

ARTICLE 7

USE REGULATIONS

701.00 AREA REGULATIONS

Area and density regulations are provided by district in the Zoning Schedule, Single Structural Uses, Table 1, and Lot Regulations for Manufactured Homes, Parks, and Subdivisions, Table 2.

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

701.01-1 An uncovered porch or patio may project into a required front yard for a distance not exceeding one-third of the distance from the front line of the main building to the right-of-way line or the front line of the lot, whichever is closer.

701.01-2 An uncovered porch or patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line;

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

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

701.02 *Special Provisions for Corner Lots.*

701.02-1 Of the two (2) sides of a corner lot the front shall be deemed to be the shorter of the two (2) sides fronting on streets;

701.02-2 The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings;

701.02-3 For subdivisions platted after the enactment of these Land Use Regulations, each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more.

701.03 *Conditional Height Regulation.*

- 701.03-1 The height limits may be increased upon approval by the Board of Zoning Appeals after public hearing, provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more per side yard for each additional foot of building height over thirty-five (35) feet;
- 701.03-2 A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet;
- 701.03-3 Church spires, belfries, cupolas, monuments, water, silo, barns, towers, chimneys, flues, flag poles, television and radio antenna are exempt, except for those structures exceeding two hundred (200) feet in height where written approval from the Federal Aviation Administration is necessary. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

702.00 ADDITIONAL BUILDINGS ON A SINGLE LOT

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

- 702.01 ***Additional Dwellings.*** Additional dwellings on a single lot may be permitted provided that:
- 702.01-1 Additional dwellings conform to the minimum lot area, minimum lot width, maximum lot coverage, and yard requirements;
- 702.01-2 The arrangement of such additional dwellings are in such a manner so that if the lot or parcel of land is ever subdivided no substandard lots are created;
- 702.01-3 Each additional dwelling has access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.
- 702.02 ***Temporary Buildings.*** Temporary buildings used in conjunction with construction work only may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.
- 702.03 ***Accessory Buildings.*** The location of accessory buildings and uses must meet the following conditions:

**TABLE 1
ZONING SCHEDULE, SINGLE STRUCTURAL USES**

SYMBOL DISTRICT PRIMARY PURPOSE	PERMITTED USES	MINIMUM LOT REQUIREMENT				MAXIMUM LOT COVERAGE	MINIMUM YARD DIMENSIONS IN FEET					ACCESSORY BUILDINGS			OTHER REQUIREMENT	
		PUBLIC WATER & SEWER (SF)	PUBLIC WATER & INDIVIDUAL SEWER* (SF)	INDIVIDUAL WATER & SEWER* (SF)	FRONTAGE AT SETBACK LINE		MAXIMUM HEIGHT IN FEET	FRONT	ONE SIDE YARD	TWO SIDE YARDS	REAR	MAXIMUM HEIGHT IN FEET	MINIMUM DISTANCE IN FEET			
													PRINCIPAL BUILDING	SIDE LOT LINE		REAR LOT LINE
C-1 - Conservation Natural Resource Production	Resource Production	Conditional	Conditional	120,000'	200'	N/A	35'	35'	35'	70'	35'	35'	20'	35'	35'	150' from property boundary to central use.
A-1* - Agricultural Limited Environmental Protection	Forest & Agricultural Uses	20,000'	20,000'	80,000'	150'	N/A	35'	35'	10'	20'	35'	60'	20'	10'	10'	
A-2* - Agricultural General Agricultural Production	Agricultural Production & Associated Uses	20,000'	20,000'	80,000'	100'	N/A	35'	35'	10'	20'	35'	60'	20'	10'	10'	
R-1 - Residential Limited Perpetuation of Established Communities	Single-Family Residential	4,000'	20,000'	20,000'	50'	60%	35'	35'	5'	10'	10'	35'	10'	5'	10'	
R-2 - Residential Single-Family Residential	Single/Two Family Residential	20,000'	20,000'	20,000'	100'	40%	35'	35'	15'	35'	50'	35'	20'	15'	15'	
R-3 - Medium Density Residential Mixed Residential	Single/Multi Family Residential	10,000'	20,000'	20,000'	75'	N/A	35'	35'	10'	20'	35'	35'	20'	10'	10'	Density Maximum 7 Units Per Acre
R-4 - Residential District (Manufactured Home Parks)	Manufactured Home Park Individual Stand in a Park	435,600' 3,400'	435,600' 3,400'	435,000' 3,400'	200' 40'	55% 35-40%	35'	35'	10'	10'	10'	35'	0 20'	25'	25'	
R-5 - Planned Development Neighborhood Development	Single/Two/Multi-Family Residential	20,000'	20,000'	20,000'	100**	40%	35'	35'	15'	35'	50'	35'	20'	15'	15'	*Maximum Density 8 Dwelling Units Per Acre 25% to be in Usable Open Space
B-1 - Convenience Business	Convenience Business	None	a	a	N/A	40%	35'	35'	10'	20'	25'	35'	20'	20'	25'	
B-2 - General Business	Commercial Development	None	a	a	N/A N/A	70% 20%	35' 35'	5' 35' ^b	0' 10' ^b	0' 20' ^b	25' 25'	35' 35'	20' 20'	20' 20'	25' 25'	
B-3 - Planned Business																
M-1 - Industrial	Light Industrial	None	a	a	N/A	70%	35'	35'	20'	40'	25'	35'	40'	20'	20'	

*For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator shall require greater area as considered necessary by the Health Official.

^bRequires ten feet where adjoining a residence or a residential district.

SF = square feet.

NOTE: Add 25 square feet for corner lots.

**TABLE 2
BATH COUNTY
LOT REGULATIONS FOR
MANUFACTURED HOME PARKS AND SUBDIVISIONS**

	MANUFACTURED HOME PARK	STAND WITHIN PARK	MANUFACTURED HOME SUBDIVISION	SUBDIVISION MANUFACTURED HOME LOT
Area	10 Acres	3,400 Square Feet	10 Acres	7,000 Square Feet with Approval of the Health Official
Setback (See 701.01-3)	25 Feet	N/A	25 Feet	20 Feet
Frontage at the Setback Line	40 Feet	40 Feet	150 Feet	50 Feet
YARD:				
One Side	25 Feet	7½ Feet	25 Feet	11 Feet
Both Sides	50 Feet	15 Feet	50 Feet	22 Feet
Rear	25 Feet	7½ Feet	25 Feet	25 Feet
Height	35 Feet	35 Feet	35 Feet	35 Feet
Accessory Buildings	Not to Exceed 35 Feet in Height	Not to Exceed Height of Manufactured Home	Not to Exceed 35 Feet in Height	Not to Exceed 35 Feet in Height

- 702.03-1 Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof and, therefore, such attached accessory building shall comply in all respects with the requirements applicable to the main building;
- 702.03-2 A detached accessory building shall be located as prescribed in Table 1 for the district in which the lot is located;
- 702.03-3 A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard;
- 702.03-4 No detached accessory building may be located in the front yard of a lot.

703.00 OFF-STREET PARKING

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with these Land Use Regulations.

- 703.01 ***General Requirements.*** For the purpose of these Land Use Regulations, the following general requirements are specified:
- 703.01-1 The term "off-street parking space" shall mean a space at least ten (10) feet wide and twenty (20) feet in length with a minimum net area of two hundred (200) square feet, excluding area for egress and ingress and maneuvering of vehicles;
- 703.01-2 Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served;
- 703.01-3 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such main use;
- 703.01-4 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;
- 703.01-5 Area reserved for off-street parking in accordance with the requirements of these Land Use Regulations shall not be reduced in the area, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;
- 703.01-6 Off-street parking existing at the effective date of these Land Use Regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing

off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

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

703.02-1 All such parking areas, except those serving one (1) and two (2) family dwellings, shall be surfaced with stone, concrete, or plant bituminous material and maintained in a dust-proof manner. A good stand of vegetative cover shall be maintained on the remainder of the lot;

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

703.02-3 The parking lot shall be adequately drained;

703.02-4 Off-street parking spaces in commercial and industrial districts shall be clearly marked;

703.02-5 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:

- (a) Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage;
- (b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor ten (10) feet to adjoining property lines;
- (c) Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right-of-way line.

703.03 ***Parking Space Requirements for All Districts.*** In all districts, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.

