

## **ARTICLE 1 AUTHORITY AND ENACTMENT**

### **101.00 AUTHORITY TO ESTABLISH ZONING**

Whereas, by act of the General Assembly of Virginia, as recorded in Title 15.2, Chapter 22, Article 7, Sections 15.2-2280 through 15.2-2316, Code of Virginia, 1950, as amended, the Governing Body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

- 101.01 The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain, and other specific uses.
- 101.02 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures.
- 101.03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and in use.
- 101.04 The excavation or mining of soil or other natural resources.

### **102.00 AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS**

Whereas, by act of the General Assembly of Virginia, as recorded in the Code of Virginia, 1950, as amended, as Article 7, Sections 15.2-2240 through 15.2-2276, requires the Board of Supervisors of Bath County, Virginia, hereinafter referred to as the "Governing Body," adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the County, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light, and air, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

- 102.01 For size, scale, and other plat details.
- 102.02 For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage.
- 102.03 For adequate provisions for drainage and flood control and other public purposes, and for light and air.

- 102.04 For the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and water, storm, sanitary sewer, and other public utilities or other community facilities are to be installed.
- 102.05 For the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as a part of a public system, or other improvement, financed or to be financed in whole or part by private funds, only if the owner or developer: (1) certifies to the Governing Body that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Governing Body a certified check or cash escrow in the amount of the estimated costs of construction or personal, corporate, or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for and conditioned upon, the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (3) furnishes to the Governing Body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form.
- 102.06 For monuments of specific types to be installed establishing street and property lines.
- 102.07 That unless a plat be filed for recordation within six (6) months after final approval thereof, or such longer period as may be approved by the Governing Body, such approval shall be withdrawn and the plat marked void and returned to the approving official.
- 102.08 For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated.
- 102.09 For payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate

share of total estimated cost of ultimate sewerage and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of stormwater runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended, shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the Governing Body may provide for the posting of a personal, corporate, or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

- 102.10 For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia, 1950, as amended. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- 102.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this section within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said subdivider or developer in writing of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety (90) percent of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the Governing Body or State agency. For the purposes of this subsection, a certificate of partial or final completion of such facilities from a duly licensed engineer or land surveyor, as defined in the Code of Virginia, 1950, as amended, Section 54.1-408, or from a department or agency designated by the local government may be accepted without further inspection of such facilities.

**103.00            ENACTMENT**

Therefore, be it ordained by the Governing Body for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22 of the Code of Virginia, 1950, as amended, that the following be adopted as the *Land Use Regulations of Bath County, Virginia*, incorporating the *Bath County Zoning Ordinance* as amended and *Subdivision Ordinance, Bath County, Virginia*, as amended.

## **ARTICLE 2**

### **PURPOSES OF THE REGULATIONS**

#### **201.00           PURPOSES**

The Bath County Planning Commission and Governing Body have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public and accomplish the objectives of Section 15.2-2200 by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 7, Section 15.2-2240, et. seq. the purposes of these regulations are:

- 201.01           To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- 201.02           To reduce or prevent congestion in the public streets.
- 201.03           To facilitate the creation of a convenient, attractive, and harmonious community.
- 201.04           To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
- 201.05           To protect against destruction of, or encroachment upon, historic areas.
- 201.06           To promote and protect the environmental integrity and vitality of Bath County.
- 201.07           To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.
- 201.08           To encourage economic development activities that provide desirable employment and enlarge the tax base.
- 201.09           To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the County of Bath, Virginia.
- 201.10           The subdivision standards and procedures are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for

development and use, and to make possible the provision of public services in a safe, adequate, and efficient manner.

**202.00           NON-EXCLUSIONARY INTENT**

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within Bath County, nor is it the intent of these Land Use Regulations to use public powers in any way to promote the separation within Bath County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in Section 201, herein.

**ARTICLE 3**  
**DEFINITIONS OF TERMS USED**  
**IN THIS ORDINANCE**

**301.00           GENERAL**

Words and terms set forth below shall have the meanings ascribed to them. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “shall” is always mandatory. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.” Any word, term, or phrase used in these Land Use Regulations not defined herein shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster’s Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Bath County, Virginia justify a different or additional meaning. For the purpose of these Land Use Regulations, certain words and terms are herein defined as follows:

**302.00           SPECIFIC DEFINITIONS**

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:

- 302.01           ***Abattoir.*** A commercial slaughter house.
- 302.02           ***Access.*** A means of approach or admission.
- 302.03           ***Accessory Use or Building.*** See Use, Accessory or Building, Accessory.
- 302.04           ***Acreage.*** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 302.05           ***Administrator, The.*** The official charged with the enforcement of these Land Use Regulations. He may be any appointed or elected official who is by formal resolution designated to the position by the Governing Body. He may serve with or without compensation as determined by the Governing Body.
- 302.06           ***Adverse Impact.*** An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site, or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.
- 302.07           ***Agriculture.*** The tilling of the soil, the raising of crops, the practice of horticulture and forestry, including the keeping of animals and fowl, and including any

agricultural industry or business such as fruit packing plants, dairies, or similar use, not including abattoir.

- 302.08 ***Agricultural Processing.*** Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; portable sawmills; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.
- 302.09 ***Airport.*** A place either on land or on water where aircraft may land to discharge or receive cargo and passengers, make repairs, or take in fuel.
- 302.10 ***Airport Hazard.*** Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at an airport.
- 302.11 ***Alley.*** A platted service way providing a secondary means of access to abutting properties.
- 302.12 ***Alteration.*** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 302.13 ***Animal or Poultry Husbandry.*** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, cattle, pigs, mules, ducks, emus, llama, alpacas or other customary farm animals for any purpose, or of more than three (3) dogs and five (5) cats or other customary pet animals for non-commercial purposes.
- 302.14 ***Animal Hospital or Clinic.*** Establishment where treatment of animals is received and no activity is conducted outside the main building. Kennels are not included.
- 302.15 ***Antique Shop.*** An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.
- 302.16 ***Apartment.*** A unit in a multi-family dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical, or any condominium unit of similar physical character, appearance, and structure.
- 302.17 ***Apartment Development.*** A development containing one (1) or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 302.18 ***Automobile.*** A motor vehicle designed and mass produced to carry one (1) or more passengers on ordinary public roads generally for the convenience of a family and typically having four (4) or more wheels and an internal-combustion gasoline or

diesel engine. The term automotive, as used elsewhere in these regulations, includes all motorized vehicles.

- 302.19 ***Automobile Graveyard.*** Any lot or place which is exposed to the weather and public view upon which three (3) or more motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification, are placed, located, or found.
- 302.20 ***Automobile, Inoperable.*** An automobile, which is not within a fully enclosed building or structure or otherwise shielded or screened from view, that meets any one or more of the following criteria:
- 302.20-1 Any motor vehicle which is not in operating condition;
- 302.20-2 Any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; ;
- 302.20-3 Any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal;
- 302.20-4 As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- 302.21 ***Automobile for Salvage.*** An automobile that is salvaged within thirty (30) days of its placement on a parcel of land.
- 302.22 ***Automobile Service Station.*** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic automobile washing.
- 302.23 ***Base Flood.*** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.
- 302.24 ***Basement.*** A story having part but not more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 302.25 ***Bed and Breakfast.*** Bed and Breakfast means any establishment providing overnight accommodations plus breakfast in a private home, which provides guest rooms to the public, transitory lodging or sleeping accommodations and at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

- 302.26        **Board.** The Board of Zoning Appeals as established in these Regulations.
- 302.27        **Boarding House (Rooming House).** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 302.28        **Building.** Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 302.29        **Buildable Area.** The area of the lot remaining after required yards have been provided.
- 302.30        **Building, Accessory.** A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes or located in any required front yard.
- 302.31        **Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Governing Body and as amended.
- 302.32        **Building Footprint.** The area on the ground surface covered by the building.
- 302.33        **\*Building, Height of.** The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 302.34        **Building Inspector.** The building official appointed by the Governing Body to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 302.35        **Building, Main.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 302.36        **Campground.** Campgrounds shall mean and include, but not be limited to tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name called, on which three (3) or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and/or facilities is granted gratuitously by a rental fee, by lease, by

conditional sale or by covenants, restrictions and easements. This definition is not intended to include summer camps and migrant labor camps as defined in Sections 35-43 and 32-415, Code of Virginia, 1950, as amended, construction camps, permanent manufactured home parks, or storage areas for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions and conditions from providing his sanitary facilities within his property lines.

- 302.37 ***Capital Improvements Program (CIP).*** The Bath County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.
- 302.38 ***Carport.*** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have side enclosures exclusive of required supports and the side of the building to which the carport is contiguous. It must meet requirements of an accessory building for purposes of setback requirements.
- 302.39 ***Cellar.*** A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 302.40 ***Cemetery.*** A place used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose.
- 302.41 ***Child Care Center.*** Any facility other than a family day care home providing care, protection, and guidance to a group of children during only part of the day.
- 302.42 ***Church or House of Worship.*** A building where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to conduct public worship.
- 302.43 ***Clerk.*** The Clerk of the Circuit Court having jurisdiction in Bath County, Virginia.
- 302.44 ***Commission, The.*** The Bath County Planning Commission.
- 302.45 ***Common Elements.*** All portions of a cooperative other than the units.
- 302.46 ***Community Center.*** Community entertainment, recreation, or meeting place, which may be publicly or privately owned.
- 302.47 ***Communications Equipment.*** Any tower, dish or other equipment used to send or receive electronic transmissions for public or private use.

- 302.48      **Comprehensive Plan.** The official document adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be adopted in accordance with Section 15.2-2226 of the Code of Virginia.
- 302.49      **Conditional Zoning.** A rezoning procedure which allows an applicant to voluntarily propose (proffer) conditions in accordance with Section 802.05 of these Land Use Regulations that limit or qualify how his/her property may be used.
- 302.50      **Condominium.** A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.
- 302.51      **Convenience Store.** A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers, high traffic/trip generation, and having less than five thousand (5,000) square feet of retail area.
- 302.52      **Conversion Building.** A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 302.53      **Cooperative.** Real estate owned or leased by a cooperative organization.
- 302.54      **Cooperative Interest.** A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 302.55      **Cooperative Organization.** Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 302.56      **Cooperative Unit.** A physical portion of the cooperative designed for separate tenancy.
- 302.57      **Country Inn.** A business which offers accommodations and dining in a predominantly rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public.
- 302.58      **Country Store.** A retail store usually stocked with a wide variety of merchandise, the ground floor area of which is five thousand (5,000) square feet or less, which offers for sale grocery items and gift/souvenir items. Gasoline may also be offered for sale, but only as a secondary activity.

- 302.59 ***Cul-de-Sac.*** A circular turning area at the end of a dead-end street.
- 302.60 ***Cultural Center.*** Establishments such as art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.
- 302.61 ***Curb Grade.*** The elevation of the established curb in front of the building measured at the center of such front, where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 302.62 ***Dairy.*** A commercial establishment for the manufacture and sale of dairy products.
- 302.63 ***Dairy Farm.*** A livestock establishment where the production of milk is its primary purpose.
- 302.64 ***Day Care Facilities.*** Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas and parking.
- 302.65 ***Developer.*** An owner of property being subdivided, whether or not represented by an agent.
- 302.66 ***Development.*** A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain three (3) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.
- 302.67 ***District.*** A section of Bath County within which the zoning regulations are uniform as referred to in the Code of Virginia, 1950, as amended, Section 15.1-486.
- 302.68 ***Driveway.*** Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.
- 302.69 ***Dump Heap (Trash Pile).*** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, or a food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 302.70 ***Dwelling.*** Any building or portion thereof which is designed for or used for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, and recreational vehicles.
- 302.71 ***Dwelling, Existing.*** For the purpose of Section 712.00 of the *Land Use Regulations*, either of the following shall constitute an existing dwelling:

- (a) A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator; or
- (b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or a building permit prior to the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator or which has been occupied for a three (3) year period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator.

302.72 ***Dwelling, Multi-Family.*** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.

302.73 ***Dwelling, Single-Family.*** A building designed for, or occupied exclusively by, one (1) family.

302.74 ***Dwelling, Two-Family (Duplex).*** A building designed for, or occupied exclusively by, two (2) families living independently of each other.

302.75 ***Dwelling Unit.*** One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

302.76 ***Easement.*** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

302.77 ***Educational Area.*** Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools, and colleges. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before-or after-school day care.

302.78 ***Engineer.*** An engineer currently registered by the Commonwealth of Virginia.

302.79 ***Family.*** One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.

302.80 ***Family Day Care Home.*** Any private family home providing care, protection, and guidance to not more than ten (10) children during only part of the day. Children

related by blood or marriage to the person who maintains the home shall not be counted.

- 302.81 ***Family, Immediate Member of.*** Any person who is a natural or legally defined off-spring, spouse, parent, or sibling of the owner.
- 302.82 ***Flood.*** A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.
- 302.83 ***\*Flood Hazard Area.*** The maximum area of the floodplain which is likely to be flooded once every one hundred (100) years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Developments Flood Hazard Mapping or Rate Study Mapping as appropriate.
- 302.84 ***Flood Insurance Rate Map (FIRM).*** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.
- 302.85 ***Flood Insurance Study.*** The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.
- 302.86 ***\*Floodplain.*** An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- 302.87 ***\*Floodplain, 100-year.*** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.
- 302.88 ***\*Floodplain Alteration.*** A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.
- 302.89 ***\*Flood Proofing.*** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodplain by the Virginia Uniform Statewide Building Code and Reference Standards, Section 108.1.
- 302.90 ***\*Floodway.*** The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one hundred (100) year flood.

- 302.91 **Floor Area.** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 302.92 **Frontage.** The minimum width of a lot measured from one side lot line to the other, along a straight line on which no point shall be farther away from the street upon which the lot fronts, or from the front edge of the lot than the building setback line as defined and required herein.
- 302.93 **Garage, Private.** Accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of vehicles for each dwelling unit in accordance with minimum off-street parking requirements.
- 302.94 **Garage, Automotive Repair.** A building or portion thereof, other than a private garage, designed or used for servicing, major repairing, painting, equipping, renting, selling, or storing motor-driven vehicles.
- 302.95 **Gardening.** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 302.96 **General Store.** A single store, the ground floor area of which is four thousand (4,000) square feet or less which offers for sale primarily most of the following articles: bread, milk, cheese, fresh meats and vegetables, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a general store.
- 302.97 **Golf Course.** Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 302.98 **Golf Driving Range.** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.
- 302.99 **Governing Body.** The Board of Supervisors of Bath County, Virginia.
- 302.100 **Group Home.** Any facility providing full-time care, maintenance, protection, and guidance to more than three (3) children separated from their parents or guardians.

- 302.101 ***Guest Room.*** A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
- 302.102 ***Health Department.*** The Bath County Health Department or its designated agent or representative (“Health Official”).
- 302.103 ***Highway Engineer.*** The Virginia Department of Transportation’s Resident Engineer for Bath County or his designated representative.
- 302.104 ***Historical Area.*** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.
- 302.105 ***Hog Farm.*** A farm where swine are raised commercially as the principal farm enterprise.
- 302.106 ***Hog Pen.*** An enclosure for concentrated confinement or housing of swine. A hog pen shall be located at least five hundred (500) feet from the nearest residence, except that of the owner.
- 302.107 ***Home for Adults.*** Any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.
- 302.108 ***Home Occupation.*** An accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building and which does not change the physical character of such buildings.
- 302.109 ***Hospital.*** An institution rendering medical, surgical, obstetrical, or convalescent care, including any institution licensed as a hospital by the State Hospital Board.
- 302.110 ***Hospital, Special Care.*** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 302.111 ***Hotel/Motel.*** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which cooking facilities may be provided, or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one (1) week in duration. The term "hotel" includes the term "motel."

