

ARTICLE 5

APPLICATION OF ZONING REGULATIONS

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

501.00 USES – ADMINISTRATIVE REVIEWS & PERMITS

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

501.01 *Permitted Uses.* A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a Zoning Permit will be issued by the Zoning Administrator, without a public hearing.

501.02 *Conditional Use.* A conditional use (i.e., special exception in accordance with the Code of Virginia, 1950, as amended) is one which may be allowed when the Board of Zoning Appeals, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the *Comprehensive Plan* and the policies of the County and the public interest. Where the use is conditional, a Zoning Permit will be issued by the Zoning Administrator after such conditional use has been approved by the Board of Zoning Appeals.

501.03 *Review of Building Permits.* All applications for building permits and amendments thereto shall be submitted to the Zoning Administrator for review, and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of the land use regulations are met.

501.04 *Site Plan Review.* The Zoning Administrator shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

501.05 *Variances.* The Zoning Administrator shall receive all applications for variances or other plans as shall be permitted or approved as required by the land use regulations, review for completeness and prepare submittals for review by the appropriate body.

502.00 Interpretations, Liability & Cooperation.

502.01 *Interpretations.* The interpretation and application of the provisions of this code shall be by the Zoning Administrator. An appeal of an interpretation by the Zoning Administrator shall be submitted to the Board of Zoning Appeals, who,

unless otherwise provided, is authorized to interpret the land use regulations, and such interpretation shall be considered final.

Uses are permitted within the various zones as described in these land use regulations and as otherwise provided herein.

It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in these land use regulations. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zones classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to these land use regulations, pursuant to section 101.00.

502.02

Liability. The Zoning Administrator, or designee, shall be charged with the enforcement of these land use regulations, who acting in good faith and without malice in the discharge of the duties described herein, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Zoning Administrator or employee, due to any such act or omission performed by the Zoning administrator or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances, implemented through the enforcement of these regulations, or enforced by the enforcement agency, shall be defended by Bath County and such liability shall be assumed by Bath County.

These regulations shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under these regulations.

502.03

Cooperation of other officials and officers. The Zoning Administrator shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in these regulations, the assistance and cooperation of other officials of the jurisdiction.

503.00

BUILDINGS

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

504.00 LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements, front, side, or rear yard requirements, or inner or outer court requirements, or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet.

505.00 GARDENING AND CHICKENS

Gardening shall be exempt from zoning permit requirements in any district allowing residential uses provided that such gardening shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage.

The keeping of up to ten (10) female chickens shall be permitted in the residential zoning districts of R-1 Residential Limited, R-2 Residential Single Family, and R-3 Medium Density Residential.

The keeping of female chickens shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage. Any structures and pens erected for purpose of keeping chickens shall be located in the rear yard, not in front yard or side yard and shall have adequate screening. The pens must be located a minimum of twenty feet (20') off any side or rear property lines. The chickens shall be required to be contained within a pen at all times.

A pen is defined as a structure that will house chickens for the purpose of shelter, roosting and laying eggs. Also has a completely fenced in area that would allow the chickens to run.

506.00 PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of these Land Use Regulations. However, if such construction does not commence within thirty (30) days after these Land Use Regulations become effective, or if construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of these Land Use Regulations for the district in which the operation is located.

507.0 PAYMENT OF DELINQUENT REAL ESTATE TAXES

The Applicant must produce satisfactory evidence that any delinquent real estate taxes owed have been paid prior to the initiation of an application for a conditional use permit, variance, rezoning or

other land disturbing permit, including building permits and erosion and sediment control permits, as set forth in the Code of Virginia, Section 15.2-2286(B).