LAND USE	PARKING REQUIREMENTS
703.03-1 Dwellings:	
a. One (1) and two (2) families.	Two (2) spaces for each dwelling unit.
b. Multi-family, townhouses.	Two (2) spaces per dwelling unit except for efficiency apartments for which one (1) space per dwelling unit shall be provided.
c. Hotels, motels.	One (1) space for each bedroom plus one (1) additional space for each two (2) employees, plus one (1) for each 500 sq. ft. of common area.
d. Manufactured homes (parks and subdivisions).	Two (2) spaces per manufactured home.
e. Travel trailer parks.	One (1) space for each travel trailer, motor home, or camper.
f. Board and rooming houses, dormitories.	One (1) space for each bedroom.
703.03-2 Public Assembly:	
a. Newly constructed churches and other places of worship.	One (1) space for each five (5) seats in the main auditorium or sanctuary.
b. Private clubs, lodges, and fraternal or sororal buildings not providing overnight accommodations.	One (1) space for each three hundred (300) square feet of floor area.
c. Theaters, auditoriums, coliseums, stadiums, and similar places of assembly.	One (1) space for each five (5) seats.
d. Schools, including kindergartens, playschools, and day care centers.	One (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges; plus one (1) space for each five (5) seats in assembly rooms.
e. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements.	One (1) space for each two hundred (200) square feet of floor area.
f. Bowling alleys.	Two (2) spaces for each alley.
g. Libraries, museums.	One (1) space for each five hundred (500) square feet of floor area.
703.03-3 Health Facilities:	
a. Hospitals, and similar uses.	One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one (1) space for each four (4) employees on the maximum working shift.
b. Kennels and animals hospitals.	A net parking area equal to thirty (30) percent of the total enclosed or covered area.
c. Medical, dental, and health offices and clinics.	At least ten (10) spaces. Three (3) additional parking spaces shall be furnished for each doctor and dentist having office in such clinics in excess of three (3) doctors or dentists plus one (1) space per each two (2) staff and employees.
	One (1) space for each four (4) beds plus one (1) space for

d. Homes for adults and similar uses.	every three (3) employees.
703.03-4 Businesses:	
a. Automobile repair establishments.	One (1) space for each three hundred (300) square feet, with a minimum of ten (10) spaces.
b. Food stores.	One (1) space for each two hundred (200) square feet of floor area designated for retail sales only.
c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments.	One (1) space for each four (4) seats provided for patron use, plus one (1) space per employee on average shift.
d. Office buildings, including banks, business, commercial and professional offices and buildings but not including medical, dental, and health offices and clinics.	One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.
e. General business, commercial or personal service establishments catering to the retail trade.	One (1) space for each two hundred (200) square feet of floor area designated for retail sales.
f. Governmental offices.	One (1) space for each three hundred (300) square feet of ground floor area plus one (1) space for each five hundred (500) square feet of upper floor area and one (1) space for each governmental vehicle.
g. Shopping centers.	One (1) space per two hundred (200) square feet or retail sales area.
h. Furniture stores.	One (1) space for each one thousand (1,000) square feet of gross floor area.
i. Public utilities, such as telephone exchanges and substations, radio and television stations, and electric power and gas substations.	One (1) space for each employee on the maximum shift plus a parking area equal to twenty-five (25) percent of the gross floor area.
j. Mortuaries and funeral parlors.	Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater.
703.30-5 Industries:	
a. Manufacturing and industrial establishments not catering to the retail trade.	One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle or manufactured equipment operating from the premises.
b. Wholesale establishments.	One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

703.04 ***Off-Street Loading and Unloading Space.*** Off-street loading and unloading spaces shall be provided as hereinafter required by these Land Use Regulations.

703.04-1 Floor area over ten thousand (10,000) square feet. There shall be provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space

shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley;

- 703.04-2 Floor area less than ten thousand (10,000) square feet. There shall be provided for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley;
- 703.04-3 Size of off-street loading spaces shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and seventy (70) feet in length;
- 703.04-4 *Connection to Road or Alley.* Each required off-street loading space shall have direct access to a road or alley or have a driveway which offers satisfactory ingress and egress for trucks;
- 703.04-5 *Permanent Reservation.* Area reserved for off-street loading in accordance with the requirements of these Land Use Regulations shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is first provided that meets the requirements herein.

704.00 JUNKYARDS AND AUTOMOBILE GRAVEYARDS

Title 33.1, Chapter 6, Section 33.1-348 of the Code of Virginia, 1950, as amended, establishes the criteria for review of the proposed location of junkyards and automobile graveyards. These provisions are hereby incorporated and establish the criteria for licensing junk dealers. This section of the *Bath County Land Use Regulations* incorporates the provisions of the above referred sections of the State Code. Junkyards or automobile graveyards, meeting the following criteria, may be permitted upon a conditional use hearing as provided in Article 8.

- 704.01 *Criteria for the Location of Junkyard or Automobile Graveyards.* (See Title 33.1-348 of the Code of Virginia, 1950, as amended.) No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of an interstate or primary highway or within five hundred feet (500) of the nearest edge of the right-of-way of any other highway, except:
 - 704.01-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway, or otherwise removed from sight;
 - 704.01-2 Junkyards or automobile graveyards which are established, any portion of which is not within the floodplain as delineated by the Federal Emergency Management

Association or not within five hundred (500) feet from the normal high water devotion of any stream, river, pond, or lake;

704.01-3 Junkyards and/or automobile graveyards which are granted a Conditional Use Permit and located in areas which are zoned Agricultural Limited, A-1; Agricultural General, A-2; General Business, B-2; or Industrial, M-1;

704.01-4 Junkyards and/or automobile graveyards which are not visible from the main-traveled way of the highway;

704.01-5 Automobile graveyards and/or junkyards in existence at the time of the adoption of these Land Use Regulations are to be considered as nonconforming uses. They shall be allowed up to one (1) year after adoption of these Land Use Regulations in which to completely screen the operation or use, on any side open to public view, by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge six (6) feet in height, or other suitable screening as defined in Section 711.05.

704.02 ***Licensed Automobile Graveyards or Junkyards in Existence at the Time of Adoption.*** Licensed automobile graveyards or junkyards in existence at the time of the adoption of these Land Use Regulations, as amended, are considered as nonconforming uses (see Section 708.03).

705.00 HOME OCCUPATIONS

Home occupations meeting all the “special requirements” of Section 705.01 (subsections 705.01-1 through 705.01-7) shall be permitted as an Accessory Use in all districts unless the particular activity requires a Conditional Use Permit or is expressly prohibited within such district. These Land Use Regulations shall use a Conditional Use Permit approach for home occupations which are unable to meet and/or which violate one (1) or more of the “special requirements” in Section 705.01. The use of Conditional Use Permits is to insure compatibility of such home occupations with surrounding residential uses. Custom or tradition are not to be considered as criteria for the evaluation of home occupation. The Zoning Administrator may request advice from the Planning Commission and/or Board of Zoning Appeals as appropriate.

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

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

705.01-2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be supplied, manufactured, or conducted by members of the family residing on the premises;

- 705.01-3 The home occupation when restricted to the main building shall not occupy more than twenty-five (25) percent of the floor area within said building;
- 705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in Section 706.03-4;
- 705.01-6 Additional off-street parking may be required by the Zoning Administrator after review of the application;
- 705.01-7 The applicant for a home occupation may be required to present evidence that a county fire company has approved the proposed use with regard to fire safety.
- 705.02 ***Expiration and Revocation.*** A Zoning Permit for home occupations shall expire or be revoked under the following conditions:
- 705.02-1 Whenever the applicant ceases to occupy the premises for which the Home Occupation Permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;
- 705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months;
- 705.02-3 Whenever the Board of Zoning Appeals finds that the holder of the permit has violated the conditions of the permit for one (1) or more of the "special requirements" in Section 705.01.