302.112 ***Housing for the Elderly.*** Housing for the elderly and/or physically handicapped - multi-family structure containing at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one [1] dwelling unit of the number of dwelling units if less than ten [10]) are occupied or designed for occupancy by:

- (a) Families of two (2) or more persons, the head of which (or his or her spouse) is sixty-two (62) years of age or over or is handicapped;
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death;
- (c) A single person who is sixty-two (62) years of age or over or a non-elderly handicapped person between the ages of eighteen (18) and sixty-two (62);
- (d) Two (2) or more elderly or handicapped persons living together, or one (1) or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being;

For the purpose of this definition handicapped persons means any adult having an impairment which is expected to be of long continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

302.113 ***Industrialized Building Unit.*** A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specific components, as a finished building or as a part of a finished building comprising two (2) or more industrialized building units, and not designed for ready removal to or installation or erection on another site. Sometimes referred to as a modular building unit.

302.114 ***Infrastructure.*** The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

302.115 ***Intensive Facility (hereafter Dairy Facility, Livestock Facility, or Poultry Facility, as Applicable.)*** An operation with dairy, livestock, or poultry structures, related parcels of land, and accessory uses as defined herein (Sections 302.101, 302.130, and 302.200): (1) which operation at any one time has at least one hundred (100) animal units as referenced in the "Intensive Facility Equivalency Chart" shown below in this section, with such animals being stabled or confined and being fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (2) over any portion of which operation, crops, vegetation, forage growth, or post-harvest residues are not sustained while such animals are being stabled or confined.

### INTENSIVE FACILITY EQUIVALENCY

TYPE OF FACILITY	EQUIVALENT OF 100 ANIMAL UNITS
Livestock	100 slaughter and feeder cattle
Livestock	250 swine each weighing over 55 pounds
Livestock	50 horses
Livestock	1,000 sheep or lambs
Dairy	67 mature dairy cattle (whether milked or dry cows)
Poultry	5,500 turkeys
Poultry	10,000 laying hens or broilers

- 302.116 **Junkyard.** (Automobile Wrecking Yard). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of salvaged parts thereof.
- 302.117 **Jurisdiction.** The area or territory subject to the legislative control of the Governing Body.
- 302.118  **kennel.** Any location where breeding, raising, grooming, caring for, or boarding of dogs, cats, or other similar small animals for commercial purposes is carried on.
- 302.119 **Land Use Plan.** The *Land Use Plan of Bath County*, as amended.
- 302.120 **Light Industry.** Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.
- 302.121 **Livestock.** Includes all domestic or domesticated: bovine animals, including, but not limited to cattle; equine animals including, but not limited to horses; ovine animals including, but not limited to sheep; porcine animals, including, but not limited to hogs.
- 302.122 **Livestock, Dairy, Poultry Facility, Existing.** (Only for the purpose of determining residential setbacks in the A-1 and A-2 Agricultural Districts under this section.) A livestock, dairy, or poultry facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

- 302.123 ***Livestock, Dairy, Poultry Structure.*** Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.
- 302.124 ***Livestock Market.*** A commercial establishment wherein livestock is collected for sale, sold, or auctioned off.
- 302.125 ***Livestock Raiser, Dairy Operator, Poultry Grower (hereafter, "Operator").*** The owner or operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy, or poultry facility is located.
- 302.126 ***Loading Space.*** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks and other carriers.
- 302.127 ***Lot.*** A numbered and measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 302.128 ***Lot Area.*** The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.
- 302.129 ***Lot, Corner.*** A lot abutting upon two (2) or more streets at their intersection. 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.
- 302.130 ***Lot Coverage.*** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 302.131 ***Lot, Depth of.*** The average horizontal distance between the front and rear lot lines.
- 302.132 ***Lot, Double Frontage (Through).*** An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 302.133 ***Lot, Interior.*** Any lot other than a corner lot.
- 302.134 ***Lot of Record.*** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia, at the time of the adoption of this Ordinance.
- 302.135 ***Lot, Width.*** The average horizontal distance between side lot lines.

- 302.136 **Main Use.** The primary purpose for which land or a building is used.
- 302.137 **Manufacture and/or Manufacturing.** The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 302.138 **Manufactured Home (Red Sticker).** A structure intended for human habitation that is subject to Federal regulations, or transportable in one (1) or more sections, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected, is three hundred twenty (320) or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.
- 302.139 **Manufactured Home Park.** Any development in which space is leased providing for two (2) or more manufactured or modular homes intended for residential use for a period of time longer than thirty (30) days.
- 302.140 **Manufactured Home Stand.** A plot of ground within a manufactured home park designed to accommodate one (1) manufactured home.
- 302.141 **Manufactured Home Subdivision.** Any area designated to accommodate three (3) or more manufactured homes intended for residential use on lots owned by the manufactured home owner.
- 302.142 **Modular Home.** A premanufactured dwelling unit, comprised of a combination of one (1) or more building sections or modules, containing electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Such a structure is not built on a permanent chassis and is designed to be used only with a permanent foundation.
- 302.143 **Non-Conforming Lot.** An otherwise legally recorded lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to these Land Use Regulations.
- 302.144 **Non-Conforming Use of Structures.** The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to these Land Use Regulations.
- 302.145 **Non-Conforming Structure.** A structure existing at the time of enactment or amendment of this Ordinance which does not conform to the requirements of this Ordinance by reason of height or condition, or by reason of its impingement upon required yard areas.

- 302.146 ***Non-Conforming Use of Land.*** A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 302.147 ***Nursery.*** An agricultural/ commercial enterprise where plants and accessory products are sold on a retail basis.
- 302.148 ***Nursing Home.*** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two (2) or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries, and hospices.
- 302.149 ***Nutrient Management Plan Definition.*** A plan, as approved by the Virginia Department of Conservation and Recreation or the Virginia Cooperative Extension, to manage the amount, placement, timing, and application of animal manure, fertilizer, sewage sludge, or other materials containing plant nutrients to minimize pollution and to produce crops.
- 302.150 ***Off-Street Parking Area.*** Space provided for vehicular parking outside the dedicated street right-of-way.
- 302.151 ***One Hundred (100) Year Flood.*** A flood that, on the average, is likely to occur once every one hundred (100) years.
- 302.152 ***Overnight Lodging Establishment.*** A residential dwelling providing for transient lodging on a daily or weekly basis, but for no more than 30 consecutive days to the same person(s). Parking of one (1) space per bedroom required.
- 302.153 ***Parcel of Land.*** A measured portion of land separated from other portions of land by a metes and bounds description or described as separate, discrete tract in an instrument of conveyance or devise and recorded in the offices of the clerk of this County.
- 302.154 ***Parks & Recreational Areas.*** Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.
- 302.155 ***Parking Space.*** An area consisting of a minimum of ten (10) x thirty (30) feet.

- 302.156 ***Parking Space, Off-Site.*** A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.
- 302.157 ***Parks, Playgrounds, and Outdoor Recreation Areas.*** Land publicly or privately owned devoted to recreational pursuits, not for habitation, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport.
- 302.158 ***Pen.*** A small enclosure used for the concentrated confinement and housing of animals or poultry, a place for feeding and fattening animals, a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen. Any enclosure containing a hog is a hog pen. (See Section 302.85.)
- 302.159 ***Pit Privy.*** "A non water carriage device for temporary storage or permanent disposal of human excreta. The privy shall not be used as the receptacle of any carriage waste." A pit privy consists of a lined earthen pit with a suitable rodent and insect proof structure and pit vent stack. The structure shall be provided with a self closing lid(s) on the seat riser. The pit privy is located exterior to a dwelling.
- 302.160 ***Planned Unit Development.*** A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.
- 302.161 ***Planning Commission or Commission.*** The Planning Commission of Bath County, Virginia.
- 302.162 ***Plat.*** Includes the terms: map, plan, plot, replat, or replot, a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."
- 302.163 ***Porch.*** The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.
- 302.164 ***Poultry House.*** Any structure designed for the keeping, breeding, or raising of any number of poultry.

- 302.165 ***Prefabricated Building.*** The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials and in which the service equipment may be either prefabricated or at-site construction.
- 302.166 ***Professional.*** When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, dentists, insurance offices, real estate offices, religious organizations, stockbrokers, and administrative agencies considered professional in character. The term does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.
- 302.167 ***Property.*** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 302.168 ***Property Owners Association.*** A corporation or other legal entity or a non-profit organization which has as its purpose maintenance of streets and/or other common areas.
- 302.169 ***Public Service/Storage Buildings.*** A building or set of buildings consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies. Freight containers, recreational vehicles, school buses or any thing else that its **intended use** (meaning its intended use at time of manufacture) is not to be a storage building may not be used as a storage building.
- 302.170 ***Public Water and Sewage Systems.*** A water or sewage disposal system owned and operated by a public entity.
- 302.171 ***Public Utilities.*** Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 302.172 ***Ramada.*** A structure erected over a manufactured home for the purpose of providing shade or shelter.
- 302.173 ***Recreational Vehicle.*** Any vehicular type structure, designed or modified as temporary living accommodations for recreation, camping, and travel use. Generally, there are four (4) basic types of recreational vehicles: travel trailers, motor homes, truck or pickup campers, and camping trailers:

- Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified Travel Trailer by the manufacturer of the trailer and, when factory equipped for the road, shall meet all applicable standards for use on public highways;
- Truck or pickup camper means a portable structure designed to be loaded on or mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- Motor home means a self-contained vehicle designed for temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle;
- Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

302.174 ***Recreational Vehicle Storage Area.*** A commercial storage or parking area where three (3) or more unoccupied recreation vehicles are stored for more than fourteen (14) consecutive days.

302.175 ***Required Open Space.*** Any space required in any front, side, or rear yard.

302.176 ***Residential Use.*** The use of any place, building, or establishment in whole or in part as a dwelling.

302.177 ***Restaurant.*** Any building in which for compensation food, or beverages are dispensed to persons not residing on the premises for consumption on the premises including, among other establishments, cafes, delicatessens, or refreshment stands.

302.178 ***Restaurant, Drive-In.*** An eating and/or drinking establishment which caters to motor-driven vehicle businesses where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.

302.179 ***Retail Stores and Shops.*** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, news stand, food store, candy shop, milk dispensary, dry-goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, and beauty and barber shop.

302.180 ***Right-of-Way.*** Access over or across particularly described property for a specific purpose or purposes or the interest in the land for such purpose.

- 302.181 ***Right-Of-Way Line.*** The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.
- 302.182 ***Sawmill.*** A permanent structure housing a mill or machine and its appurtenances for the purposes of processing of timber into lumber and/or employing 3 or more employees.
- 302.183 ***School, Business or Commercial.*** Privately owned and operated educational institution or educational organization, no matter how titled, maintaining or conducting classes for the purpose of offering instruction, for a consideration, profit or tuition, to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist, or other office occupations.
- 302.184 ***School, Private.*** Privately owned and operated educational institution or educational organization, maintaining or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.185 ***School, Public.*** Publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintaining or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.186 ***School, Trade.*** Privately or publicly owned and operated educational institution or educational organization maintaining or conducting classes for the purpose of offering instruction to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational training, or to give training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.
- 302.187 ***Screening or Buffering.*** Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by these Land Use Regulations. Whenever used for screening or buffering purposes, “natural growth” shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.
- 302.188 ***Setback.*** The minimum distance by which any building, structure, use or activity must be separated from the lot lines or point reference. Required yards may be located in this setback area.
- 302.189 ***Setback Line.*** A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground.

- 302.190 **Shooting Range.** An establishment designed and used for conducting shooting matches or practice shooting.
- 302.191 **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 302.192 **Sign Area.** The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 302.193 **Sign, Business.** A sign painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.
- 302.194 **Sign, Directional.** A directional sign is one (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of same and distance.
- 302.195 **Sign, Home Occupation.** A sign directing attention to a product, commodity, or service available on the premises but which product, commodity, or service is clearly a secondary use of the dwelling.
- 302.196 **Sign, Locational.** A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.
- 302.197 **Sign, Outdoor Advertising.** A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 302.198 **Sign Structure.** A structure, including the supports, uprights, bracing and framework be it single-faced, double-faced, V-type, or otherwise, which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 302.199 **Sign Structure Facing .** The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 302.200 **Sign, Temporary.** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials

with or without frames intended to be displayed for a period of not more than thirty (30) consecutive days.

- 302.201 **Site Plan.** The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this Ordinance.
- 302.202 **Slope.** The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc. prepared by such persons licensed to perform surveys to determine such information.
- 302.203 **Story.** That portion of a building other than the basement included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 302.204 **Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- 302.205 **Street.** Any public thoroughfare or, any private thoroughfare providing access to two (2) or more lots, but not including driveways.
- 302.206 **Street or Alley, Public Use Of.** The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.
- 302.207 **Street Centerline.** A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- 302.208 **Street, Feeder and/or Collector.** The Subdivision Street Requirements of the Virginia Department of Transportation definitions will apply unless otherwise defined.
- 302.209 **Street, Half.** A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 302.210 **Street, Internal.** A private street providing access to lots or other streets within the development, exclusive of driveways.
- 302.211 **Street Line.** The dividing line between a street or road right-of-way and the contiguous property.
- 302.212 **Street, Local Service.** A street that is used primarily as a means of public access to the abutting properties.

- 302.213 **Street (Road).**The Subdivision Street Requirements of the Virginia Department of Transportation definitions will apply unless otherwise defined.
- 302.214 **Street, Service Drive.** A street, the purpose of which is to provide access to abutting property and other streets while controlling access to an immediately adjacent street to which the service drive is generally parallel and contiguous.
- 302.215 **Street Width.** The total width of the strip of land dedicated or reserved for travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways, located within the right of way.
- 302.216 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including fuel pumps and above-ground elevation valves for the transmission of oil and natural gas.
- 302.217 **Subdivider.** Any individual, corporation, or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 302.218 **Subdivision.** The term subdivision shall include:
- (a) **Standard Subdivision.** The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development in the Agricultural General Zoning District A-2, and the following Residential Zoning Districts, R-1, R-2, R-3, and R-4;
  - (b) **Acreage Subdivision.** The division of any parcel of land into lots of two (2) or more acres. Acreage subdivisions are considered only in the Agricultural Limited (A-1) and Agricultural General (A-2) Zoning Districts;
  - (c) **Lot Subdivision.** The one-time division of a single parcel into two (2) lots for any purpose. A plat of such division shall be submitted for approval in accordance with the provisions of Section 906.00;
  - (d) **Development Subdivision.** The division of a parcel of land for business or industrial development. A plat of such division shall be submitted for approval in accordance with the provisions of Section 906.00;
  - (e) The term "subdivision" includes the re-subdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided;

(f) The word "subdivision" and any derivative thereof shall have reference to the term "subdivision" as herein defined.

- 302.219 **Surveyor.** A land surveyor currently certified by the Commonwealth of Virginia.
- 302.220 **Television and/or Radio Stations.** A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 302.221 **Tourist Court, Auto Court, Motel, Hotel, or Motor Lodge.** Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 302.222 **Tourist Home.** A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.
- 302.223 **Townhouse.** A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal.
- 302.224 **Townhouse Development.** One (1) or more single-family dwellings consisting of townhouses, with accessory parking, open space, and recreational and management facilities.
- 302.225 **Travel Trailer.** See Section 302.145.
- 302.226 **Tree.** A woody perennial plant having a single main stem.
- 302.227 **Tree Farm.** A tree-covered area managed as a business enterprise
- 302.228 **Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use. Any accessory use shall not be located in any required front yard.
- 302.229 **Use, Conditional.** A conditional use or special exception is one which may be allowed in accordance with Section 802.03 of these Regulations when the Board of Zoning Appeals, after review of the application and hearing, thereby finds as a fact that the proposed use is consistent with the *Comprehensive Plan*, is compatible with surrounding uses, is consistent with the intent of these Land Use Regulations, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County.

