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT moved this section within the chapter and renumbered it from Section 22-17.23 to 22-16.4.]

[THE DECEMBER 6, 2011 AMENDMENT retitled the section, combined former sections 22-16.5, 22-16.6, 22-16.7, and 22-16.8, with this section and renumbered them, respectively, subsections (b), (c), (d), and (e), created the designation of (a), and deleted the first sentence of (a).]

[THE DECEMBER 1, 2015 AMENDMENT, in (e)(6), changed the size of the signs to be allowed within fifty feet of the right of way from 32 square feet to 100 square feet, and the height from 15 to 20 feet.]

[THE JULY 16, 2019 AMENDMENT changed the southern boundary from “State Route 699 (Gladys Road)” to “State Route 685 (Calohan Road)” at (b)(1).]

ARTICLE IX. ADDITIONAL REGULATIONS IN ALL ZONES

Division A. Parking.

Sec. 22-17. Parking.

A. **Parking, generally.** In all zoning districts, parking areas shall be provided in connection with and as an accessory to each and every use.

1. The number of parking spaces to be provided for each use shall be sufficient to provide reasonable parking for persons residing on, employed on, or patronizing the premises served.

2. Parking shall be provided on the premises to be served:

a. A specific exception may be granted in writing by the Zoning Administrator due to the size of existing lots and structures on the premises. The Zoning Administrator may confer with VDOT or other public agencies in making a determination. If an exception is granted, the minimum required number of parking spaces shall be provided through any existing on-premises parking, legal on-street parking, and/or off-premises parking with the written permission of the owner of the off-premises property.

b. The Zoning Administrator shall not grant any exception to the on-premises parking requirement if he finds it to be inconsistent with the interests of public safety or convenience.

3. All parking areas and/or sales display/service areas shall be maintained on an all-weather surface of gravel, surface treating, concrete, asphalt, paving blocks, or similar unless a specific exception is granted in section 22-17.A.3a. Accessible parking spaces, access aisles, and lanes within the parking area shall be surface treated or paved.

a. If the frequency of use, volume of traffic, and available land for any use in the A-1 zoning district does not unduly compromise public safety, the Zoning Administrator may grant an exception to parking surface requirements. In such cases, the nature of the exception granted by the Zoning Administrator will be documented with the zoning permit. Compliance with

all other applicable ordinances and regulations will be required. Exceptions granted under this section may be revoked for non-compliance, change of use, or negative impacts to public safety.

4. Parking areas when required for three (3) or more vehicles shall have individual spaces adequately designated. Single family residential uses are exempt in all zoning districts.

5. When parking facilities are illuminated, all illumination shall be so shielded to prevent any direct reflection toward adjacent properties.

6. Each space shall have access to a street and shall be so arranged that any vehicle may be moved without moving another.

7. Spaces shall be arranged so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public road, except for legal on-street parking.

8. Off-premises parking lots containing fewer than ten (10) spaces shall be an incidental use permitted in any zoning district except Residential Single Family (R-SF). Lots containing ten (10) or more spaces shall be governed by the permitted and special uses listed in each zoning district.

9. In any zoning district, an alternative parking plan deviating from the requirements of this section for any use may be approved by the Board of Supervisors as a special use permit, issued in accordance with Section 22-35 of this Code. The applicant must submit a site plan, showing all proposed parking and a narrative statement describing the use of the property and the alternative plan requested.

B. **Parking space dimensions.** Any offstreet parking space shall have minimum dimensions of nine feet by eighteen feet (9' x 18'). Each space shall be unobstructed, shall have access to a street and shall be so arranged that any vehicle may be moved without moving another.

C. **Commercial vehicular parking.** Routine parking of commercial vehicles in an R-SF or R-MF district shall be prohibited, except that one commercial vehicle with a gross vehicle weight rating as defined in VA. CODE ANN. §46.2-341.4 (Cum. Supp. 2019) of less than 10,000 pounds, or one panel van, panel truck or step van, each with a cargo area length of less than 14 feet, may be parked off-street overnight on any lot in an R-SF or R-MF district.

D. **Parking for Persons with Disabilities.** Handicapped-accessible parking spaces shall be provided in accordance with the provisions of the Americans with Disabilities Act of 1990 (42 USCS §§12101 et seq., as amended.) and the Virginia Uniform Statewide Building Code.

For state law authorizing these regulations, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018), §15.2-2284 (Repl. Vol. 2018), §36-99.11 (Repl. Vol. 2019).

For state law regulating parking for persons with disabilities, see VA. CODE ANN. §46.2-1240 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019).

Cross reference: For Federal Americans with Disabilities Act of 1990, see 42 USCS §§12101 et seq., as amended. For local ordinance regulating parking in spaces reserved for disabled persons, see §15-8.1 of this Code.

[THE 1986 AMENDMENT revised and expanded this section.]

[THE FIRST 1988 AMENDMENT deleted "gross leasing" in C and added "area designated for retail sales" and, in H, changed size of parking space from nine feet by "twenty" feet to "eighteen."]

[THE SECOND 1988 AMENDMENT inserted "are" preceding "exempt" in the second sentence in A.2. and substituted "for" for "or" preceding "each employee" in the indented language in subsection F.5.]

[THE 1989 AMENDMENT inserted "so" following "arranged" in paragraph 5 of A and added the second sentence in J.]

[THE 1992 AMENDMENT substituted "an R-1 or R-2 district" for "a residential district" in I., and rewrote J. to encompass requirements of the Americans with Disabilities Act of 1990.]

[THE MAY 6, 1996 AMENDMENT substituted "two and one-half (2 1/2) spaces" for "two (2) spaces" in paragraph 2. of D.]

[THE MARCH 17, 1997 AMENDMENT inserted "(i.e. parking for persons with disabilities that limit or impair their ability to walk)" in introductory paragraph of J; and inserted "or persons with disabilities that limit or impair their ability to walk" in first sentence in paragraph 3(a) and in paragraph 3(c), also in J.]

[THE MARCH 2, 1998 AMENDMENT, in J, inserted "at least" three times in paragraph 1, added "which is part of an accessible route to the facility entrance" at the end of first sentence in paragraph 1 and added new second sentence; substituted "accessible" for "handicapped-accessible" in paragraph 2.; in paragraph 3.(a), deleted "handicapped persons or" preceding "persons with disabilities that limit or impair . . ." and substituted "persons with disabilities" for "handicapped persons" in first sentence, and substituted "disabled" for "handicapped" in last sentence, and also in first sentence in paragraph 3.(b); deleted "handicapped persons or" following "use of" in paragraph 3.(c); and added new paragraph 3.(d).]

[THE JULY 2, 2001 AMENDMENT added the second sentence at the end of paragraph 1. in subsection A.]

[THE DECEMBER 1, 2003 AMENDMENT, in J., inserted "or that creates a concern for their safety while walking" in the parenthetical in the introductory language, and deleted

“that limit or impair their ability to walk” following “disabilities” in paragraphs 3(a) and 3(c).]

[THE AUGUST 1, 2005 AMENDMENT, in I., substituted “4,000 pounds maximum payload” for “two (2) tons,” inserted “or one panel van, panel truck or step van of 7,000 pounds maximum payload or less,” and added “in an R-1 or R-2 district” at the end.]

[THE JULY 7, 2008 AMENDMENT rewrote the last sentence in J to clarify that handicapped parking spaces are required in all zones, but that single-family residences are exempt in all zones.]

[THE JULY 20, 2009 AMENDMENT deleted “offstreet” prior to “parking” in the subtitle of subsection A and in the first sentence of subsection A and “on the premises to be served” at the end of the first sentence of subsection A; added the third, fourth, fifth and sixth sentences of subsection A, and added subsection A.6.]

[THE JULY 19, 2010 AMENDMENT deleted “overnight” from the first line and added “off-street” to the last line of subsection I, and substituted “with a gross vehicle weight rating as defined in VA. CODE ANN. §46.2-341.4 (Cum. Supp. 2009) of less than 10,000 pounds” for “of 4,000 pounds maximum payload or less” and “each with a cargo area length of less than 14 feet” for “of 7,000 pounds maximum payload or less” in subsection I.]

[THE DECEMBER 6, 2011 AMENDMENT separated the first paragraph in (A) into several subsections, and renumbered the existing subsections in (A); added “including apartments” to subsection (D)(1); and added three subsections to subsection (D)(2) related to townhouses and condominiums, which were deleted from and moved from Section 22-10.]

[THE JULY 1, 2014 AMENDMENT substituted “Motels, rooming houses and tourist houses” for “Motels, boarding, rooming and tourist homes” in D.3.]

[THE DECEMBER 1, 2015 AMENDMENT added “or paving blocks” in A.3, substituted “unless a specific exception is granted” for “with concrete or asphalt” in A.3, added A.3.a, added “except for legal on-street parking” to A.7, and added A.9.]

[THE DECEMBER 6, 2016 AMENDMENT added “or similar unless a specific exception is granted in section 22-17.A.3a” in the first sentence of A.3, deleted “Any newly constructed parking areas required to contain ten (10) or more” and “unless a specific exception is granted” from the second sentence of A.3, added “Accessible parking spaces, access aisles, and lanes within the parking area” to the second sentence of A.3, deleted subsections B through G and renumbered the following subsections, and deleted former subsection K.]

[THE JULY 6, 2017 AMENDMENT deleted accessible parking space requirements at subsection (D) and replaced it with “Handicapped-accessible parking spaces shall be provided in accordance with the provisions of the Americans with Disabilities Act of

1990 (42 USCS §§12101 et seq., as amended.) and the Virginia Uniform Statewide Building Code.”]

Division B. Temporary Buildings.

Sec. 22-17.1. Temporary buildings.

Temporary buildings and office trailers may be permitted in any district when used in conjunction with construction work only, but shall be removed immediately upon completion of construction. (7/7/86)

[THE 1986 ACT adopted this section.]

Sec. 22-17.1:1. Certain temporary structures; limitations.

Nothing in this Code shall require that a special exception or special use permit be obtained in order to erect a tent on private property (i) intended to serve as a temporary structure for a period of three (3) days or less and (ii) that will be used primarily for private or family-related events including, but not limited to, weddings and estate sales.

For state law authority, see VA. CODE ANN. §15.2-2288.2 (Repl. Vol. 2018).

[THE DECEMBER 4, 2006 ACT adopted this section.]

Division C. Signs.

Sec. 22-17.2. Preamble.

The purpose of this article is to regulate in a content-neutral manner all signs placed on public or private property for exterior observation in order to protect the public health, safety, and welfare and to promote orderly growth within Campbell County while preserving the protections of the First Amendment.

For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “in a content-neutral manner” and “public or” to the section.]

Sec. 22-17.3. Signs, definitions.

GENERAL

Affixed : securely fastened by means of metal anchors, bolts, screws, or similar of sufficient size and anchorage to safely support the loads applied, and that meets all current building code requirements.

Height : the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be exclusive of any filling, berming, mounding, or excavating primarily for the purpose of mounting or elevating the sign.

Nonconforming sign : Any sign structure which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Premises : a parcel or parcels, contiguous or separated by not more than 200 linear feet, under the same ownership or control, the primary use of which is the same.

Public area : any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Sign : any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, flag, banner, or pennant, or any other figure or character) designed to communicate ideas or information and visible to persons in a public area.

Sign area: Signs shall use the entire sign face, including the advertisement surface and any framing, trim, or molding but not including the supporting structure to determine sign area. For the purposes of computing sign area only one side, or the larger side if different, of a double-faced sign shall be considered. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees. An individually mounted or painted letter sign shall be computed based on the smallest projected rectangle around each line of characters.

Sign structure: any structure bearing a sign.

Unit : individual, separated, inhabitable space within a shared building or premises for commercial or industrial uses, that is leased to a person or entity separate and distinct from the owner of the building or premises.

SIGN TYPES

Banner : a temporary sign of flexible material designed to be installed with attachments along more than one of its edges.

Flag : a piece of cloth or similar material that is typically oblong or square and attachable by one edge for display.

Flat sign : any sign with no structural components that is placed on a structure designed to serve a purpose other than to support the sign (such as a roof, wall, fence, or similar), using paint, vinyl, or similar two-dimensional medium, or that is debossed or incised to a depth no greater than one (1) inch.

Freestanding sign : any non-portable sign affixed to and supported by upright structural members or braces on or in the ground, and not attached to a structure.

Minor sign : a wall-mounted or freestanding sign not exceeding six (6) square feet in area, not exceeding four (4) feet in height, and not illuminated.

Monument sign : a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not attached to a building and not a freestanding sign.

Temporary sign : a sign that is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground, or signs that do not require a building permit under the Virginia Uniform Statewide Building Code. A temporary sign is allowed without a zoning permit and may be in place for an indefinite period of time.

Tenant sign structure : a single sign structure identifying several tenants or units on the same premises. Where permitted, any parcel or premises regardless of the form of ownership, that includes two (2) or more units, shall use a single sign structure – freestanding or monument – the sign area of which shall be no greater than 300 square feet. Individual units may use this sign structure and each unit’s signage in said structure counts towards that unit’s total aggregate sign area allowed (300 square feet) allowed on either the tenant sign structure or on the premises. Individual tenants are not permitted additional sign structures, but are permitted signs attached to the place of business or operation.

Tenant sign : That portion of signage within a tenant sign structure allotted to an individual tenant or unit.

For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §§33.2-1200 et seq. (Repl. Vol. 2019), esp. VA. CODE ANN. §§33.2-1216 (Repl. Vol. 2019).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “structure” to the definition of “Nonconforming sign,” added definition of “Sign structure,” substituted “for display” for “that contains a special design or color(s) that is used as a symbol or signal” in the definition of “Flag,” added “or that is debossed or incised to a depth no greater than one (1) inch” to the definition of “Flat sign,” added “-mounted” to the definition of “Minor sign” and deleted the definitions of “Monument,” “Off-premises sign,” and “Pennant.”]

[THE APRIL 4, 2017 AMENDMENT deleted the time requirement at the end of the definition of “Temporary sign.”]

[THE JULY 6, 2017 AMENDMENT, in the definition of Temporary sign, added “or signs that do not require a building permit under the Virginia Uniform Statewide Building Code” and “and may be in place for an indefinite period of time” and substituted “zoning permit” for “permit.”]

Sec. 22-17.4. Signs, general requirements.

(a) Building Code. All signs shall comply with the applicable requirements of the Virginia Uniform Statewide Building Code, any applicable state law, and any regulations promulgated by the Commonwealth Transportation Board pursuant thereto. In the event of conflicting laws or regulations, the most restrictive or that imposing higher standards shall govern.

(b) Setbacks. Front yard setback requirements shall not apply to any sign. All signs requiring a permit shall be subject to the same side and rear yard setbacks imposed upon accessory structures in the zoning district in which said sign is located, except as otherwise provided herein. All portions of the sign, including overhangs, must meet applicable setbacks.

(c) Maximum Height. The maximum height for any sign shall be the same as the maximum height allowed for the zoning district in which the sign is located, except as otherwise provided herein or for those in the Transportation Corridor Overlay.

