ZONING ORDINANCE

FOR

MADISON COUNTY, VIRGINIA

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Zoning Ordinance
Madison County, Virginia

Article 1

Statement of Intent and Purpose

Whereas, by act of the General Assembly of Virginia, as provided in Title 15.1, Chapter 11, Sections 15.1-427 through 15.1-503, Code of Virginia, as amended, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purpose of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

a) The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses;

b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;

c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used or not;

d) The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the County of Madison, Virginia, for the purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Section 15.1-427 that the following be adopted as the zoning ordinance of the County of Madison, Virginia, together with the accompanying maps made a part of this ordinance. This ordinance has been designed (1) to provide for adequate light, air, convenience of access and safety from fire, flood, and other dangers; (2) to reduce and prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and

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other public requirements; (5) to protect against destruction of or encroachment upon historic areas; and/or (6) to protect against over-crowding 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.

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Article 2

Zones - Districts

2-1 For the purpose of this ordinance, the unincorporated area of Madison County, Virginia, is hereby divided into the following zones:

Article 3 - Conservation, C-1
Article 4 - Agricultural, A-1
Article 5 - Residential, Limited R-1
Article 6 - Residential, General R-2
Article 7 - Residential, Multiple Family R-3
Article 8 - Business, General B-1
Article 9 - Industrial, Limited M-1
Article 10 - Industrial, General M-2

2-2 No building shall hereafter be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, or arranged to be used for any purpose other than is included among the uses listed in this ordinance as permitted in the district in which such building or land is located, nor in any manner contrary to any other requirements specified in this ordinance.

2-3 The regulations listed in this ordinance for each district shall be deemed to be the minimum requirements in every instance of their application, subject to the provisions of other sections of this ordinance.

2-4 Any use not specifically permitted as a matter by right or by special use permit is prohibited. Requests for such prohibited uses shall be governed by the terms of this ordinance specified in Section 14-7 (Uses Not Provided For) and Article 18 (Amendments).

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Article 3

CONSERVATION, C-1

Statement of Intent

This district is established for the specific purpose of facilitating the conservation of water, timber, and other natural resources, reducing soil erosion, protecting upland watersheds, lessening the hazards of flood and fire, and enhancing existing and future farming operations. The district covers steep slopes, hardwood forests, areas of erosive soils, and those portions of the county which are occupied by various open spaces such as parklands, farms, lakes or mountains. Because of the fragile nature of the district, intensive residential or urban development and uses not consistent with the existing character of the district are inappropriate.

This district shall contain land that predominantly conforms to the following criteria for elevation, soil type and slope as shown on appropriate reference maps: (1) elevation of greater than 800 feet above sea level; (2) soil type of Class 4 or greater; and (3) slope of greater than 15%.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

Use Regulations

3-1 In the Conservation District C-1 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

Uses Permitted By Right

3-1-1 Single family detached dwelling (including mobile home)
3-1-2 General farming, agriculture, horticulture, dairying and forestry
3-1-3 Public school, public park and public playground
3-1-4 Preserve and conservation area
3-1-5 Hunting or fishing club
3-1-6 Farm Sawmill

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3-1-7 Small boat dock (with repair)
3-1-8 Cemetery and graveyard
3-1-9 Church, parish hall and rectory
3-1-10 Accessory use and building
3-1-11 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456, Code of Virginia, 1950, as amended
3-1-12 Farm Winery
3-1-13 Intensive livestock, dairy or poultry facility subject to Article 3-10.
3-1-14 Home occupation as defined.
3-1-15 Sorghum syrup production with wholesale sales.
3-1-16 Small wind energy system.
3-1-17 Farm market
3-1-18 Processing farm and food products if fifty-one percent (51%) or more of the products are grown on the property and if applicable state and federal regulations are implemented.
3-1-19 Wild game processing
3-1-20 Biodiesel fuel production for use exclusively by the landowner.

3-2 Special Permit Uses: the following uses may also be permitted subject to securing a special use permit as provided in Article 14-3.
3-2-1 Summer camp
3-2-2 Travel trailer or camper camp as provided in Article 15
3-2-3 Public service corporation generating, booster, or relay station (Main)
3-2-4 General store as defined
3-2-5 Antique craft and gift shop
3-2-6 Animal show ground
3-2-7 Temporary carnival, fair, show with a non-profit local sponsor
3-2-8 Temporary wayside stand
3-2-9 Private park and playground
3-2-10 Temporary construction yard
3-2-11 Private school or day care center
3-2-12 Commercial riding stable and ring
3-2-13 Lodge, inn, or hotel with interior eating facilities or overnight lodging
3-2-14 Public building
3-2-15 Firearm or archery club and/or range
3-2-16 Kennel
3-2-17 Veterinary clinic and building

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3-2-18 Home occupation as defined
3-2-19 Restaurant/Caterer
3-2-20 Sorghum syrup production with retail sales.
3-2-21 Golf course
3-2-22 Golf driving range
3-2-23 Country club
3-2-24 Showroom
3-2-25 Small wind energy system with a tower height of greater than 60 feet to 100 feet.

3-3 Area Regulations

The minimum lot area for permitted uses shall be ten (10) acres (435,600 square feet).