- 302.230 **Uses, Prohibited.** Any use not specifically permitted shall be prohibited.
- 302.231 **Variance.** A variance is a relaxation of the terms of these *Land Use Regulations* where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these Land Use Regulations would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 302.232 **Warehouse.** A structure for storing goods, wares, or merchandise.
- 302.233 **Wayside Stand, Roadside Stand, Wayside Market.** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 302.234 **Wholesale Sales.** An operation which sells chiefly to retailers, other merchants, or industrial, institutional, and commercial uses for resale or business use.
- 302.235 **Yard.** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 302.236 **Yard, Front.** An open, unoccupied space, excluding steps and uncovered porches or patios, situated on the same lot with the main building, and extending the full width of the main building, and which is bounded on four sides as follows: by the front face of the main building; on the sides by the projections of the side lines of the main building frontwards to their intersection with the right of way; on the outer front by that part of the right of way line which falls between the intersections with the projected side lines. On corner lots, the dept of the front yard shall be considered as parallel to the street upon which the lots has its least dimensions. Refer to Table 1, Zoning Schedule, Single Structural Uses, for minimum yard dimensions.
- 302.237 **Yard, Rear.** An open space, excluding steps and uncovered porches or patios situated on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the main buildings, and which is bounded on four sides as follows: by the rear face of the main building; on the sides by the projection of the side lines of the main building rearwards to their intersection with the rear lot line; on the extreme rear by that part of the rear lot lines which falls between its intersections with the projected side lines. On corner lots, the rear yard shall be the opposite end of the lot from the front yard. Refer to Table 1, Zoning Schedule, Single Structural Uses, for minimum yard dimensions.

- 302.238 ***Yard, Side.*** Open spaces, excluding steps and uncovered porches or patios, on the same lot with the main building, being mostly unoccupied except possibly by an accessory building, and which consist of the lands remaining on each side of the main building, exclusive of the front and rear yards. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension. No accessory building or use located in a side yard shall be closer to a side or rear lot line than the minimum dimensions as set forth in Table 1, Zoning Schedule, single structural uses nor closer than thirty-five (35) feet to a front lot line or right-of-way line, whichever is closer.
- 302.239 ***Zoning Administrator.*** An appointed County official who serves as the Zoning Administrator charged with the interpretation, administration and enforcement of this Ordinance for Bath County, Virginia, or his/her designee.
- 302.240 ***Zoning Permit.*** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Land Use Regulations, or authorized variance therefrom.
- 302.241 ***Zoning District.*** The various classification of agricultural, residential, business, industrial, flood hazard and airport hazard zoning categories provided for in these regulations and the areas on the zoning map in which such different districts are mapped.

## **ARTICLE 4 ESTABLISHMENT OF DISTRICTS**

### **401.00 DIVISION OF BATH COUNTY INTO DISTRICTS**

For the purposes of these Land Use Regulations, Bath County is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map maintained in the Office of the Zoning Administrator and shown as originally adopted within Article 12, Zoning Map et seq.

### **402.00 INCORPORATION OF THE ZONING MAP**

The zoning map entitled the "Official Zoning Districts Map for Bath County, Virginia," dated May 12, 1981, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of these Land Use Regulations. Said map shall be made a public record and shall be kept permanently in the Office of the Zoning Administrator, where it shall be accessible to the general public.

### **403.00 MAP AMENDMENT**

If in accordance with the provisions of Article 8, herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Governing Body, together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 8, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Governing Body. Amendments to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Bath County Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the County. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

### **404.00 REPLACEMENT OF THE OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or

any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map, or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

#### **405.00            RULES FOR DETERMINING BOUNDARIES**

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- 405.01            Unless otherwise indicated, district boundaries indicated as approximately following property lines, landlines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.
  
- 405.02            District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or rights-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
  
- 405.03            Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Governing Body in accordance with Article 8 of this Ordinance.
  
- 405.04            Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
  
- 405.05            Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
  
- 405.06            If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board which shall determine the boundary in accordance with Section 806.01 of this Ordinance.

## **ARTICLE 5**

### **APPLICATION OF ZONING REGULATIONS**

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

#### **501.00 USES – ADMINISTRATIVE REVIEWS & PERMITS**

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

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

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

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

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

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

**502.00** Interpretations, Liability & Cooperation.

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

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

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

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

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

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

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

**503.00           BUILDINGS**

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

#### **504.00            LOTS AND YARDS**

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

#### **505.00            GARDENING**

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

#### **506.00            PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE**

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

#### **507.0            PAYMENT OF DELINQUENT REAL ESTATE TAXES**

The Applicant must produce satisfactory evidence that any delinquent real estate taxes owed have been paid prior to the initiation of an application for a conditional use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, as set forth in the Code of Virginia, Section 15.2-2286(B).

## **ARTICLE 6 USES IN DISTRICTS**

### **601.00 CONSERVATION DISTRICT C-1**

601.01 *Intent of the Conservation District C-1.* This district is to protect those areas of the County where man's activities, left unrestricted, have a high potential for adversely impacting the environment and the safety and welfare of the public by accelerated soil erosion, reduced water quality, inappropriate uses of the land, and generally the uneconomical provision of public facilities and services. The district is applied to complex areas requiring special attention to achieve the most appropriate use of the lands involved.

601.02 *Permitted Uses.* Within Conservation District C-1, land to be used or structures to be erected for one or more of the following uses:

601.02-1 Wildlife areas, game refuges, hunting preserves, and forest preserves;

601.02-2 Parks & recreation or educational areas;

601.02-3 Flood control and watershed structures;

601.02-4 Tree farms; woodlots; pasture;

601.02-5 Water supply buildings, reservoirs, wells, storage tanks, and similar essential public utility and service structures;

601.02-6 Public service buildings such as municipal, State, or Federal service or storage buildings;

601.02-7 Nursery or tree farms;

601.02-8 Fish hatcheries;

601.02-9 Cemeteries;

601.02-10 One (1) inoperable automobile;

601.02-11 One (1) automobile for salvage.

601.03 *Uses Permitted Upon Approval.* The development authorized within this district is regulated by a comprehensive development and management plan proposed by the

developer. Conventional zoning restrictions are waived in favor of the detailed site plan developed to preserve and protect the character and the environment consistent with the purposes of this district.

601.04 ***Data to Accompany Application.*** Within the Conservation District, there shall be submitted a tentative, overall development plan which shall include:

601.04-1 Scale accurate proposed development plan mapping of the project to include:

- (a) Proposed land uses including residential types, commercial types, recreation, and any other proposed use;
- (b) Proposed street system including public and private right-of-way;
- (c) Proposed parking areas and parking space delineations;
- (d) Proposed plat showing subdivision lot lines;
- (e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- (f) Proposed drainage plan;
- (g) Proposed location of buildings, structures, and improvements;
- (h) Property lines of proposed common property;
- (i) Proposed pedestrian circulation system;
- (j) Proposed landscaping plan;
- (k) Proposed treatment of the project perimeter such as screening or landscaping;
- (l) Relationships and tie-ins to adjacent property.

601.04-2 Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) Names and addresses of all adjacent property owners;
- (d) A statement of project development objectives and character to be achieved;
- (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- (f) A statement of intention regarding future selling or leasing of land areas., dwelling units, commercial areas, etc.;
- (g) Quantitative data including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount and percentage of open spaces, residential, commercial, and other land use types;
- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Virginia Department of Transportation and the County Health Officer;
- (j) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
- (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

- 601.04-3 *Application:* An application meeting the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the development, the location, arrangement and size of lots, parks, school sites, and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings, the location, arrangement and design of neighborhood business areas and accessory parking spaces, the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;
- 601.04-4 *Appearance of Developer:* The Planning Commission and/or the Governing Body may require the developer to appear to discuss the planned development;
- 601.04-5 *Planning Commission Report:* The Planning Commission shall report to the Governing Body within sixty (60) days one of the following:
- (a) Recommend approval of the plan as presented; or
  - (b) Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer; or
  - (c) Recommend disapproval.
- 601.04-6 *Final Approval:* Upon the preliminary approval by the Governing Body the developer shall within ninety (90) days furnish three (3) copies of the plan for public hearing and final disposition.
- 601.05 *Accessory Uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 601.05-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
- 601.05-2 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 601.05-3 Signs as provided for in Article 7;
- 601.05-4 Parking as provided for in Article 7.
- 602.00 AGRICULTURAL LIMITED DISTRICT A-1**
- 602.01 *Intent of the Agricultural Limited District A-1.* The intent of the Agricultural Limited District is to retain major areas of natural ground cover for conservation

purposes and retaining of public forests and preserves. Uses not consistent with the existing character of this district are not permitted.

- 602.02 ***Permitted Uses.*** Within Agricultural Limited District A-1, the following uses are permitted:
- 602.02-1 Agriculture, including farm dwellings and agricultural buildings and agricultural processing;
  - 602.02-2 Animal or poultry husbandry;
  - 602.02-3 Flood control and watershed structures;
  - 602.02-4 Nursery or tree farms;
  - 602.02-5 Parks and recreation areas;
  - 602.02-6 Wildlife areas, game refuges, and forest preserves;
  - 602.02-7 Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures;
  - 602.02-8 Public service or storage buildings;
  - 602.02-9 Cemeteries;
  - 602.02-10 General Store, Country Store, including antique shops;
  - 602.02-11 Bed & Breakfast establishments; overnight lodging establishments;
  - 602.02-12 Lodge;
  - 602.02-13 Churches and related parish buildings;
  - 602.02-14 Two (2) inoperable automobiles;
  - 602.02-15 One (1) automobile for salvage;
  - 602.02-16 Dairy facility, intensive;
  - 602.02-17 Livestock facility, intensive;
  - 602.02-18 Poultry facility, intensive;
  - 602.02-19 Livestock, dairy, poultry structure.

- 602.02-20 Single-family dwellings, including individual manufactured homes (manufactured after 1976) and modular homes, that are to be located on slopes of less than twenty-five percent or in a setting to not take away from the character of the land or on land that is suitable as agreed upon by the Health Department Official, Building Official and Zoning Administrator and meets all requirements of erosion and sediment control.
- 602.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8, herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
- 602.03-1 Single-family dwellings including Acreage Subdivision and Lot Subdivision that are located on slopes of more than 25% slope;
- 602.03-2 Campgrounds or recreational vehicle parking areas in compliance with Article 7, Section 711.00;
- 602.03-3 Temporary trailer camps for the housing of construction workers on highway and other similar projects;
- 602.03-4 Sawmills;
- 602.03-5 Organized group camps and campgrounds;
- 602.03-6 Communication transmitting or receiving stations and towers;
- 602.03-7 Sanitary landfill operations;
- 602.03-8 Automobile service stations and automotive repair garage;
- 602.03-9 Booster or relay stations, transformer, substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations;
- 602.03-10 Shooting range;
- 602.03-11 Tourist courts, hotels, or motels;
- 602.03-12 Extraction of minerals, rock, gravel, sand, etc.;
- 602.03-13 Batching plants for asphalt, concrete, etc.;

- 602.03-14 Bulk storage of fuel or explosives;
- 602.03-15 Fish hatcheries;
- 602.03-16 Automobile graveyards and junkyards;
- 602.03-17 Other uses which are similar to the foregoing.
- 602.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
  - 602.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
  - 602.04-2 Living quarters of persons employed on the premises;
  - 602.04-3 Private parking garage;
  - 602.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 602.04-5 Signs as provided for in Article 7;
  - 602.04-6 Parking as provided for in Article 7.

**603.00 AGRICULTURAL GENERAL DISTRICT A-2**

- 603.01 ***Intent of Agricultural General District A-2.*** This district covers the portion of the County which contains the most productive agricultural and forest lands which lie on slopes of less than twenty-five (25) percent and represent the most valuable agricultural production lands. This district is established for the specific purpose of facilitating agricultural operations, forest production, conservation of water and other natural resources, reducing soil erosion and protecting watersheds. Uses not consistent with the character of this district are not permitted.
- 603.02 ***Permitted Uses.*** Within Agricultural General District A-2, the following uses are permitted:
  - 603.02-1 Agriculture, dairying, general farming, and forestry, including farm dwellings and agricultural buildings and agricultural processing;
  - 603.02-2 Animal or poultry husbandry;
  - 603.02-3 Flood control and watershed structures;
  - 603.02-4 Nursery, tree farms, greenhouses;

- 603.02-5 Feed mills, grain storage as primary uses;
- 603.02-6 Forest and conservation;
- 603.02-7 Parks and recreation areas;
- 603.02-8 Golf courses, miniature golf courses, driving ranges;
- 603.02-9 Single-family and two family dwellings, including Standard Subdivision, Lot Subdivision, and Acreage Subdivision;
- 603.02-10 The office of a resident member of a recognized profession provided that the office is located in a dwelling;
- 603.02-11 Individual manufactured homes (manufactured after 1976) and modular homes;
- 603.02-12 Federal, State, municipal administrative, and service buildings;
- 603.02-13 Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures;
- 603.02-14 General store, country store, antique shops, and museums;
- 603.02-15 Churches and places of worship and/or cemetery;
- 603.02-16 Community center;
- 603.02-17 Schools and colleges for academic instruction, located not less than fifty (50) feet from any lot line;
- 603.02-18 Lodge;
- 603.02-19 Veterinary hospital, kennels (provided that no enclosure containing animals and no storage of odor or dust producing substances shall be located within two hundred (200) feet of a property line, that the operation is conducted on a tract of land not less than five (5) acres in area, and that the use is not objectionable by reason of odor, bright lights, or noise. The industrial performance standards in the M-1 District are applicable when adjacent to residential districts and shall be used as a guide to determine whether characteristics of the use are objectionable;
- 603.02-20 Bed & Breakfast establishments, overnight lodging establishments;
- 603.02-21 Plant nurseries and greenhouses;
- 603.02-22 Two (2) inoperable automobiles;

- 603.02-23 One (1) automobile for salvage;
- 603.02-24 Dairy facility, intensive;
- 603.02-25 Livestock facility, intensive;
- 603.02-26 Poultry facility, intensive;
- 603.02-27 Livestock, dairy, poultry structure.
  
- 603.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
  - 603.03-1 Temporary trailer camps for the housing of construction workers on highway and other similar projects;
  - 603.03-2 Booster or relay stations, transformer, substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations;
  - 603.03-3 Sawmills;
  - 603.03-4 Communication transmitting stations and towers;
  - 603.03-5 Sanitary landfill operations;
  - 603.03-6 Automobile service stations, automotive repair garages;
  - 603.03-7 Electric generation and sub-stations;
  - 603.03-8 Automobile graveyards and junkyards;
  - 603.03-9 Shooting range;
  - 603.03-10 Hotels, or motels, country inn;
  - 603.03-11 Extraction of minerals, rock, gravel, sand, etc.;
  - 603.03-12 Batching plants for asphalt, concrete, etc.;
  - 603.03-13 Bulk storage of fuel or explosives;

- 603.03-14 Temporary stands for the sale of produce raised on the farm;
- 603.03-15 Airport;
- 603.03-16 Campgrounds or recreational vehicle parking areas in compliance with Article 7, Section 711;
- 603.03-17 Organized group camps or campgrounds;
- 603.03-18 Fish hatcheries;
- 603.03-19 Cultural/music centers;
- 603.03-20 Other uses which are similar to the foregoing.
- 603.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 603.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
  - 603.04-2 Living quarters of persons employed on the premises;
  - 603.04-3 Private parking areas;
  - 603.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 603.04-5 Signs as provided for in Article 7;
  - 603.04-6 Parking as provided for in Article 7.

**604.00 RESIDENTIAL LIMITED DISTRICT R-1**

- 604.01 ***Intent of Residential Limited District R-1.*** The intent of the R-1 Residential District is to protect the residential character of established neighborhoods and communities. The regulations for this district tend to protect established neighborhoods which reflect a long standing character.
- 604.02 ***Permitted Uses.*** Within the Residential Limited District R-1, the following uses are permitted:
  - 604.02-1 Single-family and two family dwellings;
  - 604.02-2 Public utilities and facilities serving the neighborhood;

- 604.02-3 Schools;
- 604.02-4 Churches and other places of worship with attendant cemeteries, educational, and recreational facilities. No recreation facility shall be located closer than one hundred (100) feet from any lot of a residential use;
- 604.02-5 Overnight lodging establishment;
- 604.02-6 One (1) inoperable automobile;
- 604.02-7 One (1) automobile for salvage.
- 604.03 **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
- 604.03-1 Public parks, playgrounds, recreational buildings and grounds, tennis courts, golf courses, and similar recreational uses, all of a noncommercial nature, provided that any such principal building, swimming pool, or other structure shall be located not less than one hundred (100) feet from any other lot in any residential district;
- 604.03-2 Child care centers, family day care homes, or nursery schools provided that State licensing requirements are met and such uses are not less than fifty (50) feet from any other lot in a residential district;
- 604.03-3 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges, not including service or storage yards;
- 604.03-4 Equine – Residential Zoning Districts as provided for in Article 7;
- 604.04 **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 604.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
- 604.04-2 Living quarters of persons employed on the premises;
- 604.04-3 Private parking garage;
- 604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 604.04-5 Signs as provided for in Article 7;

604.04-6      Parking as provided for in Article 7.