(d) Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this Division or by other applicable law. Illumination shall be directed or shielded to prevent any direct reflection toward adjacent properties such that it illuminates only the face of the sign. Indirect lighting shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

(e) Overlay district regulations. Refer to Sec. 22-16.4 for all signs located within the Transportation Corridor Overlay at Wards Road/Route 29.

For state law authority, see VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018). See also VA. CODE ANN. §§33.2-1200 et seq. (Repl. Vol. 2019), esp. VA. CODE ANN. §§33.2-1216 (Repl. Vol. 2019).

[THE 1986 AMENDMENT added G.]

[THE FIRST 1988 AMENDMENT added H.]

[THE SECOND 1988 AMENDMENT substituted "Commonwealth Transportation Board" for "State Highway and Transportation Commission" in A.]

[THE JULY 19, 2010 AMENDMENT added subsection I.]

[THE DECEMBER 6, 2011 AMENDMENT deleted subsection I.]

[THE JULY 7, 2015 AMENDMENT added the subsection titles in (a) through (f), added the second sentence of (c), deleted "side yard and" from (d), added the third sentence of (h), and added (i) and (j).]

[THE JULY 5, 2016 AMENDMENT rewrote this section in its entirety.]

[THE DECEMBER 6, 2016 AMENDMENT added “and back” to (b) and substituted “accessory” for “other buildings or” in (b).]

[THE JULY 6, 2017 AMENDMENT deleted “whether permanent or temporary” from (a), substituted “Virginia Uniform Statewide” for “County” in (a), added “requiring a permit” and “applicable” to (b), and substituted “rear” for “back” in (b).]

Sec. 22-17.5. Off-premises signs.

Off-premises signs shall be regulated by applicable state and federal law.

[THE JULY 5, 2016 ACT adopted this section.]

Sec. 22-17.6. Non-conforming signs.

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, regardless of the content of the sign, which do not conform to the provisions of this chapter shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property.
- (b) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (c) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (d) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (e) Nothing in this chapter shall be construed to prevent the County of Campbell, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. A nonconforming sign shall be considered abandoned if the entity for which the sign was erected has not been in operation for a period of at least two (2) years. Following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the County of Campbell to do so. If, following such two-year period, the County has made a reasonable attempt to notify the property owner, the County through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent Campbell County from

applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

For state law authority, see VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “regardless of the content of the sign” to (a).]

Sec. 22-17.7. Sign types allowed per zoning district.

‘sf’ is an abbreviation for ‘square feet’

(a) Residential districts

Counts toward total area allowed	Maximum Sign Area per parcel (sf)	Maximum Number of Signs per parcel
Signs	48	2

Do not count toward total area allowed	Maximum Sign Area per sign (sf)	Maximum Number of Signs per parcel
Temporary Signs (exceeding 6 sf)	32	1
Temporary Signs (6 sf or less)	6	6
Flags	48	unlimited
Flat Signs	16	2

(b) Agricultural districts

Counts toward total area allowed	Maximum Sign Area per premises (sf)	Maximum Number of Signs per parcel
Signs	100	unlimited

Do not count toward total area allowed	Maximum Sign Area per sign (sf)	Maximum Number of Signs per parcel
Temporary Signs (exceeding 6 sf)	32	1
Temporary Signs (6 sf or less)	6	unlimited

Flags	48	unlimited
Flat Signs	32	unlimited

(c) Business districts

Counts toward total area allowed	Maximum Sign Area per premises or unit (sf)	Maximum Number of Signs per parcel
Signs, including Tenant Signs	300	unlimited

Do not count toward total area allowed	Maximum Sign Area per sign (sf)	Maximum Number of Signs per parcel
Tenant Sign Structure	300	2
Temporary Signs (exceeding 6 sf)	48	1
Temporary Signs (6 sf or less)	6	unlimited
Flags	96	unlimited
Flat Signs	32	unlimited

(d) Industrial districts

Counts toward total area allowed	Maximum Sign Area per premises or unit (sf)	Maximum Number of Signs per parcel
Signs, including Tenant Signs	300	unlimited

Do not count toward total area allowed	Maximum Sign Area per sign (sf)	Maximum Number of Signs per parcel
Tenant Sign Structure	300	2
Temporary Signs (exceeding 6 sf)	48	1
Temporary Signs (6 sf or less)	6	unlimited
Flags	96	unlimited
Flat Signs	32	unlimited

For state law authority, see VA. CODE ANN. §15.2-2280 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added flat sign area limits to each zone and limited the number of flat signs to two per parcel in residential zones.]

Sec. 22-17.8. Permits.

- (a) **Permit required.** A permit is required prior to the display and erection of any sign except as provided in §22-17.8(b) of this Article.
- (b) **Permit not required.** A zoning permit is not required for the following, although a building permit may be required:
1. The changing of a sign message, including on marquees or 'face' changes, where no change to the size, height, structure, or support is made.
 2. Temporary signs
 3. Flags
 4. Pavement markings
 5. Window signs (any sign painted upon, attached to, and/or placed less than 24 inches inside a glass window or door, and which is intended for viewing from the exterior of such building).
 6. Gravestones and burial markers
 7. Signs on, and incidental and original to, mechanical equipment
 8. Signs required by state or federal law
 9. Wayfinding signs

For state law authority, see VA. CODE ANN. §15.2-2280 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT corrected a cross-reference in (a), substituted “Gravestones and cemetery markers” for “Monuments” in (b)(6), and added (b)(7) and (b)(8).]

[THE DECEMBER 4, 2018 AMENDMENT added “Wayfinding signs” at (b)(9).]

Sec. 22-17.9. Prohibited signs.

- (a) Signs requiring a permit shall not be attached to natural vegetation.

(b) Signs that emit smoke, flame, scent, mist, aerosol, liquid, gas, or sound are prohibited.

For state law authority, see VA. CODE ANN. §15.2-2280 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2283 (Repl. Vol. 2018).

[THE JULY 5, 2016 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT deleted (c), which had prohibited “Signs erected on public land other than those approved by an authorized official in writing, required by law without such approval, or permitted under Title 24.2, Elections, of the Virginia Code.”]

[THE JULY 6, 2017 AMENDMENT added “requiring a permit shall not be” to (a) and “are prohibited” to (b).]

Division D. Reserved.

Division E. Standards for Telecommunication Antennas and Towers

Sec. 22-17.10. Telecommunication Antennas and Towers.

The provisions of this division (§22-17.10 through §22-17.22, both inclusive) shall be applicable to the construction, maintenance, operation and dismantling of telecommunication or other antennas and towers. The purpose of this division is to establish general guidelines for the siting of telecommunication or other towers and antennas and to set forth criteria to be considered by the Board of Supervisors in considering applications for Special Use Permits required pursuant to this chapter. The goal of this division is to (i) encourage the location of towers in order to maximize the benefits of telecommunications services while also minimizing the total number of towers and tower sites throughout Campbell County, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, (v) provide adequate sites for the provision of telecommunication service with minimal negative impact on the resources of the County, (vi) facilitate the creation of convenient, attractive and harmonious communities, (vii) protect against overcrowding of land, obstruction of

light and air, danger and congestion in travel and transportation, (viii) encourage economic development activities that provide desirable employment and enlarge the tax base, (ix) provide for the preservation of agriculture and forestal lands and other lands of significance for the protection of the natural environment, and (x) protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018), §15.2-2283 (Repl. Vol. 2018), and §15.2-2284 (Repl. Vol. 2018). See also 47 USC §332(c)(7)(A).

Editor's note.--The provisions of this division were originally designated as §§22-16.01 through 22-16.013, both inclusive, and were so designated in the required public notices. At the request of the Planning Commission and Board of Supervisors, subsequent to the public notice, but prior to adoption of these provisions, the draft provisions were renumbered as §§22-17.10 through 22-17.22, both inclusive, and placed as new Division E. within Article IX. of Chapter 22. The introductory sentence in §22-17.12 was added to clarify the stated intent of §22-17.10; i.e. that the provisions of this division apply in those districts in which telecommunication antennas and/or towers are permitted under the specific regulations applicable to each such zoning district. Sections 22-17.10 through 22-17.22, both inclusive, were so numbered and constituted when adopted by the Board of Supervisors on November 16, 1998.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “order to maximize the benefits of telecommunications services while also minimizing” for “nonresidential areas and minimize” in clause (i).]

Sec. 22-17.11. Definitions.

The following terms, when used in this division, shall have the meaning ascribed to them below, unless otherwise clearly required by the context:

Alternative tower structure. Man-made trees, clock towers, bell steeples, lightpoles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

Sec. 22-17.12. Applicability of this division; exceptions.

The provisions of this division shall apply in any zoning district in Campbell County in which telecommunication antennas and/or towers are permitted under the specific regulations applicable to that zoning district. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to VA. CODE ANN. §56-231.15 et seq. shall be deemed to be substantially in accord with the comprehensive plan and Planning Commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

(a) **Height limitations.** The requirements set forth in this division shall govern the location of towers that exceed, and antennas that are installed at greater than, fifty (50) feet in height.

(b) **Amateur radio and receive-only antennas.**

(1) Except as specified in this section, this division shall not govern any tower, or the installation of any antenna, that is (1) under fifty (50) feet in height and owned and operated by a federally-licensed amateur radio station operator or (2) used exclusively for receive-only antennas for amateur radio station operation.

(2) This division shall not be deemed to (i) restrict amateur radio antenna height to less than two hundred (200) feet above ground level as permitted by the Federal Communications Commission or (ii) restrict the number of support structures.

(3) Reasonable and customary engineering practices shall be followed in the erection of amateur radio antennas, regardless of height.

(4) Amateur radio antennas, regardless of height, shall be subject to requirements contained in this division and elsewhere in this Code relating to the use of screening, setback, placement, and health and safety requirements. Pursuant to state law, any such requirements prescribed by ordinance shall reasonably accommodate amateur radio antennas and shall impose the minimum regulation necessary to accomplish the legitimate purpose of Campbell County.

(c) **Existing structures and towers.**

(1) The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other free-standing structure or existing tower or pole shall be permitted by right so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements and shall not violate any specific conditions of an existing special use permit on the structure or tower. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

(2) Reasonable and customary engineering practices shall be followed in the placement of any such antenna or supporting equipment on or in an existing structure as described above.

(3) Placement of such antenna, as well as the placement of additional buildings or other supporting equipment used in connection with said antenna, shall be subject to requirements contained in this division and elsewhere in this Code relating to the use of screening, setback, placement, and health and safety requirements.

For state law authority for provisions regarding amateur radio antennas, see VA. CODE ANN. §15.2-2293.1 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2232 (G) (Repl. Vol. 2018).

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “by right” and “and shall not violate any specific conditions of an existing special use permit on the structure or tower” in the first sentence of subsection (c)(1).]

[THE JULY 5, 2016 AMENDMENT added the second sentence in the introductory paragraph.]

Sec. 22-17.13. General guidelines and requirements.

(a) **Principal or accessory use.** For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lots.

(b) **Inventory of existing sites.** Each applicant for a permit under this division shall provide to the Planner or Zoning Administrator, upon request, an inventory of its existing facilities

that are within the locality, including specific information about the location, height, and existing use and available capacity of each tower. The staff may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however, that the staff shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

(c) **Design.** The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.

(2) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, such lighting shall be in strict compliance with the regulations of the FAA. Such lighting shall be oriented inward so as not to project onto surrounding property provided that such orientation is in compliance with applicable FAA regulations.

(5) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.

(6) To permit co-location, the tower shall be designed and constructed to permit extensions to a height of at least 199 feet, subject to FAA regulations. A waiver of this requirement can be granted only through the special use permit process and cannot be based solely on the cost of construction.

(7) Towers shall be designed to collapse within the lot lines in the case of structural failure. Lot lines refer to those of the parent parcel and not a leased area or easement for the tower.

(8) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

(9) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is both installed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

(d) **Information required.** Each applicant requesting a permit under this ordinance shall submit the following:

(1) A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses.

(2) An engineering report, certifying that the proposed tower is compatible for co-location with a minimum of three (3) users, including the primary user. The report shall also include information as to the height of the proposed tower at initial construction and its ability to be extended.

(3) A copy of its co-location policy.

(4) Copies of correspondence and/or approvals from applicable federal and state agencies.

(5) Actual photographs of the site and, to the extent possible, those photographs shall include a simulated photographic image of the proposed tower. A photograph with the simulated image shall include the foreground, the midground, and the background of the site. This requirement will be waived when no special use permit is required.

(6) Copies of propagation maps demonstrating that tower heights and location are appropriate to meet the goals of this division as stated in §22-17.10. This requirement may be waived by the Zoning Administrator when it is not deemed applicable to the type of antenna proposed.

(7) Evidence that no existing tower or structure can accommodate the applicant's proposed antenna as stated in §22-17.15.

Cross reference.--For application procedures for special use permit, see §22-35 of this Code. See also VA. CODE ANN. §15.2-2232 F. (Repl. Vol. 2018).

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted "a permit under this division" for "an antenna or for a tower" in the first sentence of (b), and substituted "staff" twice for "Zoning Administrator" in that subsection, deleted "lighting" from the title of subsection (c), deleted "maximum" and added "at least" and the last sentence to (c)(6), added the last sentence to (c)(7), renumbered former subsections (d) and (e) to (c)(8) and (c)(9) respectively, and substantially reorganized and rewrote the remainder of the section.]

[THE DECEMBER 5, 2017 AMENDMENT renumbered former subsections of (d)(5) into (d)(5), (d)(6), and (d)(7) and added the last sentence to (d)(5) and (d)(6).]

Sec. 22-17.14. Factors considered in granting special use permits for new towers.

The applicant shall obtain a special use permit from the Board of Supervisors before erecting towers or antennas covered by these sections and other applicable sections of this Chapter. The Board of Supervisors shall consider the following factors in determining whether to issue a special use permit:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of the uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress;
- (h) Co-location policy;
- (i) Language of the lease agreement dealing with co-location;
- (j) Consistency with the comprehensive plan and the purposes to be served by zoning;
- (k) Availability of suitable existing towers and other structures as discussed below; and
- (l) Proximity to commercial or private airports.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “and other applicable sections of this Chapter” in the first sentence.]

Sec. 22-17.15. Availability of suitable existing towers or other structures.

No new tower shall be permitted by special use permit unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure can accommodate the applicant’s proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant’s proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added "by special use permit" to the first sentence.]

Sec. 22-17.16. Setbacks.

The following setback requirements shall apply to all towers and antennas:

(a) The tower must be set back from the nearest load-bearing wall of any off-site residential structure no less than 110 percent of the height of the tower at the time of the construction or any subsequent extension; and

(b) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT substituted "110 percent of the height of the tower at the time of the construction or any subsequent extension" for "four hundred (400) feet" in (a).]

Sec. 22-17.17. Security fencing.

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

Sec. 22-17.18. Landscaping.

The following requirements shall govern the landscaping surrounding towers and antennas:

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings or structures from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

(b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots or property zoned for industrial uses, natural growth around the property perimeter may be a sufficient buffer.