3-4 Setback Regulations

3-4-1 Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred (100) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

3-4-2 All buildings must be located at or beyond the front setback line. All accessory buildings must be located ten (10) feet or more from a side or rear property line.

3-5 Frontage Regulations

The minimum frontage for permitted uses shall be three hundred (300) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

3-6 Yard Regulations

3-6-1 Side - Each main structure shall have side yards of twenty-five (25) feet or more.

3-6-2 Rear - Each main structure shall have a rear yard of fifty (50) feet or more.

3-7 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

3-8 Height Regulations

The height regulations for the Conservation, C-1, district shall

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conform to the height regulations for the Residential Limited, R-1 District, as detailed in Section 5-8. All agricultural uses are exempt from height restrictions.

3-9 Offstreet Parking

Offstreet parking is subject to Section 14-9 of this ordinance.

3-10 Intensive Livestock, Dairy or Poultry Facilities

SECTION 1

1.1 Intent

It is the intent of this Article of this zoning ordinance to encourage economic development and to preserve farmland by providing for the viability of Madison County's agricultural sector by encouraging orderly and responsible growth of its livestock, dairy and poultry industry.

Within the Conservation, C-1 or Agricultural, A-1 zoning districts of Madison County, all agricultural production activities (e.g., tillage, crop production, harvesting, pasturing of animals, etc.) related best management practices and minor processing shall be uses by right to which the provisions of Articles 3 and 4 of the Madison County Zoning Ordinance apply. In addition, any agriculture production activity that is described in Article 3 and 4 of the Madison County Zoning Ordinance and that is undertaken in accordance with the provisions of this chapter within the Conservation, C-1 or Agricultural, A-1 zoning districts of Madison County shall also be a use by right.

SECTION 2

2.1 Definitions

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.

Intensive livestock facility, (hereafter, "livestock facility"): A livestock operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and that: 1. such animals are or will be stabled or confined and fed or maintained for a total of forty-five

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consecutive days or more in any twelve month period; and, 2. crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive dairy facility, (hereafter "dairy facility"): A dairy operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and that: 1. such animals are or will be stabled or confined and fed or maintained for a total of forty-five consecutive days or more in any twelve month period; and, 2. crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive poultry facility, (hereafter, "poultry facility"): A poultry operation with accessory uses or structures, as defined below, which at any one time has at least 500 turkeys or 1,000 laying hens or broilers as referenced in the chart below and that: 1. such animals are or will be stabled or confined and fed or maintained for a total of forty-five consecutive days or more in any twelve month period; and, 2. crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

TYPE OF FACILITY	Equivalent of 300 animal units:
A. Livestock	300 slaughter and feeder cattle
Livestock	750 swine each weighing over 55 lbs
Livestock	150 horses
Livestock	3,000 sheep or lambs
B. Dairy	200 mature dairy cattle (whether milked or dry cows)
C. Poultry	500 turkeys
Poultry	1,000 laying hens or broilers

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.

Livestock raiser, dairy operator, poultry grower, (hereafter, "operator"): The owner or operator of the livestock facility, dairy facility, dairy or poultry facility or the land on which the livestock dairy or poultry facility is located.

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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 the Circuit Court of Madison County and shown on tax maps of Madison County located in the office of the Madison County Commissioner of Revenue.

SECTION 3

3.1 Acreage requirements

The minimum number of acres on which an intensive livestock, dairy, or poultry facility may be established shall be as follows:

1. For an intensive facility in which beef or dairy cattle are confined and fed, 60 acres or the number of acres required by the nutrient management plan whichever is less and which has been approved pursuant to Section 5 herein;
2. For an intensive facility in which swine are confined and fed, 20 acres or the number of acres required by the nutrient management plan whichever is less and which has been approved pursuant to Section 5 herein;
3. For intensive facility in which poultry are confined and fed, 20 acres or the number of acres required by the nutrient management plan whichever is less and which has been approved pursuant to Section 5 herein;

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 be able to demonstrate that he or she has a right to access between any non-contiguous acres in such operation.

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 and may continue so long as the operation is not abandoned for as long as two years continuously.

3.2 Setbacks from property line

Each livestock, dairy or poultry structure shall be set back from the owner's property line as follows:

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1. In the Conservation, C-1 or Agriculture, A-1 zoning districts: three hundred (300) feet;

2. a) From an adjacent zoning district that is not Conservation, C-1 or Agricultural, A-1: six hundred (600) feet;
   b) The owner may reduce the above 600 feet setback to 400 feet if he/she plants a 10 foot wide vegetative screen that will grow to at least 6 feet height in two years unless there is a natural barrier that meets the height and width requirements.

3.3 Setbacks from public road

The setback for intensive livestock, dairy or poultry structures from a public road shall be at least three hundred (300) feet.

3.4 Other setbacks

All livestock, dairy or poultry structures shall be set back at least one thousand (1000) feet from incorporated towns; residential R-1, R-2 and R-3 zoning districts; mobile home parks; public schools; churches, county owned buildings; public recreation areas; public wells, public springs and public water intakes.

The owner may reduce the above 1000 feet setback to 800 feet if he/she plants a 10 foot wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.

All livestock, dairy or poultry structures shall be set back at least one hundred (100) feet from any well, stream, creek, river or other water impoundment of any type.