**605.00      RESIDENTIAL DISTRICT R-2**

605.01      *Intent of Residential District R-2.* The intent of the R-2 Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light dust, odors, smoke, or other obnoxious influences.

605.02      *Permitted Uses.* Within Residential District R-2, the following uses are permitted:

- 605.02-1 Single-family dwellings;
- 605.02-2 Two (2) family dwellings provided that the intent of this district is maintained in the design and use of two (2) family developments;
- 605.02-3 Overnight lodging establishments;
- 605.02-4 Churches and other places of worship with attendant cemeteries, educational, and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot line of a residential use;
- 605.02-5 Public parks, playgrounds, recreational buildings and grounds, tennis courts, golf courses, and similar recreational uses, all of a noncommercial nature, provided that any such principal building, swimming pool or other structure shall be located not less than one hundred (100) feet from any other lot in any residential district;
- 605.02-6 Public utilities and facilities serving the neighborhood;
- 605.02-7 One (1) inoperable automobile;
- 605.02-8 One (1) automobile for salvage.
- 605.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
- 605.03-1 Child care centers, family day care homes, or nursery schools provided that State licensing requirements are met and such uses are not less than fifty (50) feet from any other lot in a residential district;
- 605.03-2 Homes for adults, provided that the licensing requirements of Section 63.2-1701 and 63.2-1800 of the Code of Virginia, 1950, as amended are met;
- 605.03-3 Hospitals;
- 605.03-4 Kennels, provided that no enclosure containing animals and no storage of odor or dust producing substances shall be located within two hundred (200) feet of a property line, that the operation is conducted on a tract of land not less than five (5) acres in area, and that the use is not objectionable by reason of odor, bright lights, or noise. The industrial performance standards in the M-1 District are applicable when adjacent to residential districts and shall be used as a guide to determine whether characteristics of the use are objectionable;

605.03-5 Parks, playgrounds, and other outdoor recreation and open space areas, whether public or private, provided that any clubhouse, swimming area, playing field, or other area of intensive activity, or any area characterized by loud noises or lighting

at night, shall be located not less than five hundred (500) feet from any lot line of a residential use;

605.03-6 Veterinary hospitals, provided that no enclosure containing animals or odor or dust producing substance shall be located closer than two hundred (200) feet from a property line and that for hospitals treating other than customary pet animals, the operation shall be conducted on a tract of land not less than five (5) acres in area;

605.03-7 Family care homes, foster homes or group homes serving the mentally retarded, developmentally disabled, or other, rest homes or nursing homes for convalescent patients, not related by blood or marriage, provided that licensing requirements are met;

605.03-8 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges, not including service or storage yards;

605.03-9 Equine – Residential Zoning Districts as provided for in Article 7.

605.04 *Accessory Uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

605.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;

605.04-2 Living quarters of persons employed on the premises;

605.04-3 Private parking garage;

605.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

605.04-5 Signs as provided for in Article 7;

605.04-6 Parking as provided for in Article 7.

## **606.00 MEDIUM DENSITY RESIDENTIAL DISTRICT R-3**

606.01 *Intent of Medium Density Residential District R-3.* The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the *Bath County Comprehensive Plan*. The regulations for this district provide for development which is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character, and, as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

606.02 ***Permitted Uses.*** Within Medium Density Residential District R-3, the following uses are permitted:

606.02-1 Single-family dwellings;

- 606.02-2 Two-family dwellings;
- 606.02-3 Multi-family dwellings;
- 606.02-4 Townhouses in conformance with Section 709.00;
- 606.02-5 Schools and colleges for academic instruction, located not less than fifty (50) feet from any lot line;
- 606.02-6 Churches;
- 606.02-7 Parks and playgrounds;
- 606.02-8 Professional offices in structures similar in character with surrounding neighborhoods;
- 606.02-9 Public utilities and facilities serving the neighborhood;
- 606.02-10 Overnight lodging establishments;
- 606.02-11 One (1) inoperable automobile;
- 606.02-12 One (1) automobile for salvage.
- 606.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
  - 606.03-1 General hospitals;
  - 606.03-2 Family care homes, foster homes or group homes serving the mentally retarded, developmentally disabled or other, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;
  - 606.03-3 Club, fraternities, lodges, and meeting places of other organizations, provided that buildings in which such meeting places are housed shall be located at least fifty (50) feet from any other lot;
  - 606.03-4 Dormitories and boarding houses including dining facilities accessory to such;
  - 606.03-5 Nursery schools and child care centers, if located not less than fifty (50) feet from any other lot, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size;



- 606.03-6 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges, not including service or storage yards;
- 606.03-7 Public buildings and properties of a cultural or administrative type;
- 606.03-8 Commercial operations which: (1) will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use; (2) will not be detrimental to the public welfare or injurious to property or improvements; (3) will not be in conflict with the intent of this district; and (4) will comply with all other provisions regulating such uses;
- 606.03-9 Equine – Residential Zoning Districts as provided for in Article 7.
- 606.04 *Accessory Uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 606.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
- 606.04-2 Living quarters of persons employed on the premises;
- 606.04-3 Private parking garage;
- 606.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 606.04-5 Signs as provided for in Article 7;
- 606.04-6 Parking as provided for in Article 7.

**607.00 RESIDENTIAL DISTRICT R-4**

- 607.01 *Intent of the Residential District R-4.* The intent of the Residential District R-4 is to allow low cost residential development in the form of manufactured home parks or subdivisions.
- 607.02 *Permitted Uses.* Within Residential District R-4, the following uses are permitted:
- 607.02-1 Manufactured home parks in accordance with Article 7, Section 707.00;
- 607.02-2 Manufactured home subdivisions in accordance with Article 7, Section 707.00;
- 607.02-3 Permanent buildings housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:

- (a) Parking requirements for such facilities are met;
- (b) Such uses are subordinate to the residential use and character of the park.

- 607.02-4 One (1) inoperable automobile;
- 607.02-5 One (1) automobile for salvage.
- 607.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals find as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
- 607.03-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park and its immediate neighborhood.
- 607.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 607.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
- 607.04-2 Living quarters of persons employed on the premises;
- 607.04-3 Private parking garage;
- 607.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 607.04-5 Signs as provided for in Article 7;
- 607.04-6 Parking as provided for in Article 7.

## **608.00 PLANNED UNIT DEVELOPMENT DISTRICT R-5**

- 608.01 ***Intent of Planned Unit Development District R-5.*** The intent of the Planned Unit Development District R-5 is to provide for larger scaled development and clustering of single-family residential dwelling units through design innovation to provide for a neighborhood with a variety of housing types and densities, neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.
- 608.02 ***Permitted Uses.*** Within Planned Unit Development District R-5, the following uses are permitted:
- 608.02-1 Single-family dwellings on an existing lot to conform to the requirements of R-2;
- 608.02-2 Two (2) family dwellings;

- 608.02-3 Multi-family dwellings, apartments, townhouses (as regulated in Section 709 of this Ordinance) and condominiums;
- 608.02-4 One (1) inoperable automobile;
- 608.02-5 One (1) automobile for salvage.
- 608.03 ***Accessory Uses.*** In addition to the principal uses, other commercial or non-commercial service uses may be permitted provided: (a) that such uses are intended primarily to serve the needs of the project area residents; (b) that such uses are designed and located for the convenience of the project area residents and to protect the character of the district; (c) that all subsequent changes in use shall be approved by the Planning Commission or its agent; (d) that all commercial uses shall not total more than ten (10) percent of the total project area; and (e) that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned unit development has been completed.
- 608.04 ***Uses Permitted by Approval.*** The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.
- 608.05 ***Qualifying Requirements.*** A tract or parcel of land may be considered for R-5 Planned Residential District Zoning only if it meets the following conditions:
- 608.05-1 ***Ownership Requirements:*** The project area must be in one (1) ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;
- 608.05-2 ***Availability of Public Utilities:*** The project area must be located where public water and sewer systems are available, or where a community water and sewer system can be developed as part of the project;
- 608.05-3 ***Land Suitability:*** Rezoning land to R-5 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, non-conformity to county development plans, or other public health, welfare, or safety objectives.
- 608.06 ***Site Design Requirements.*** The following are the site design requirements for the R-5 Residential District:

- 608.06-1 *Maximum Density:* The gross residential density shall not exceed eight (8) dwelling units per acre;
- 608.06-2 *Common Open Space:* Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;
- 608.06-3 *Functional Relationships:* The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;
- 608.06-4 *Lot Design:* The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access;
- 608.06-5 *Street Design:* The street system within the project area shall be designed:
- (a) According to functional street purposes and projected traffic flow;
  - (b) To discourage through traffic;
  - (c) To assure safe and convenient sight distances;
  - (d) To complement the natural topography;
  - (e) In coordination with existing and planned streets;
  - (f) To be dust proof and passable year round.
- 608.06-6 *Street Names and Signs:* The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;
- 608.06-7 *Street Lighting:* Street lighting shall be provided on all streets in the development;
- 608.06-8 *Pedestrian Circulation:* Provision shall be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;
- 608.06-9 *Parking:* Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;
- 608.06-10 *Water and Sewer:* All Planned Residential Districts shall be served by collective water and sewer systems as follows:

- (a) Wherever feasible the project area water or sewer systems shall be connected to existing public systems;
- (b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems;

608.06-11 *Community Facilities:* Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the County development plan;

608.06-12 *Fire Hydrants:* Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;

608.06-13 *Drainage:* The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverses the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed;

608.06-14 *Floodways:* Land subject to flooding in accordance with Section 613.00 of these Land Use Regulations and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;

608.06-15 *Easements:* Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;

608.06-16 *Grading:* The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;

608.06-17 *Natural Amenities:* The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents;

608.06-18 *Landscaping and Screening:* Landscaping and screening may be required to improve the project's appearance or to provide a buffer between potentially conflicting uses.

608.07 ***Data to Accompany Application.*** With the Planned Unit District, there shall be submitted a tentative, overall development plan which shall include:

608.07-1 Scale accurate proposed development plan mapping of the project to include:

- (a) Proposed land uses including residential types, commercial types, recreation and any other proposed use;
- (b) Proposed street system including public and private right-of-way;
- (c) Proposed parking areas and parking space delineations;
- (d) Proposed plat showing subdivision lot lines;
- (e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- (f) Proposed drainage plan;
- (g) Proposed location of buildings, structures, and improvements;
- (h) Property lines of proposed common property;
- (i) Proposed pedestrian circulation system;
- (j) Proposed landscaping plan;
- (k) Proposed treatment of the project perimeter such as screening or landscaping;
- (l) Relationships and tie-ins to adjacent property.

608.07-2 Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) Names and addresses of all adjacent property owners;
- (d) A statement of project development objectives and character to be achieved;
- (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- (g) Quantitative data including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;
- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Virginia Department of Transportation and the County Health Officer;
- (j) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
- (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

608.07-3 ***Application:*** Application for a Planned Unit Development meeting the foregoing requirements shall be filed with the Zoning Administrator. Ten (10) copies of the original application are required to be filed with it. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the

community, the location, arrangement and size of lots, parks, school sites and other reservations of open space, the location, width and grade of location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

608.07-4 *Processing Fee:* At the time of filing the preliminary plan application, the applicant shall deposit with the Zoning Administrator a check payable to the Treasurer in an amount determined by the Governing Body;

608.07-5 *Appearance of Developer:* The Planning Commission and/or the Governing Body may require the developer to appear to discuss the planned unit development;

608.07-6 Preliminary Plan Approval:

(a) Within sixty (60) days after the filing of the preliminary development plan, the Planning Commission shall report to the Governing Body one of the following:

- Recommend approval of the plan as presented, or
- Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
- Recommend disapproval;

(b) The Governing Body shall give notice under Section 15.1-431 of the Code of Virginia, 1950, as amended of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Governing Body disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;

(c) If the preliminary development plan is approved, or approved with modifications by the Governing Body, the Zoning Map shall be amended to show the R-5 Planned Unit Development. If the preliminary development plan is approved with modifications, the Governing Body shall not amend the Zoning Map until the applicant has filed with the Zoning Administrator written consent to the plan as modified.

608.08 *Status of Approval.* No building permits shall be issued within the project area until the final development plan has been approved by the County under the procedures in the following sections.

608.09 *Final Plan Application.* Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator ten (10) copies of a final development plan containing in final form, the information

required in the preliminary plan, including but not limited to, final maps and documents specified above. In its discretion and for good cause, the Planning Commission may, upon receipt of a written application, extend for six (6) months the period for filing of the final development plan:

- 608.09-1 *Phasing Plan:* If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase;
- 608.09-2 *Compliance with Preliminary Plan:* The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance providing modification does not involve any of the following and provided further that such modification does not exceed the limitations of this district's regulations:
- (a) Variation of the proposed residential density or intensity of use by more than ten (10) percent;
  - (b) Reduction of more than ten (10) percent of the area reserved for common open space;
  - (c) Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
  - (d) Increase of the total ground area covered by buildings by more than five (5) percent.
- 608.09-3 *Final Plan Approval:* The Planning Commission shall review the final development plan and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the Court in whose office deeds are conveyed will record the final development plan in the manner provided for recording plats or subdivisions.
- 608.10 *Subdivision Plat Requirements.* Refer to Article 9, Subdivision Regulations, Section 904.00.

**609.00 CONVENIENCE BUSINESS DISTRICT B-1**

609.01 *Intent of Convenience Business District B-1.* The intent of Business District B-1 is to accommodate day-to-day convenience service and retail uses. All business servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible.

609.02 *Permitted Uses.* Within Convenience Business District B-1, the following uses are permitted:

609.02-1 Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, including: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, or hardware, barber and beauty shops, liquor store, florists;

609.02-2 Hotels and motels, inns;

609.02-3 Banks and loan and finance offices, including drive-in types;

609.02-4 Churches;

609.02-5 Hospitals;

609.02-6 Funeral home and/or mortuary;

609.02-7 Automobile service stations and garages;

609.02-8 Restaurants;

609.02-9 Business and professional offices;

609.02-10 Museums;

609.02-11 Nursing homes;

609.02-12 Child care centers;

609.02-13 Public utilities and facilities serving the neighborhood;

609.02-14 One (1) and two (2) family dwellings;

609.02-15 One (1) inoperable automobile;

609.02-16 One (1) automobile for salvage.

609.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:

609.03-1 Personal service establishments which performs services on the premises including repair shops, photographic studios, and self-service laundries;

609.03-2 Post office and similar governmental office buildings serving persons living on the adjacent residential area;

609.03-3 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges, not including service or storage yards;

609.03-4 Campgrounds or recreational vehicle storage areas in compliance with Section 711.00;

609.03-5 Overnight lodging establishments and Bed & Breakfast establishments.

609.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

609.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;

609.04-2 Living quarters of persons employed on the premises;

609.04-3 Private parking garage;

609.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

609.04-5 Signs as provided for in Article 7;

609.04-6 Parking as provided for in Article 7.

## **610.00 GENERAL BUSINESS DISTRICT B-2**

610.01 ***Intent of General Business District B-2.*** The intent of the General Business District B-2 is to provide space for the general commercial development to which the public requires direct and frequent access, including retail business and services at locations where it is convenient.