(c) Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower, required ancillary components, and access.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2016 AMENDMENT added “required ancillary components” and substituted “access” for “installation of access for vehicle utilities” in (c).]

[THE DECEMBER 5, 2017 AMENDMENT added “or property zoned for industrial uses” to subsection (b).]

Sec. 22-17.19. Local government access.

Owners of towers shall provide to the County, at fair market rates, co-location opportunities as a community benefit to improve communication for County departments and emergency services, provided such co-location does not conflict with other provisions of this ordinance.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “at fair market rates” and deleted “radio” immediately prior to “communication.”]

Sec. 22-17.20. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such equipment removal requirement. For the purposes of this division, removal shall include the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with property owner's written approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower for its intended purpose for a continuous period of twenty-four (24) months.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

Sec. 22-17.21. Required report.

The owner of each such antenna or tower shall, upon written request, submit a report to the Zoning Administrator stating the location and current user status of each antenna or tower no later than thirty (30) calendar days from the date of the request. Such report shall not be required more frequently than once per calendar year. Failure to submit the required report may be considered evidence that the antenna or tower is abandoned.

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT deleted "yearly" from the catchline, added "upon written request" to the first sentence, combined the first two sentences eliminating a requirement that the report be submitted automatically once per year, and added the last two sentences.]

Sec. 22-17.22. Review fees.

In the event that the Board of Supervisors, or its designee, determines that engineering studies and/or other additional detailed information are required for a proper review of the application, the applicant shall reimburse the County for such studies or information at its own expense. A review fee of five hundred dollars (\$500.00) or actual cost to the County, which may include necessary outside consulting services, *whichever amount is greater*, shall be paid by the applicant upon notification by the Board of Supervisors, or its designee. Such fee shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill, and expenses involved in the review of such engineering studies, etc. Such review fee shall be in addition to the special use permit application fee required by this chapter.

For state law authority, see VA. CODE ANN. §15.2-2286 A.6. (Cum. Supp. 2020). For special notice requirements applicable to fees under this chapter, see VA. CODE ANN. §15.2-107 (Repl. Vol. 2018).

[THE NOVEMBER 16, 1998 ACT adopted this section.]

[THE OCTOBER 2, 2000, AMENDMENT substituted “whichever amount is more” for “whichever amount is less” in the second sentence.]

[THE JUNE 17, 2002 AMENDMENT substituted “or actual cost to the County, which may include necessary outside consulting services, *whichever amount is greater*” for “or an amount commensurate with the services rendered taking into consideration the time, skill, and expense involved in the review of such engineering studies, etc., *whichever amount is more*” and inserted a new third sentence substantially similar to the language deleted from the second sentence.]

[THE DECEMBER 6, 2010 AMENDMENT substituted “reimburse the County for” for “provide” in the first sentence.]

[THE DECEMBER 5, 2017 AMENDMENT deleted “special use” prior to “application” in the first sentence.]

ARTICLE X. AIRPORT REGULATIONS

Sec. 22-18. Preston Glenn Airport and Brookneal/Campbell County Airport.

All zoning districts within the glide slopes of the two airports located in Campbell County shall be subject to all Federal and State regulations with regard to height of tower, utility pole, building or manmade structures.

For state law authority, see VA. CODE ANN. §15.2-2294 (Repl. Vol. 2018), §15.2-2283 (Repl. Vol. 2018), and §15.2-2284 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2293 (Repl. Vol. 2018).

ARTICLE XI. CONDITIONAL ZONING

Sec. 22-19. Conditional zoning; declaration of policy and findings; purpose.

It is the general policy of this County to provide for the orderly development of land, for all purposes, through zoning and other land development enactments. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are necessary to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section and Sections 22-20 through 22-24 of this Code, in accordance with the provisions of §22-35 of this Code, to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this section and the following five (5) sections shall not be used for the purpose of discrimination in housing.

For state law authority, see VA. CODE ANN. §15.2-2296 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2297 (Cum. Supp. 2019).

Editor's note.--Chapter 587 of the 1997 Virginia Acts of Assembly inserted a new next-to-last sentence in VA. CODE ANN. §15.2-2296 which is not set out in this section, but which provides as follows:

“The exercise of authority granted pursuant to §§15.2-2296 through 15.2-2302 shall not be construed to limit or restrict powers otherwise granted to any locality, nor to affect the validity of any ordinance adopted by any such locality which would be valid without regard to this section.”

Note that VA. CODE ANN. §§15.2-2296, 15.2-2297, 15.2-2299, 15.2-2300, 15.2-2301, and 15.2-2302 correspond to the provisions of §§22-19 through 22-24 of this Code. *Ordinances pursuant to VA. CODE ANN. §15.2-2298 have not been adopted by Campbell County at this time.*

[THE 1988 AMENDMENT inserted "of this Code" in the fourth sentence.]

[THE 1989 AMENDMENT inserted "in accordance with the provisions of §22-35 of this Code" in the fourth sentence.]

[THE MAY 17, 1999 AMENDMENT inserted “this section and” in fourth sentence.]

Sec. 22-20. Conditions as part of rezoning or amendment to zoning map.

(a) An applicant for a conditional zoning permit may voluntarily proffer in writing, provided that the applicant is the owner of the property, reasonable conditions, prior to a public hearing before the Board of Supervisors, in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map; provided that (i) the rezoning itself must give rise to the need for the conditions; (ii) the conditions shall have a reasonable relation to the rezoning; (iii) the conditions shall not include a cash contribution to the County; (iv) the conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Subdivision Ordinance; (v) the conditions shall not include a requirement that the applicant create a property owners' association under VA. CODE ANN. §55.1-1800 et seq. (Repl. Vol. 2019) which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in the Subdivision Ordinance; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation; (vi) the conditions shall not include payment for or construction of offsite improvements except those provided for in the Subdivision Ordinance; (vii) no condition shall be proffered that is not related to the physical development or physical operation of the property; and (viii) all such conditions shall be in conformity with the comprehensive plan. The Board of Supervisors may also accept amended proffers once the public hearing has begun if the

amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by conditions. However, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) In the event proffered conditions include a requirement for the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendments to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the Board of Supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

(c) Any landowner who has prior to July 1, 1990, proffered the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, but who has not substantially implemented such proffers prior to July 1, 1990, shall advise the Board of Supervisors by certified mail prior to July 1, 1991, that he intends to proceed with the implementation of such proffers. The notice shall identify the property to be developed, the zoning district and the proffers applicable thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially to implement the proffers or such later time as the Board of Supervisors may allow. Thereafter, the landowner in good faith shall diligently pursue the completion of the development of the property.

Any landowner who complies with the requirements of this subsection shall be entitled to the protection against action initiated by the Board of Supervisors affecting use, floor area ratio, and density set out in subsection (b) of this section, unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare, but any landowner failing to comply with the requirements of this subsection shall acquire no rights pursuant to this section.

(d) The provisions of subsections (b) and (c) of this section shall be effective prospectively only, and not retroactively, and shall not apply to any zoning ordinance text amendments which may have been enacted prior to March 10, 1990. Nothing contained herein shall be construed to affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter refiled.

Nothing in this section shall be construed or affect or impair the authority of the Board of Supervisors to:

1. Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or
2. Accept or impose valid conditions pursuant to the granting of special exceptions under suitable regulations and safeguards as authorized by provision 3 of VA. CODE ANN. §15.2-2286 A. (Cum. Supp. 2020) or other provision of law. (12/2/85)

(e) A zoning permit fee of five hundred dollars (\$500.00) and additional fees related to the costs of publicizing and conducting the public hearing as required by the Board of Supervisors shall be paid when the application for conditional zoning permit is filed.

For state law authority, see VA. CODE ANN. §15.2-2297 (Cum. Supp. 2019).

[THE 12/85 AMENDMENT substituted "zoning" for "use" in the first sentence.]

[THE 1988 AMENDMENT inserted "or zone by this chapter" following "zoning district" preceding the proviso in the first sentence, substituted "include" for "constitute" in clause (iii) in first sentence and "mandatory" for "mandated" in clause (iv).]

[THE 1991 AMENDMENT, in the introductory language, substituted "in effect" for "in full force and effect" and "however, such" for "provided, however, that such."]

[THE 1992 AMENDMENT added the designation (a) and added new (b), (c) and (d).]

[THE MAY 17, 1999 AMENDMENT substituted "provision 3 of VA. CODE ANN. §15.2-2286 A. (Cum. Supp. 1998)" for "subsection (c) of VA. CODE ANN. §15.1-491 (Interim Supp.1997)" in item 2. following last undesignated paragraph.]

[THE DECEMBER 3, 2001 AMENDMENT, in the first sentence in (a), redesignated clauses and inserted a new clause (v).]

[THE JUNE 17, 2002 AMENDMENT added subsection (e).]

[THE DECEMBER 4, 2006 AMENDMENT inserted the third-to-last sentence in (a), which sentence begins "The Board of Supervisors may also accept amended proffers..."]

[THE JULY 5, 2016 AMENDMENT increased the fee for zoning permits from \$300 to \$500.]

Sec. 22-21. Enforcement and guarantees.

(a) Pursuant to the authority of VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2020), the Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this zoning ordinance. His authority shall include:

(i) ordering in writing the remedying of any condition found in violation of the zoning ordinance;

(ii) insuring compliance with the zoning ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019); and

(iii) in specific cases, making findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018), or subsection C of VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019).

(b) Pursuant to the authority of VA. CODE ANN. §15.2-2299 (Repl. Vol. 2018), the Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

(i) the ordering in writing of the remedy of any noncompliance with the conditions;

(ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and

(iii) requiring a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Board of Supervisors, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

For state law authority, see VA. CODE ANN. §15.2-2299 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2286 A. at provision 4. (Cum. Supp. 2020), and VA. CODE ANN. §15.2-2208 (Repl. Vol. 2018).

Editor's note.--Subsections (a) and (b) above are identical to subsections (a) and (b) of §22-6.

For provision requiring Zoning Administrator to respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period, see §15.2-2286 A. at provision 4 and also §22-6(e) of this Code.

[THE 1988 AMENDMENT substituted "improvements" for "improvement" following "physical," "contractor's" for "contractors," and "guarantee" for "guarantees" preceding "shall be reduced," in clause (iii) in the first sentence.]

[THE 1993 AMENDMENT, in the first sentence, inserted the clause "including the authority to make conclusions of law . . ." and ending "and further" preceding clause (i) and added "subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993)" at the end of clause (ii).]

[THE MARCH 17, 1997 AMENDMENT rewrote the section without substantive change.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; substituted “insuring” for “to insure” in (a)(ii) and “is vested” for “shall be vested” in the introductory paragraph of (b).]

[THE JULY 20, 2009 AMENDMENT added the last clause of subsection (a)(iii).]

Sec. 22-22. Records.

The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. The Zoning Administrator shall update the Index annually and no later than November 30 of each year.

For state law authority, see VA. CODE ANN. §15.2-2300 (Repl. Vol. 2018).

Editor’s note: VA. CODE ANN. §15.2-2300 (Repl. Vol. 2018) also requires that the Conditional Zoning Index shall provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the local governing body pursuant to VA. CODE ANN. §15.2-2303.2 (Repl. Vol. 2018) in affected localities.

[THE 1988 AMENDMENT added “or zone” at the end of the third sentence.]

[THE DECEMBER 6, 2004 AMENDMENT added the last sentence.]

Sec. 22-23. Petition for review of decision.

Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 22-21 of this Code may petition the Board of Supervisors for review of the decision of the Zoning Administrator. All petitions for review shall be filed with the Zoning Administrator and with the Clerk of the Board of Supervisors within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the Board of Supervisors on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

An aggrieved party may petition the circuit court for review of the decision of the Board of Supervisors on an appeal taken pursuant to this section. The provisions of subsection F of § [15.2-2285](#) shall apply to such petitions to the circuit court, mutatis mutandis.

For state law authority, see VA. CODE ANN. §15.2-2301 (Repl. Vol. 2018).

[THE 1988 AMENDMENT inserted "or any other person" and "made pursuant to the provisions of Section 22-21 of this Code" in the first sentence, and deleted "pursuant to the provisions of Section 22-21 hereof" following "Zoning Administrator" at end of first sentence, and added second sentence.]

[THE MAY 17, 1999 AMENDMENT, in the second sentence, deleted "such" following "All" and "such petitions" preceding "shall specify."]

[THE JULY 5, 2011 AMENDMENT added the last sentence of the first paragraph.]

[THE JULY 17, 2012 AMENDMENT added the second paragraph.]

Sec. 22-24. Amendments and variations of conditions.

(a) Subject to any applicable public notice or hearing requirement of subsection (b) but notwithstanding any other provision of law, any landowner subject to conditions proffered pursuant to VA. CODE ANN. §§15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1 may apply to the governing body for amendments to or variations of such proffered conditions provided only that written notice of such application be provided in the manner prescribed by subsection B of VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). Further, the approval of such an amendment or variation by the governing body shall not in itself cause the use of any other property to be determined a nonconforming use.

(b) There shall be no such amendment or variation of any conditions proffered pursuant to VA. CODE ANN. §§15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1 until after a public hearing before the Board of Supervisors pursuant to the provisions of VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, where an amendment to proffered conditions is requested pursuant to subsection (a), and where such amendment does not affect conditions of use or density, the Board of Supervisors may waive the requirement for a public hearing (i) under this section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions.

(c) Once amended pursuant to this section, the proffered conditions shall continue to be an amendment to the zoning ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of this Chapter.

(d) Notwithstanding any other provision of law, no claim of any right derived from any condition proffered pursuant to VA. CODE ANN. §§15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1 shall impair the right of any landowner subject to such a proffered condition to secure amendments to or variations of such proffered conditions.

(e) Notwithstanding any other provision of law, the Board of Supervisors may waive the written notice requirement of subsection (a) in order to reduce, suspend, or eliminate outstanding

cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner.

For state law authority, see VA. CODE ANN. §15.2-2302 (Repl. Vol. 2018) and §15.2-2204 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2205 (Repl. Vol. 2018).

[THE MAY 17, 1999 AMENDMENT substituted §§15.2-2204 “(Repl. Vol. 1997)” for §15.1-431 “(Cum. Supp. 1996).”]

[THE JULY 20, 2009 AMENDMENT added the second and third sentences.]

[THE DECEMBER 7, 2009 AMENDMENT corrected a misspelling.]

[THE JULY 17, 2012 AMENDMENT added subsections (a) and (d), renumbered the existing language under (b) and (c), slightly revised (b) for clarity, and added “pursuant to this section” to (c).]

[THE JULY 2, 2013 AMENDMENT added subsection (e).]

[THE JULY 6, 2017 AMENDMENT substituted “B” for “H” in (a) and deleted “to any landowner subject to such existing proffered conditions” from the end of the first sentence in (a),]

Sec. 22-24.01. Recorded plat or final site plan; conflicting zoning conditions.

If the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors *and not its designee* to be in accordance with the zoning conditions previously approved pursuant to §22-19 through §22-24 of this Code, conflict with any underlying zoning conditions of such previous rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of §22-4.1 of this Code and VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018) shall be deemed to have been satisfied.