3.5 Plat/Affidavit required

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 scaled drawing 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 scaled drawing, the owner shall submit a written affidavit sworn to and subscribed before a notary public, by which the owner certified to the zoning administrator that the intensive facility shown on the plat or similar documentation meets all applicable

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setback requirements of this ordinance.

SECTION 4

4.1 Livestock, dairy or poultry facility development plans

a) In the Conservation, C-1 or Agricultural, A-1 zoning districts, an owner of a livestock, dairy or poultry facility or a potential owner may 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 property lines and uses existing at the time the development plan is approved. The zoning administrator shall approve within 30 days of receipt of the development plan, or if the development plan does not meet the requirements of Sections 3 and 4, 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.

b) The development plan shall be based on the requirements of this chapter and shall be accompanied by a plat or scaled drawing and affidavit verifying the accuracy of the distances shown in the development plan and containing all of the data required as specified pursuant to Section 3 of this chapter.

c) 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.

d) At least one-third (1/3) of the number of head of livestock or dairy animals, subject to this chapter of the ordinance 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.

e) The owner shall notify the zoning administrator in writing within thirty (30) days of placement into service of any structure indicated in his/her

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development plan.

f) In the event an owner fails to build the proposed structure or have in place the minimum number of head required in the above section (d) 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.

g) 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."

h) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or 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 standards set forth in 4.1 (a) above, according to the terms of the zoning ordinance in effect at the time that the amendments or revisions are submitted to the zoning administrator.

SECTION 5

5.1 Nutrient Management Plan

(a) No intensive facility shall commence operation until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Extension Service or by a person certified or employed by the Commonwealth of Virginia, as a nutrient management planner.

Every intensive facility with liquid waste shall have sufficient on-site storage for a 6 month supply of liquid waste. Every intensive facility with solid waste shall have sufficient on-site storage for one complete cleaning of the facility.

(b) 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

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an agreement with the receiver of the wastes produced at the owner's facility. 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 owner shall notify the zoning administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination.

(c) (1) The facility shall also provide for a site, with or without a permanent structure, for the storage of animal wastes.

(2) If an owner is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, the zoning administrator may permit the storage site to be located on adjacent land of the owner; or, if there is 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.

(d) The nutrient management plan shall be reviewed and updated every five (5) 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 of Virginia as a nutrient management planner.

3-11 Limitations of Subdivisions in Conservation, C-1 District: No lot, tract or parcel of land in the Conservation, C-1 District shall be subdivided into more than four (4) smaller lots, tracts or parcels of land (including the residue if any) within any ten (10) year period. Except as provided above, no lot, tract or parcel of land in the Conservation, C-1 District created by subdivision in accordance herewith shall be further subdivided within ten (10) years from the date the subdivision plat is recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia. A lot, tract or parcel of land created by boundary adjustment in the Conservation, C-1 District shall not gain additional division rights until ten (10) years from the date the plat or deed of boundary adjustment is recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia.

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Article 4

AGRICULTURAL, A-1

Statement of Intent

This district is established for the purpose of accommodating all types of rural, open land uses such as agriculture and forestry, along with kindred rural occupations. The basic aim is to promote farming as a continuing way of life in Madison County. The agricultural area should maintain a low development density allowing farm and local estate residences. Intensive suburban growth is less feasible. The permitted uses are broad enough to allow expanded residential uses in pre-planned and staged locations recognizing future trends of orderly growth, and at the same time discouraging random scattering of such uses throughout the district.

In addition to the zoning ordinances, uses in this zone may be subject to the requirements of Madison County's Subdivision Ordinance, Site Plan Ordinance, and/or Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

4-1 Use Regulations

In the Agricultural District A-1 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

Uses Permitted By Right

4-1-1 Same as Conservation, C-1
4-1-2 Processing of farm and food products with wholesale sales.

4-2 Special Permit Uses: the following uses may also be permitted subject to securing a special use permit as provided in Article 14-3.
4-2-1 Same as Conservation, C-1 plus:
4-2-2 Hospital, clinic, and nursing home
4-2-3 Dinner theater
4-2-4 Airport or heliport
4-2-5 Storage of explosives incidental to farm or construction activity
4-2-6 Commercial greenhouse and plant nursery
4-2-7 Commercial warehouse for bulk agricultural produce
4-2-8 Welding and Blacksmith shop

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4-2-9 Small or medium alcohol fuel plants (See 20-8A and 20-8B for definition)
4-2-10 Furniture, cabinet, woodworking or wood assembly shop under cover.
4-2-11 Small engine repair shop
4-2-12 Automobile repair shop
4-2-13 Bulk fertilizer blending, storage and sales
4-2-14 Farm supply sales, exclusive of new farm machinery
4-2-15 Livestock market
4-2-16 Mulch Production Facility
4-2-17 Professional office (limited).
4-2-18 Two family dwelling (duplex) (limited).
4-2-19 Group home, child.
4-2-20 Processing of farm and food products with retail sales.
4-2-21 Farmers market.
4-2-22 Commercial slaughterhouse
4-2-23 Auction establishment

4-3 Area Regulations

The minimum lot area for permitted uses shall be three (3) acres (130,680 square feet).

4-4 Setback Regulations

4-4-1 Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred (100) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

4-4-2 All buildings must be located at or beyond the front setback line. All accessory buildings must be located then (10) feet or more from a side or rear property line.