610.02 ***Permitted Uses.*** With the General Business District B-2, the following uses are permitted:

- 610.02-1 Bakery, laundry, dry cleaning, clothes dyeing, cannery or similar establishment;
- 610.02-2 Banks and loan and finance offices, including drive-in types;
- 610.02-3 Bowling alley, pool hall, billiard parlor and similar enterprises provided that such use is conducted within a completely enclosed building and such building if less than two hundred (200) feet from any Residential District shall have no openings other than stationary windows or required fire exits within such distance;
- 610.02-4 Business and professional offices;
- 610.02-5 Carpenter, electrical, Plumbing, heating, welding sheet metal, appliance repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;
- 610.02-6 Churches and other places of worship and church school buildings;
- 610.02-7 Department stores, variety stores, specialty shops, discount stores, and appliance stores;
- 610.02-8 Funeral home and/or mortuary;
- 610.02-9 Greenhouses;
- 610.02-10 Motels and hotels, inns;
- 610.02-11 Police, fire and rescue squad stations;
- 610.02-12 Post offices;
- 610.02-13 Public buildings and properties of a cultural, administrative or service type;
- 610.02-14 Radio and television broadcasting studios;
- 610.02-15 Bus stations;
- 610.02-16 Restaurants, cafes, dairy product stores and soda fountains, drive-in eating and refreshment establishments;
- 610.02-17 Retail business or service establishments such as grocery, fruit or vegetable stores, drug stores, barber and beauty and other personal service shops, hardware stores, clothing stores, liquor stores, florists, dry cleaning and laundry, pickup stations and food lockers;

- 610.02-18 Self-service laundry and dry cleaning shops;
- 610.02-19 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, riding academy, livery stable, amusement park or similar recreation use or facility if located at least two hundred (200) feet from any Residential District;
- 610.02-20 Taxi stands;
- 610.02-21 Theaters, playhouses and dinner theaters;
- 610.02-22 Veterinary clinics, kennels and animal hospitals provided that any structure or premise used for such purpose shall be distant at least two hundred (200) feet from any Residential District;
- 610.02-23 Public utilities and facilities serving the neighborhood;
- 610.02-24 Individual residential uses associated with a permitted use such as the residence of an entrepreneur;
- 610.02-25 Multi-family dwellings and apartments;
- 610.02-26 One (1) inoperable automobile;
- 610.02-27 One (1) automobile for salvage;
- 610.02-28 Hospitals;
- 610.02-29 Public service or storage buildings.
- 610.03 ***Conditional Uses.*** When after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
- 610.03-1 Abattoirs or slaughter houses, except for poultry and rabbits incidental to a retail store;
- 610.03-2 Athletic fields, stadiums and arenas;
- 610.03-3 Automobile service stations, automotive repair garage;
- 610.03-4 Automobile, motorcycle, bicycle, truck, trailer, farm implement, heavy equipment, aircraft, boat, establishments for display, hire, sales and repair, including sales lots and carwash establishments provided that all operations other than display and sales

shall be conducted within a completely enclosed building. Buildings used for repair work if less than one hundred (100) feet from any Residential District shall have no openings other than stationary windows or required fire exits within such distance;

- 610.03-5 Beverage manufacturing, bottling or distribution stations and food processing, packaging or distribution stations, provided that such use shall be distant at least one hundred (100) feet from any Residential District;
- 610.03-6 Circuses, carnivals, fairs and sideshows;
- 610.03-7 Commercial exhibition of wild animals or reptiles;
- 610.03-8 Drive-in theaters provided all parts of such drive-in theater shall be distant at least two hundred (200) feet from any Residential District and provided that the screen shall be so located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway;
- 610.03-9 Individual residential uses associated with a conditional use such as the residence of an entrepreneur, but not including subdivisions and multi-family complexes;
- 610.03-10 Automobile graveyards;
- 610.03-11 Livestock market and sales pavilions. Public utility transformer stations, pumping stations and major transmission lines, and towers and telephone exchanges;
- 610.03-12 Race track, auto or horse;
- 610.03-13 Shooting ranges or gallery;
- 610.03-14 Wholesale business, storage or warehouse provided that any such use shall be distant at least fifty (50) feet from any Residential District;
- 610.03-15 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges;
- 610.03-16 Recreational vehicle storage areas in compliance with Section 711.00.
- 610.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
  - 610.04-1 Living quarters of persons employed on the premises;
  - 610.04-2 Private parking garage;
  - 610.04-3 Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;

610.04-4 Signs as provided for in Article 7;

610.04-5 Parking as provided for in Article 7.

**611.00 PLANNED BUSINESS DISTRICT B-3**

611.01 ***Intent of the Planned Business District B-3.*** The B-3 Planned Business Zone is intended to permit the development of business areas, under one (1) ownership or control in those areas of the county where there are areas of sufficient size in heavily populated sections and where sanitary sewers, street access, and public water supply are adequately provided. Within this district, the location of buildings, design of buildings, parking areas, and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the area in general.

611.02 ***Permitted Uses.*** Within the Planned Business Zone, no building, structure, or premises shall be used and no building or structure shall be erected or altered until and unless the same has been approved by the Planning Commission and by the Governing Body in accordance with the provisions contained in Article 8, Section 802.00, and until and unless the following conditions have been complied with:

- (a) Uses permitted will be the same as those permitted in the B-2 Zone.
- (b) There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
  - 1 A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, screening, and other necessary uses;
  - 2 Preliminary architectural plans for the proposed building or buildings;
  - 3 A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing excessive auto or traffic congestion or problems of noise, glare, odor, fire, or safety hazards, or other factors detrimental to the health, safety, and welfare of the area;
  - 4 Engineering or architectural plans for the handling of any of the problems of the type outlined in item 3. above, including the handling of storm water and sewers and necessary plans for the controlling of smoke or other nuisances such as those enumerated under item 3. above;
  - 5 Any other information the Planning Commission or Governing Body may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.

611.03 ***Area Regulations.*** In this district the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-2 District:

611.03-1 There shall be a twenty-five (25) foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business zone and the residential zone. The buffer zone shall not constitute a sight distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project, shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the Planning Commission and by the Governing Body;

611.03-2 These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfare or thoroughfares. Entrances to the property will be allowed from the arterial streets only.

611.04 ***Signs.***

611.04-1 For each shopping center, one ground sign having a maximum area of one hundred (100) square feet, maximum overall height of thirty (30) feet, minimum distance from street line of ten (10) feet indicating the name of the shopping center. In lieu of the shopping center name, the one sign may designate a business use or a combination of business uses within the center;

611.04-2 For each individual business, one (1) sign attached to the building having a maximum area of one (1) square foot for each linear foot of building frontage occupied by a single permitted use;

611.04-3 All other regulations of Article 7, Section 706.00 shall apply.

## **612.00 LIGHT INDUSTRIAL DISTRICT M-1**

612.01 ***Intent of Light Industrial District M-1.*** The intent of the M-1 Industrial District is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M-1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semifinished products from previously prepared material.

612.02 ***Permitted Uses.*** Within the Light Industrial District, the following uses are permitted:

- 612.02-1 Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacturing of small parts, such as coils, condensers, transformers, and crystal holders;
- 612.02-2 Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture;
- 612.02-3 Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammer;
- 612.02-4 Laboratories-pharmaceutical and/or medical;
- 612.02-5 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, beverage products, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;
- 612.02-6 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint;
- 612.02-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- 612.02-8 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 612.02-9 Cabinets, furniture, and upholstery shops;
- 612.02-10 Boat building;
- 612.02-11 Monumental stone works;
- 612.02-12 Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, water and sewerage installations;
- 612.02-13 Public service or storage buildings;
- 612.02-14 One (1) inoperable automobiles;
- 612.02-15 One (1) automobile for salvage.
- 612.03 ***Conditional Uses.*** When after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the

public interest, and will comply with all other provisions of law and ordinances of Bath County, Virginia, the following uses may be permitted:

- 612.03-1 Building material sales yards, plumbing supplies storage;
- 612.03-2 Coal and wood yards, sawmills, lumber yards, feed and seed store;
- 612.03-3 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
- 612.03-4 Veterinary or dog or cat hospital, kennels;
- 612.03-5 Wholesale businesses, storage warehouses;
- 612.03-6 Automobile graveyards and junkyards.
- 612.04 ***Accessory Uses.*** Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized:
  - 612.04-1 Living quarters of persons employed on the premises;
  - 612.04-2 Private parking garage;
  - 612.04-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 612.04-4 Signs as provided for in Article 7;
  - 612.04-5 Parking as provided for in Article 7.
- 612.05 ***Requirements for Uses:***
  - 612.05-1 Before a Building Permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;
  - 612.05-2 Permitted uses shall be conducted wholly within or completely enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provisions. This exception does not include storing of any materials;
  - 612.05-3 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping

may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets;

612.05-4 Sufficient area shall be provided: (a) to adequately screen permitted uses from adjacent business and residential districts; and (b) for off-street parking of vehicles incidental to the industry, its employees and clients;

612.05-5 The Administrator shall act on any plan received within twenty (20) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a twenty (20) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

### **613.00 FLOOD HAZARD DISTRICT FH-1**

These land use regulations shall follow and comply with Chapter 12 “Flood Protection” (adopted 9/9/97) of the Bath County Code until further amended and adopted.

### **614.00 AIRPORT HAZARD DISTRICT AH-1**

614.01 *Intent of Airport Hazard District AH-1.* The intent of the Airport Hazard District is to protect airports from encroachment of obstructions or hazards to aircraft.

614.02 *Approach Zone.* An approach zone to an airport shall include an area of eleven thousand (11,000) feet from the end of any runway. The approach zone for airports accommodating heavy jet aircraft extends out three and one-half (3½) miles from the end of any runway.

614.02-1 Proposals for the establishment of uses within the approach zone shall be accompanied by Federal Aviation Administration's recommendations;

614.02-2 Places of public assembly such as schools, churches, hospitals, apartment houses, theaters, and assembly halls shall not be erected or otherwise located in any area which will be classified as an approach zone.

## **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

TABLE 2

- 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
<b>703.03-1 Dwellings:</b>	
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.
<b>703.03-2 Public Assembly:</b>	
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.
<b>703.03-3 Health Facilities:</b>	
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.

d. Homes for adults and similar uses.	One (1) space for each four (4) beds plus one (1) space for every three (3) employees.
<b>703.03-4 Businesses:</b>	
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.
<b>703.30-5 Industries:</b>	
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.

## ARTICLE 8

### ADMINISTRATION

These regulations shall be administered in accordance with the provisions below.

#### 801.00 ZONING ADMINISTRATOR

801.01 *Appointment.* The Zoning Administrator shall be appointed by and shall serve at the pleasure of the Governing Body which shall fix the compensation of the Zoning Administrator.

801.02 *Powers and Duties Relating to Zoning.* The Zoning Administrator is authorized and empowered on behalf of and in the name of the Governing Body to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing Zoning Permits and other duties as appropriate for uses and structures which are in conformance with the provisions of these Land Use Regulations. The Zoning Administrator shall have all necessary authority on behalf of the Governing Body to administer and enforce these Land Use Regulations, including the ordering, in writing, the remedy for any condition found in violation of these Land Use Regulations, the issuance of stop work orders and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with these Land Use Regulations. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances nor on conditional uses or other variances, on which final action is reserved to the Board.

801.03 *Zoning Administration Process.* Figure 1 outlines the administrative process to be followed under various provisions of these Land Use Regulations.

#### 802.00 ZONING PERMIT PROCEDURES

Zoning Permits shall be issued in accordance with the following provisions and procedures:

802.01 *Issuance.* No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged without a zoning permit issued by the Zoning Administrator or his designee and except in conformity with the provisions of this chapter. The Zoning Administrator shall issue a Zoning Permit for any permitted use or structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The Zoning Permit shall indicate whether the use is a permitted use, a conditional use or a variance.

802.02 ***Application.*** Applications for zoning permits shall be made to the Zoning Administrator or his/her designee on forms provided. Each application shall be accompanied by a plan drawn to scale showing the size and shape of the parcel of land, the location of the structure or the use with respect to the property lines and to the right-of-way of any street or highway, written verification from the County Treasurer that all delinquent real estate taxes on the subject property have been paid in full and any other information which the Zoning Administrator or his/her designee deems necessary for consideration in review of the application.

802.03 ***Application Procedure.*** Upon receipt of an application, the Zoning Administrator or his/her designee shall review the application for completeness. If the application is not complete, the Zoning Administrator or his/her designee shall, within five (5) working days, return the application to the applicant noting the deficiencies. If the application is complete, the Zoning Administrator or his/her designee shall review the application and shall, within five (5) working days, either approve or deny the application. If the application is denied, the Zoning Administrator or his/her designee shall state in writing the reasons for the denial. Applications for a Zoning Permit shall be submitted to the Zoning Administrator according to the following provisions:

figure 1 – 118

- 802.03-1 An application for a Zoning Permit for a permitted use shall be accompanied by two (2) copies of an acceptable site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon, location and size of existing and proposed structures, yard dimensions and the use of structures, easements (private and public), water courses, fences, street names and street right-of-way lines, and such other information regarding abutting property as directly affects the application;
- 802.03-2 Each application for a Zoning Permit, upon issuance of the permit, shall be accompanied by payment of a fee as set forth in Article 10 to help defray expenses of administration;
- 802.03-3 If the proposed use or construction described in the application required by Section 802.02-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the County of Bath, including but not limited to the required:
- (1) Health Department or Service Authority approval of water, sewer or septic systems;
  - (2) Virginia Department of Transportation Entrance Permit;
  - (3) Flood Insurance - Floodplain Ordinance;
  - (4) Erosion and Sediment Control Ordinance Plan.
- The Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue a Zoning Permit. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;
- 802.03-4 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Zoning Permit, but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of these Land Use Regulations with which the submitted plan does not comply. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal.
- 802.04 ***Application Procedures for Conditional Uses.*** Applications for a Conditional Use Permit shall be submitted to the Zoning Administrator, who shall refer the application to the Board for a public hearing. Applications for Conditional Use Permits must be submitted in accordance with the following procedures:
- 802.04-1 An application shall be accompanied by two (2) copies of an acceptable site plan drawn in accordance with applicable provisions of Section 802.00 of these Land Use Regulations, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon,

location and size of existing and proposed structures, yard dimensions and the use of structures, easements (private and public), water courses, fences, street names and street right-of-way lines, and such other information regarding abutting property as directly affects the application;

802.04-2 Each application for a Zoning Permit for a conditional use or other special exception shall be accompanied by payment of a fee as set forth in Article 10 to help defray the cost of publicizing and conducting the public hearing;

802.04-3 The Zoning Administrator shall cause to have posted in a conspicuous place on the property in question one (1) or more signs, each of which shall not be less than twelve (12) square feet in area, shall contain information as to the proposed change and the date and time of the public hearing, and the cost of each shall be paid by the applicant prior to the public hearing, these signs shall be posted at least fifteen (15) days prior to the public hearing;

802.04-4 The application shall be sent to the Commission for review and recommendation, and said Commission shall have sixty (60) days from the date of the filing of the formal application and in accordance with the approved Bath County Planning Commission schedule within which to submit a report to the Board. If the Commission fails to submit a report within the aforementioned sixty (60) day period, it shall be deemed to have recommended approval of the proposed conditional use;

802.04-5 The Board shall consider the proposed conditional use or other special exception after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed conditional use within sixty (60) days from the date of the public hearing, provided however, that if, due to inclement weather or other circumstances beyond the Board's control, the Board may have an additional thirty (30) days to take action on the proposed conditional use;

802.04-6 In evaluating the proposed conditional use or other special exception, the Board shall address the following concerns:

- (a) The effect of the proposed use or special exception, on existing and projected traffic volumes in the neighborhood;
- (b) The current and future need for the proposed use in the County of Bath; and in the area; and
- (c) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.