For state law authority, see VA. CODE ANN. §15.2-2261.1 (Repl. Vol. 2018).

[THE DECEMBER 2, 2002 ACT adopted this section.]

ARTICLE XI. A. PLANNED UNIT DEVELOPMENT

Sec. 22-24.1. Purpose and intent.

(a) It is the intent of the Planned Unit Development (PUD) article to provide flexible land use and design regulations through the use of performance criteria so that small to large scale

neighborhoods or portions thereof may be developed within the County that incorporate a variety of residential and accessory commercial and service types and contain both individual building sites and common property which are planned and developed as a unit. It is the intent of the Board of Supervisors to create a superior living environment through unified planning and building operations, to encourage variety in housing and well-located community facilities, to protect the natural beauty of the landscape, to encourage preservation and more efficient use of open space, to offer an opportunity for design flexibility and encourage innovations which may result in improved relationships between land uses of different types and between land uses and transportation facilities, while protecting existing and future development and achieving the goals of the Comprehensive Plan. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or common property in order to function as a neighborhood.

This article recognizes that while standard zoning function (bulk) and the subdivision function (planning and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the Planned Unit Development concept. Thus, where PUD techniques are deemed appropriate by the Board of Supervisors, all dimensional specifications, setback requirements, buffering requirements, landscaping requirements, location of off-street parking facilities and location of recreation facilities prescribed elsewhere in this Code are herein replaced by an approval process in which an approved site plan becomes the basis for continuing land use controls.

(b) In order to carry out the intent of this article, a PUD shall achieve the following objectives:

(1) A maximum choice in types of environment; occupancy tenure (e.g., cooperatives, individual ownership condominium, leasing); types of housing; lot sizes; and community facilities available to existing and potential residents at all economic levels and, where appropriate, specific types of community to be developed;

(2) More open space and recreation areas;

(3) The preservation of trees, outstanding natural topography and geological features and prevention of soil erosion;

(4) A creative use of land and related physical developments which allows an orderly transition of undeveloped land to high intensity mixed use development;

(5) An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs;

(6) A development pattern in harmony with the objectives of the Campbell County Comprehensive Plan; and

(7) A more desirable environment than would be possible through the strict application of other articles of the Zoning or Subdivision Ordinances.

(c) For purposes of this article, a Planned Unit Development is defined in Sec. 22-2 B. 67 of this Code and shall mean a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculations are performed for the entire development rather than on an individual lot basis.

For state law authority, see VA. CODE ANN. §15.2-2200 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020), especially A.9.

Editor's note.—Pursuant to VA. CODE ANN. §1-216 (Repl. Vol. 2017) and §1-2 of the Campbell County Code of 1988, regarding the use of gender-specific words in statutes or ordinances, “Gender” is defined as follows: “A word used in the masculine includes the feminine and neuter.” See also VA. CODE ANN. §2.2-3901 (Repl. Vol. 2017).

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.2. General requirements for Planned Unit Developments.

(a) Minimum Area. Generally, the minimum area required to qualify for a Planned Unit Development shall be twenty-five (25) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the Board of Supervisors, upon recommendation of the Planning Commission, may consider projects with less acreage.

(b) Ownership. The tract of land for a project may be owned, leased, controlled or under option by a single person or corporation or by a group of individuals or corporations. The application for establishment of a PUD must be filed by the owner or jointly by all owners of property included in the project or by the property owner's authorized agent having a power of attorney to sign the petition. In case of multiple ownership, the approved plan shall be binding on all owners. The application for the establishment of a PUD District may include a proposal for subsequent division of ownership into one or more separately owned or operated units. If approved with the remainder of the application, said division may be accomplished without further approval under the Subdivision Ordinance or otherwise. A new or amended plan of division shall be considered as an amendment to an approved planned unit development.

(c) Location of Planned Unit Developments. A Planned Unit Development may be established by a special use permit in R-MF residential zones within the County where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article and are consistent with the Comprehensive Plan of Campbell County.

(d) Management and Ownership of Common Open Space Property and Facilities in Planned Unit Developments. All common open space properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of a homeowner's association of all individuals or corporations owning property

within the Planned Unit Development to ensure the maintenance of all common open space properties and facilities. Performance guarantees may be required as hereinafter set forth.

(e) Fee Schedule For Planned Unit Development Approval. A fee of five hundred dollars (\$500.00) or actual cost to the County, which may include necessary outside consulting services, *whichever amount is greater*, shall be paid by the applicant for the examination and approval or disapproval of each phase of a Planned Unit Development reviewed by the County of Campbell. Such fee shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill, and expense involved.

The fee charged under this section shall be *in addition to* any other fee charged under §22-33 or §22-35 of this Code.

For state law authority, see VA. CODE ANN. §15.2-2286, especially A.6. (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-107 (Repl. Vol. 2018).

Editor's note: An internal reference to "R-2" in subsection (c) was changed to "R-MF" editorially to reflect the change in the zoning district name, as of March 5, 2007.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.3 Permitted uses in Planned Unit Developments.

All uses within an area designated as a Planned Unit Development are determined by the provisions of this article and the approved plan for the project.

(a) Residential Uses. Residences may be of any variety and type. In developing a balanced community, the use of a variety of housing types shall be deemed to be most in compliance with the intent of this article. However, at least twenty (20%) percent of the total number of dwelling units within any Planned Unit Development shall be in single-family detached structures. Upon receipt of a recommendation of the Planning Commission, the Board of Supervisors may reduce or eliminate the mandatory single-family detached structure requirement.

(b) Accessory Commercial, Service and other Nonresidential Uses. Commercial, service and other nonresidential uses may be permitted (or required) where such uses are designed to serve the residents of the Planned Unit Development. The following proportions are deemed to be in keeping with the overall intent of the Planned Unit Development concept:

(1) Where the Planned Unit Development contains one hundred (100) or more dwelling units, a maximum of twenty-four hundred (2,400) square feet of floor area for every one hundred dwelling units may be used for limited commercial and/or service purposes. Such commercial or service area may be in separate buildings or incorporated within two-family or multi-family structures or in a suitable combination of these alternatives.

(2) Where the Planned Unit Development contains three hundred (300) or more dwelling units, a maximum of one-half (1/2) acre of land for every one hundred (100) dwelling units may be used for commercial and/or service purposes.

(c) Accessory and Associate Uses. Customary accessory and associated uses such as private garages, storage spaces, recreational and community activities, churches, and schools shall also be permitted as appropriate to the Planned Unit Development.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.4. Residential density in Planned Unit Developments.

(a) Basic Density Calculations. The total number of dwelling units permitted shall be determined by dividing the net development area by 6,500 square feet. Net development areas shall be determined by subtracting the area set aside for churches, schools, or commercial use from the gross development area and deducting twenty-five (25%) percent of the remainder for streets, or the actual area of proposed streets, whichever is less. The area of land set aside for common open space and recreational use shall be included in determining the number of dwelling units permitted.

(b) Density Bonus for Design Elements. The number of dwelling units permitted may be increased in accordance with the following schedule up to a maximum total increase of thirty-five (35%) percent, if the Planning Commission finds that the character of the development and the amenities incorporated in the development warrant such increases. Percentages of increase are to be applied individually and treated as additive, not compounded.

<u>Maximum Percentage Increase</u>	<u>Design Elements</u>
2 %	For each 5% of the net development area (up to 30%) devoted to improved common open space.
1.5%	For each 5% of the net development area (up to 20%) devoted to unimproved common open space.
2 %	Excellence in use of existing topography and/or land recontouring.
4 %	Excellence in siting buildings and building groupings, which may include variations in building setbacks.
2 %	Provision in design for courtyards, gardens and patios.
1 %	Excellence in pedestrian-way treatment.
3 %	Excellence in quality and amount of tree and shrub planting, including peripheral and interior screen planting and fencing, landscaping in parking lots, and use of existing trees in the landscape plan.
3 %	Lakes and water features.
4 %	Use of sculpture, fountains, reflecting pools and similar features in design.
15 %	Recreational facilities, not to exceed 5% each for swimming pools,

tennis courts and community center building or club.

The Planning Commission may recommend, and the Board of Supervisors may permit, increases in number of dwelling units comparable to the schedule above.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.5. Planned Unit Development application procedure.

Before any permit shall be issued for the erection of a permanent building in a proposed Planned Unit Development, and before any subdivision plat or any part thereof may be filed in the Office of the Circuit Court, the developer or developer's authorized agent shall apply for and secure approval of such Planned Unit Development in accordance with the following procedures:

(a) Preapplication Conference. A meeting or meetings will be held between the applicant and the staff of the Campbell County Department of Community and Economic Development for a review of the Planned Unit Development regulations and to discuss the proposed plans of the applicant.

(b) (1) Site Plan and Special Use Permit Required. The Developer shall submit copies of a site plan, the number of which shall be determined by the County Planner (prepared by a Virginia licensed architect, certified landscape architect, land surveyor or professional engineer, as those terms are defined in VA. CODE ANN. §54.1-400 (Repl. Vol. 2019), *with seal and signature affixed to the plan*) of developer's proposal to the Planning Commission. The site plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:

(i) The location of the various uses and their areas in acres;

(ii) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private;

(iii) Delineation of the various residential areas, indicating for each area its general extent, size, and composition in terms of total number of dwelling units; approximate percentage allocations by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise); and general description of the intended market structure (i.e., luxury, middle-income, moderate-income, elderly units, family units, etc.); plus a calculation of the residential density as stated in Section 22-24.4 above for each area;

(iv) The interior open space system;

(v) The overall drainage system including stormwater management;

(vi) If grades exceed three percent (3%) or any portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding, a

topographic map showing contour intervals of not more than five (5) feet in elevation shall be provided along with an overlay outlining the above susceptible soil areas, if any;

(vii) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal;

(viii) General description of the provision of other community facilities such as schools, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated;

(ix) A location map showing uses, zoning, and ownership of abutting land.

(2) In addition, the following documentation shall accompany each site plan:

(i) Evidence of how the developer's particular mix of land uses meets existing community demands; and

(ii) Evidence that the proposal is compatible with the goals of the County's Comprehensive Plan; and

(iii) General statement as to how common open space is to be owned and maintained; and

(iv) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the site plan of this section shall show the intended total project;

(c) Zoning Administrator and County Planner. The Zoning Administrator and County Planner shall review all materials submitted and notify the applicant when the application for site plan and special use permit approval is complete. Upon determination that the application is complete, the Zoning Administrator shall refer the application to the Planning Commission.

(d) Planning Commission. The Planning Commission shall review the site plan and application for special use permit and related documentation and shall render either a favorable recommendation to the Board of Supervisors or unfavorable report:

(1) A favorable recommendation shall include a recommendation to the Board of Supervisors that the special use permit and site plan be approved for the Planned Unit Development. The recommendation shall be based upon the following review standards which shall be included as a part of the written report which shall be required of the Planning Commission:

(i) The Planning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and recognized principles of civic design, land use planning and landscape architecture. The minimum lot and yard requirements and maximum height requirements of the zoning district in which the development is located need not apply except that the Commission shall insure an appropriate relationship between uses of high intensity or height within a PUD and uses of low intensity or height, existing or future, outside the

PUD, and to this end may require that the regulation for minimum lot and yard and maximum height shall be complied with inside of and near the boundaries of the PUD district.

(ii) The Planning Commission may impose conditions regarding the layout, circulation and performance of the proposed development and, where applicable, shall require that appropriate deed restrictions be filed enforceable by the County. Where open space is not dedicated for public use, legal agreements shall include an open space easement granted to the County, and provision for adequate future maintenance suitable in form to the County Attorney, to include, but not limited to, posting of bond, letters of credit or other guarantees or performance and, where appropriate, the creation and provision for the operation of property owners' associations.

(iii) The Planning Commission shall review the location of proposed townhouses, multiple dwellings, or commercial uses, where such are allowed, and shall determine the appropriate character of such uses, but shall have no power to reduce the amount of such uses below the maximum established by this article unless such uses create immediate conflicts along project boundary lines.

(2) The Planning Commission shall prepare a written report and recommendation to the Board of Supervisors on the proposed planned unit development, said report to comment specifically on the following:

(i) Compliance with the requirements of this article as regards land uses and population density, including specific reasons for recommending increased density if such recommendation is made.

(ii) Compliance with the requirements of this article regarding site plans.

(iii) General compliance with the Comprehensive Plan or desirability of an amendment to the Comprehensive Plan.

(iv) The relationship of land uses within the project to each other and to exterior land uses, existing and probable future.

(v) The layout of the internal transportation system, including parking and pedestrian circulation and the relationship of that system to exterior transportation facilities.

(vi) The adequacy of proposed public facilities including water supply and distribution, sanitary sewers, storm drainage, schools, school sites and recreation areas.

(vii) The adequacy of proposed easement or provisions for dedication of any land or facilities to the County or for operation and maintenance of any land or facilities reserved for the common use of occupants of the project.

(viii) Proposed treatment of the landscape, including grading, maintenance of existing trees, erosion and sediment control during and after construction and proposed planting.

(ix) Specific conditions, if any, which should be imposed at the time of final special use permit, including recommendations for posting of bond to insure construction of improvements.

(3) An unfavorable recommendation shall state clearly reasons therefor and, if appropriate, point out to the Board of Supervisors and the applicant what might be necessary in order to receive a favorable recommendation.

(e) Board of Supervisors. Upon receipt of the report of the Planning Commission, the Board of Supervisors shall set and conduct a public hearing for the purpose of considering a special use permit and final site plan approval for the Planned Unit Development. If the Board of Supervisors grants the special use permit and final site plan approval, the zoning map shall be so noted by an appropriate symbol to show the existence of an approved Planned Unit Development. The Board of Supervisors, in order to fully protect the public health, safety and welfare of the community, may attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not limited to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, circulation systems both vehicular and pedestrian, availability of sites within the area for necessary public services such as schools, firehouses, and libraries, protection of natural and/or historic sites, and other such physical or social demands. The Board of Supervisors will state its findings at this time with respect to the land use intensity and dwelling unit density called for in Sec. 22-24.4 of this Code.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

[THE JULY 20, 2009 AMENDMENT added “County Planner” to subsection (b) and (c).]

Sec. 22-24.6. Other requirements.

Off-street parking shall be provided meeting the minimum requirements of these regulations. Design and improvements of parking lots and garages shall also conform with these regulations and other applicable regulations or ordinances. Design, arrangement and improvement of streets and driveways shall conform with this article and other regulations governing the subdivision of land except that these requirements may be specifically modified by the Board of Supervisors on recommendation of the Planning Commission to meet the special requirements of a particular Planned Unit Development.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.7 Guarantee of completion.

Before approval of a site plan and special use permit, the Planning Commission may recommend and the Board of Supervisors may require a contract with safeguards approved by the County Attorney securing construction of public improvements and guaranteeing completion of the

development plan or designated section thereof within a period to be established by the Commission, but which period shall not exceed five (5) years unless extended by recommendation of the Commission for due cause shown and approved by the Board of Supervisors.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.8 Financial responsibility.