4-5 Frontage Regulations

The minimum frontage for permitted uses shall be two hundred fifty (250) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

4-6 Yard Regulations

4-6-1 Side - Each main structure shall have side yards of twenty-five (25) feet or more.

4-6-2 Rear - Each main structure shall have a rear yard of fifty (50) feet or

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more.

4-7 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

4-8 Height Regulations

The height regulations for the Agricultural, A-1 district shall conform to the height regulations for the Residential Limited, R-1 District, as detailed in Section 5-8. All agricultural uses are exempt from height restrictions.

4-9 Offstreet Parking

Offstreet parking is subject to Section 14-9 of this ordinance.

4-10 Entrance Regulations

4-10-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

4-10-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid

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distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

4-11 Limitations of Subdivisions in Agricultural, A-1 Districts: No lot, tract or parcel of land in the Agricultural, A-1 District shall be subdivided into more than four (4) smaller lots, tracts or parcels of land (including the residue, if any) within any ten (10) year period. Except as provided above, no lot, tract or parcel of land in the Agricultural, A-1 District created by suddivision in accordance herewith shall be further subdivided within ten (10) years from the date the subdivision plat is recorded in the Clerk’s Office of the Circuit Court of Madison County, Virginia. A lot, tract or parcel of land created by boundary adjustment in the Agricultural, A-1 District shall not gain additional division rights until ten (10) years from the date the plat or deed of boundary adjustment is recorded in the Clerk’s Office of the Circuit Court of Madison County, Virginia.

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Article 5

RESIDENTIAL, LIMITED R-1

Statement of Intent

This district is established to provide quiet, low density residential areas in those portions of the county where they currently exist and where expansion of such low density areas can reasonably occur. The regulations of this district are designed to promote harmonious residential communities and suitable environments for family life. Permitted uses thus are limited to relatively low concentrations of single family dwellings and complementary uses such as schools, churches, and parks and public facilities that serve the district's residents more intense uses such as commercial and industrial are considered inappropriate.

In addition to the zoning ordinances, uses in this zone may be subject to the requirements of Madison County's Subdivision Ordinance, Site Plan Ordinance, and/or Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

5-1 Use Regulations

In the Residential, Limited (R-1) District, no building shall be erected or altered and no building or premises shall be used for any purpose except:

Uses Permitted By Right

5-1-1 Agriculture as defined, including gardens, excluding livestock on lots less than two (2) acres.

5-1-2 Single family dwelling

5-1-3 Church, parish hall, and rectory

5-1-4 Public park and playground

5-1-5 Public school

5-1-6 Library

5-1-7 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456 of the Code of Virginia, 1950, as amended.

5-1-8 Accessory use and building

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5-1-9 Home occupation as defined.
5-1-10 Small wind energy system.
5-2 Special Permit Uses - The following uses may also be permitted subject to securing a special use permit as provided for in Article 14-3.
5-2-1 Livestock on lots less than two (2) acres.
5-2-2 Wayside stand
5-2-3 Cemetery
5-2-4 Lodge, inn, or hotel with interior eating facilities or overnight lodging
5-2-5 Private school and day care center
5-2-6 Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.
5-2-7 Private park and playground
5-2-8 Public or community building
5-2-9 Two family dwelling (duplex)
5-2-10 Golf course
5-2-11 Golf driving range
5-2-12 Country club
5-2-13 Professional office (limited).
5-2-14 Rooming or boarding house.
5-2-15 Antique, craft or gift shop in a structure under 2,500 square feet.

5-3 Area Regulations

The minimum lot area for permitted uses shall be one and one-half (1.5) acres (65,340 square feet) without public water and sewer systems, and one (1) acre (43,560 square feet) with public water and sewer systems.

5-4 Setback Regulations

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

All accessory structures must be located ten (10) feet or more from any property line except that no accessory building may be located closer to the front of a lot than the main structure.

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5-5 Frontage Regulations

The minimum frontage for permitted uses shall be one hundred-fifty (150) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

5-6 Yard Regulations

5-6-1 Side - Each main structure shall have side yards of fifteen (15) feet or more.

5-6-2 Rear - Each main structure shall have a rear yard of thirty-five (35) feet or more.

5-7 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

5-8 Height Regulations

5-8-1 Buildings may be erected up to thirty-five (35) feet in height from the average adjacent ground elevation except that:

5-8-2 The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided each of the two side yards is ten (10) feet, plus one (1) foot or more for each additional foot of building height over thirty-five (35) feet.

5-8-3 A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

5-8-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, flues, flagpoles, television antennae, and radio aerials may exceed the height limit by no more than twenty-five (25) feet. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

5-8-5 Additional height above the stated height regulations requires a special use permit as provided for under Article 14-3.

5-8-6 No accessory building which is within twenty (20) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

5-9 Offstreet Parking

Offstreet parking is subject to Section 14-9 of this ordinance.

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5-10 Entrance Regulations

5-10-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

5-10-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if

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feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 6

RESIDENTIAL, GENERAL R-2

Statement of Intent

This district is established for the purpose of accommodating a variety of residential types including single family detached, single family semidetached, and single family attached units.