802.04-7 Conditions set forth in Section 802.03-6 for the various conditional uses are minimum. In approving a proposed conditional use or other special exception, the Board may stipulate such additional requirements as are necessary to protect the

public interest. The Board may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Board;

- 802.04-8 If the Board approves the application for a Zoning Permit for a proposed conditional use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use;
- 802.04-9 If the Board disapproves the application for a Zoning Permit for a proposed conditional use or other special exception, the Board shall inform the applicant of the decision in writing within thirty (30) days from the date of the Board's action, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;
- 802.04-10 A property owner, or his appointed agent, shall not initiate action for a Conditional Use Permit relating to the same conditional use affecting the same parcel of land more often than once every twelve (12) months;
- 802.04-11 A Conditional Use Permit must be put into effect six (6) months after the date the permit is issued, unless otherwise provided in the permit itself; i.e., "put into effect" means that some action must have taken place to begin the use of the Conditional Use Permit – examples: ordering of materials/supplies, breaking ground to begin construction, submission of application obtaining appropriate licenses from other agencies, etc.
- 802.04-12 Renewal of a Conditional Use Permit does not require a public hearing unless the original conditions in the permit are changed; however, notice of the renewal will be shown in the local newspaper at least thirty (30) days prior to its expiration;
- 802.04-13 Upon change of ownership, any Conditional Use Permit shall remain in effect for the property by the owner provided that the conditional use is continued within two (2) years.
- 802.05 ***Application Procedures for Rezoning or Map Amendment.*** In accordance with Section 1204.00 of these Land Use Regulations, the Governing Body may, from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Governing Body or Planning Commission proposing the rezoning shall state the above public purposes therefore.
- 802.05-1 Applications for amendments initiated by any person, firm, or corporation owning the subject property shall be submitted in writing to the Zoning Administrator and shall be accompanied by two (2) copies of the proposed amendment and an acceptable site plan, where applicable, with such reasonable information shown thereon as shall be required by the Zoning Administrator. Where site plans are required, they shall show, as a minimum, the following: lot dimensions with

property line monuments located thereon, location and size of existing and proposed structures, yard dimension and the use of structures, easements (private and public), water courses, fences, street names and street right-of-way lines, and such other information regarding abutting property as directly affects the application. Proposals for amendments not initiated by either the Commission or the Governing Body shall be accompanied by payment of a fee as set forth in Article 10;

- 802.05-2 The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Commission shall then present the proposed amendment along with site plans and explanatory materials, where applicable, to the Governing Body with its recommendations. If the Commission fails to submit its recommendations within sixty (60) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment;
- 802.05-3 The Governing Body shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within thirty (30) days from the date of the public hearing. The Governing Body and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia;
- 802.05-4 Any petition for an amendment may be withdrawn prior to action thereon by the Governing Body at the discretion of the person, firm, or corporation initiating such a request, upon written notice to the Zoning Administrator;
- 802.05-5 No more than one (1) application affecting a specific parcel of land may be initiated during any single twelve (12) month period unless filed for interdependent and filed concurrently.
- 802.06 ***Procedures for Proffering Conditions to Zoning District Regulations, Conditional Zoning.***
- 802.06-1 *Intent.* The intent of this section is to provide (pursuant to Sections 15.2-2296 through 15.2-2301 of the Code of Virginia, 1950, as amended) to the zoning district regulations or the Zoning District Map a more flexible and adaptable zoning method to cope with situations found in such zones whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned;
- 802.06-2 *Proffer of Conditions.* An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in these Land Use Regulations, as part of an amendment to the zoning district regulations or the Zoning District Map. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Governing Body. In addition:

- (a) The rezoning itself must give rise to the need for the conditions.
  - (b) The conditions proffered shall have a reasonable relation to the rezoning.
  - (c) The conditions proffered shall not include a cash contribution to the County.
- 802.06-3 *Expiration.* Any Zoning Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

### **803.00 BOARD OF ZONING APPEALS**

The Board shall consist of five (5) members who shall be appointed by the Circuit Court of Bath County.

803.01 *Terms of Office.* Appointments shall be for five (5) years each. The Secretary of the Board shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.

803.02 *Public Offices Held.* No member shall hold any public office except that one (1) member may be a member of the Commission.

803.03 *Compensation.* Members of the Board may receive such compensation as may be authorized by the Governing Body.

803.04 *Support.* Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal council, consultants, and other technical and clerical services.

803.05 *Vacancies.* Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after hearing held after at least fifteen (15) days notice.

### **804.00 RULES OF PROCEDURE - BOARD OF ZONING APPEALS**

The Board shall observe the following procedures:

804.01 Said Board shall adopt rules in accordance with the provisions of these Land Use Regulations and consistent with other ordinances of the County of Bath and general laws of the Commonwealth for the conduct of its affairs.

804.02 Said Board shall elect a Chairman, Vice Chairman, and Secretary from its own membership who shall serve annual terms as such and may succeed themselves.

- 804.03 Said Board will keep a full public record of its proceedings and shall submit a report of its activities to the Governing Body at least once each year.
- 804.04 All meetings of said Board shall be open to the public, except for meetings that comply with requirements of a “closed meeting” under Va. Code Section 2.2-3711.
- 804.05 Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has an interest.
- 804.06 The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.
- 804.07 The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
- 804.08 A quorum shall be at least three (3) members.
- 804.09 A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which said Board is empowered.

## **805.00 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS**

The Board shall have the following duties and powers:

- 805.01 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of these Land Use Regulations.
- 805.02 To authorize upon original application in specific cases, such variance from the terms of these Land Use Regulations as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of these Land Use Regulations shall be observed and substantial justice done as follows:
- 805.02-1 When a property owner can show that this property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of these Land Use Regulations, or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of these Land Use Regulations would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable

hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of these Land Use Regulations;

- 805.02-2 No such variance shall be authorized by the Board unless it finds: (1) that the strict application of these Land Use Regulations would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variation;
- 805.02-3 No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended;
- 805.02-4 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to these Land Use Regulations;
- 805.02-5 In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

## **806.00 APPLICATION FOR VARIANCES**

Application for variances from these Land Use Regulations may be made by any property owner, tenant, governmental official, department, board, or bureau.

- 806.01 ***Application.*** Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon, location and size of existing and proposed structures, yard dimensions and the use of structures, easements (private and public), water courses, fences, road names and road right-of-way lines, and such other information regarding abutting property as directly affects the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local commission which may send a recommendation to the Board or appear as a party at the hearing.

- 806.02 ***Posting and Land.*** The Zoning Administrator shall cause to have posted in a conspicuous place on the property in question one or more signs, each of which shall not be less than six (6) square feet in area, shall contain information as to the

proposed change and the date and time of the public hearing, and the cost of each shall be paid by the applicant prior to the public hearing. These signs shall be posted at least fifteen (15) days prior to the public hearing.

806.03 ***Hearing and Action.*** The secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Board shall decide same within thirty (30) days from the date of such hearing.

806.04 ***Limitation of Hearings.*** A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.

806.05 ***Withdrawal of Application.*** Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.

806.06 ***Fee.*** Each application for a variance shall be accompanied by payment of a fee as set forth in Article 11 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

## **807.00 PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS**

Requests for a hearing before the Board for an administrative review shall observe the following procedures:

807.01 An appeal to the Board may be taken by any person aggrieved by, or by an officer, department, board, or bureau of the County of Bath affected by a decision of the Zoning Administrator within thirty (30) days after the decision.

807.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board, such applications shall specify the grounds for appeal.

807.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.

807.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a

restraining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.

- 807.05 The Board shall fix a reasonable time for the hearing of appeals. The Board shall also consider appeals after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and decide the same within thirty (30) days from the date of such public hearing.
- 807.06 In exercising the powers granted the Board in Section 805.00 of these Land Use Regulations, the said Board may, in conformity with the provisions of these Land Use Regulations, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Zoning Permit.
- 807.07 Any application for appeal before the Board may be withdrawn prior to action hereon by said Board at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.
- 807.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 11 of these Land Use Regulations to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

## **808.00 DECISION OF BOARD OF ZONING APPEALS**

- 808.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or bureau of the County of Bath may present to the Circuit Court of the County of Bath a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.
- 808.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- 808.03 The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed and shall be verified.

- 808.04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.
- 808.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

## **ARTICLE 9 SUBDIVISION REGULATIONS**

### **901.00 SUBDIVISION REQUIREMENTS**

Under the authority to establish subdivision regulations and the purposes, the regulations established herein constitute minimum requirements which shall apply to all subdivision, except as herein provided. The following statutory provisions shall be effective in the County of Bath.

### **902.00 STATUTORY PROVISIONS**

The following statutory provisions shall be effective in the County of Bath:

- 902.01 No person shall subdivide land without making and recording a plat of such subdivision in the office of the Circuit Court of Bath County and without fully complying with the provisions of this Article.
- 902.02 No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local Commission or by the Governing Body or its duly authorized agent of the County of Bath wherein the land to be subdivided is located, or by the commissions, Governing Bodies, or agents, as the case may be, of each county or municipality having a Subdivision Ordinance, in which any part of the land lies.
- 902.03 No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a Subdivision Ordinance applicable thereto or is a bona fide division in accordance with the authority provided by the Code of Virginia, 1950, as amended, Article 7, Sections 15.2-2240 through 15.2-2276.
- 902.04 A parcel of land that has been previously subdivided cannot be further subdivided until a period of not less than 3 years have lapsed. This restriction shall not apply to family subdivisions (i.e., a parcel may be subdivided for a family member without waiting the 3 year time period, however, the parcel created for that family member cannot be subdivided until the 3 years have lapsed).
- 902.05 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred (\$500.00) dollars for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

902.06 No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by Section 17-59 of the Code of Virginia, 1950, as amended, shall apply to any failure to comply with the provisions of this subsection. (Code 1950, Section 15-784, Section 15-785, Section 15-794.1; Code 1950 (Suppl.), Section 15-967.8; 1962, c. 407).

### **903.00 ADMINISTRATOR**

903.01 The agent appointed by the Governing Body is hereby delegated to make recommendation to the Governing Body for approval or disapproval and to administer these Land Use Regulations. The agent is the Planning commission. Certain functions of the agent may be delegated to staff. To expedite routine handling of lot subdivisions, the Governing Body has delegated authority for their approval to the Zoning Administrator. All other subdivisions are to be considered for approval or disapproval by the Governing Body following recommendation by the agent.

903.02 *Duties.* The agent shall perform its duties as regards subdivisions and subdividing in accordance with these Land Use Regulations and the Code of Virginia, 1950, as amended.

903.03 *To Consult.* In the performance of its duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the Virginia Department of Transportation, the Health Department, and the Erosion and Sediment Control Plan Program.

903.04 *Additional Authority.* In addition to the regulations herein contained for the platting of the subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of these Land Use Regulations.

903.05 *Administration of Subdivision.* Figure 2 outlines the administrative process to be followed under the provisions of the Subdivision Regulations found in this Article.

### **904.00 PROCEDURES FOR MAKING AND RECORDING PLATS**

904.01 *Platting Required.* Any owner or developer of any tract of land situated within the County of Bath who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court of the County of Bath, Virginia. No such plat or description of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set

forth in these Land Use Regulations. No lot shall be sold in any such subdivision before the plat shall have been recorded.

904.02

In the event a plan for subdivision is disapproved by the Governing body, the subdivider may appeal to the Circuit Court.

FIGURE 2

904.03 ***Draw and Certify.*** Every such plat shall be prepared by a surveyor or civil engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon such plat a certificate signed by him setting forth the source of the description of the land subdivided. When the plat is of land acquired from more than one (1) source, the outlines of the several tracts shall be indicated upon such plat, within an insert block, or by means of a dotted boundary line upon the plat.

904.04 ***Owner's Statement.*** Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or civil engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the Clerk of the Circuit Court of the County of Bath, Virginia, and indexed under the names of the land owners signing such statement and under the name of said subdivision.

904.05 ***Health Official Statement.*** Every such plat shall in addition to the above contain the following statement: "The foregoing subdivision plat entitled \_\_\_\_\_, dated \_\_\_\_\_, prepared by \_\_\_\_\_, is approved by the undersigned Health Official in accordance with Section 906.00 of the Bath County Land Use Regulations and may be admitted to record."

904.06 ***No One Exempt.*** No persons shall subdivide any tract of land that is located within the County of Bath except in conformity with the provisions of these Land Use Regulations and Sections 904.04-1 and 904.04-2.

904.07 The terms "standard subdivision" and "acreage subdivision" shall not include a bona fide division or partition of agricultural land for agricultural purposes or for a building site for members of the family owning any such agricultural lands. Such building site division shall meet or exceed the minimum land area requirements in the zoning district in which it is located. A plat of the division is required to be approved by the agent prior to recordation, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road;

904.08 The terms "standard subdivision" and "acreage subdivision" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing the provisions of the Subdivision Ordinance. A plat of the division is required to be approved by the agent prior to recordation, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road;

904.09 The agent may, however, permit the separation of one (1) parcel from a tract of land without complying with all requirements of these Land Use Regulations if it is not in conflict with the general meaning and purpose of these Regulations, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road.

904.10 Subdivisions submitted, within a three time period, comprising an aggregate of more than five (5) lots/parcels, **with a private septic system** shall comply with the following:

(a) Drainfields shall be located at least fifty feet (50') from the bank of any drainageway (including streams with seasonal and perennial flows);

(b) A minimum of three hundred feet (300') lot width at building (construction) site shall be maintained;

(c) Drainfields shall maintain a fifty feet (50') setback from any neighboring property line;

(d) The Health Department Official may require that a one hundred percent (100%) usable drainfield reserve be adhered to;

(e) For properties zoned as A-1 (Agricultural Limited District) the minimum lot size shall be ten (10) acres, unless the immediate building area is at a slope of less than twenty-five percent (25%) and with the proper documentation from the property owner showing the slope to be less than 25%, the minimum lot size may be reduced to five (5) acres;

(f) For properties zoned as A-2 (Agricultural General District) the minimum lot size shall be five (5) acres.

(g) *Family subdivisions (immediate member of family) shall be exempt from complying with (a) thru (f).*

(h) *Subdivisions comprising an aggregate of five (5) lots or less shall be exempt from complying with (a) thru (f). If a time period of more than three years has lapsed a further subdivision shall be granted, provided that there are no more than five parcels created within any three year time frame. If more than five parcels are created in any three year time period, sections (a) thru (f) must be adhered to.*

904.11 **Private Contracts.** These Land Use Regulations bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When these Land Use Regulations calls for more restrictive standards than are required by private contract, the provisions of these Regulations shall control.

**904.12**      *Necessary Changes.* No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

**904.13**      *Restrictive Covenant to Certain Streets.* All streets designated as private streets or otherwise not intended to be added to the secondary system of state highways upon their completion shall be identified on the plat and each related deed of conveyance the following statement: “The street(s) depicted are not constructed to a standard acceptable to the Virginia Department of Transportation for acceptance as a part of the secondary system of state highways and will, therefore, not be maintained by that agency, or by the county, until such time as the construction is improved to a minimum standard acceptable to that agency for addition to the secondary system of state highways with said improvements being managed with funds other than those administered by that agency.”

## **905.00            GENERAL REGULATIONS**

The general specifications and requirements set forth in this section shall be followed:

**905.01**      *Access and Streets.* Access and street requirements vary by the type of subdivision proposed as follows:

**905.01-1**      *Standard Subdivision Streets.* For all standard subdivisions all streets shall be designed and constructed to "Virginia Department of Transportation Subdivision Street Requirements" standards. Ownership of the streets shall be public *unless waived by the Bath County Planning Commission* in which case the streets shall be platted as private streets subject to the provisions of 904.07;

**905.01-2**      *Acreage Subdivision Streets.* For acreage subdivision, streets shall be public and meet the "Virginia Department of Transportation Subdivision Street Requirements" *unless either or both requirements are waived upon recommendation of the Bath County Planning Commission.* If the Commission recommends reduction of the standards or private ownership of the streets, plats shall clearly provide access and utility easements, in which case the streets shall be platted as private streets subject to the provision of 904.07;

**905.01-3**      *Lot Subdivision Access.* Plats for subdivision of single lots shall include an ingress-egress and utility easement of a minimum of fifteen (15) feet, which shall be platted as a private easement along with the covenant established under 904.07-1;

**905.01-4**      Plats for subdivisions with private streets shall clearly inform the purchaser of his responsibility for the construction, reconstruction, and maintenance of streets within the development. There shall be specific notation on the plat that streets will not be incorporated into the State Highway System until the owners of the private street bring it to a condition meeting State subdivision street standards.