706.00 SIGNS

- 706.01 ***Intent.*** The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of Bath County. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.
- 706.02 ***General Requirements:***

- 706.02-1 Except as provided in Section 706.03 below, no outdoor advertising sign or structure shall be erected without Zoning and Building Permits. Failure to adhere to the requirements of these Land Use Regulations automatically cancels such permits and said structure or sign shall be removed forthwith;
- 706.02-2 For the purpose of computing sign area only one side of a "V-Type" or double-faced sign shall be considered;
- 706.02-3 Roof top signs or roof top sign structures shall not extend more than twenty (20) feet above the roof line. Roof top signs or sign structures shall not extend beyond or overhang any exterior wall of the building upon which secured;
- 706.02-4 No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection, or in such a manner as to materially impede the view of the intersection of a road with a railroad grade crossing;
- 706.02-5 No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape;
- 706.02-6 No portion of any sign structure except official road markers, which shall adhere to the applicable State and local laws, shall be less than ten (10) feet above the level of an adjacent sidewalk or other pedestrian thoroughfare, no less than sixteen (16) feet above the level of an adjacent public driveway, alley or street;
- 706.02-7 All signs, whether permanent or temporary, shall comply with the applicable requirements of the Building Code;
- 706.02-8 In the event any sign is to be relocated, it shall be required that the owner of said sign obtain a new Zoning and Building Permits;
- 706.02-9 All sign structures may be erected up to a height of thirty-five (35) feet, except in the business and industrial districts which may be erected up to a height of one hundred (100) feet;
- 706.02-10 All signs coming within the jurisdiction of State and Federal laws along Interstate Highway and Federal-aid primary highway systems shall conform to said laws in lieu of any other sign regulations in these Land Use Regulations;
- 706.02-11 All signs in existence at the time of the passage of these Land Use Regulations, which do not conform to these Regulations, shall be classified as nonconforming, but may be continued providing they are properly maintained during the life of such advertisement or advertising structure.
- 706.03 ***Permissible Signs in All Districts.*** The following signs are allowed in all districts and shall be exempt from permit requirements:

- 706.03-1 Real estate signs advertising sale, rental, or lease of the land or building upon which signs are located, provided that:
- (a) In residential districts, real estate signs shall not be in excess of six (6) square feet, and no more than two (2) such signs on any single lot;
 - (b) In business districts, there shall be no sign in excess of thirty-two (32) square feet and no more than three (3) such signs on any single lot;
 - (c) In industrial districts, there shall be no sign in excess of ninety (90) square feet and no more than three (3) such signs on any single lot;
- 706.03-2 Informational signs of a public or quasi-public nature identifying or locating civic, educational, or cultural purpose and signs drawing attention to public parking lots, rest rooms, or to other public convenience relating to such places or activities are permitted. Such signs shall not exceed an area of six (6) square feet, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than five (5) feet from the fronting highway; Nothing contained herein shall be construed to limit the effect of Section 706.03-3;
- 706.03-3 Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments. Such signs shall not exceed an area of two (2) square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law;
- 706.03-4 Professional name plates not exceeding two (2) square feet in area, such signs to be non-illuminated;
- 706.03-5 One (1) sign or bulletin board indicating the name of the institution or civic association not exceeding ten (10) square feet in area on premises of public or semipublic facilities;
- 706.03-6 Signs located on the premises relating to active construction projects;
- 706.03-7 Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other materials;
- 706.03-8 Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency;
- 706.03-9 Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house numbers, names of farms and estates, and other similar usage not exceeding ten (10) square feet;

706.03-10 One (1) subdivision identification sign at the main entrance or entrances to the subdivision sufficiently set back from the main road leading to the subdivision entrance to preserve a clear safe zone along the main road as determined by the Resident Engineer provided that such sign shall not exceed one hundred (100) square feet, may be illuminated, shall be so designed as to be in the public interest, and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision.

706.03-11 Temporary signs, excluding political advertisements:

- (a) Not permitted longer than sixty (60) days.
- (b) Shall be removed by sign owner within five (5) days after the date of the event or activity to which the sign makes reference, or if he fails to do so, by the Zoning Administrator at the owner's expense five (5) days following registered notification of the owner.
- (c) No temporary sign shall exceed thirty (30) square feet per sign area.
- (d) All portable and vehicular signs shall adhere to the requirements set forth herein except for those signs not exceeding forty (40) square feet and attached to vehicles which are used primarily for other purposes than displaying an outdoor advertising sign.

706.04 ***Signs as Permitted Uses.*** The following signs are permitted uses in the following districts without a public hearing:

706.04-1 ***Residential Districts.*** Within any Residential District, the following signs are permitted:

- (a) One (1) sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed thirty (30) square feet per sign area, shall not be illuminated, shall be maintained at subdivider's expense, and shall be removed by subdivider when eighty (80) percent of the lots in said subdivision are sold.
- (b) Where multi-family dwellings are a permitted use, one (1) sign for identifying multi-family dwellings of more than six (6) units, provided that such sign shall be located only on the premises of the multi-family dwellings, shall not exceed nine (9) square feet in area, shall indicate nothing other than the name and/or address of the premises, and the name of the management, and may be illuminated only by indirect illumination.
- (c) Directional signs for parks and playgrounds and other permitted nonresidential use, provided that such signs shall not exceed four (4) square feet in area, shall be within one (1) mile of the use, and shall not be illuminated.

- 706.04-2 *Business Districts.* Within all business districts, except Section 611.00, Planned Business District, B-3, the following signs are permitted:
- (a) Business signs having a maximum aggregate area not to exceed one hundred (100) square feet provided that no sign attached to a building shall project more than five (5) feet beyond the face of the building.
- 706.04-3 *Industrial Districts.* Within any Industrial District, the following signs are permitted:
- (a) Business sign or signs having a maximum aggregate area not to exceed one hundred (100) square feet provided that no sign shall project more than five (5) feet beyond the face of the building.
 - (b) Directional signs for industrial uses provided that such signs shall not exceed four (4) square feet and shall be within one (1) mile of said industrial use.
- 706.05 *Signs as Conditional Uses.* The following signs may be permitted as conditional uses:
- 706.05-1 Signs related to conditional uses. Except as hereinafter provided within any residential district, signs relating to buildings and uses permitted conditionally are permitted as conditional uses, provided that they shall not exceed twenty (20) square feet per sign area; shall indicate nothing other than the activity engaged in, the name of the owner, firm, organization, or agency, and the hours of activity, shall be limited to two (2) signs per use; and may be indirectly illuminated at the discretion of the Board. In business and industrial districts, signs relating to buildings and uses permitted conditionally shall be permitted as conditional uses, provided that all requirements of sign area and character for permitted signs are met;
- 706.05-2 Directional signs related to conditional use. Within any residential district, directional signs for uses and buildings permitted conditionally are permitted as conditional uses, provided that they shall not exceed four (4) square feet per sign area, shall be within one (1) mile of the use, and shall not be illuminated;
- 706.05-3 Outdoor advertising signs, one (1) for each lot of one hundred (100) feet or less of lot frontage with one (1) additional such sign for each additional one hundred (100) feet or less of lot frontage under single or separate ownership at the time of the passage of these Land Use Regulations, and provided said sign shall not exceed sixteen (16) square feet in area per sign structure facing.
- 706.06 *Signs Prohibited in all Districts.* The following signs are prohibited in all districts:
- 706.06-1 Any sign which uses the words "stop" or "danger" prominently displayed or which is a copy or imitation of official traffic control signs;

- 706.06-2 Any sign which contains flashing or intermittent illumination;
- 706.06-3 Any sign which is manufactured and is designed to and effectively does distract the attention of passing motorists on any highways by loud and blatant noises, movable objects, or flashing lights.
- 706.07 ***Maintenance and Removal of Signs:***
- 706.07-1 All signs and sign structures shall be kept in repair and in proper state of preservation. All signs must adhere to the provisions of the Building Code;
- 706.07-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed, or relocated at the owner's expense in compliance with the provisions of these Land Use Regulations within thirty (30) days following disfunction.

707.00 MANUFACTURED HOMES

Any manufactured home placed in the County of Bath after the date of enactment or amendment of these Land Use Regulations, shall meet the following requirements:

- 707.00-1 All manufactured homes shall meet the plumbing requirements and the electrical wiring and connection, construction, blocking, and anchoring requirements of the Virginia State Building Code and shall display the seal of a testing laboratory approved by the State of Virginia;
- 707.00-2 All manufactured homes shall be completely skirted such that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the Building Official;
- 707.00-3 All manufactured homes shall be supplied with public water and wastewater disposal or such individual service evidenced by permits from the Health Department.
- 707.01 ***Manufactured Home Lot Requirements.***
- 707.01-1 An individual manufactured home lot shall meet the requirements of Article 9 of these Land Use Regulations and Table 1, Zoning Schedule, Single Structural Uses.
- 707.02 ***Manufactured Home Park and Setback Requirements.*** All manufactured home parks shall meet the requirements of Article 9 of these Land Use Regulations and Table 2, Bath County Lot Regulations for Manufactured Home Parks and Subdivisions and the following requirements:
- 707.02-1 A minimum of five (5) spaces shall be completed and ready for occupancy before the first occupancy is permitted;