The district is designed to create viable rural residential neighborhood environments suitable for a mix of family types especially those with children. The district also is created to provide an alternative to the single family detached housing unit and to encourage the orderly planning and development of residential village communities. Therefore, the district should be located in those portions of Madison County within, adjacent to, or very near to existing villages or settlements where neighborhoods currently exist. All commercial, industrial and agricultural uses are excluded.

Development in this district may utilize individual wells or sewage disposal systems, provided that all applicable State Health Department and State Water Control Board regulations are met.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance. All multiple family uses are subject to the Site Plan Ordinance.

6-1 <u>Use Regulations</u>

In the Residential, General District R-2 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

<u>Uses Permitted By Right</u>

6-1-1 Single detached dwelling
6-1-2 Two-family dwelling (duplex)
6-1-3 Rooming and boarding house
6-1-4 Church, public school, parish hall, rectory and library
6-1-5 Public and private park and playground
6-1-6 Accessory use and building

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6-1-7 Public service corporation transmission lines, poles, pipes, meters, transformers, and other facilities necessary for the transmission of public service utilities. Subject to Section 15.1-456 of the Code of Virginia, 1950, as amended.

6-1-8 Home garden as defined.

6-1-9 Home occupation as defined.

6-2 Special Permit Uses - the following uses may also be permitted subject to securing a special use permit as provided in Article 14-3.

6-2-1 Three family dwelling

6-2-2 Four family dwelling

6-2-3 Townhouse

6-2-4 Agriculture exclusive of keeping of livestock or poultry

6-2-5 Hospital, clinic, and nursing home

6-2-6 Professional office (limited)

6-2-7 Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.

6-2-8 Club and lodge, without overnight lodging.

6-2-9 Small wind energy system.

6-3 Area Regulations

6-3-1 The minimum lot area for permitted uses shall be one and one-half (1.5) acres (65,340 square feet) without public water and sewer systems, and three-quarters (.75) acre (32,670 square feet) with public water and sewer systems. For uses utilizing individual on-site water and on-site sanitary disposal, the required area shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

No development within this district shall have a density greater than six (6.0) dwelling units per gross acre of site area nor shall buildings on any parcel within this district cover more than twelve and one half per cent (12.5%) of the total lot area.

6-3-2 Maximum Building Grouping - In any townhouse development, no more than eight (8) townhouses shall be grouped contiguous to each other.

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6-4 Setback Regulations

6-4-1 Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

6-4-2 All accessory buildings must be located ten (10) feet or more from any property line except that no accessory building may be located closer to the front of a lot than the main structure.

6-5 Frontage Regulations

The minimum frontage for permitted uses shall be one hundred fifty (150) feet at the setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.

All Townhouse lots shall have a minimum width of sixteen feet (16) feet.

6-6 Yard Regulations

6-6-1 Side - Each main structure or group of structures shall have a side yard of ten (10) feet.

6-6-2 Rear - Each main structure or group of structures shall have a rear yard of twenty-five (25) feet or more.

6-7 Sign Regulations

6-7-1 Signs shall conform to Article 12 of this ordinance.

6-8 Height Regulations

6-8-1 Buildings may be erected up to thirty-five (35) feet from the average adjacent ground elevation except that:

6-8-2 The height limit for dwellings may be increased ten (10) feet and up to three (3) stories 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 of side yard for each additional foot of building height over thirty-five (35) feet.

6-8-3 A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from the average adjacent ground elevation provided that required front,

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side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

6-8-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, chimneys, flues, television antennae, and radio aerials may exceed the height limitation by twenty-five (25) feet.

6-8-5 Additional height requires a Special Use Permit as provided for under Article 14-3. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

6-8-6 All accessory buildings shall be less than the main building in height.

6-9 Offstreet Parking

Offstreet parking is subject to Section 14-9 of this ordinance.

6-10 Entrance Regulations

6-10-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

6-10-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid

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distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 7

RESIDENTIAL MULTIPLE FAMILY R-3

Statement of Intent

This district is established to provide a mixture of multi-family dwellings, such as apartments, at a density not to exceed eight (8) dwelling units per acre. The district is designed to be part of a viable residential neighborhood environment which includes households of varying types, including those with children. Because this zone permits the highest residential density in Madison County, development within a R-3 zone must include the careful design and construction of recreation and pedestrian circulation improvements, parking areas, and the adequate provision of useable open space.

To insure orderly planning and development under this zone in conjunction with other residential neighborhoods, this zone shall be located adjacent to R-2 zones, or within or adjacent to existing towns, villages, or settlements of Madison County. An R-3 zone shall only be established where public water and sewer facilities are available. Further, this zone requires adequate, safe access to protect its residents and the surrounding uses. Therefore, the zone shall be located adjacent to a major transportation route or traffic collector of the County.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance. All multiple family uses are subject to the Site Plan Ordinance.

7-1 <u>Use Regulations</u>

In the Residential Multiple Family District R-3 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

<u>Uses Permitted By Right</u>

7-1-1 Single detached dwelling
7-1-2 Multiple family dwelling (apartment)
7-1-3 Townhouse
7-1-4 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456

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of the Code of Virginia, 1950, as amended.

7-1-5 Home occupation as defined.

7-2 Special Permit Uses - the following uses may also be permitted subject to securing a special use permit as provided in Article 14-3.