No building permit shall be issued for construction within a Planned Unit Development until public improvements are installed or performance bond or other satisfactory guarantee of performance has been posted or made in accordance with the foregoing section of this Article.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.9. Schedule of construction.

In approving a PUD final site plan and special use permit the Board of Supervisors shall adopt a schedule of construction. No permits for construction shall be issued except in accordance with the adopted schedule. In the case of mixed dwelling types, the schedule shall require that lower density dwellings and higher density dwelling be constructed concurrently or that at least fifty percent (50%) of lower density dwellings be constructed or partly constructed before construction of higher density dwellings has started. Where nonresidential uses are part of a development, the schedule may require that a minimum percentage of residential construction be completed before construction on nonresidential uses is started.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.10. Right of developer to continue project.

The rights of the developer to continue with construction of an approved project shall not be abridged so long as it proceeds toward completion with reasonable care and diligence and in accordance with the terms of approval.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

Sec. 22-24.11. Review of abandoned projects.

In the event that a site plan and special use permit, or section thereof, is given final approval and thereafter the applicant or its successor shall abandon said plan or section thereof, and shall so notify the Board of Supervisors in writing; or in the event the applicant or its successor fails to

commence the Planned Unit Development within two (2) years after final approval has been granted, then and in that event such final approval shall terminate and be deemed null and void unless such time period is extended by the Board of Supervisors upon recommendation of the Planning Commission upon written application by the applicant or its successor. Upon termination of an approval, the Board of Supervisors shall review any changes in the zoning district map brought about by the proposed development and if it deems said changes to be inappropriate unless a part of the planned development, shall amend the zoning map accordingly.

[THE NOVEMBER 6, 2000 ACT adopted this section.]

ARTICLE XII. BOARD OF ZONING APPEALS

Sec. 22-25. Board of Zoning Appeals created; membership; organization, etc.

There is hereby created a Board of Zoning Appeals, that shall consist of a member from each Election District of Campbell County, to be appointed by the Circuit Court for Campbell County. Their terms of office shall be for five (5) years each, except that original appointments shall be made for one (1), two (2), three (3), four (4), and five (5) year terms, respectively, such that the term of one member shall expire each year. The Secretary of the Board shall notify the Court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the Board shall hold no other public office in the County except that one may be a member of the Planning Commission, and any member may be appointed to serve as an officer of election as defined in §24.2-101. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

With the exception of its Secretary, the Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its members or a qualified individual who is not a member of the Board. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the Board and the Board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under §15.2-2314, and the staff of the local governing body. Except for matters governed by § [15.2-2312](#), no action of the Board shall be valid unless authorized by a majority vote of those present and voting. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of Campbell County and general laws of the Commonwealth. The Board shall keep a full public record of its proceedings and shall submit a report of its activities to the Board of Supervisors at least once each year.

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive such compensation as may be authorized by the Board of Supervisors. Any Board member may be removed for malfeasance, misfeasance or nonfeasance

in office, or for other just cause, by the Court which appointed him, following a hearing which is held after at least fifteen (15) days notice. (2/2/88)

For state law authority, see VA. CODE ANN. §15.2-2308 (Cum. Supp. 2020).

Editor's Note.--VA. CODE ANN. §15.2-2308 specifies that: "Every locality...shall establish a board of zoning appeals, which shall consist of either five or seven residents of the locality...appointed by the circuit court for the locality." Campbell County's Board of Zoning Appeals consists of a member from each Election District in the County. There are seven (7) Election Districts in Campbell County. (See §7-6 et seq. of this Code).

Chapter 346 of the 1998 Virginia Acts of Assembly added language in VA. CODE ANN. §15.2-2308 authorizing local governing bodies to request the circuit court to appoint not more than three alternates to the local board of zoning appeals. Prior to 1998, the appointment of alternates by the circuit court was restricted to towns and larger cities. Alternate members that may be appointed are subject to the same qualifications, terms, and compensation as regular members, and may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the court which appointed them. An alternate may not, however, serve as an officer of the local board of zoning appeals, or as its Secretary.

[THE 1988 AMENDMENT substituted “may be a member” for “shall be a member” in the next to last sentence in the first paragraph.]

[THE APRIL 3, 1995 AMENDMENT deleted "and for a maximum of two years" preceding "except that original appointments" in second sentence in first paragraph.]

[THE DECEMBER 2, 2002 AMENDMENT substituted “that” for “which” in the first sentence in the first paragraph.]

[THE JULY 20, 2009 AMENDMENT added “No action of the Board shall be valid unless authorized by a majority vote of those present and voting” to the second paragraph and deleted “and the taking of any action” after “the conduct of any hearing” in the sentence immediately preceding.]

[THE JULY 19, 2010 AMENDMENT added “Except for matters governed by § [15.2-2312](#)” at the beginning of the fifth sentence in the second paragraph.]

[THE JULY 7, 2015 AMENDMENT added “Notwithstanding any other provision of law, general or special” and “and the Board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under §15.2-2314, and the staff of the local governing body” into the fourth sentence of the second paragraph.]

[THE JULY 21, 2020 AMENDMENT added “and any member may be appointed to serve as an officer of election as defined in §24.2-101” in the first paragraph.]

Sec. 22-25.1. Board of Zoning Appeals, ex parte communications, proceedings.

A. The non-legal staff of the governing body may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

B. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to such applicant, appellant or other person aggrieved under VA. CODE ANN. §15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the Board. If the applicant, appellant or other person aggrieved under VA. CODE ANN. §15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to the Freedom of Information Act at VA. CODE ANN. §2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to the Freedom of Information Act at VA. CODE ANN. §2.2-3707, subsection F.

C. For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the Board, or who is appointed by special law or pursuant to VA. CODE ANN. §15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

D. This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of VA. CODE ANN. §15.2-2309.

For state law authority, see VA. CODE ANN. §15.2-2308.1 (Repl. Vol. 2018).

[THE JULY 7, 2015 ACT adopted this section.]

Sec. 22-26. Powers and duties of Board of Zoning Appeals.

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

1. To hear and decide appeals from any order, requirement, decision or determination made by an Administrative Officer in the administration or enforcement of this chapter of the

Campbell County Code of 1988, as amended, or of VA. CODE ANN. §§15.2-2280 et seq. (Repl. Vol. 2018 and Cum. Supp. 2019). The decision on such appeal shall be based on the Board's judgment of whether the Administrative Officer was correct. The determination of the Administrative Officer shall be presumed to be correct. At a hearing on an appeal, the Administrative Officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an Administrative Officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in VA. CODE ANN. §15.2-2201 (Repl. Vol. 2018); provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in VA. CODE ANN. §15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and

(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to VA. CODE ANN. §15.2-2309, subdivision 6 (Repl. Vol. 2018) or the process for modification of a zoning ordinance pursuant to subdivision A.4 of VA. CODE ANN. §15.2-2286 at the time of the filing of the variance application.

Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 as applicable. If a request for a reasonable modification is made to a

locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990, as applicable, such request shall be granted by the locality unless a variance from the Board of Zoning Appeals under this section is required in order for such request to be granted.

No variance shall be considered except after notice and hearing as required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the Zoning Administrator after notice and hearing as provided by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the official zoning district map where there is any uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018), the Board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by this chapter.

5. No provision of VA. CODE ANN. §15.2-2309 (Repl. Vol. 2018) or of this section shall be construed as granting the Board of Zoning Appeals the power to rezone property or to base decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions *as may now or hereafter be authorized in this chapter*. The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a

permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception *previously granted by the Board of Zoning Appeals* if the Board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. If the Board of Supervisors reserves unto itself the right to issue special exceptions pursuant to VA. CODE ANN. §15.2-2286 A.3. (Cum. Supp. 2020), and, if the Board of Supervisors determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided in this subdivision.

8. The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with VA. CODE ANN. §15.2-2312 (Repl. Vol. 2018) shall be conducted at the continued meeting and no further advertisement is required.

For state law authority, see VA. CODE ANN. §15.2-2309 (Repl. Vol. 2018).

Cross-reference.—For provisions whereby the Board of Supervisors reserves unto itself the right to issue special exceptions pursuant to VA. CODE ANN. §15.2-2286 A.3. and sets forth application procedures for issuance of special use permits and for conditions that may be imposed on residential special use permits, see §22-35 of this Code, especially subsection B.6. As to state provisions that applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau, see VA. CODE ANN. §15.2-2310.

Editor's note.--For additional written notice required to be given, at least ten days before the hearing, to the chief administrative officer, or his designee, of an adjoining locality "when a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than fifty percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land *located within one-half mile of a boundary of an adjoining locality* of the Commonwealth," see VA. CODE ANN. §15.2-2204.

[THE DECEMBER 1985 AMENDMENT substituted "as required" for "is required" in the paragraph immediately following item c. in subdivision 2. and substituted "impose" for "oppose" and "imposed" for "opposed" in paragraph immediately preceding subdivision 3.]

[THE 1988 AMENDMENT added "or of VA. CODE ANN. §15.1-486 et seq. (Repl. Vol. 1981 and Cum. Supp. 1988)" at the end of subdivision 1, inserted "as defined in VA. CODE ANN. §15.1-430 (p) (Cum. Supp. 1988)" in first paragraph of subdivision 2, substituted "condition, situation or development" for "use or development" and "utilization" for "use" following "unreasonably restrict the" in the second paragraph of subdivision 2, deleted "or the intended use of the property" following "property concerned" in second to the last undesignated paragraph in subdivision 2, substituted "ensure" for "insure" in last undesignated paragraph in subdivision 2, substituted "or the district in question" for "with the district in question" in second sentence in subdivision 4, combined provisions in subdivision 6, and inserted "provided for in the authorized special exceptions."]

[THE 1989 AMENDMENT substituted "to the owners" for "the owners" in the second sentence in subdivision 4 and inserted "or of this section" in subdivision 5.]

[THE 1991 AMENDMENT, in subdivision 6, deleted "such" preceding "special" in first sentence, deleted "provided for in the authorized special exceptions" preceding "for which a permit," and inserted "including limiting the duration of a permit" and added subdivision 8.]

[THE 1992 AMENDMENT substituted "practicable" for "predictable" in the second undesignated paragraph following item c of subdivision 2.]

[THE MARCH 17, 1997 AMENDMENT inserted "However, when giving any required notice to the owners, their agents or occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail" at the end of paragraph following item c. in subdivision 2, at the end of subdivision 3, near the end of subdivision 4, and at the ends of subdivisions 7 and 8.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; substituted "hardship" for "hardships" in subdivision 2; and deleted "No such appeals shall be heard except" preceding "after notice and hearing" in the first sentence in subdivision 3.]

[THE JULY 2, 2001 AMENDMENT added second and third sentences in subdivision 1; in third undesignated paragraph of subdivision 2, added "or to base Board decisions . . . by the governing body" at end of subdivision 5.]

[THE DECEMBER 2, 2002 AMENDMENT deleted subdivision "7" designation from the now undesignated second paragraph in subdivision 6, italicized "*as may now or hereafter be authorized in this chapter*" in the first sentence in the first paragraph of subdivision 6, redesignated former subdivision 8 as present subdivision 7, and therein

inserted “*previously granted by the Board of Zoning Appeals*” in the first sentence and added the last sentence.]

[THE DECEMBER 1, 2003 AMENDMENT added new subdivision 8.]

[THE DECEMBER 4, 2006 AMENDMENT added “relating to the property” at the end of subdivision 2 a., and added the last sentence in the last paragraph in subdivision 2.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required” at the end of the last paragraph of subsection 2.]

[THE JULY 20, 2009 AMENDMENT deleted “approaching confiscation” after “clearly demonstrable hardship” in the second paragraph of 2.]

[THE JULY 7, 2015 AMENDMENT added the third and fourth sentences in subsection 1, deleted “the purpose and intent of” in the new fifth sentence of 1, and added the sixth and seventh sentences in 1, and completely rewrote subsection 2, substantially changing the standard for the granting of variances.]

[THE JULY 3, 2018 AMENDMENT added “or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability” to the second paragraph of subsection 2, and added the third paragraph to subsection 2.]

Sec. 22-26.1. Application to Zoning Administrator for modifications from certain requirements; fee.

A. Application for modifications from certain requirements of this chapter may be made by any property owner, tenant, governmental official, department, board or bureau. The Zoning Administrator is hereby authorized to grant a modification from any provision contained in this chapter with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvements if the Administrator finds in writing that (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to the adjacent property and the character of the zoning district will not be changed by the granting of the modification.

B. 1. Prior to the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification and an opportunity to respond to the request within twenty-one (21) days of the date of the notice.

2. The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this subsection.

3. The decision of the Zoning Administrator shall constitute a decision within the purview of VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019), and may be appealed to the Board of Zoning Appeals as provided by that section. Decisions of the Board of Zoning Appeals may be appealed to the circuit court as provided by VA. CODE ANN. §15.2-2314 (Cum. Supp. 2020).

C. The Zoning Administrator shall respond within ninety (90) days to a request for a decision or determination on matters within the scope of his authority under this section unless the requester has agreed to a longer period.

D. Substantially the same application for any modification will not be considered by the Zoning Administrator within one (1) year from the consideration of any prior application with respect to the same property or matter by the Zoning Administrator or Board of Zoning Appeals, as the case may be.

E. The fee for processing an application for modification under this section shall be one hundred dollars (\$100.00).

For state law authority, see VA. CODE ANN. §15.2-2286 at A.4 (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-2310 (Repl. Vol. 2018).

Cross-reference. – Sections 22-16.04 (e), 22-16.05(d), and 22-16.06 (f) of this Code prohibit the Zoning Administrator from granting variances from the acreage requirements, setback requirements, or buffering and screening requirements prescribed by Article VII-A (Development Standards for Intensive Agricultural Facilities) of this chapter.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE AUGUST 1, 2005 AMENDMENT, in A. substituted “modifications from certain requirements of this chapter” for “variances” in the first sentence; substituted “modification from any provision” for “variance from any building setback requirement,” inserted “with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvement,” and substituted “modification” for “variance” twice in the second sentence; designated the provisions of B. as paragraph 1. therein, substituting “modification” for “variance” twice and deleting the former second sentence which read “If any adjoining property owner objects to the request in writing within the time specified above, the request shall be transferred to the Board of Zoning Appeals for decision.”; added new paragraphs 2. and 3. in B.; and substituted “modification” for “variance” in D. and E.]

Sec. 22-27. Applications for variances – Board of Zoning Appeals.

A. Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board of Zoning Appeals. The application and accompanying maps, plans or other information shall be transmitted promptly to the Secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No variance shall be authorized except after notice and hearing as required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). The Zoning Administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the Board or appear as a party at the hearing.

B. Substantially the same application for any variance will not be considered by the Board of Zoning Appeals within one year from the consideration of any prior application with respect to the same property or matter. (2/2/88)(9/5/89)

C. The fee for all applications or appeals to the Board of Zoning Appeals requiring public hearing consideration by the Board shall be two hundred dollars (\$200.00).

For state law authority, see VA. CODE ANN. §15.2-2310 (Repl. Vol. 2018).