- 707.02-2 The overall density of any manufactured home park shall not exceed seven (7) units per gross acre. The density of any particular acre within such park shall not exceed eight (8) units per gross acre;
- 707.02-3 No main or accessory building shall be located closer than twenty-five (25) feet to any property line of a manufactured home park.
- 707.03 ***Manufactured Home Accessory Structures.*** All manufactured home accessory structures erected or constructed after the date of enactment or amendment of these Land Use Regulations must meet the following requirements:
- 707.03-1 All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the Building Code;
- 707.03-2 Except in the case of an awning, ramada, or other shade structure, where a manufactured home accessory structure is attached to the manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the manufactured home unit, or such accessory structure shall be attached to the manufactured home unit in a substantial manner by means of a roof. All manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached manufactured home accessory structure, except ramadas, shall be erected closer than seven and a half (7½) feet to a manufactured home;
- 707.03-3 Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home;
- 707.03-4 No manufactured home accessory structure shall be erected or constructed on any manufactured home lot or stand except as an accessory to a manufactured home.
- 707.03-5 The rear yard of each manufactured home stand may be provided with one (1) clothesline which shall be exempt from setback and other requirements of manufactured home accessory structures.
- 707.04 ***Manufactured Home Park Application and Site Plan.*** Applicants for manufactured home parks shall meet the following special requirements:
- 707.04-1 The following information shall be required of site plans:
- (a) The date of the site plan, the name of the surveyor and the number of sheets comprising the site plan;
 - (b) The scale and the north designation;

- (c) The name and signature of the owner and the name of the proposed park, said name shall not closely approximate that of any existing manufactured home park or subdivision in the County of Bath;
- (d) A vicinity map showing the location and area of the proposed park;
- (e) The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;
- (f) The names of all adjoining property owners;
- (g) Proposed layout, including interior streets with dimensions and such typical street cross sections and centerline profiles as may be required in evaluating the street layout; water, sewer, drainage, and utility lines, facilities and connections, with dimensions shown; location and type of solid waste collection facilities; interior monuments and lot lines, dimensions, and areas of manufactured home lots, common open space and recreation areas, common parking areas, and other common areas; locations and dimensions of manufactured home stands and parking spaces, management offices, laundry facilities, recreation buildings, and other permanent structures; location and nature of fire fighting facilities, including hydrants, fire extinguishers, and other fire fighting equipment; location of fuel storage facilities and structure of high flammability; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, significant natural features to be retained, and fencing and screening.

707.04-2 The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met, a statement from the Health Official certifying approval of the proposed site plan and, where appropriate, statements from the Virginia Department of Transportation Highway Resident Engineer certifying approval of the street and drainage, water and sewer, or utility system layouts by the owner/operation.

707.05 ***Manufactured Home Park Design Standards.***

707.05-1 *Streets.* An internal street system shall be provided to furnish convenient access to manufactured home stands and other facilities in the park, shall be designed such that connection to existing drainage and utility systems is convenient, and shall meet the following requirements; in addition to such other reasonable standards and requirements as may be established by the Governing Body:

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

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

707.05-2 *Vehicle Parking.* Off-street parking shall be provided for the use of occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of one hundred eighty [180] square feet) for each manufactured home. Each off-street parking space shall be paved or graveled and have unobstructed access to either a public or private street. On street parking is prohibited unless the paved street on which the manufactured home fronts is expanded to accommodate additional parking lanes or parking bays;

707.05-3 *Lighting.* All streets and walkways within the manufactured home park shall be lighted;

707.05-4 *Disposition of Garbage and Rubbish.* It shall be the responsibility of the manufactured home park to collect or cause to be collected and disposed of garbage and rubbish as frequently as may be necessary in accordance with the *Bath County Solid Waste Ordinance*;

707.05-5 *Installation of Storage Tanks.* Gasoline, liquefied petroleum, gas, or oil storage tanks shall be so installed as to comply with all County, State, and Federal fire prevention and protection regulations;

707.05-6 *Open Spaces.* Where manufactured home lot sizes are relied on primarily to provide for open space, lots and stands shall be so grouped as to maximize the amount of usable space, while meeting the minimum yard requirements set forth in Section 707.01 of these Land Use Regulations;

707.05-7 *Record of Tenants for Manufactured Home Parks.* The operator of a manufactured home park shall keep an accurate register of all tenants occupying manufactured homes located in the park. The register shall show the name and permanent residence address of the owner and occupants of any manufactured home located in the park, the make and registration of any manufactured home, the time and date of arrival and departure, and such other information as might be necessary to provide information about the occupants of the manufactured home. These records shall be open to the law enforcement officers and public officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant

registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park;

707.05-8 *Certificate of Use and Occupancy Required.* No manufactured home shall be occupied nor accessory structure used in any manufactured home park until a certificate of occupancy and/or use shall have been issued by the County Building Inspector to the effect that the manufactured home park or the portion thereof for which such certificate is requested is in compliance with all applicable provisions of these Land Use Regulations. Such certificate shall not be issued until after the same has been approved by the Health Department, Zoning Administrator, and other agencies as required.

707.06 *Manufactured Home Subdivision Requirements.*

707.06-1 Manufactured Home Subdivisions shall meet the requirements of Article 9 of these Land Use Regulations and Table 2, Bath County Lot Regulations for Manufactured Home Parks and Subdivisions;

707.06-2 The orientation of a manufactured home on a lot in a manufactured home subdivision shall have the side of the manufactured home with the longest dimension parallel to the street.

708.00 NON-CONFORMING LOTS, BUILDINGS, AND USES

It is the intent of these Land Use Regulations to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of these Land Use Regulations 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 these Land Use Regulations. It is, therefore, the intent of these Land Use Regulations to permit these non-conformities to continue, but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of these *Land Use Regulations*, and amendments thereto, but not in conformity with its regulations and provisions, may be continued, unless otherwise stated with these Land Use Regulations, subject to the following provisions:

708.01 *Lots of Record.* Where a lot of record at the time of enactment of these Land Use Regulations does not contain land of sufficient area or width to permit conformity with the dimensional requirements of these Land Use Regulations, the following provisions shall apply:

708.01-1 When two (2) or more adjoining and vacant lots with continuous frontage are in single ownership at the time of enactment of these Land Use Regulations or amendments thereto, and each of such lots have a width or lot area less than is required by the

district in which they are located, such lots shall be platted and re-parceled so as to create one (1) or more lots which conform to the minimum lot width and area requirements of the district;

- 708.01-2 Where a single non-conforming lot of record at the time of enactment or amendment of these Land Use Regulations is not of continuous frontage with other lots in the same ownership, such lot may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in Section 807.00 herein.
- 708.02 ***Nonconforming Structures.*** Where a lawful structure exists at the time of enactment or amendment of these Land Use Regulations that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 708.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed fifty (50) percent of its replacement cost at the time of the Building Official declaration;
- 708.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity, and any structure or portion thereof may be altered to decrease its non-conformity;
- 708.02-3 Notwithstanding the provisions of Section 708.02-2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of these Land Use Regulations. Where an existing residential structure exceeds these requirements, the said addition shall extend no nearer the lot line than the existing building line;
- 708.02-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;
- 708.02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall be reconstructed in conformity with provisions of these Land Use Regulations, so far as practicable, but not to any greater degree of non-conformity.
- 708.03 ***Nonconforming Uses of Land.*** Where a lawful use of land exists at the time of enactment or amendment of these Land Use Regulations that would not be permitted

by the regulations imposed herein and where such is either: (1) an accessory use involving the use of no separate accessory structure; or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- 708.03-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of these Land Use Regulations;
- 708.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of these Land Use Regulations;
- 708.03-3 In the event that such use ceases for reasons other than destruction for a period of more than one hundred and eighty (180) days, any subsequent use shall conform to all requirements of these Land Use Regulations for the district in which the land is located;
- 708.03-4 No additional structure not conforming to the requirements of these Land Use Regulations shall be constructed in connection with such nonconforming use.
- 708.04 ***Nonconforming Uses of Structure.*** Where a lawful use involving an individual structure or structures in combination, exists at the time of enactment or amendment of these Land Use Regulations, that would not be permitted in the district in which it is located under the requirements of these Land Use Regulations, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - 708.04-1 No structure existing at the time of enactment or amendment of these Land Use Regulations devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling, or in changing the use of the structure to a conforming use;
 - 708.04-2 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;
 - 708.04-3 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three (3) year period, except when government action impedes access to the premises or when a nonconforming use is superseded by a permitted use, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

708.04-4 Upon application to the Board of Zoning Appeals, as provided in Article 8 of these Land Use Regulations, any nonconforming use of a structure or structures and premises in combination may be changed to another nonconforming use if the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing use. The Board may impose such conditions relating to the proposed use as it may deem necessary in the public interest and may require a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the Treasurer of Bath County, be supplied in an amount equal to the estimated cost of complying with the conditions imposed to insure that the conditions imposed are being and will continue to be met.