7-2-1 Agriculture exclusive of keeping of livestock or poultry

7-2-2 Hospital, clinic and nursing home

7-2-3 Professional office (limited)

7-2-4 Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.

7-2-5 Club and lodge, without overnight lodging.

7-2-6 Small wind energy system.

7-3 Area Regulations

7-3-1 The minimum lot area shall be ten thousand (10,000) square feet plus two thousand (2,000) square feet for each additional dwelling unit. The Administrator may require a greater area if considered necessary by the Health Official.

No development within this district shall have a density greater than eight (8) dwelling units per gross acre of site area nor shall buildings on any parcel within this district cover more than thirty-five (35) percent of the total lot area.

7-3-2 Open Space Requirements - The site for any multiple family or single family attached dwellings, shall provide forty (40%) percent of the lot area as open space. When individual ownership of dwelling units exist, this space may be privately owned by the homeowners.

7-3-3 Maximum Building Grouping - Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, and no more than eight (8) dwelling units shall be included within any multiple-family dwelling, except housing for older persons not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as housing for older persons not exceeding sixty (60) dwelling units.

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7-4 Setback Regulations

7-4-1 Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

7-4-2 All accessory buildings must be located ten (10) feet or more from any property line except that no accessory building may be located closer to the front of a lot than the main structure.

7-5 Frontage Regulations

The minimum frontage for permitted uses shall be one hundred fifty (150) feet at the setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.

All Townhouse lots shall have a minimum width of sixteen feet (16) feet.

7-6 Yard Regulations

7-6-1 Side - Each main structure or group of structures shall have a side yard of ten (10) feet.

7-6-2 Rear - Each main structure or group of structures shall have a rear yard of twenty-five (25) feet or more.

7-7 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

7-8 Height Regulations

7-8-1 Buildings may be erected up to thirty-five (35) feet from the average adjacent ground elevation except that:

7-8-2 The height limit for dwellings may be increased ten (10) feet and up to three (3) stories 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 of side yard for each additional foot of building height over thirty-five (35) feet.

7-8-3 A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from the average adjacent ground elevation provided that required front, side, and rear yards shall be increased one (1) foot for each foot

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in height over thirty-five (35) feet.

7-8-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, chimneys, flues, television antennae, and radio aerials may exceed the height limitation by twenty-five (25) feet.

7-8-5 Additional height requires a Special Use Permit as provided for under Article 14-3. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

7-8-6 All accessory buildings shall be less than the main building in height.

7-9 Offstreet Parking

Offstreet parking is subject to Section 14-9 of this ordinance.

7-10 Entrance Regulations

7-10-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

7-10-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of

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Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 8

BUSINESS, GENERAL B-1

Statement of Intent

This district is established for the purpose of accommodating general commercial and business uses to which the public requires direct and frequent access. Thus, it will normally be located on arterial highways which are adjacent to or in close proximity to population centers. The district is not to be characterized either by constant heavy trucking other than stocking and retailing of retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

8-1 Use Regulations

In the Business, General District, B-1 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

Uses Permitted By Right

8-1-1 Retail store
8-1-2 Bakery
8-1-3 Dry cleaner
8-1-4 Laundry
8-1-5 Wearing apparel store
8-1-6 Drug store
8-1-7 Barber and beauty shop
8-1-8 Auto and home appliance service
8-1-9 Theater, assembly hall
8-1-10 Hotel, Motel
8-1-11 Office building
8-1-12 Church
8-1-13 Library
8-1-14 Hospital, clinic and nursing home
8-1-15 Funeral home

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8-1-16 Automobile service station
8-1-17 Automobile sales and rental
8-1-18 Lumber and building supply (with storage under cover).
8-1-19 Plumbing and electrical supply (with storage under cover).
8-1-20 Hardware store
8-1-21 Machinery sales and service
8-1-22 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456 of the Code of Virginia, 1950, as amended.
8-1-23 General store, gift and antique shop
8-1-24 Agricultural supply store
8-1-25 Restaurant, caterer
8-1-26 Bank and saving and loan institution
8-1-27 Accessory use and building as defined
8-1-28 Furniture store, cabinet maker and repair
8-1-29 Printing shop
8-1-30 Commercial dairy
8-1-31 Auto laundry
8-1-32 Public building
8-1-33 Mobile home or travel trailer sales and service.
8-1-34 Farm Winery with wholesale and/or retail sales.
8-1-35 Small wind energy system.
8-1-36 Auction establishment

8-2 Special Permit Uses: the following uses may also be permitted subject to securing a special use permit as provided in Article 14-3.
8-2-1 Broadcasting station and facility
8-2-2 Apartment or dwelling located in the main business structure as a secondary use and lived in by an owner, caretaker or tenant; or a single family detached dwelling if such dwelling was lawfully built prior to the date of the special use application.
8-2-3 Veterinary clinic, hospital and kennel
8-2-4 Frozen food locker
8-2-5 Ice storage and supply
8-2-6 Building material yard
8-2-7 Drive-in theater
8-2-8 Welding or blacksmith shop
8-2-9 Other retail and light wholesale use of a similar nature not specifically enumerated in this article of the ordinance
8-2-10 Private school and day care center

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8-2-11 Club and lodge

8-2-12 Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.

8-2-13 Public service corporation generating, booster or relay station(Main)

8-2-14 Indoor Health Club

8-2-15 Day Care Center

8-2-16 Office trailer

8-2-17 Apartment house in existing structures only.