- 905.02 **Alleys.** Alleys should be avoided whenever possible. If permitted, the right-of-way will not be less than twenty (20) feet.
- 905.03 **Approach Angle.** All streets shall intersect at an angle of not less than eighty (80) degrees, unless otherwise approved by the Highway Engineer.
- 905.04 **Block Length.** The maximum length of blocks generally shall be twelve hundred (1,200) feet and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- 905.05 **Block Orientation.** Where a subdivision adjoins a major road, the commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- 905.06 **Block Width.** Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property in which case the agent may approve a single tier of lots of minimum depth.
- 905.07 **Bond.** Before any subdivision plat will be finally approved, and before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvements financed or to be financed in whole or in part by private funds, the owner or developer must: (1) certify to the Governing Body or its agent that the construction costs have been paid to the person constructing such facilities; or (2) furnish to the Governing Body or its agent a certified check, letter of credit cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Bath Governing Body or its agent, in an amount sufficient for and conditioned upon the construction of such facilities.
- 905.08 **Building Site.** To insure that residents will have sufficient land upon which to build a house which is flood free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.
- 905.09 **Business or Industrial Blocks.** Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- 905.10 **Corner Lots.** Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the agent.

- 905.11 ***Cul-De-Sacs.*** Streets designed to have one (1) end permanently closed must be terminated by a turn-around facility of sufficient size to permit the reverse direction of commercial vehicles. All turn-around facilities shall be designed in accordance with the Subdivision Street Requirements of the Virginia Department of Transportation.
- 905.12 ***Dead-End Alleys.*** Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turn-around facilities as determined during the plat review.
- 905.13 ***Easements.*** The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, and other utilities in the subdivision when required by the agent.
- 905.14 ***Erosion and Sedimentation Plan Required.*** At the time of filing the preliminary plat or a standard subdivision, an erosion and sedimentation control plan will also be filed in accordance with the *Bath County Erosion and Sediment Control Ordinance* and the provisions of the *Virginia Erosion and Sediment Control Handbook*. For areas of steep slope where runoff may endanger neighboring properties, additional erosion and control measures above minimum standards may be required by the agent as an additional precautionary method.
- 905.15 ***Fire Protection.*** The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available.
- 905.16 ***Flood Control and Drainage.*** If any portion of the proposed subdivision is determined by the agent to appear to be in the one hundred (100) year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the one hundred (100) year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the Statewide stormwater management criteria, or alternate criteria adopted by the Governing Body. The flood control and drainage information shall include a properly certified engineer's statement that such improvements, when properly installed, will be adequate to meet the criteria as applied to the proposed development.
- 905.17 ***Improvements.*** All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established by the Virginia Department of Transportation for streets, curbs, etc., such specifications shall be followed. The subdivider's performance bond shall not be released until construction, subject to Virginia Department of Transportation specifications, has been inspected and approved by the Highway Engineer. All improvements shall be in accordance with these Land Use Regulations.
- 905.18 ***Land Must Be Suitable.*** The agent shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been

determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

- 905.19 **Location Monuments.** Location monuments shall be of approved commercial design or of permanent material, four (4) inch diameter or four (4) inch square and three (3) feet long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at angle points, and points of curve in each street. The top of the monument shall be set flush with the finished grade.
- 905.20 **Lot Corner Monuments.** All other lot corners shall be marked by a rod of permanent material not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long, or one-half (1/2) reinforcement rod twenty-four (24) inches long driven so as to be flush with the finished grade. When solid rock is encountered, drill a hole four (4) inches in the rock and cement a steel rod of at least one-half (1/2) inch diameter.
- 905.21 **Lot Location.** Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of said roads or streets to a width of fifty (50) feet.
- 905.22 **Lot Shape.** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- 905.23 **Lot Size.** Lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located as prescribed in Article 7.
- 905.24 **Monuments Visible for Inspection.** Upon completion of subdivision streets, sewers, and other improvements and prior to the issuance of Building Permits, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before any improvements are accepted by the Governing Body.
- 905.25 **Mutual Responsibility.** There is a mutual responsibility between the subdivider and the County to divide the land so as to improve the general use pattern of the land being subdivided.
- 905.26 **No Reserve Strips.** Unless otherwise approved by the agent and the Highway Engineer, there shall be no reserve strips intended to control access to public streets.

- 905.27 ***Part of a Tract.*** Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.
- 905.28 ***Paving Widths.*** Paving widths shall be in accordance with regulations established by the Virginia Department of Transportation.
- 905.29 ***Pit Privies.*** Pit privies shall not be allowed in Standard or Development Subdivisions. Acreage and lot subdivisions may allow pit privies if all lots in the subdivision are over five (5) acres in area and all requirements of the Zoning Administrator and the Health Department are met.
- 905.30 ***Plans and Specifications.*** Ten (10) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by a registered engineer and shall be submitted to the agent for approval or disapproval within forty-five (45) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider within forty-five (45) days. If disapproved, three (3) copies shall be returned to the subdivider with the reason for disapproval in writing. In the event that the action is not taken in sixty (60) days, such subdivision shall be deemed approved.
- 905.31 ***Private Streets.*** Private streets are prohibited in platted subdivisions unless they are specifically approved during the plat review process in accordance with Section 906.00 and subject to the statements required on the plat and deeds as set forth in Section 904.07.
- 905.32 ***Private Water and/or Sewer.*** Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities provided; however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installations.
- 905.33 ***Public Water.*** Where public water is available, the service shall be extended to all lots within a subdivision (the costs of extension shall be at the Developer's expense) and the Developer shall be obligated to connect each lot to public water, where public water is available.
- 905.34 ***Relation to Erosion and Sediment Control Laws.*** The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control Law to control erosion and sedimentation from land-disturbing activities.
- 905.35 ***Remnants.*** Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of a homeowners association rather than allowed to remain as unusable parcels.

- 905.36 ***Sanitary Sewers.*** The agent may not approve any subdivision in which sanitary sewers are not provided for unless the agent shall receive from the Health Department a written approval of the lots within the subdivision in meeting the requirements of the Virginia Health Department for an approved sanitary sewage disposal system. Where public sanitary sewer is available, the service shall be extended to all lots within the subdivision (the costs of extension shall be at the Developer's expense) and the Developer shall be obligated to connect each lot to public sanitary sewer, where public sanitary sewer is available.
- 905.37 ***Separate Ownership.*** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneous with the recording of the final plat. Said deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.
- 905.38 ***Septic Tanks.*** In subdivisions where septic tanks or individual wells are contemplated, the agent may require lot areas be greater than those required herein, if the Health Department determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems.
- 905.39 ***Service Drives.*** Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- 905.40 ***Site Plan.*** A required submission, prepared and approved in accordance with the provisions of Article X, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot.
- 905.41 ***Street Alignment and Layout.*** The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required not to intersect at angles of less than sixty (60) degrees, unless approved by the Highway Engineer.

- 905.42 ***Street Grades.*** The grades of streets shall be in accordance with specifications established by the Highway Engineer, and such grades as submitted on subdivision plats shall meet the grade maximums provided in the Virginia Department of Highways and Transportation Subdivision Street Requirements.
- 905.43 ***Street Identification Signs.*** Street identification signs of an approved design shall be installed at all intersections.
- 905.44 ***Street Names.*** Proposed streets which are obviously in alignment with other already existing and named, shall bear the names of the existing street. Failing to meet the above stipulations, in no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Governing Body.
- 905.45 ***Subdivision Development Included as Land-Disturbing Activity.*** The Code of Virginia includes the term subdivision development, along with activities disturbing land for commercial or noncommercial uses as land-disturbing activities. For purposes of these *Land Use Regulations*, the County of Bath defines land-disturbing activities as activities disturbing ten thousand (10,000) or more square feet of land for commercial or noncommercial uses.

## **906.00 APPROVAL OF PLATS**

- 906.01 ***Approval Required Before Sale.*** Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit ten (10) copies of the preliminary plat including the lot, street, and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the manner herein set forth.
- 906.02 ***Preliminary Sketch.*** The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing a detailed preliminary of final plat. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of these Regulations. Upon submission of any such preliminary sketch it shall be studied. The subdivider shall be advised where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned with the preliminary plat. The preliminary sketch shall be as follows:
- 906.02-1 It shall be drawn on white paper or on a print of a topographic map of the property. It shall be drawn to an appropriate scale, i.e., two hundred (200) feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks,

playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

- 906.03 ***Preliminary Plat.*** The subdivider shall present to the agent ten (10) copies of a preliminary layout at an appropriate scale as required by the agent. The preliminary plat shall include the following information:
- 906.03-1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, north point, and scale;
- 906.03-2 Location of proposed subdivision by an insert map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing adjoining roads, their name or number, towns, subdivisions, and other landmarks;
- 906.03-3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500) total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract adjoining such boundaries;
- 906.03-4 All existing, platted and proposed streets, their names, number and width, existing utility or other easements, public areas, and parking spaces, culverts, drains and water courses, their names and other pertinent data;
- 906.03-5 All parcels of land to be dedicated for public use and the conditions of such dedication;
- 906.03-6 Topography at appropriate intervals when required by the agent;
- 906.03-7 Elevations of existing and proposed ground surface at all street intersections and points of major grade change along centerline of streets together with proposed gradelines connecting therewith;
- 906.03-8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply;
- 906.03-9 Provisions for collecting and discharging surface drainage and preliminary design of any structures that may be required (see E & S requirement).
- 906.04 ***Procedure for Review of Preliminary Plat.*** The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the Subdivision Ordinance and of these Land Use Regulations. The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made; and the

amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent shall require a bona fide estimate of the cost of improvements to be furnished him by the subdivider.

- 906.05 **No Guarantee.** Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.
- 906.06 **Six Month Limit.** The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with these Land Use Regulations. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.
- 906.07 **Final Plats.** The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable based material at an appropriate scale, i.e., one hundred (100) feet to the inch on sheets not exceeding seventeen (17) x twenty-two (22) inches in size. When a subdivision cannot be platted on a sheet of this size, it is suggested that it be platted in sections, numbering the sections numerically, as Section 1, 2, 3, etc. of the subdivision. It should show the following information:
- 906.07-1 Name of subdivision, magisterial district, county, State, tax map identification number of all parcels, including new parcel(s), owner, north point, scale of drawing and number of sheets. If shown on more than one (1) sheet, matched lines shall clearly indicate where the several sheets join. A blank oblong space of at least two (2) inches x four (4) inches shall be reserved for the use of the approving authority;
- 906.07-2 Location of proposed subdivision by an insert map at a scale of not less than one (1) inches equals two thousand (2,000) feet indicating thereon adjoining roads, their names or numbers, towns, subdivisions, and other landmarks;
- 906.07-3 A boundary survey with an error of closure within the limits of one in ten thousand (10,000) related to the magnetic north and showing the location of all monuments and their type of material. The survey may be related to the U.S.C.G.S. state grid north if the coordinates of one corner of the subdivision is shown;
- 906.07-4 Certificates signed by the surveyor or engineer setting forth the source of description of the land subdivided and the place of record;
- 906.07-5 A statement to the effect that the subdivision, as it appears in this plat, is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds along with statement for Health Department Official to acknowledge and approve;

- 906.07-6 When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines and identification of the respective tracts shall be placed on the plat;
- 906.07-7 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names or numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, watermains, manholes, and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- 906.07-8 All dimensions shown shall meet the standards published by the State Board of Licensing;
- 906.07-9 The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings;
- 906.07-10 *Engineers Certification.* A professional engineer or surveyor shall certify that all required facilities are designed and built to the requisite standards.
- 906.08 ***Consideration of Final Plats.*** The Planning Commission shall make a recommendation to the Governing Body on proposed final plats within sixty (60) days after it has been officially submitted. The Governing Body shall act on the proposed final plats within sixty (60) days after recommendation made by the Planning Commission by either approving or disapproving such plat in writing and giving with the latter specific reasons thereof. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat.
- 906.08-1 If the Commission fails to act on the proposed plat within sixty (60) days after it has been officially submitted for approval, the subdivider, after ten (10) days written notice to the Commission may petition the Circuit Court of the County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper;
- 906.08-2 If the Governing Body disapproves a plat and the subdivider contends that such disapproval was not properly based on these Land Use Regulations applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit court having jurisdiction of such land, and the Court shall hear and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Governing Body;

- 906.08-3 The subdivider shall have not more than six (6) months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit such approval shall be withdrawn and the plat marked void and returned;
- 906.08-4 Before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement financed or to be financed in whole or in part by private funds, the owner or developer must: (1) certify to the Planning Commission that the construction costs have been paid to the person constructing such facilities; or (2) furnish to the Treasurer a certified check, letter of credit, cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Planning Commission, in an amount sufficient for and conditioned upon the construction of such facilities;
- 906.08-5 Should the County have accepted the dedication of a road for public use and such road is not acceptable into the secondary system of state highways due to factors other than its quality of construction, the County may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the Governing Body in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the secondary system of state highways;
- 906.08-6 *Recordation.* The recordation of such plat shall operate to transfer, in fee simple, to the Governing Body such portion of the premises platted as is on such plat set apart for streets, alleys, or other public use and to transfer to the County any easement indicated on such plat to create public right of passage over the same;
- 906.08-7 *Conditions.* The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with these Land Use Regulations, and has made satisfactory arrangements for performance bonds, cash or cash bond to cover the cost of necessary improvements to the satisfaction of the agent. Approval of final plat shall be written by the agent on the face thereof.
- 906.09 *Vacation of Plat.* A plat may be vacated by these Land Use Regulations of the Governing Body in which the land shown on the plat or part thereof to be vacated lies, on motion of one of its members, or on application of any interested person. Such Land Use Regulations shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of these Land Use Regulations is to be considered. An appeal from the adoption of these Land Use Regulations may be filed within thirty (30) days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon

such appeal, the court may nullify these Land Use Regulations if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of these Land Use Regulations is filed within the time provided or if these Land Use Regulations is upheld on appeal, a certified copy of these Land Use Regulations of vacation shall be recorded in the Clerk's office of the court in which the plat is recorded.

906.09-1 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods: (a) by instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Governing Body of the County in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of such vacation by the Governing Body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk's office of any court in which said plat is recorded; (b) by these Land Use Regulations of the Governing Body on motion of one of its members or on application of any interested person. The vacation of a plat shall also comply with Section 15.2-2271 of the Code of Virginia, 1950, as amended. Such Regulations shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of these Land Use Regulations will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of these Land Use Regulations. An appeal from the adoption of these Land Use Regulations may be filed within thirty (30) days with the Circuit Court having jurisdiction over the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify these Land Use Regulations if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of these Land Use Regulations is filed within the time provided or if these Land Use Regulations is upheld on appeal, a certified copy of these Land Use Regulations of vacation shall be recorded in the Clerk's office of any court in which the plat is recorded.

## **907.00 ADVERTISING CLAUSES**

907.01 *Subdivider's Advertising Requirement.* A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to whether or not officially approved water and sewage facilities are available.

## **908.00 EFFECTUAL CLAUSES**

908.01 *Exceptions.* Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of

topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning, on which the departure was justified, set forth. No such variance may be granted by these Land Use Regulations which is opposed in writing by the County or Highway Engineer or Health Official.

## **ARTICLE 10 SITE PLANS**

### **10.001 Intent.**

It is the intent of this Article to assure compliance with the applicable ordinances and statutes, to encourage innovative and creative design to facilitate use of the most advantageous techniques in the development of land in Bath County, to ensure the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development.

### **10.002 Development or use requiring site development plan.**

No Zoning permit shall be issued until a site plan has been submitted and approved in accordance with the provisions of this Article. A site plan will not, however, be required for the repair or rehabilitation of an existing structure when such work does not involve and is not related to either a change in or an increase in the intensity of the use as determined by the Administrator. In the case of permitted uses requiring site plans, the Zoning Administrator may waive any and all requirements when in his/her judgment; the submissions are not necessary to assure compliance with any provision of this chapter.