709.00 SPECIAL REGULATIONS FOR TOWNHOUSES

709.01 No more than ten (10) townhouses shall be included in any townhouse grouping.

709.02 Attached dwellings shall be separated by a noncombustible party wall to the roof line, with a fire resistance of not less than two (2) hours duration.

709.03 Each townhouse building shall front on a street dedicated to public use. If access is to be provided by means of privately owned and maintained streets, the streets including curbs, gutters, and sidewalks shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of Section 33.1-12, 33.1-69, and 33.1-229 of the Code of Virginia, 1950, as amended.

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

710.00 FENCES

- 710.01 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;
- 710.02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two (2) street lines.
- 710.03 Fence and retaining wall heights shall be as follows (not relevant to farms):
- (a) Front Yard – not to exceed three and one-half (3.5) feet in height
 - (b) Rear Yard – not to exceed six (6) feet in height
 - (c) Side Yard – Lot side – six (6) feet in height
 - (d) Side Yard – Street side – three and one-half (3.5) feet (unless residential, then three (3) feet) in height

711.00 RECREATIONAL VEHICLES

Any recreational vehicle placed or used in Bath County after the date of enactment or amendment of these Land Use Regulations shall meet the following requirements. Any recreational vehicle site existing without the approval of Bath County prior to the adoption of these Land Use Regulations as amended, is considered a nonconforming use. It shall be allowed up to six (6) months to comply with the provisions of Section 711.00. Any recreational vehicle site existing with a Conditional Use Permit must comply with the provisions of Section 711.00 within six (6) months after the Conditional Use Permit expires.

- 711.01 ***Occupancy of Recreational Vehicles.*** No person shall occupy any recreational vehicle unless such vehicle and its site conforms to the provisions of these Land Use Regulations:
- 711.01-1 To be occupied, the recreational vehicle must be currently registered, licensed, and/or inspected. When owned by a resident of Virginia, the vehicle must be in compliance with the provisions of the Virginia Motor Vehicle Code and bear evidence of current local licensing;
- 711.01-2 To be occupied or stored, any recreational vehicle normally garaged, stored, or parked in Bath County must be licensed in Bath County in accordance with the Virginia Motor Vehicle Code. The fee for such license shall be assessed in the same manner and in accordance with the same requirements as the local automobile license;
- 711.01-3 To be occupied, the recreational vehicle must conform to the applicable requirements of the *Bath County Building Code* and the *Rules and Regulations of the State Board of Health, Commonwealth of Virginia, Governing Campgrounds*.

711.02 ***Space and Density Requirements for Permitted Campgrounds:***

- 711.02-1 The density of recreational vehicle spaces within a campground shall not be more than twenty (20) per acre. The minimum area of any space for a recreational vehicle shall be sixteen hundred (1,600) square feet with no dimension less than twenty-five (25) feet. No such space shall be located less than thirty-five (35) feet from the street lot lines and alley lines and no less than ten (10) feet from interior lines. Recreational vehicles shall be so located on each space so that there will not be less than ten (10) feet to any other vehicle or building within the campground;
- 711.02-2 The area for a campground shall be a minimum of five (5) acres with a maximum of twenty percent (20%) as occupied space and eighty percent (80%) as open space;
- 711.02-3 All recreational vehicles located in a campground shall be set no less than fifty (50) feet from adjoining property lines unless written permission is given from that property owner;
- 711.02-4 All campgrounds covered under these Land Use Regulations, shall be screened from the view of any public road in accordance with the minimum standards found in Section 711.05.

711.03 ***Health and Safety Standards for Permitted Campgrounds and Other Sites of Occupation:***

- 711.03-1 An approved water and sewage system shall be a prerequisite to obtaining a permit for a campground;
- 711.03-2 All campgrounds are subject to periodic inspections by the Bath County Health Authority for water and sewage system compliance as required by State law;
- 711.03-3 If an electrical system is provided, it shall consist of approved fixtures, equipment, and appurtenances, which shall be installed in accordance with the Uniform Statewide Building Code;
- 711.03-4 The collection, storage, and disposal of refuse shall be so conducted as not to create a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution and is the responsibility of the land owner.

711.04 ***Storage of Recreational Vehicles:***

- 711.04-1 To be stored, the recreational vehicle must be currently registered, licensed, and/or inspected. When owned by a resident of Virginia, the vehicle must be in compliance with the provisions of the *Virginia Motor Vehicle Code* and bear evidence of current local licensing;

711.04-2 Recreational vehicles may be stored, but not occupied for more than fourteen (14) consecutive days and thirty (30) days in the aggregate for any one (1) calendar year on land owned or rented by the registered owner of the vehicle or his/her immediate family. Each vehicle so stored shall meet the yard requirements for accessory buildings in the district in which it is located. If no main structure is located on a parcel, the recreational vehicle must be located in accordance with the lot requirements for that district and screened from public view in accordance with Section 711.05;

711.04-3 By storing three (3) or more recreational vehicles on a single parcel such use of a parcel is considered to be a recreational vehicle storage area (a commercial enterprise) and must conform to the provisions of these Land Use Regulations, as appropriate. No recreational vehicle shall have its wheels removed, except for repair purposes. Each recreational vehicle so stored shall meet the yard requirements for accessory buildings in the district in which it is located.

711.05 ***Screening Requirement for Campgrounds and Recreational Vehicle Storage Areas:***

711.05-1 The applicant for a campground must submit a screening and buffering plan to the Zoning Administrator. The plan shall explicitly describe changes to the ground cover, landscape improvements, buffer yards, screens and the physical design relationship of the site to surrounding properties. Required planting shall be conducted within the beginning of the first opportune planting season following approval of final development plans;

711.05-2 *Waiver.* The screening and planting requirements of this section shall be applied equally to all similarly classified and situated properties but may be modified or waived in certain cases where a site is subject to any of the following circumstances, as determined by the Building and Zoning Administrator:

- (a) Natural land and land cover characteristics would achieve the same intent of this section;
- (b) Innovative landscape or architectural design is employed to achieve equivalent screening and buffering effect.

711.05-3 General standards for this section shall be as follows:

- (a) *Site* shall refer to the lot on which these screening and buffering requirements are to be applied.
- (b) *Screening* shall refer to the construction of a visually opaque, physical barrier of specified height within a required buffer yard.
 - Screening materials shall be continuously maintained, present an attractive exterior appearance, and be of durable construction.

- Unless otherwise noted, acceptable screening materials include wood stockade fences, decorative masonry walls, brick walls, and earth berms.
- All refuse service and outdoor storage areas shall be screened from surrounding views.
- Location of screening shall not obstruct the visibility of traffic circulation.

(c) *Planting* shall refer to the preservation of existing vegetation or planting or new growth within a required buffer yard as specified.

- Where on-center spacing of new plantings is not specified, the planting may be irregularly dispersed throughout the buffer yard yet shall be organized to maximize the screening and buffering objectives.
- At time of planting, all new evergreen trees shall have a minimum height of five (5) feet and all new deciduous trees shall have a minimum caliper of one (1) inch as defined by the American Association of Nurserymen.
- Where required, each large deciduous tree shall have an ultimate height of fifty (50) feet or greater, and one (1) shall be planted for each thirty (30) linear feet of buffer yard.
- Where required, each large evergreen tree shall have an ultimate height of fifty (50) feet or greater, and one (1) shall be planted for each twenty (20) linear feet of buffer yard.
- Where required, each small evergreen tree shall have an ultimate height of fifteen (15) feet or greater, and one (1) shall be planted for each fifteen (15) linear feet of buffer yard.
- Where required, all evergreen shrubs shall have an ultimate height of six (6) feet or greater, be at least eighteen (18) inches at time of planting, and be planted five (5) feet on center or less.
- Where a parking lot is adjacent to a public street right-of-way, one (1) small evergreen shrub of three (3) feet ultimate height and eighteen (18) inches at time of planting, planted for each five (5) feet of linear distance, and one (1) small or large deciduous or evergreen tree planted for thirty (30) feet of linear distance shall be provided along the parking lot perimeter. All plantings shall be continuously maintained, shall not interfere with the use of adjoining properties, and shall not obstruct the visibility of traffic circulation.

(d) *Buffer Yard* shall refer to a landscaped strip of specified width along certain segments of the building site perimeter.

- The buffer yard shall be reserved solely for screening and plantings, no driveways (except where necessary for safe access), parking areas, nor building structures shall be permitted.
- The amount of required buffer yard shall not be more than ten (10) percent of the total building site area, but in such case that the buffer yard is reduced, the amount of planting and screening shall be proportionately increased.

(e) *Requirements.* In a campground the types of screening, buffer yards, and planting will be one of the following minimum standards:

Option 1:

- Six (6) foot screening.
- Twenty-five (25) foot buffer yard.
- Large evergreen trees and small evergreen trees.