Editor's note.--"Board", as used in subsection A. of this section, refers to the Board of Zoning Appeals of Campbell County.

Pursuant to VA. CODE ANN. §15.2-2232 F., the Planning Commission's decision on any application for a telecommunications facility shall comply with the Federal Telecommunications Act of 1996 and the time limits prescribed therein. See also §22-35 B.4. of this Code.

[THE FIRST 1989 AMENDMENT deleted "special exceptions and" preceding "variances" in first sentence, "in accordance with rules adopted by the Board" at end of second sentence, and "special exceptions or" preceding "variance" in fourth sentence.]

[THE SECOND 1989 AMENDMENT added subsection B.]

[THE MAY 17, 1999 AMENDMENT, in A., substituted "Applications" for "Such applications" and added "in accordance with rules adopted by the Board of Zoning Appeals" in second sentence and substituted "No variance" for "No such variance" and "§15.2-2204" for "§15.1-431" in fourth sentence.]

[THE JUNE 17, 2002 AMENDMENT added subsection C.]

Sec. 22-28. Appeals to Board.

A. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in

the administration or enforcement of this chapter or of VA. CODE ANN. §§15.2-2280 et seq. (Repl. Vol. 2018 and Cum. Supp. 2019), or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2020). Notwithstanding any charter provision to the contrary, any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019), and that the decision shall be final and unappealable if not appealed within thirty (30) days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given and the Zoning Administrator's written order is sent by registered or certified mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission. The appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall transmit forthwith to the Board all the papers constituting the record upon which the action appealed from was taken. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs. A decision by the Board on appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the Board's decision due to failure of the owner to receive the notice of zoning violation or written order.

B. An appeal will stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

C. In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after sixty (60) days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The sixty-day limitation period shall not apply in any case where, with the concurrence of the County Attorney, modification is required to correct clerical errors.

D. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

For state law authority, see VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019).

Cross-reference.--For provisions regarding time period for appeal to circuit court as to action of Board of Supervisors, see VA. CODE ANN. §15.2-2285 F. and §15.2-2204 E., as well as subsection F. of §22-37 of this Code.

[THE 1988 AMENDMENT added "or of VA. CODE ANN. §§15.1-486 et seq. (Repl. Vol. 1981 and Cum. Supp. 1988)" at end of first sentence, substituted "shall be" for "must be," inserted "appealed from" and "and with the Board," in second sentence, and substituted "otherwise than" for "except" in fourth sentence.]

[THE 1989 AMENDMENT substituted "shall transmit forthwith" for "shall within ten (10) days transmit" in the third sentence.]

[THE 1993 AMENDMENT divided the section into two paragraphs and added the present second and third sentences in first paragraph.]

[THE MARCH 17, 1997 AMENDMENT redesignated all of the first paragraph and the former first and second sentences of the former second paragraph as A. and designated remainder of second paragraph as B. and substituted "An appeal shall stay" for "An appeal will stay" at beginning thereof, and added new C.]

[THE MAY 17, 1999 AMENDMENT, in A., substituted references to Title 15.2 for references to former Title 15.1.]

[THE AUGUST 1, 2005 AMENDMENT inserted "or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2005)" in the first sentence in A.]

[THE DECEMBER 1, 2008 AMENDMENT inserted "A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section" into subsection A.]

[THE JULY 19, 2010 AMENDMENT added the third sentence in A and the last sentence in A.]

[THE JULY 5, 2011 AMENDMENT added the last two sentences in A.]

[THE JULY 17, 2012 AMENDMENT deleted “or other nondiscretionary” from the second sentence in C, and added subsection D.]

[THE JULY 6, 2017 AMENDMENT substituted “and the Zoning Administrator’s written order is sent by registered mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner’s last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission” for “A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section” in A.]

[THE JULY 16, 2019 AMENDMENT added “or certified” to the fourth sentence in A.]

Sec. 22-29. Procedure on appeal; costs.

(a) The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety (90) days of the filing of the application or appeal. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The Chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The fee for all applications or appeals to the Board of Zoning Appeals requiring public hearing consideration by the Board shall be two hundred dollars (\$200.00), which shall include advertising costs.

For state law authority, see VA. CODE ANN. §15.2-2312 (Repl. Vol. 2018) and §15.2-2286 A.6. (Cum. Supp. 2020). For special notice requirements regarding fees imposed under this chapter, see VA. CODE ANN. §15.2-107 (Repl. Vol. 2018).

[THE FIRST 1988 AMENDMENT substituted "ninety (90) days" for “sixty (60) days” in the first sentence, and added "of the filing of the application of appeal."]

[THE SECOND 1988 AMENDMENT substituted "application or appeal" for "application of appeal" in the first sentence.]

[THE 1989 AMENDMENT designated existing provisions as (a) and rewrote the former last sentence as present (b).]

[THE 1992 AMENDMENT substituted "one hundred fifty dollars (\$150.00)" for "fifty-five dollars (\$55.00)" in (b).]

[THE MARCH 16, 1998 AMENDMENT increased the fee specified in (b) from one hundred fifty dollars (\$150.00) to two hundred dollars (\$200.00).]

[THE MAY 17, 1999 AMENDMENT, in (a), substituted "make its decision" for "decide the same" in the first sentence, substituted "powers" for "power" in the second sentence, and substituted "a majority" for "the majority" in the third sentence.]

Sec. 22-30. Certiorari (a means of appeal) to review decisions of Board.

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the County, may file with the Clerk of the circuit court for the County a petition that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of Campbell County" specifying the grounds on which aggrieved within thirty (30) days after the final decision of the Board.

Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than ten (10) days and may be extended by the Court. Once the writ of certiorari is served, the Board of Zoning Appeals shall have 21 days or as ordered by the court to respond. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the Board of Zoning Appeals to the Circuit Court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2020), the findings and conclusions of the Board of Zoning Appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision. Any party may introduce evidence in the proceedings in the Court. The Court shall hear any arguments on questions of law *de novo*.

In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision.

In the case of an appeal from the Board of Zoning Appeals to the circuit court of a decision of the Board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

Costs shall not be allowed against the County or its governing body, unless it shall appear to the Court that the County or its governing body acted in bad faith or with malice. In the event the decision of the Board is affirmed and the court finds that the appeal was frivolous, the Court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the County or its governing body may request that the court hear the matter on the question of whether the appeal was frivolous.

For state law authority, see VA. CODE ANN. §15.2-2314 (Cum. Supp. 2020).

Cross-reference.—For provisions whereby the Board of Supervisors reserves unto itself the right to issue **special exceptions** pursuant to VA. CODE ANN. §15.2-2286 A.3. and sets forth application procedures for issuance of special use permits and for conditions that may be imposed on residential special use permits, see §22-35 of this Code, especially subsection B.6.

[THE 1988 AMENDMENT added the last sentence in the last paragraph.]

[THE MARCH 17, 1997 AMENDMENT inserted "aggrieved" preceding "taxpayer or any officer" in first paragraph, substituted "the return" for "a return" in second sentence of last paragraph and added last sentence therein.]

[THE MAY 17, 1999 AMENDMENT substituted “evidence as it may direct and report the evidence” for “such evidence as it may direct and report the same” in the first sentence in the fourth paragraph.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “file with the clerk of” for “present to” and substituted “final decision” for “filing of the decision in the office.”]

[THE DECEMBER 1, 2003 AMENDMENT added the fifth and sixth paragraphs.]

[THE AUGUST 1, 2005 AMENDMENT inserted “or any modification of zoning requirements pursuant to §22-26.1 of this Code or VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2005)” in the first sentence in the fifth paragraph.]

[THE DECEMBER 4, 2006 AMENDMENT, in the fifth paragraph, substituted “findings and conclusions” for “decision” and inserted “on questions of fact” in the first sentence; and added the last sentence therein.]

[THE JULY 19, 2010 AMENDMENT added “that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of Campbell County"” in the first paragraph, substituted “secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals” for “relator’s attorney” in the second paragraph, added the third paragraph, substituted “County” for “Board” twice in the last paragraph, and deleted “in making the decision appealed from” in the first sentence of the last paragraph.]

[THE JULY 7, 2015 AMENDMENT deleted “If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made” from the fifth paragraph, substituted “proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision” for “showing to the satisfaction of the Court that the Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the Board of Zoning Appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance” in the seventh paragraph, and added the eighth paragraph.]

[THE JULY 6, 2017 AMENDMENT added “or its governing body” three times in the ninth paragraph.]

[THE JULY 21, 2020 AMENDMENT added the second sentence in the second paragraph.]

ARTICLE XIII. ZONING PERMITS AND CHANGES

Sec. 22-31. Procedure for issuance of zoning permits; exceptions; approval of site plan or plan of development required prior to issuance of building permit.

A. Application for issuance of a zoning permit shall be presented to the Zoning Administrator and shall include all drawings, plans, specifications, and other documentation necessary to demonstrate that the proposed use conforms with the provisions of this chapter. Upon determination that the permit requested meets all the requirements set forth in this chapter, the

Zoning Administrator shall issue a zoning permit which may be incorporated into the building permit issued under the Virginia Uniform Statewide Building Code. The zoning permit shall indicate whether the use is a permitted use or a special use. Zoning permits shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

A zoning permit shall not be required for:

1. General agriculture uses, including the construction of farm buildings not used for residential purposes and frequented generally by the owners, member of his family, and farm employees, in districts where agriculture is permitted, **except that a zoning permit shall be required for intensive agricultural activities, as defined in Article VII-A of this chapter**, and such intensive agricultural activities shall comply with the setback requirements, minimum area requirements, and other requirements set out in Article VII-A of this chapter.

2. Gardens, incidental agriculture, or incidental silviculture in any district, provided that such use shall not be objectionable by reason of odor, dust, noise, pollution, erosion, sedimentation or drainage. Incidental agriculture shall include the keeping of up to 10 chicken hens in the rear yard of any property with the following provisions: 1) chickens must be kept inside a fenced enclosure at least ten (10) feet from any property line; 2) the enclosure shall include a coop large enough to shelter all hens; 3) no roosters may be kept at any time; and 4) all dead animals and animal waste must be properly managed and kept off adjoining properties and out of natural or man-made drainage systems. Incidental agriculture shall also include bee-keeping and the production of honey for personal use of the owners or occupants, or as part of an approved home occupation.

3. Buildings for public convenience or welfare, less than 256 square feet, usually unoccupied, and erected and maintained by, and for the use of, a public utility.

4. Wayside stands, less than 256 square feet, for the sale of agricultural products within districts where agriculture or commercial activity is permitted by right.

5. Surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth.

6. The usual and customary activities and events of farm wineries, limited breweries, or limited distilleries licensed in accordance with Title 4.1 of the Code of Virginia unless there is a substantial impact on the health, safety, or welfare of the public. The County is prohibited from regulating and does not regulate any activity conducted by farm wineries, limited breweries, or limited distilleries specified in VA. CODE ANN. §15.2-2288.3 (Repl. Vol. 2018), VA. CODE ANN. §15.2-2288.3:1 (Repl. Vol. 2018) or VA. CODE ANN. §15.2-2288.3:2 (Repl. Vol. 2018).

B. Site plans or plans of development required under this article as a prerequisite to the issuance of a building permit shall be subject to the provisions of §21-7, §21-8, §21-8.1 of this Code, mutatis mutandis.

C. Site plans or plans of development, or alterations of any such site plan or plan of development, shall be submitted and approved prior to the issuance of building permits to assure compliance with regulations contained in this chapter, and with requirements and regulations

contained in Chapters 18, 21, and 22 of this Code and/or in the duly adopted regulations and policies of the Campbell County Utilities and Service Authority (CCUSA) as to water, sewer and other facilities. Such provisions shall: (i) require that the water source shall be an approved source of supply capable of furnishing the needs of the eventual inhabitants of such subdivision proposed to be served thereby, (ii) include requirements as to the size and nature of the water and sewer and other utility mains, pipes, conduits, connections, pumping stations or other facilities installed or to be installed in connection with the proposed water or sewer systems, and (iii) include requirements to extend and connect to abutting or adjacent public water or sewer systems. Compliance with the above-referenced requirements shall be a specific condition precedent to approval of a site plan or development plan, or alteration thereof.

For state law authority, see VA. CODE ANN. §15.2-2286 A.8. (Cum. Supp. 2020) and VA. CODE ANN. §15.2-2258 (Repl. Vol. 2018). For authority as to subsection C., see VA. CODE ANN. §15.2-2121 (Repl. Vol. 2018). See also VA. CODE ANN. §3.2-300 et seq. (Repl. Vol. 2016 and Cum. Supp. 2019), VA. CODE ANN. §15.2-2288 (Repl. Vol. 2018), and VA. CODE ANN. §62.1-44.17:1 (Repl. Vol. 2019) and §62.1-44.17:1.1 (Repl. Vol. 2019).

Editor's note: "Mutatis mutandis" is a Latin phrase meaning "with the necessary changes in points of detail", such that, in interpreting the provisions of the referenced §§21-7, 21-8 and 21-8.1 (which deal with subdivision plats), one would apply the substantive provisions to site plans.

Cross-reference.-See subsection E. of §22-16 of this Code which provides that neither a *special exception nor a special use permit* is required for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. See also VA. CODE ANN. §15.2-2288. For provisions of Right to Farm Act, see VA. CODE ANN. §3.2-300 et seq.

[THE 1992 AMENDMENT added the designation "A" and added new B.]

[THE MAY 17, 1999 AMENDMENT substituted “§21-7, §21-8, and §21-8.1” for “§21-8 and §21-8.1” in B.]

[THE DECEMBER 6, 1999 AMENDMENT, in paragraph 1. in A., substituted “General agriculture uses” for “Agriculture uses” and inserted exclusionary language following “permitted” in order to specify that a zoning permit shall be required for intensive agricultural activities and such activities shall comply with setback requirements, minimum area requirements, etc. specified in Article VII-A of this chapter.]

[THE JULY 2, 2001 AMENDMENT inserted “and shall include all drawings, plans . . . use conforms with the provisions of this chapter” at the end of the first sentence in A.]

[THE AUGUST 1, 2005 AMENDMENT added subsection C.]

[THE JULY 2, 2007 AMENDMENT, in paragraph 2. in A., substituted “Gardens, incidental agriculture, or incidental silviculture” for “Gardens and incidental agriculture”;

inserted the comma following “district” and deleted “that allows residential use” thereafter; and substituted “such use” for “such agriculture.”]

[THE JULY 1, 2014 AMENDMENT added the second, third and fourth sentences in A.2, and added A.3, A.4, and A.5.]

[THE JULY 5, 2016 AMENDMENT added “or as part of an approved home occupation” and deleted the last sentence in A.2.]

[THE DECEMBER 6, 2016 AMENDMENT added subsection A.6.]

[THE DECEMBER 4, 2018 AMENDMENT substituted “256 square feet” for “200 square feet” twice, in A.3 and A.4.]

Sec. 22-31.1. Site plan review fees.