8-2-18 Small wind energy system with a tower height of greater than 60 feet to 100 feet.

8-3 Area Regulations

None, except for permitted uses utilizing an individual sewage disposal system. The required area for any such use shall be approved by the Health Official.

8-4 Setback Regulations

8-4-1 Buildings shall be located forty-five (45) feet or more from any street right-of-way which is fifty (50) feet or greater in width or seventy (70) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.

8-4-2 All buildings must be located at or beyond the front setback line. All accessory buildings must be located ten (10) feet or more from a side or rear property line.

8-5 Yard Regulations

None, except when permitted uses adjoins or is adjacent to a residential, agricultural or conservation zone, the minimum side and rear yards shall be fifty (50) feet.

8-6 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

8-7 Height Regulations

8-7-1 Buildings may be erected up to thirty-five (35) feet in height from the average adjacent ground elevation except that:

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8-7-2 The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided each of the two side yards is ten (10) feet, plus one (1) foot or more for each additional foot of building height over thirty-five (35) feet.

8-7-3 A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

8-7-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, flues, flagpoles, television antennae, and radio aerials may exceed the height limit by no more than twenty-five (25) feet. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

8-7-5 Additional height above the stated height regulations requires a special use permit as provided for under Article 14-3.

8-7-6 No accessory building which is within ten (10) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

8-8 Offstreet Parking and Loading

Offstreet parking and loading are subject to Sections 14-9 and 14-10 of this ordinance.

8-9 Entrance Regulations

8-9-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of

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the Circuit Court of Madison County.

8-9-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 9

INDUSTRIAL, LIMITED M-1

Statement of Intent

This district is established to permit certain light to median industrial uses near a labor supply for which satisfactory evidence is presented that such uses, either by right or special use permit, will not adversely affect any contiguous district by reason of odor, glare, smoke, dust, vibration, noise, sight, or contamination of water, air, and land. Such establishments shall not result in any unusually danger of fire, explosion, drowning, or hazard to life or limb.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

9-1 Use Regulations

In the Industrial, Limited District M-1, no building shall be erected or altered and no building or premises shall be used for any purpose except:

Uses Permitted By Right

9-1-1 Accessory use and building as defined
9-1-2 Manufacture or assembly plant for small equipment
9-1-3 Heavy equipment sales and service
9-1-4 Commercial greenhouse
9-1-5 Contractor's equipment storage yard and office
9-1-6 Manufacture, compounding, processing of apparel, agricultural produce, bakery goods, candy, drugs, perfumes, pharmaceutical, toiletries, food products, musical instruments, toys, pottery, baskets, figurines or other similar ceramic products.
9-1-7 Bank and saving and loan association
9-1-8 Restaurant
9-1-9 Office building
9-1-10 Warehousing and wholesale commercial use
9-1-11 Heliport
9-1-12 Laboratory (pharmaceutical or medical)
9-1-13 Research and development facility

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9-1-14 Trade school

9-1-15 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456 of the Code of Virginia, 1950, as amended.

9-1-16 Small wind energy system.

9-1-17 Commercial slaughterhouse

9-2 Special Permit Uses: The following uses may also be permitted subject to securing a special use permit as provided for in Article 14-3.

9-2-1 Any use requiring laboratory analysis and testing of animals, vegetables or minerals.

9-2-2 Manufacture or finishing of modular units made from wood or other materials and designed for use as components in building construction of all types, including furniture.

9-2-3 Petroleum storage

9-2-4 Moving and storage facility

9-2-5 Truck terminal

9-2-6 Welding or blacksmith shop

9-2-7 Septic tank sales and service

9-2-8 Wood preserving operation

9-2-9 Meat, poultry and fish processing

9-2-10 Public service corporation generating, booster, or relay station (Main)

9-2-11 Other limited industrial use of a similar nature not specifically enumerated in this article of the ordinance.

9-2-12 Mobile home and travel trailer sales and service

9-2-13 Indoor health club

9-2-14 Day care center

9-2-15 Office trailer

9-2-16 Retail Store

9-2-17 Automobile sales and rental

9-2-18 Biodiesel fuel production for wholesale or retail sale

9-2-19 Small wind energy system with a tower height of greater than 60 feet to 100 feet

9-3 Area Regulations

None, except that area required to meet the regulations of this Article and the regulations of the State Health Department and the Virginia Department of Transportation.

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9-4 Maximum Percent of Lot Coverage

9-4-1 Eighty (80) percent of lot, provided offstreet parking and loading space is sufficient to accommodate the use proposed.

9-4-2 Fifty (50) percent of the lot for any building in excess of fifty (50) feet in height.

9-4-3 Lot coverage shall include buildings, roads, parking, loading, and other pavement coverage.

9-5 Setback Regulations

Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width and seventy-five (75) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

9-6 Frontage Regulations

The minimum frontage for permitted uses shall be eighty (80) feet at the building setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.

9-7 Yard Regulations

The minimum side and rear yards shall be fifteen (15) feet except that when the permitted use adjoins or is adjacent to a residential, agriculture, or conservation zone, the minimum side and rear yards shall be sixty (60) feet.

9-8 Sign Regulations

Signs shall conform to Article 12 of this ordinance.