Option 2:

- Thirty-five (35) foot buffer yard.
- Large evergreen trees, small evergreen trees and one (1) row of evergreen shrubs.

712.00 INTENSIVE LIVESTOCK, DAIRY, POULTRY FACILITIES

It is the intent of this section of the *Bath County Land Use Regulations* to encourage economic development and to preserve farmland by providing for the viability of Bath County's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry.

Within the Agricultural Limited District A-1 and Agricultural General District A-2, all agricultural production activities (e.g., tillage, crop production, harvesting, pasturing of animals, etc.) and related best management practices shall be uses by right to which the provisions of Article 6 apply. In addition, any agriculture production activity that is described in Article 6 of the *Land Use Regulations* and that is undertaken in accordance with the provisions of this Section within the A-1 and A-2 Agricultural Districts shall also be a use by right.

712.01 **Definitions.** The following definitions shall be used in Section 712.00 and are defined in Article 3:

712.01-1 *Intensive Facility (hereafter Dairy Facility, Livestock Facility, or Poultry Facility, as Applicable).* (See Article 3, Definitions, Section 302.94);

712.01-2 *Dwelling, Existing* (see Article 3, Definitions, Section 302.56);

712.01-3 *Livestock* (see Article 3, Definitions, Section 302.100);

- 712.01-4 *Livestock, Dairy, Poultry Facility, Existing* (see Article 3, Definitions, Section 302.101);
- 712.01-5 *Livestock, Dairy, Poultry Structure* (see Article 3, Definitions, Section 302.102);
- 712.01-6 *Livestock Raiser, Dairy Operator, Poultry Grower (hereafter, "Operator")*. (See Article 3, Definitions, Section 302.104);
- 712.01-7 *Parcel of Land* (see Article 3, Definitions, Section 302.130).
- 712.02 **Acreage Requirements (see Article 3, Section 302.94):**
- 712.02-1 The minimum number of acres on which an intensive livestock, dairy, or poultry facility may be established shall be as follows:
- (a) For an intensive facility in which livestock are confined and fed, twenty (20) acres or the number of acres required by the nutrient management plan whichever is less and which has been approved pursuant to Section 712.09 herein.
 - (b) For an intensive facility in which swine or poultry are confined and fed, seven (7) acres or the number of acres required by the nutrient management plan whichever is less and which has been approved pursuant to Section 712.09 herein.
- 712.02-2 All such acres for any one intensive facility need not be contiguous, if the operator owns or has the right to possession of all acres on which such facility shall be established. In addition, the operator shall demonstrate that he or she has a right to access between any non-contiguous acres in such operation;
- 712.02-3 Livestock, dairy, or poultry facilities in operation as of the effective date of this amendment which do not have sufficient acres, as required above, shall be considered non-conforming existing uses in accordance with Section 708.00, non-conforming lots, buildings, and usage.
- 712.03 **Setbacks from existing dwellings.**
- 712.03-1 Each livestock, dairy, or poultry structure shall be set back from all existing dwellings not owned by the operator as follows:
- (a) From an existing dwelling in the A-1 and A-2 Agricultural Districts, three hundred (300) feet.
 - (b) From an existing dwelling in an adjacent nonagricultural zoning district, six hundred (600) feet.

- (c) The operator may reduce the above six hundred (600) feet setback to four hundred (400) feet if he/she follows procedures set forth in Section 711.05, Screening Requirements for Campgrounds and Recreational Vehicle Storage Areas through Section 711.05-3(c).

712.04 **Setbacks from existing livestock, dairy, or poultry facilities:**

712.04-1 Each dwelling not owned by the operator shall be set back from all existing livestock, dairy, or poultry structures as follows:

- (a) From an existing livestock, dairy, or poultry structure in the A-1 and A-2 Agricultural Districts, three hundred (300) feet.
- (b) From an existing livestock, dairy, or poultry facility in an adjacent nonagricultural zoning district, six hundred (600) feet.
- (c) The owner of the new dwelling may reduce the above six hundred (600) feet setback to four hundred (400) feet if he/she follows procedures set forth in Section 711.05, Screening Requirements for Campgrounds and Recreational Vehicle Storage Areas through Section 711.05-3(c).

712.05 **Setbacks from property lines and public roads:**

712.05-1 The setback for intensive livestock, dairy, poultry structures from property lines and public roadways shall be at least one hundred fifty (150) feet.

712.06 **Other setbacks:**

712.06-1 All livestock, dairy, poultry structures shall be set back at least one thousand (1,000) feet from platted residential subdivisions; residentially zoned districts; manufactured home parks or subdivisions; public schools; churches; county-owned buildings; county and community recreation areas; public wells, public springs, and public water intakes;

712.06-2 The operator may reduce the above one thousand (1,000) feet setback to eight hundred (800) feet if he/she follows procedures set forth in Section 711.05, Screening Requirements for Campgrounds and Recreational Vehicle Storage Areas through Section 711.05-3(c).

712.07 **Certified plan required:**

712.07-1 The owner of an intensive facility constructed or completed after the effective date of this chapter shall file with the Zoning Administrator a plat or similar documentation showing the entire parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat or similar

documentation, the owner shall submit a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the intensive facility shown on the plat or similar documentation meets all applicable setback requirements of these Land Use Regulations.

712.08 **Livestock, Dairy or Poultry Facility Development Plans:**

- 712.08-1 In the A-1 and A-2 Agricultural Districts, an operator or a potential operator shall file with the Zoning Administrator a development plan which indicates the number, size, and location of livestock, dairy or poultry structures planned for the subject parcel. When such development plan has been approved by and filed with the Zoning Administrator and during the period in which it remains in effect, the planned structures shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The Zoning Administrator shall approve within thirty (30) days of receipt of the development plan, or if the development plan does not meet the requirements of Article 8, the Zoning Administrator shall return the development plan to the person who submitted it, together with a written description of the portion(s) of the development plan that do not comply with such sections;
- 712.08-2 The development plan shall be based on the requirements of this section and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and containing all of the data as specified;
- 712.08-3 The development plan shall remain in force only so long as the structures proposed are constructed in accordance with the development plan and are placed in service as described below;
- 712.08-4 At least one third (1/3) of the number of head of livestock or dairy animals, subject to this chapter of these Land Use Regulations or one (1) poultry structure indicated in the development plan must be placed into service within thirty-six (36) months of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third (1/3) of the number of livestock, dairy or one (1) such poultry structure is already in service on the subject parcel at the time the development plan is filed;
- 712.08-5 The operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any structure indicated in his/her development plan;
- 712.08-6 In the event an operator fails to build the proposed structure or have in place the minimum number of head required in the above Section 712.08-4 or fails to obtain building permits for any of the structures indicated in his development plan within the prescribed five (5) year period, the Zoning Administrator shall revoke the development plan. All future development plans of the structure on the subject parcel shall conform to the requirements of this chapter;

- 712.08-7 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 Agricultural Development Site";
- 712.08-8 Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his/her original development plan or to submitting revised development plans at any time. The Zoning Administrator shall approve the amended or revised development plan, following the standard set for in 712.08-1 above, according to the terms of these Land Use Regulations in effect at the time that the amendments or revisions are submitted to the Zoning Administrator.
- 712.09 **Nutrient Management Plan:**
- 712.09-1 After the effective date of this amendment to these Land Use Regulations, no intensive 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 or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner;
- 712.09-2 If off-site disposal is part of the nutrient management plan, the operator shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The operator shall notify the Zoning Administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination;
- 712.09-3 The facility shall also provide (for) a site, with or without a permanent structure, for the storage of animal wastes, if required by the Commonwealth of Virginia, and meet all applicable standards of the Commonwealth;
- 712.09-4 Notwithstanding this, if an operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator, or, if there is a valid agreement for off-site disposal as provided in this section, the Zoning Administrator may permit the storage site be located on a parcel specified in the agreement for off-site disposal;

712.09-5 The operator shall insure that the nutrient management plan is reviewed and updated every ten (10) years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.

713.00 EQUINE – RESIDENTIAL ZONING DISTRICTS

Allowance of equine (horses and ponies) on property zoned Residential (R-1, R-2 and R-3) shall meet all the “special requirements” of Sections 713.01 through 713.05, including subsections, as set forth below. Any residential zoned property grandfathered for equine at the time of the adoption of this regulation shall be permitted to continue to keep equine until such use ceases in accordance with the Bath County Land Use Regulations. A conditional use may be permitted after consideration of the special requirements set forth below.