The costs of site plan review required under this chapter are generally included in the permit application fee or other applicable fee. However, when required by the Zoning Administrator, site plans for certain developments, which because of size, phasing, or other complexities necessitate more intensive review, shall be reviewed by the County Project Evaluation Committee. The review fee for site plans requiring such intensive review shall be two hundred dollars (\$200.00), unless specific provisions of this Code set such review fee at a greater amount in which case the larger fee shall apply.

For state law authority, see VA. CODE ANN. §15.2-2286(A)(6) (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-107 (Repl. Vol. 2018).

[THE JUNE 17, 2002 ACT adopted this section.]

[THE DECEMBER 4, 2018 AMENDMENT substituted \$200 for \$100 for intensive review fees.]

Sec. 22-32. Application Procedures.

Applications for zoning permits and rezoning requests shall contain the following:

(a) Copies of an acceptable site plan, (the number required to be submitted shall be determined by the Zoning and Subdivision Administrator), prepared by a Virginia-licensed Architect, Professional Engineer, Certified Landscape Architect, or Land Surveyor with each application for the following developments:

1. All business and industrial facilities including offstreet parking;

2. All institutional facilities such as schools, hospitals, and clubs;
3. (i) All residential developments involving more than four (4) dwelling units in one building or on one lot;
 - (ii) All residential developments in A-1 districts involving more than two (2) dwelling units in one building or on one lot; the site plan shall show that the arrangement of such additional dwellings are in such a manner that if the lot or parcel of land is ever divided, no substandard lots or non-conforming buildings are created;
4. Manufactured home parks;
5. Conditional zoning, rezoning applications, or special use permit applications.
6. Solar energy projects.

The Zoning and Subdivision Administrator may accept a plot plan in lieu of a site plan for accessory buildings and conditional zoning, rezoning applications, or special use applications for requests that would not otherwise require a site plan for construction. The plot plan shall be legibly drawn to scale and shall clearly indicate the area, shape, and dimensions of the property proposed for development. All existing easements, water courses, and existing and proposed improvements shall be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.

- (b) Each Site Plan shall include as a minimum:
 1. Lot dimensions with property line monuments;
 2. Location and size of existing and proposed structures;
 3. Easements (public and private);
 4. Water courses;
 5. Fences;
 6. Roads or street names;
 7. Road rights-of-way;
 8. Owners of record of all abutting property affected by the proposed development;
 9. Location of all utilities and connections thereto;
 10. When any part of the land lies in a drainage district, such fact shall be set forth on the face of the site plan;

11. When any grave, object or structure marking a place of burial is located on the land, such grave, object or structure shall be identified on the site plan; and

12. When the land involved lies wholly or partly within an area subject to the joint control of more than one political subdivision, the site plan shall be submitted to the local commission or other designated agent of the political subdivision in which the tract of land is located.

13. When the land involved lies wholly or partly within a zoning district subject to landscaping requirements imposed under this chapter, the area to be landscaped shall be clearly marked on the site plan and shall include a detailed list of the materials to be used, plant species and height or size at time of planting.

14. When the land involved lies wholly or partly within a zoning district subject to sidewalk requirements imposed under this chapter, such proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

15. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the site plan.

16. When the land involved lies wholly or partly within a zoning district subject to buffering and screening requirements imposed under this chapter, or qualifies as a solar energy project, the buffering and screening shall be clearly marked on the site plan and shall include a detailed list of the materials to be used, plant species, height or size at the time of planting, and mature height or size.

17. When the land involved qualifies as a solar energy project, traffic impact on any road upon which the solar energy project will front shall be included with the plan for the period of construction and post-construction. The applicant shall state the actions they intend to take to mitigate the impact of increased traffic to the site.

18. When the land involved qualifies as a solar energy project, a decommissioning plan, which may include the anticipated life of the project, the estimated cost of decommissioning, how such an estimate was determined, and the manner in which the project will be decommissioned. When a solar energy project is scheduled to be abandoned, the facility owner or operator shall notify the Zoning Administrator in writing prior to ceasing operations and shall provide a schedule for implementation of the decommissioning plan. If any solar energy project is not operated for a continuous period of one (1) year, or if the work called for in the decommissioning plan fails to progress in a timely manner, the Board of Supervisors may take any necessary action to compel the physical removal of the solar energy project in compliance with the decommissioning plan after written notice is provided to the project owner by certified mail. The project owner shall have thirty (30) days from the date of the letter to provide a written explanation of the inactivity and to request a delay in action by the Board of Supervisors.

The County shall require an owner, lessee, or developer of real property subject to this section to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:

- (i) If the party that enters into such written agreement with the County defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the County has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning and
- (ii) Such owner, lessee, or developer provides financial assurance of such performance to the County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the County; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

(c) Zoning permit fees may be established or modified by ordinance adopted by the Board of Supervisors following public hearing. A schedule of such fees shall be set out in the Appendix of Fees Imposed Under the Campbell County Code of 1988, an uncodified ordinance which may be revised from time to time by duly adopted ordinance of the Board of Supervisors, and which is incorporated herein by reference.

For state law authority, see generally VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020) and VA. CODE ANN. §15.2-2258 (Repl. Vol. 2018). For requirements as to bonding provisions for solar projects, see VA. CODE ANN. §15.2-2241.2 (Cum. Supp. 2019) For authority to promulgate fees see VA. CODE ANN. §15.2-2286 A.6. (Cum. Supp. 2020). For special notice requirements regarding fees imposed under this chapter, see VA. CODE ANN. §15.2-107 (Repl. Vol. 2018). For licensing requirements for architects, professional engineers, surveyors, landscape architects, and interior designers, see VA. CODE ANN. §54.1-400 et seq. (Repl. Vol. 2019).

Editor's note.--See editor's note following §22-26 of this Code as to additional notice requirements in certain circumstances.

Cross-references.--For certain landscaping, buffering and screening, and sidewalk requirements applicable to Business Districts and Industrial Districts, see §22-12 et seq. and §22-14 et seq. of this Code.

[THE 1985 AMENDMENT rewrote the section.]

[THE 1988 AMENDMENT added “in A-1 Districts . . . created” at the end of A.3.]

[THE 1989 AMENDMENT substituted "Copies of an acceptable site plan, the number required to be submitted shall be determined by the Zoning Administrator" for "Two copies of an acceptable site plan as required by this ordinance" in A.]

[THE 1991 AMENDMENT added new items 10, 11 and 12 in B.]

[THE OCTOBER 6, 1997 AMENDMENT, in paragraph 3. of A., redesignated former first clause therein as subparagraph (i) thereof, and redesignated former second clause as subparagraph (ii), also amending its language to require a site plan for residential developments in A-1 districts involving *more than two (2)* dwelling units in one building or on one lot."]

[THE MAY 17, 1999 AMENDMENT, in C., substituted “may be established or modified by ordinance adopted by the Board of Supervisors following public hearing” for “may be established by resolution of the Board of Supervisors.”]

[THE AUGUST 7, 2000 AMENDMENT substituted “manufactured” for “mobile” in A.4.]

[THE JULY 2, 2001 AMENDMENT, in the introductory language of A., inserted “Virginia-licensed Architect,” and substituted “Certified Landscape Architect, or” for “or Class A or Class B,” and added paragraphs 13 and 14 in B.]

[THE JUNE 17, 2002 AMENDMENT added the second sentence in C.]

[THE DECEMBER 1, 2003 AMENDMENT, in A.5., deleted “or” following “zoning” and added “or special use permit applications” at the end of that paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT inserted (b)(15), effective July 1, 2009.]

[THE JULY 20, 2009 AMENDMENT added “County Planner” in subsection (a).]

[THE DECEMBER 6, 2011 AMENDMENT added subsection (b)(16).]

[THE JULY 1, 2014 AMENDMENT added “for zoning permits and rezoning requests” in the first line.]

[THE JUNE 12, 2018 AMENDMENT added subsection (a)(6), added “or qualifies as a solar energy project” in (b)(16), and added subsections (b)(17) and (b)(18).]

[THE DECEMBER 4, 2018 AMENDMENT substituted “Zoning and Subdivision Administrator” for “Zoning Administrator or County Planner” in (a), and added the last paragraph after (a)(6) in (a).]

[THE JULY 16, 2019 AMENDMENT deleted the second sentence in the first paragraph of (b)(18), and added the second paragraph with subsections (i) and (ii) to (b)(18).]

Sec. 22-33. Review of application; fees.

A. The Zoning Administrator shall, upon determination that the proposed construction, reconstruction, or intended uses conform to all requirements of this chapter, sign and return one copy of the site plan to the applicant and issue a zoning permit. One copy shall remain on file in the Zoning Administrator's office.

B. Should the Zoning Administrator find, upon inspection of the plan, that the work described in the application does not conform to the requirements set forth in this chapter, he shall return one copy of the plan to the applicant together with the reason for refusal. The refusal notice shall state:

1. Reasons for refusal.
2. Portions of ordinance with which the submitted application does not comply.

The Zoning Administrator shall retain one (1) copy of the plan for his records, and two (2) copies of the refusal document.

C. The fee for all zoning permits requiring public hearing consideration by the Planning Commission and/or Board of Supervisors shall be five hundred dollars (\$500.00). (9/5/89)

D. The Zoning Administrator shall respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

For state law authority, see VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-107 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2241 at provision 9 (Repl. Vol. 2018) regarding fees and notice requirements applicable when fee imposed or increased. See also VA. CODE ANN. §15.2-2258 (Repl. Vol. 2018).

Cross reference: For authority and duties of Zoning Administrator, see §22-6 of this Code.

[THE 1989 AMENDMENT added subsection C.].

[THE 1992 AMENDMENT substituted "one hundred fifty dollars (\$150.00)" for "fifty-five dollars (\$55.00)" in C.].

[THE MARCH 16, 1998 AMENDMENT increased the fee in C. from one hundred fifty dollars (\$150.00) to two hundred dollars (\$200.00)].

[THE MAY 17, 1999 AMENDMENT added subsection D].

[THE JUNE 17, 2002 AMENDMENT increased the fee in C. from two hundred dollars (\$200.00) to three hundred dollars (\$300.00).]

[THE JULY 5, 2016 AMENDMENT increased the fee in C. from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

Sec. 22-34. Certificate of Occupancy.

A. A Certificate of Occupancy shall be issued by the Zoning Administrator when it has been determined that the proposed use of land or structures conforms to the standards set forth in this chapter and has been constructed or reconstructed to the applicable requirements set forth herein as stated in the application for such certificate and shown on the site plan upon which the zoning permit was issued and all utilities are connected or available.

B. A Certificate of Occupancy shall be required prior to occupancy or use of:

1. A building hereafter erected.

2. Subject to the provisions of Sections 22-7, 22-7.1, and 22-8 hereof, buildings hereafter altered with respect to use, height or front, rear or side yard dimensions.

C. A Certificate of Occupancy shall not be issued if the use of a building or land does not conform to the requirements set forth herein, or if the building as finally constructed does not comply with the site plan upon which the zoning permit was issued.

For state law authority, see VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020).

[The MAY 17, 1999 AMENDMENT inserted “§22-7.1,” in item 2 in B.]

Sec. 22-35. Application procedures for special use permits; revocation for noncompliance with terms and conditions of permit.

A. Applications for a special use permit may be made by any property owner, tenant, government official, department, board or bureau. An application shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission and schedule a public hearing.

B. Applications for a special use permit shall be submitted in accordance with the following procedures:

1. Reasonably required copies of an acceptable site plan prepared in accordance with the requirements of Section 22-32 shall be submitted with the application.

2. Zoning permit fee of five hundred dollars (\$500.00) and additional fees related to the cost of publicizing and conducting the public hearing as required by the Board of Supervisors shall be paid when the application is filed.

3. Reserved.

4. The Zoning Administrator shall, upon receipt of the application, forward it to the Planning Commission for their review and recommendation. The Planning Commission shall consider the proposed special use permit after complying with the provisions of VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018) and action on the proposed special use permit shall be taken within ninety (90) days of the submission of the application.

The Planning Commission's decision on any application for a telecommunications facility shall comply with the requirements of the Federal Telecommunications Act of 1996 and the time limits prescribed therein, such that failure of the Planning Commission to act on any such application for a telecommunications facility within ninety (90) days of such submission shall be deemed approval unless the Board of Supervisors has authorized an extension of time for consideration, not to exceed an additional sixty (60) days, or the applicant has agreed to an extension of time. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

5. The Planning Commission shall forward its recommendation to the Board of Supervisors.

6. The Board of Supervisors shall consider the proposed special use after complying with the provisions of VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018) and action on the proposed special use shall be taken within ninety (90) days from the date of public hearing. Upon approval of the Board of Supervisors, the Zoning Administrator shall issue the zoning permit indicating the conditional nature of the use. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing. The Zoning Administrator shall retain one (1) copy of the zoning permit and one (1) copy of the site plan for his record.

7. When the Board of Supervisors disapproves the application for special use, it shall inform the applicant in writing stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal document for his record.

C. Substantially the same application for special use will not be considered by the Board more often than once every six (6) months for use affecting the same parcel of land.

D. If the Board of Supervisors reserves unto itself the right to issue special exceptions pursuant to VA. CODE ANN. §15.2-2286 A.3. (Cum. Supp. 2020), and, if the Board of Supervisors determines that there has not been compliance with the terms and conditions of the permit, then it

may revoke special exceptions previously granted by it. No special exception may be revoked except after notice and hearing as provided in VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board of Supervisors may give such notice by first-class mail rather than by registered or certified mail.

For state law authority, see VA. CODE ANN. §15.2-2286, especially at A.3. (Cum. Supp. 2020), VA. CODE ANN. §15.2-2309 at 7 (Repl. Vol. 2018), and VA. CODE ANN. §15.2-2310 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2232 A. and F. (Repl. Vol. 2018).

Cross-reference.--For definition of "affordable housing," see VA. CODE ANN. §15.2-2201 and §22-2 B. of this Code. See also VA. CODE ANN. §15.2-2305 regarding authority for affordable dwelling unit ordinances.

Editor's note.-- For statute providing that “notwithstanding any other provisions of this article [Article 7 (Zoning) of Chapter 22 (Planning, Subdivision of Land and Zoning) of the Code of Virginia], the governing body of any locality may reserve unto itself the right to issue such special exceptions,” see VA. CODE ANN. §15.2-2286 A.3.

Editor's note re time constraints on grant/denial of use of certain public rights-of-way by certificated providers of telecommunications services: Pursuant to subsection D. of VA. CODE ANN. §56-458 (Repl. Vol. 2019), any permit or other permission required by a locality pursuant to a franchise, ordinance, or other permission to use the public rights-of-way or by the Commonwealth Transportation Board of a certificated provider of telecommunications services to use the public rights-of-way shall be granted or denied within forty-five (45) days from submission and, if denied, accompanied by a written explanation of the reasons the permit was denied and the actions required to cure the denial.

[THE 1985 AMENDMENT redesignated former subsections C through H as paragraphs 2 through 7 under B and redesignated subsection I. as present C.]