### **10.003 Submission requirements.**

- A. Every site plan submission as hereafter provided shall contain the following information:
- (1) The location of the tract or parcel by vicinity map at a scale of one (1) inch equals two thousand (2,000) feet and landmarks sufficient to the property identify the location of the property.
  - (2) A boundary survey of the tract or site plan limit, with an error of closure within the limit of one (1) in ten thousand (10,000), related to the true meridian, showing the location and type of boundary evidence and the area of the site.
  - (3) A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the owners name and place of record of the last instrument in the chain of title (including the deed book and page number).
  - (4) Existing and proposed streets and easements, their names, numbers and width; existing and proposed utilities of all types; watercourses and their names; owners, zoning and present use of adjoining tracts.
  - (5) The location, type and size of ingress and egress to the site.
  - (6) The location, type, size and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinances.
  - (7) All off-street parking and parking bays, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this chapter. All spaces shall have adequate space for moving and turning.
  - (8) The numbers of floors, floor area, height and location of each building and proposed general use for each building. For single-family attached or multifamily dwellings, the number, size and type of dwelling units shall be shown.
  - (9) Front elevations, shown to scale.
  - (10) Existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central water or sewer system.
  - (11) Adequate provision for the disposition of natural and storm water with respect to quality and quantity.

- (12) Provision and schedule for the adequate control of erosion and sedimentation, indicating proposed temporary and permanent control practices and measures, which shall be implemented during all phases of clearing grading and construction.
  - (13) Existing topography, accurately shown with a maximum of two-foot contour intervals at a scale of not less than fifty (50) feet to the inch, unless waived by the Zoning Administrator.
  - (14) The proposed finished grading by contour supplemented where necessary by spot elevations.
- B. All horizontal dimensions shown in the site development plan shall be in feet and decimals of a foot nearest to one hundredth (0.01) of a foot, and all bearing in degrees, minutes and seconds to the nearest ten (10) seconds.
  - C. A landscape design plan based upon accepted professional design layouts and principles shall be required unless waived by the Zoning Administrator.
  - D. Site plans for the expansion of an existing use on the same lot or onto an adjacent lot shall show all existing facilities as well as those proposed.

**10.004 Preparation and submission procedure; items to be shown.**

- A. The site plan or any portion thereof, involving engineering architecture, landscape architecture or land surveying shall be prepared by person licensed to do such work. Final site plans shall be certified by an architect, engineer or land surveyor within the limits of their respective licenses authorizing them to practice in the Commonwealth of Virginia.
- B. The site plan shall show the name and address of the owner or developer, magisterial district, county, north point, date, scale of drawings and number of sheets. In addition, it shall reserve a blank space four by four (4x4) inches in size on the plan face for use of the approving authority.
- C. The site plan shall be prepared to the scale of one (1) inch equals one hundred (100) feet or longer; no sheet shall exceed forty-two (42) inches in size.
- D. The site plan may be prepared on one (1) or more sheets. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- E. Four (4) clearly legible blue or black line copies of the site plan shall be submitted to the Zoning Administrator.
- F. In addition to the required information set forth above, the following specific items shall also be shown on all site development plans:
  - (1) Right-of-way lines, centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction and building location.
  - (2) Centerline curve data, including delta radius arc, cord and tangent.
  - (3) The radius of all curb returns to face of curb. On streets where curb and gutter are not required, the radius shall be indicated to the edge of bituminous treatment.
  - (4) Street names and state route numbers on all existing streets in vicinity.
  - (5) The edge of the proposed street surface or the face of the curb, as the case may be, for the full length of all streets.
  - (6) The width of rights-of-way and all easements and the width of surface or distance between the curb faces and the relation to the center line. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended and whether they are to be publicly or privately maintained.
  - (7) When proposed streets intersect with adjoining existing streets or travelways, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred (100) feet or the length of connection, whichever is the greater distance.

- (8) The existing and proposed drainage easements and the direction of drainage flow in streets, storm sewers, valley gutters, streams and subdrainage, etc.
- (9) All water mains, sizes, valve and fire hydrant locations.
- (10) All sanitary and storm sewers and appurtenances, identified by type and number; the station on the plan shall conform to the station shown on the profile. The top and invert elevation of each structure shall be indicated.
- (11) The contributing drainage area in acres shall be shown statistically and shall show all culverts, pipe curb inlets and other entrances exclusive of driveway pipes.
- (12) The floodplain limits as established by the current soil survey, if available.
- (13) The location of all or any springs either within or draining to street right-of-way. The proposed method of treatment shall be indicated.
- (14) The location of all streams or stream relocations or drainage ways or ditches related to the street construction as proposed by the developer. Easements shall not be considered part of the street right-of-way. Detailed typical drainage section and type of stabilization shall be provided for approval by the Administrator and the resident engineer for VDOT.
- (15) The type of class of concrete or treated metal drainage pipe to be installed and paved roadside ditches as required.
- (16) The location of “no-through-street” signs where required on cul-de-sac streets or temporary cul-de-sac streets.
- (17) The proper driveway entrance type, computed culvert size and/or VDOT design designation.
- (18) Provision at ends of curb and gutter for erosion control.
- (19) Typical street sections to be used on the site development plan.
- (20) The symmetrical transition of pavement at intersections with existing street, indication road edge delineators.
- (21) The connection to proposed VDOT construction when necessary.
- (22) A minimum of two (2) datum references for elevations used on plans, profiles and correlation, where practical, to United States Geological Survey datum.
- (23) Any necessary notes that may be required to explain the intent and purpose of specific items on the plan or profile.

#### **10.005 Minimum standards and improvements.**

- A. Costs and specifications. All improvements required by this Article shall be installed at the cost of the developer. Where cost sharing or reimbursement agreements between the county and the developer are appropriate, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to VDOT review and acceptance. When specifications have been established either by VDOT for streets, etc., or by this chapter for related facilities and utilities, such specifications shall be followed. The developer’s performance bond shall not be released until construction has been inspected and accepted by the county and by VDOT.
- B. Bonding and agreement. Prior to the approval of any site plan, there shall be executed by the owner or developer an agreement with the county to construct required physical improvements located within public rights-of-way or easements or connected to any public facility, together with a bond or surety approved by the Board in the amount of the estimated cost of the required physical improvements as determined by the Zoning Administrator. The agreement and surety shall provide for completion of all work within a specified time to be determined by the Zoning Administrator.

- C. Common wall housing. Condominium and common-wall housing projects of all types shall indicated on the plat that those areas reserved for rental purposes and those areas reserved for sale purposes. All common wall housing projects shall be required to submit a subdivision plat showing all lots.
- D. Right-of-way dedication. Where the adopted Comprehensive Plan for Bath County or VDOT plans indicate a proposed right-of-way greater than that existing along the boundaries of the site development plan, such additional right-of-way shall be dedicated for public use when the plan is approved. Where a site plan is presented on public streets of less than fifty (50) feet in width, additional rights-of-way shall be added so that the public street or right-of-way shall be a minimum of twenty-five (25) feet from the existing centerline.
- E. Street standards.
  - (1) All street and highway construction standards and geometric design standards shall be in accord with those specified in the Bath County Land Use Regulations.
- F. Driveways and service roads.
  - (1) The pavement of vehicular travel lanes or driveways, designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than fourteen (14) feet in width.
- G. Easements. Adequate easements shall be provided for drainage and all utilities.
- H. Drainage. Adequate drainage for the disposition of storm and natural water both on and off site.
- I. Erosion and sediment control, utilities.
  - (1) Adequate provisions shall be made by the developer for all utilities, both on site and off site.
  - (2) Percolation tests and/or other methods of soil evaluation deemed necessary by the Health Director shall be the responsibility of the developer.
  - (3) Where central water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site plan; provisions shall be made to connect to such systems.
  - (4) All public facilities, utility and drainage easements outside the rights-of-way of public streets or accessways shall be shown on the final site plan.
- J. Landscaping and screening. Landscape planting, screening, fences, walks, curbs, gutters and other physical improvements, as deemed necessary by the Board or required by the regulations of the VDOT, shall be provided by the developer.
- K. Environmental impact. Adverse environmental impact of the development should be minimal. The criteria for determination shall be as follows:
  - (1) Water supplies. The impact shall be deemed excessive if the Health Official finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and conditions, surface and subsurface drainage condition, the water table, the history of failures of septic systems in adjacent areas and the extent of septic development there appears to be doubt of the proper functioning of septic systems with respect to contamination of water supplies.
  - (2) Lack of adequate drainage. Excessive environmental impact with respect to drainage shall be deemed to exist if surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is

provided. Recommendation may be required based on the evaluation of a submitted sedimentation and erosion control plan.

- (3) Tree masses and large individual trees should be preserved wherever possible.
- (4) Wherever possible, utility lines should be placed underground.
- (5) All major streams and rivers, especially those upon which flood control, water impoundment and recreation facilities are located or planned, should be left in their natural state where adequate or improved to provide for the maintenance of water quality standards.

L. Review and approval.

- (1) Site plans, which conform, to the standards and requirements of this chapter shall be approved or modified by the Planning Commission following the recommendation of the Zoning Administrator.
- (2) Approval, modification and approval or disapproval of a site development plan by the Zoning Administrator shall occur within ninety (90) days of filing of the required documents in the office of the Zoning Administrator. Approval, modification and approval or disapproval of a site development plan by the Zoning Administrator, in the case of permitted uses requiring a site plan, shall occur within thirty (30) days of filing of the required document in the office of the Zoning Administrator.
- (3) Any submission requirement of this Article may be waived by the Zoning Administrator.
- (4) No change, revision or erasure shall be made on any pending or final site plan or on any accompanying data sheet where approval has been endorsed on the plat or sheet unless authorization for such change is granted, in writing, by the Zoning Administrator.
- (5) Approval of a site plan pursuant to this Article shall expire twelve (12) months after the date of approval unless building permits have been obtained for construction. Extensions may be granted upon written request by the applicant to the Zoning Administrator prior to the lapse of approval and all bond and surety agreements.
- (6) Any site plan may be revised, provided a request for revision shall be filed and processed in the same manner as the original site plan.

M. Public obligation.

- (1) The approval of a site development plan or the installation of the improvements as required in this Article shall not obligate the county to accept improvements for maintenance, repair or operation. Acceptance shall be subject to county and/or state regulations, where applicable, concerning the acceptance of each type of improvement.
- (2) No public easement or right-of-way or public dedication shown on any site development plan shall be accepted for public use until such proposed dedication shall first be approved by the Board and evidence of such approval shown on the instrument to be recorded.

N. During construction.

- (1) One (1) set of approved plans, profiles and specifications shall be at the site at all times when work is being performed.
- (2) County and state agencies responsible for the supervision and enforcement of this Article shall periodically inspect the site during the period of construction.

O. Completion of required construction.

- (1) Upon completion of all required improvements shown on the approved site plan, the developer shall submit to the Zoning Administrator three (3) copies of the completed

as-built site plan or building location plan, certified by an engineer, architect or surveyor. The as-built site plan shall be submitted at least one (1) week prior to the anticipated occupancy of any building for review and approved by the Zoning Administrator for conformity with the approved site plan and the ordinances and the regulations of Bath County and state agencies. This requirement may be waived by the Zoning Administrator in cases in which no public facilities are required or where all public facilities are accepted by the agency which will operate the same and where no further useful purpose would be served by preparation of as-built site plans.

(2) Upon compliance with the terms of this Article and the satisfactory completion of construction, the Administrator shall prepare a certificate of approval. Certificates of approval, upon ratification by the Planning Commission, shall release all bonds, which may have been furnished.

P. Fees. A fee shall be paid for the examination and approval or disapproval of every site plan submitted. The fee shall be payable at the time of filing, to the Treasurer of Bath County in the amount required by a fee schedule adopted by the Board of Supervisors by resolution.

## **ARTICLE 11 SCHEDULE OF FEES**

The Governing Body shall establish a schedule of fees in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

### **1101.00 FEES RELATED TO ZONING AND SUBDIVISIONS**

The following fees shall apply for applications relating to subdivision and zoning regulations.

1101.01 Each application for a Zoning Permit shall require a fee as established by the Governing Body. Fees as adopted by the Bath County Board of Supervisors are set forth in Section 1004.00 herein.

### **1102.00 FEES RELATED TO AMENDMENTS**

The applicant for an amendment shall be billed for any actual costs of advertising and/or posting of the public notice. (Amended 12/10/96.)

### **1103.00 RETURN OF FEES**

No portion of any fee payment shall be returned to any applicant, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, that portion of any fee payment relating to notice and conduct of public hearing shall be returned.

### **1104.00 SCHEDULE OF FEES**

Conditional Use Permit	\$200.00
Conditional Use Permit – Renewal	\$100.00
Variance	\$200.00
Telecommunications & Wind Energy Conditional Use Permit	\$5,000.00
Rezoning	\$150.00 – rezoned to ag. \$275.00 + \$25.00/acre – rezoned to residential \$300.00 + \$25.00/acre – rezoned to business

\$300.00 + \$25.00/acre – rezoned to industrial

Subdivision	\$75.00 + \$20.00/lot – preliminary \$75.00 + \$20.00/lot – final \$10.00/line – vacate boundary line \$50.00 vacate plat
Administrative Permit	\$25.00
E&S Control	\$250.00 + \$10/acre + cost of plan review \$25.00 agreement in lieu of
Verification/Confirmation Letters	\$25.00
Site Plan Review	\$100.00 agriculture & residential \$200.00 business & industrial \$500.00 PUD
Appeals from Zoning Administrator (refunded if Zoning Administrator found to be incorrect in decision)	\$100.00

Adopted by Bath County Board of Supervisors: May 11, 2004

**EFFECTIVE DATE: May 12, 2004**

## **ARTICLE 12 VIOLATION AND PENALTY**

### **1201.00 VIOLATION**

All departments, officials, and public employees of the County of Bath which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of these Land Use Regulations. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of these Land Use Regulations. Any such permit, if issued in conflict with the provisions of these Land Use Regulations, shall be null and void.

### **1202.00 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of these Land Use Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. He shall record promptly such complaint, immediately investigate, and take action thereon provided by these Land Use Regulations.

### **1203.00 PENALTIES**

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions shall be guilty of a misdemeanor and, upon conviction thereof, may be fined in accordance with the Code of Virginia, 1950, as amended. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these Land Use Regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

## **ARTICLE 13 LEGAL STATUS PROVISIONS**

### **1301.00 CONFLICT WITH OTHER LAWS**

Wherever the requirements of these Land Use Regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

**1302.00        VALIDITY**

Should any article, section, subsection, or provision of these Land Use Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of these Land Use Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

**1303.00        REPEAL**

All ordinances or portions of ordinances in conflict with these Land Use Regulations are hereby repealed to the extent of their conflict.

**1304.00        AMENDMENTS**

These Land Use Regulations may be amended in whole or in part by the Governing Body provided that any such amendment shall either originate with or be submitted to the Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing. Notice shall be given of the time and place of such hearing by publication in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended.

**1305.00        EFFECTIVE DATE**

These Land Use Regulations incorporate the *Bath County Zoning Ordinance* adopted May 12, 1981, as amended and the *Subdivision Ordinance*, Bath County, Virginia, adopted August 14, 1984, as amended. These Land Use Regulations were duly considered, following a required public hearing held on November 9, 2004, and were adopted by the Board of Supervisors of the County of Bath, Virginia, at its regular meeting held on November 9, 2004. Amendment to these Land Use Regulations were duly considered, following a required public hearing held on June 10, 2008, and were adopted by the Board of Supervisors of the County of Bath, Virginia, at its regular meeting held on June 10, 2008. These Regulations shall take effect and be in force from and after 12:01 a.m., June 11, 2008.

AYES    Carol A. Hardbarger  
          Jonathan R. Trees  
          Percy C. Nowlin

NAYS    Richard B. Byrd  
          Stuart L. Hall

Section 714.00 was duly considered, following a required public hearing held on August 14, 2012, and were adopted by the Board of Supervisors of the County of Bath, Virginia on said date.