713.01 Real Estate

- 713.01-1 To be considered for the allowance of horses said lot or tract of land shall be no less than 10 acres.
- 713.01-2 Acreage used in determining the 10 acres (if more than one parcel is used to comprise the 10 acres) shall be reviewed for adequacy according to parcel layout, topography, neighboring residences, etc.
- 713.01-3 Parcels that are leased for additional acreage (to comprise the 10 acres required) may be considered and shall be reviewed for adequacy according to parcel layout, topography, neighboring residences, etc.

713.02 Setback and fencing

- 713.02-1 Fencing shall be in place throughout the property so that it is no closer than one hundred feet (100’) from any existing residential dwelling of the neighboring properties
- 713.02-2 Fencing shall be maintained and kept in good order at all times by the property owner.
- 713.02-3 Section 713.02-1 herein is a guide as to setback for fencing. Based upon each application’s unique situation that setback may be changed at the discretion of the Board before issuance of a Conditional Use Permit.
- 713.02-4 The types of fencing permitted are:
- Wooden Fence—Minimum height of four (4) feet; minimum of three (3) horizontal boards; boards are a minimum of six (6) inches wide; the maximum space between each board is six (6) inches.

- Wire Fence—American wire (also called woven wire fence); a minimum height of four (4) feet.
- Additional Wire-- No more than one strand of barbed wire or electric wire shall be permitted on top of the fence.

713.03 Quantity

713.03-1 A maximum of 5 horses shall be allowed per ten acres of property. Additional horses shall be in proportion to the 5 horses per 10 acres. i.e., 20 acres no more than 10 horses.

713.04 Barns and Accessory Structures

713.04-1 Barns and/or accessory structures shall be no closer than 200’ from the adjoining property line.

713.04-2 At the time of application, the applicant shall submit drawings of the barn and/or accessory structures along with specs of the building materials intended to be used in the construction of the barn and/or accessory structures. Fencing specifications to be supplied at time of application as well.

713.04-3 All barns and/or accessory structures shall be kept in a neat, clean and orderly fashion with storage of manure in structures or on the property, covered with a waterproof tarp, thus alleviating obnoxious odors and insects that may be observed by neighboring property owners, and runoff.

713.04-4 All feed, with the exception of hay, shall be stored within the structures in a manner to prevent rodents from having access to the feed.

713.05 Use

713.05-1 A Conditional Use Permit may only be issued for equine that are for personal pleasure. At no time shall a permit be issued to anyone that will have horses for any commercial or financial gain.

713.06 Penalties for Ordinance Infractions

713.06-1 In addition to the penalties provided for in Chapter 18 of the Bath County Code, a violation of any of these provisions will authorize revocation of the Conditional Use Permit.

714.00 SMALL WIND ENERGY SYSTEMS

The purpose of this section is to regulate the placement, construction and modification of small

wind energy systems while promoting the same, effective and efficient use of small wind energy systems and not unreasonably interfering with the development of independent renewable energy sources.

714.01 **Definitions.**

714.01-1 Net Metering Customer: A customer owning and operating or contracting with other persons to own or operate, or both, a renewable fuel generator under a net metering service arrangement.

714.01-2 Net Metering Service: Providing retail electric to a customer operating a renewable fuel generator and measuring the difference, over the net metering period, between electricity supplied to the customer from the electric grid and the electricity generated and fed back to the electric grid by the customer.

714.01-3 Renewable Energy: means energy derived from wind and does not include energy derived from any other source. Renewable Energy Generator: An electrical generating facility that:

1. Has an alternating current capacity of not more than 10 kilowatts for residential customers;
2. Uses renewable energy, as defined herein as its total energy source;
3. The net metering customer owns and operates, or has contracted with other persons to own or operate, or both;
4. Is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor;
5. Is interconnected pursuant to a net metering arrangement and operated in parallel with the electric distribution company's facilities; and
6. Is intended primarily to offset all or part of the net metering customer's own electricity requirements.

714.01-4 Tower: With regard to wind energy system, the structure on which the wind system is mounted.

714.01-5 Tower Height: With regard to wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Height shall include to the tip of the blade.

714.01-6 Turbine: The parts of the wind system including the blades, generator and tail.

- 714.02 **Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of at most less than 100kW, which will be used to reduce on-site consumption of utility power. The intent of the Small Wind Energy System is for on-site consumption only.
- 714.02-1 Small wind energy systems shall be permitted by Conditional Use Permit subject to the requirements set forth in this Section:
- 714.02-2 **Wind Turbine Height:** Wind turbine height shall be limited to sixty-five feet (65') on parcels comprising less than five acres, eighty feet (80') on parcels comprising five acres to fifty acres, and one hundred feet (100') on parcels comprising fifty or more acres. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system. The applicant shall also provide justification as to the need for the specific height they are requesting.
- 714.02-3 **Protected Mountain Ridge for Small Wind Energy Systems:** Small Wind Energy Systems shall be prohibited on a ridge with (i) an elevation of 2,000 feet or more and (ii) an elevation of 500 feet or more above the elevation of an adjacent valley floor.
- 714.02-4 **Setback:** The base of the wind turbine shall be set back from surrounding property lines by a distance of at least one hundred feet (100') for a sixty-five feet (65') tower, two hundred feet (200') for a eighty feet (80') tower, and two hundred fifty feet (250') for a one hundred feet (100') tower. A waiver from this section may be granted if the applicant can secure a permanent easement from the adjoining property owner(s).
- 714.02-5 **Acreage:** The minimum acreage for a small wind energy system shall be one-half (1/2) acre.
- 714.02-6 **Clearance:** The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten (10) feet above the height of any structure within one hundred and fifty (150) feet of the base. The supporting tower shall also be enclosed with a six (6) feet tall fence with a lockable gate or the base of the tower shall not be

climbable for a distance of twelve (12) feet.

- 714.02-7 Building Permit Requirements: A building permit shall be required and building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower certified by a licensed professional engineer which includes standards for ice/wind loading shall also be submitted. This analysis may be supplied by the manufacturer.
- 714.02-8 Land clearing, soil erosion and habitat impacts: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility. Adherence to Erosion and Sediment Control regulations is required. The restoration of natural vegetation in areas denuded for construction activities shall be required so long as the restored vegetation does not interfere with the operation of the wind energy conversion system or the maintenance thereof. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- 714.02-9 Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Evidence of compliance or non-applicability shall be submitted with the application for a building permit. Wind energy systems shall not be artificially lighted unless required by the FAA.
- 714.02-10 Utility and Electrical Interconnections Notification: No small wind energy system shall be installed until evidence has been furnished that the applicable utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Such evidence shall be in the form of a written verification from the utility company and shall be furnished along with the application for a building permit. Off-grid systems shall be exempt from this requirement. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- 714.02-11 A prospective net metering customer may begin operation of his renewable fuel generator on an interconnected basis when:
- 714.02-12 The net metering customer has properly notified both the electric distribution company and energy service provider (in accordance with [20VAC5-315-30](#)) of his intent to interconnect;
- 714.02-13 If required by the electric distribution company's net metering tariff, the net metering customer has installed a lockable, electric distribution company accessible, load breaking manual disconnect switch;

- 714.02-14 A licensed electrician has certified, by signing the State Corporation Commission-approved notification form, that any required manual disconnect switch has been installed properly and that the renewable fuel generator has been installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code;
- 714.02-15 The vendor has certified, by signing the State Corporation Commission-approved notification form, that the renewable fuel generator being installed is in compliance with the requirements established by Underwriters Laboratories or other national testing laboratories in accordance with IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003; and
- 714.02-16 The net energy metering customer shall immediately notify the electric distribution company of any changes in the ownership of, operational responsibility for, or contact information for the generator.
- 714.02-17 Appearance: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.
- The applicant shall demonstrate through project siting and proposed mitigation that the onsite system minimizes impact on the visual character of surrounding neighborhoods and the community, such as historical sites, cultural properties, villages and neighborhoods. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening the ground mounted electrical and control equipment. All electrical conduits shall be underground.
- Towers and rotor blades for small wind energy systems shall maintain such finish or be painted in such manner as to conform the tower color and appearance to the surrounding environment to reduce visual obtrusiveness (i.e., neutral tones such as brown, gray, black or white). A photo simulation may be required at the request of Bath County. No such tower shall have any signage, writing, or pictures that may be construed as advertising placed on it at any time. In addition, no flags, streamers, or decorative items shall be attached to a small wind energy system tower or turbine. Applicant shall be responsible to ensure that there will not be any flicker effect that disturbs any neighboring property and the applicant shall assume all liability caused by any flicker and any costs associated therewith. Small wind energy systems shall not exceed fifty-five (55) decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- 714.02-18 Removal of Nonfunctional or Abandoned Small Wind Energy Systems: Any

small wind energy system which is nonfunctional or abandoned for a continuous period of six (6) months shall be repaired and placed back in operation by the owner or operator, or else the same shall be removed. Notice by the Zoning Administrator shall be given to the owner or operator of the small wind energy system shall be sent by registered mail and provide forty-five (45) days for a written response. In such response, the owner or operator shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If it is deemed that the timetable for corrective action is unreasonable, the owner or operator shall be notified, and the owner or operator shall remove the small wind energy system within ninety (90) days of receipt of said notice, at the owner or operator's expense. Also, any wind energy system found to be unsafe by the building official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. In the event Bath County, through its own agents or employees, removes any such wind energy system, after having given such reasonable notice, Bath County may dispose of such wind energy system after giving additional notice to the owner of the system and owner of the premises. The cost of any such removal and disposal shall be chargeable to the owner of the wind energy system or owner of the premises and may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the wind energy system was removed, the lien to continue until actual payment of such costs has been made to the locality.