[THE 1989 AMENDMENT substituted "special use" for "conditional use" in A, substituted "Reasonably required copies" for "Two (2) copies" in paragraph 1 of B, and added "shall be paid when the application is filed" at end of paragraph 2 thereof, and, in paragraph 4 of B, substituted present third sentence for former third sentence which read: "Failure by the Commission to submit a report within thirty (30) days shall constitute recommendation for the approval of the proposed conditional use.”]

[THE MARCH 17, 1997 AMENDMENT inserted third and fourth sentences in B.6.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; in subsection C., substituted “Substantially the same application” for “Application” and “will not be considered by the Board” for “may not be made.”]

[THE AUGUST 7, 2000 AMENDMENT inserted “may be made by any property owner, tenant, government official, department, board or bureau. An application” in A. and added the last two sentences in B.4.]

[THE JUNE 17, 2002 AMENDMENT inserted “of three hundred dollars (\$300.00)” in subsection B.2.]

[THE DECEMBER 2, 2002 AMENDMENT added subsection D.]

[THE AUGUST 1, 2005 AMENDMENT, in B.3., inserted “first” and “(1)” and substituted “the applicant to post” for “to be posted” and “four (4) feet by eight (8) feet in size” for “not less than eight (8) square feet in area” in the first sentence; substituted “as determined by the Zoning Administrator . . . the nature of the special use” for “time and date of the public hearing” in the second sentence; added the new third sentence; substituted “at the applicant’s expense” for “paid by the applicant prior to the public hearing” in the fourth sentence; and added the new fifth sentence; and substituted “six (6) months” for “twelve (12) months” in C.]

[THE JULY 2, 2007 AMENDMENT, in the second sentence in B.4., substituted “within ninety (90) days of the submission of the application” for “within thirty (30) days from the date of the public hearing.”]

[THE JULY 20, 2009 AMENDMENT deleted former subsection B.3, requiring applicants to post signs.]

[THE JULY 17, 2012 AMENDMENT in the first sentence in B.6., substituted “within ninety (90) days from the date of the public hearing” for “within thirty (30) days from the date of the public hearing.”]

[THE JULY 5, 2016 AMENDMENT increased the fee in B.2 from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

Sec. 22-36. Stale zoning permits.

Zoning permits are issued for a period of one year from date of approval. Zoning permits shall automatically expire if the applicant cannot demonstrate that the permit is being exercised for the purpose for which it was issued, or if the work authorized in the permit is suspended or discontinued for a period of more than two (2) years.

Notwithstanding any other provision of law, any special use permit that was valid and outstanding as of January 1, 2009, is extended to July 1, 2011, regardless of whether such expiration or schedule exists by operation of statute, proffer, permit, local ordinance, or local custom. Nothing in this paragraph shall impair the ability of any person to apply for additional extensions of time beyond the period specified in this section where permitted by other law.

For general state law authority, see VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2288.4 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2286 (Cum. Supp. 2020), generally.

[THE AUGUST 3, 1998 AMENDMENT substituted “one (1) year” for “six (6) months” in the first sentence.]

[THE JULY 2, 2001 AMENDMENT inserted “more than” near the end of the second sentence.]

[THE JULY 20, 2009 AMENDMENT added the second paragraph.]

Sec. 22-37. Requests for change in zoning.

A. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Supervisors may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the Board of Supervisors, (ii) by motion of the Planning Commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the Board of Supervisors or the Planning Commission, who shall forward such petition to the Board of Supervisors; however, substantially the same petition will not be reconsidered within a period of six (6) months. Any such resolution or motion by the Board of Supervisors or Planning Commission proposing the rezoning shall state the above public purposes therefor. Any petition by the owner of the property, contract purchaser with the owner's written consent, or the owner's agent therefor, requesting rezoning or other action under this section shall be accompanied by an application fee in the amount of five hundred dollars (\$500.00). Petition procedures shall be as outlined in §22-32 of this Code.

B. RESERVED. [See §22-6.1 of this Code.]

C. All motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this section.

D. No provision in this chapter shall be amended or reenacted unless the Board of Supervisors has referred the proposed amendment or reenactment to the Planning Commission for its recommendation. Failure of the Commission to report one hundred (100) days after the first meeting of the Commission after the proposed amendment or reenactment has been referred to the Commission, or such shorter periods as may be prescribed by the Board of Supervisors, shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the

applicant prior to the expiration of the time period. The Board of Supervisors shall hold at least one public hearing on a proposed reduction of the Commission's review period. The Board of Supervisors shall publish a notice of the public hearing in a newspaper having general circulation in the locality at least two weeks prior to the public hearing date and shall also publish the notice on the County's website. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this section.

E. Before approving and adopting any provision of this chapter or any amendment thereof, the Board of Supervisors shall hold at least one public hearing thereon pursuant to public notice as required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018), after which the Board of Supervisors may make appropriate changes or corrections in the chapter or proposed amendment to this chapter. In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by VA. CODE ANN. §15.2-2204 (Repl. Vol. 2018). Zoning ordinances and amendments thereto shall be enacted in the same manner as all other ordinances.

F. 1. Every action contesting a decision of the Board of Supervisors adopting or failing to adopt a proposed portion of this chapter or amendment thereto or granting or failing to grant a special exception shall be filed within thirty (30) days of the decision with the circuit court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of the Board of Supervisors.

(2/2/88)

2. Every action contesting a decision of the Board of Supervisors based on a failure to advertise or give notice as may be required by VA. CODE ANN. §15.2-2204 (2018) or this chapter shall be filed within thirty (30) days of such decision with the circuit court having jurisdiction of the land affected by the decision.

For state law authority, see VA. CODE ANN. §15.2-2286 A.7. (Cum. Supp. 2020), VA. CODE ANN. §15.2-2285 at subsections B., C., and F. (Cum. Supp. 2019), VA. CODE ANN. §15.2-2204 E. (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2232 at subsections A. and F. (Repl. Vol. 2018).

Editor's note.--See editor's note following §22-26 of this Code as to additional notice requirements in certain circumstances.

Pursuant to VA. CODE ANN. §15.2-2232 F., the Planning Commission's decision on any application for a telecommunications facility shall comply with the Federal Telecommunications Act of 1996 and the time limits prescribed therein. See also §22-35 B.4. of this Code.

Pursuant to VA. CODE ANN. §15.2-2232 H, a solar facility subject to VA. CODE ANN. §15.2-2232 A shall be deemed to be substantially in accord with the comprehensive plan if (i) such

proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under VA. CODE ANN. §56-594 (Repl. Vol. 2019) or by a small agricultural generator under VA. CODE ANN. §56-594.2 (Repl. Vol. 2019). All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with VA. CODE ANN. §15.2-2232 H. However, Campbell County may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

[THE 1988 AMENDMENT inserted "therefor" and substituted "the subject of" for "subject to" in the second sentence of A, inserted "either" preceding "individually" in B, redesignated former C, D, and E as present D, E, and F, added new C, inserted "as" preceding "may be prescribed" in the second sentence of D and, in F, inserted "or granting or failing to grant a special exception," and substituted "thirty (30) days" for "sixty (60) days" in the first sentence and substituted "subsection" for "paragraph" in the second sentence.]

[THE 1989 AMENDMENT added "or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both" at the end of first sentence in C and added the second sentence therein, added "unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period" at the end of the second sentence in D, and added the present third sentence therein.]

[THE 1991 AMENDMENT, in B, substituted "sworn to under oath" for "sworn under oath," "local planning commission" for "local commission" and "Planning Commission" for "Commission," deleted "or" preceding "partnership," and inserted "as the beneficiary of a trust or the settlor of a revocable trust," and, in E, inserted a new second sentence.]

[THE 1993 AMENDMENT, in A, deleted "or" preceding clause (ii) and substituted "however" for "provided, that" preceding "substantially the same petition" in the second sentence.]

[THE MARCH 17, 1997 AMENDMENT deleted former B. which required petitions or applications to include a sworn statement disclosing any interest of a member of the Planning Commission or Board of Supervisors in the subject property; substituted "100 days" for "ninety (90) days" in the first sentence of D.; redesignated provisions of F. as present paragraph 1. thereof, and added new paragraph 2.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1 and substituted "Zoning ordinances and amendments thereto" for "Such amendments" in the last sentence in E.]

[THE DECEMBER 20, 1999 AMENDMENT redesignated provisions of E. as paragraph 1. thereof and added E.2.]

[THE JUNE 17, 2002 AMENDMENT added the last sentence in subsection A.]

[THE AUGUST 1, 2005 AMENDMENT, substituted “six (6) months” for “one year” at the end of the second sentence in A.; and, in E.2., inserted “first” and substituted “the applicant to post” for “to be posted” and “be four (4) feet by eight (8) feet in size” for “not be not less than eight (8) square feet in area” in the first sentence; substituted “as determined by the Zoning Administrator . . . the proposed use of the property” for “time and date of the public hearing” in the second sentence; added the new third sentence; substituted “at the applicant’s expense” for “paid by the applicant prior to the public hearing” in the fourth sentence; and added the new fifth sentence.]

[THE JULY 20, 2009 AMENDMENT deleted former subsection E.2, requiring the posting of signs by the applicant, and renumbered former subsection E.1 accordingly.]

[THE JULY 1, 2014 AMENDMENT added the fifth sentence in A.]

[THE JULY 5, 2016 AMENDMENT increased the fee in A. from three hundred dollars (\$300.00) to five hundred dollars (\$500.00).]

[THE JULY 16, 2019 AMENDMENT added the third sentence in D.]

ARTICLE XIV. PENALTIES AND OTHER REMEDIES

Sec. 22-38. Violations as misdemeanor.

Violation of any provision of this chapter shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000.00; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.00.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

For state law authority, see VA. CODE ANN. §15.2-2286 A.5. (Cum. Supp. 2020). See also VA. CODE ANN. §15.2-1432 (Repl. Vol. 2018).

Cross-reference.--For statute authorizing any locality to adopt an ordinance establishing an uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance, see VA. CODE ANN. §15.2-2209 (Repl. Vol. 2018).

[THE 1989 AMENDMENT substituted "of" for "or" preceding "not less than."]

[THE MARCH 2, 1998 AMENDMENT added the second and third sentences.]

[THE AUGUST 7, 2000 AMENDMENT substituted “ten-day” for “thirty-day” twice and substituted “one hundred dollars (\$100.00)” for “ten dollars (\$10.00)” and “one thousand, five hundred dollars (\$1,500.00)” for “one thousand dollars (\$1,000.00)” in the last sentence.]

[THE DECEMBER 3, 2007 AMENDMENT added the last paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “\$5,000” for “\$2,000” prior to “and any such failure”, substituted “\$7,500” for “\$2,500” at the end of the second sentence in the last paragraph, and inserted the third sentence in the last paragraph.]

[THE JULY 3, 2018 AMENDMENT clarified that, after conviction and the initial period for removing and abating an uncorrected violation, the violator may be convicted of separate misdemeanor offenses and fined for the first 10-day period up to \$1,500 and then up to \$2,000 for each succeeding 10-day period in which the violation continues unabated.]

Sec. 22-39. Other remedies.

(a) Pursuant to the authority of VA. CODE ANN. §15.2-2286 A.4. (Cum. Supp. 2020), the Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this zoning ordinance. His authority shall include:

(i) ordering in writing the remedying of any condition found in violation of the zoning ordinance;

(ii) insuring compliance with the zoning ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019); and

(iii) in specific cases, making findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under VA. CODE ANN. §15.2-2307 (Repl. Vol. 2018), or subsection C of VA. CODE ANN. §15.2-2311 (Cum. Supp. 2019).

(b) Any violation or attempted violation of this zoning ordinance may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding.

(c) The Zoning Administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the Zoning Administrator or his agent an inspection warrant to enable the Zoning Administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by VA. CODE ANN. §19.2-54 (Cum. Supp. 2019). After executing the warrant, the Zoning Administrator or his agent shall return the warrant to the Clerk of Campbell County Circuit Court. The Zoning Administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

(d) At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate a zoning ordinance violation and where the owner of the real property is a party to such proceeding, the Zoning Administrator or the Board of Supervisors may record a memorandum of lis pendens pursuant to VA. CODE ANN. §8.01-268 (Repl. Vol. 2015). Any memorandum of lis pendens admitted to record in an action to enforce a zoning ordinance shall expire after 180 days. If Campbell County has initiated an enforcement proceeding against the owner of the real property and such owner subsequently transfers the ownership of the real property to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement proceeding shall continue to be enforced against the owner.

For state law authority, see VA. CODE ANN. §15.2-2286 A.4. and A.15 (Cum. Supp. 2020) and VA. CODE ANN. §15.2-2208 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018).

Editor's note.--The provisions of subsection (a) of this section are identical to subsection (a) in both §22-6 and §22-21 of this Code.

Cross reference: For provisions regarding appeals to the Board of Zoning Appeals of any written notice of a zoning violation or a written notice of the Zoning Administrator, and specific notice requirements, see §22-28 of this Code.

[THE 1993 AMENDMENT inserted the clause beginning "including the authority to make conclusions . . ." and ending "rights accruing under VA. CODE ANN. §15.1-492 (Repl. Vol.1989), and further" and added "subject to appeal pursuant to VA. CODE ANN. §15.1-496.1 (Cum. Supp. 1993)."]

[THE MARCH 17, 1997 AMENDMENT rewrote provisions, making no substantive changes.]

[THE MAY 17, 1999 AMENDMENT designated existing provisions as (a) and added (b); substituted references to Title 15.2 for references to former Title 15.1 and substituted “insuring” for “to insure” in clause (ii) in (a).]

[THE DECEMBER 1, 2008 AMENDMENT added subsections (c) and (d).]

[THE JULY 20, 2009 AMENDMENT added the last clause in subsection (a)(iii).]

[THE DECEMBER 2, 2014 AMENDMENT substituted “make an affidavit under oath before” for “present sworn testimony to” and “affidavit” for “sworn testimony” in the first sentence and added the third and fourth sentences to (c).]

Sec. 22-39.1. Proceedings to prevent construction of building in violation of zoning ordinance.

Where a building permit has been issued and the construction of the building for which the permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of this chapter, by suit filed within fifteen (15) days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.

For state law basis, see VA. CODE ANN. §15.2-2313 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2208 (Repl. Vol. 2018).

[THE 1989 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted “the permit was issued” for “such permit was issued.”]

ARTICLE XV. SEVERABILITY AND EFFECTIVE DATES.

Sec. 22-40. Severability.

Should any section, subsection or provision of this chapter be decided by final order of a Court of competent jurisdiction to be unconstitutional, invalid or otherwise unenforceable, such decision shall not affect the validity of this chapter as a whole nor of any part thereof other than the part or parts so decided to be unconstitutional, invalid or otherwise unenforceable.

Sec. 22-41. Effective date.

This chapter shall become and be effective at 12:01 a.m. on July 1, 1985.

Subsequent amendments to this chapter shall become effective upon adoption by the Board of Supervisors of Campbell County or upon a date fixed by the Board. If no effective date is specified, then such amendment shall become effective upon adoption.

For state law authority, see VA. CODE ANN. §15.2-1427 (Repl. Vol. 2018).

[THE AUGUST 7, 2000 AMENDMENT added the second paragraph.]