- 714.02-19 Removal of Illegal Small Wind Energy Systems: Any small wind energy system which remains in violation of this Ordinance following the expiration of the time for corrective action given to the owner or operator shall be removed. In said event the owner or operator of the small wind energy system shall be notified, and such owner or operator shall remove the small wind energy system within ninety (90) days of receipt of said notice.
- 714.02-20 Liability Insurance: The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements as set forth in 20 VAC 5-315-60. A net metering customer with a renewable fuel generator with a rated capacity not exceeding 10 kilowatts shall maintain homeowners, commercial, or other insurance providing coverage in the amount of at least \$100,000 for the liability of the insured against loss arising out of the use of a renewable fuel generator. Net metering customers shall not be required to obtain liability insurance with limits higher than that which is stated in this section; nor shall such customers be required to purchase additional liability insurance where the customer's existing insurance policy provides coverage against loss arising out of the use of a renewable fuel generator by virtue of not explicitly excluding coverage for such loss.

- 714.02-21 Generators and Alternators: The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.
- 714.02-22 Review Process: The landowner/applicant shall adhere to the conditional use permit process as set forth in the Bath County Land Use Regulations. A checklist will be included as part of the application process. Applications will not be processed without a completed checklist.
- 714.02-23 Federal and State Requirements:
- (a) Compliance with Uniform Statewide Building Code: Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
 - (b) Compliance with FAA Regulations: Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 - (c) Compliance with regulations governing energy net metering: Wind energy systems connected to the utility grid must comply with the Virginia Administrative Code 20VAC 5-315: Regulations Governing Energy Net Metering.
 - (d) Compliance with State Corporation Commission: Wind energy systems must have proper permit from State Corporation Commission for operation of a wind energy system.
- 714.03 **Conditional Use Permits** may be granted for all zoning districts provided all requirements set forth herein are complied with. A Conditional Use Permit is required for all small wind energy systems.
- 714.03-1 General Conditions: If the County approves an application, it may impose reasonable conditions it deems necessary to protect the public health, safety or welfare.
- 714.03-2 Standards: In considering an application for a small wind turbine within a historic or ridge area, the County may consider the following: (i) whether the small wind turbine would adversely impact any historic resources with the historic area; (ii) whether the small wind turbine would be backlit against a ridge line; (iii) the extent to which the small wind turbine is sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the small wind turbine; and (iv) if the small wind turbine would be located on lands subject to a conservation easement or open space easement, the extent to which it is sited to

minimize visibility from any resources specifically identified for protection in the deed of easement.

714.03-3 Bath County reserves the right to review each application on its own merit. The terms set forth herein may be reconsidered where such will not be contrary to the public interest. Specifications for each system are different and each parcel of land has its own uniqueness. Technology will make systems more efficient and this may dictate terms different from those set forth herein. Based on the specifications of the system presented, the characteristics of the property and the adjoining properties, applications may be presented for consideration although they may vary from the terms set forth herein.

714.03-4 Hold Harmless: The owner, developer and operator, jointly and severally, of the wind energy system shall indemnify and hold Bath County harmless from any and all costs and expenses, and ordered reimbursements, penalties and fines, to the greatest extent permissible at law, resulting from any responsibility or liability, or alleged responsibility or liability, of any description under any state or federal law or regulation arising out of the construction or operation of the wind energy system. Costs and expenses shall include but not be limited to costs, expenses and attorney fees incurred in the negotiation and settlement of disputes over alleged liability, as well as those incurred in actual litigation.

715.00 MOBILE FOOD VENDOR

715.01 Mobile Food Vendors meeting all the “general requirements” of Section 715.01 (subsections 715.01-1 through 715.01-4) shall be permitted as an Accessory Use in Agricultural (A-1 and A-2), Business (B-1 and B-2) and Light Industrial (M-1) districts unless it is expressly prohibited within such district. The intent of this section is to establish basic operational standards for mobile food establishments as well as appropriate protections of public health, safety and welfare for their operation on private property. Mobile food vendors are by definition itinerant and not permanent fixtures to a specific property.

715.01-1 *General Requirements:*

- (a) For the purposes of this Section, the terms permittee, operator, and vendor shall mean a licensed mobile food vendor, as defined in Section 302.141A.
- (b) A mobile food vendor permit authorized by the Zoning Administrator shall be required prior to the operation of a mobile food vendor on a privately owned parcel.
- (c) Application for mobile food vending shall be made on permit forms provided by the Zoning Administrator. A copy of a permit issued by the Health Department

shall be accompanied with the permit application upon submittal to Zoning Administrator for approval.

- (d) A mobile food vendor permit allows the permittee to operate at different properties, providing permission from the property owner has been obtained..
- (e) A mobile food vendor permit shall be renewed annually.
- (f) A mobile food vendor permit may be revoked by the Zoning Administrator at any time due to failure of the permit holder to comply with all requirements of this Article and other applicable federal, state and local laws. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation in accordance with Article 807.00 et seq. of the regulations.
- (g) No permit authorized by this Section and issued by the Administrator shall authorize a mobile food establishment to operate on or from a public street.

715.01-2 Application Requirements:

- (a) Applicants for a mobile food vendor permit must provide:
 - 1. A valid permit from the Virginia Department of health stating that the mobile unit meets all applicable standards. A valid health permit must be maintained for the duration of the mobile food vendor permit.
 - 2. Permission from the owner(s) of the property upon which the permittee will operate.
 - 3. Description of the days of the week and hours of operation for proposed vending at each proposed location.
- (b) A permit shall not be required for the location or setup of a mobile food vendor on private property for the catering or providing of food service to a closed private event (such as weddings, birthdays, picnics, etc.). During such an event no public vending shall be permitted.
- (c) A permit and fee shall not be required for individual mobile food vendors if the operator is participating in an approved fair, festival, or similar event on private property. A permit and fee shall not apply to activities conducted pursuant to a franchise agreement or other contract with Bath County. .

715.01-3 Operational Requirements:

- (a) A minimum of two (2) parking spaces must be provided and maintained in addition to the minimum parking required for the principal business located upon the same parcel of property as the vending unit.
- (b) Ingress, egress, and internal circulation of vehicular traffic shall not create a hazard for traffic on an adjacent street or on the subject parcel.
- (c) No vendor shall remain on site at one property for more than forty-eight (48) consecutive hours.
- (d) Vendors shall comply with Article IV, Chapter 6 of the Bath County Code pertaining to noise control.
- (e) Only food and non-alcoholic beverages incidental to the permitted vendor shall be sold from the mobile unit. Retail sales of merchandise are permitted as an accessory use to the primary use of food sales.
- (f) An attached awning or one 10'x10' tent and a table that fits underneath may be utilized to provide condiments to patrons.
- (g) Portable receptacles for the disposal of waste materials or other litter shall be provided. All waste shall be removed and disposed of daily by the mobile food vendor. Public trash receptacles shall not be used for compliance with this section. Collected trash may be placed in appropriate dumpster site.
- (h) No liquid or solid wastes may be discharged from the mobile unit.
- (i) Signage:
 - 1) Signage may be imprinted on the exterior body of a licensed mobile food vendor and include the use of an attached or detached menu board.
 - 2) Advertisements for businesses other than the mobile food vendor may not be utilized.
- (j) The operator of a permitted mobile food establishment must conspicuously display the approved permit for public inspection.
- (k) All required taxes must be paid and in conformance with the County Code.

715.01-4 Appeal

The appeal period for violation of this section of the Land Use Regulations shall be ten (10) days, pursuant to Section 15.2-2286 of the Code of Virginia, 1950, as amended.