9-9 Height Regulations

9-9-1 Buildings may be erected up to fifty (50) feet in height from the average adjacent ground elevation except that:

9-9-2 When a building exceeds forty (40) feet in height, side and rear yard setbacks shall be increased by one (1) foot for each one (1) foot in height above forty (40) feet.

9-9-3 A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty (40) feet.

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9-9-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, flues, flagpoles, television antennae, and radio aerials may exceed the height limit by no more than twenty-five (25) feet. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

9-9-5 Additional height above the stated height regulations requires a special use permit as provided for under Article 14-3.

9-9-6 No accessory building which is within twenty (20) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

9-10 Special Provisions for Accessory Buildings

Setback Regulations

All buildings must be located at or beyond the front setback line. All accessory buildings must be located twenty (20) feet or more from a side or rear property line.

9-11 Offstreet Parking and Loading

Offstreet parking and loading is subject to Sections 14-9 and 14-10 of this Ordinance.

9-12 Entrance Regulations

9-12-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

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9-12-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 10

INDUSTRIAL, GENERAL M-2

Statement of Intent

This district is established to permit certain general industrial uses which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional, and neighborhood commercial service establishments. It is specifically the intent of this district to encourage the construction of and the continued use of land for heavy commercial and industrial purposes, and to prohibit residential and neighborhood commercial uses and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of commercial and industrial uses in the district.

To insure that the district has a minimal impact on Madison County's existing environment and character, it must be carefully planned and developed. The location of the district must have a close proximity to public water and public sewer and major highways. Further, gentle to moderate topography and suitable soils should be present.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

10-1 Use Regulations

In the Industrial, General District M-2, no building shall be erected or altered and no building or premises shall be used for any purpose except:

Uses Permitted By Right

10-1-1 Accessory use and building as defined
10-1-2 Manufacture or assembly plant for small equipment
10-1-3 Heavy equipment sales and service
10-1-4 Commercial greenhouse
10-1-5 Contractor's equipment storage yard and office
10-1-6 Manufacture, compounding, processing of apparel, agricultural produce, bakery goods, candy, drugs, perfumes, pharmaceutical,

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toiletries, food products, musical instruments, toys, pottery, baskets, figurines or other similar ceramic products.

10-1-7 Bank and saving and loan association
10-1-8 Restaurant
10-1-9 Office building
10-1-10 Warehousing and wholesale commercial use
10-1-11 Heliport
10-1-12 Laboratory (pharmaceutical or medical)
10-1-13 Research and development facility
10-1-14 Trade school
10-1-15 Public service corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Section 15.1-456 of the Code of Virginia, 1950, as amended.
10-1-16 Bottling work
10-1-17 Monument work
10-1-18 Manufacture or finishing of modular units made from wood or other materials and designed for use as components in building construction of all types, including furniture.
10-1-19 Petroleum storage
10-1-20 Drive-in theater
10-1-21 Moving or storage facility
10-1-22 Truck terminal
10-1-23 Coal and wood yard
10-1-24 Welding or blacksmith shop
10-1-25 Permanent sawmill or planing mill
10-1-26 Septic tank sales, service and manufacturing
10-1-27 Wood preserving operation
10-1-28 Manufacture of brick or cinder block
10-1-29 Small wind energy system
10-1-30 Commercial slaughterhouse

10-2 Special Permit Uses: the following uses may also be permitted subject to securing a special use permit as provided for in Article 14-3.

10-2-1 Natural resource extraction and processing
10-2-2 Concrete batching plant
10-2-3 Asphalt plant
10-2-4 Meat, poultry and fish processing
10-2-5 Crushed stone operation or quarrying
10-2-6 Auto, truck and farm equipment junkyard

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10-2-7 Public service corporation generating, booster, or relay station (Main)

10-2-8 Other general industrial use of a similar nature not specifically enumerated in this article of the ordinance.

10-2-9 Office trailer

10-2-10 Indoor health club

10-2-11 Biodiesel fuel production for wholesale or retail sale

10-2-12 Small wind energy system with a tower height of greater than 60 feet to 100 feet

10-3 Area Regulations

None, except that area required to meet the regulations of this Article and the regulations of the State Health Department and the Virginia Department of Transportation.

10-4 Maximum Percent of Lot Coverage

10-4-1 Eighty (80) percent of lot, provided offstreet parking and loading space is sufficient to accommodate the use proposed.

10-4-2 Fifty (50) percent of the lot for any building in excess of fifty (50) feet in height.

10-4-3 Lot coverage shall include buildings, roads, parking, loading, and other pavement coverage.

10-5 Setback Regulations

Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width and seventy-five (75) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

10-6 Frontage Regulations

The minimum frontage for permitted uses shall be one hundred (100) feet at the building setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.

10-7 Yard Regulations

The minimum side and rear yards shall be twenty (20) feet except that when the permitted use adjoins or is adjacent to a residential, agricultural, or conservation zone, the minimum side and rear yards shall be one hundred (100) feet.

10-8 Sign Regulations

Signs shall conform to Article 12 of this Ordinance.

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10-9 Height Regulations

10-9-1 Buildings may be erected up to fifty (50) feet in height from the average adjacent ground elevation except that:

10-9-2 When a building exceeds forty (40) feet in height, side and rear yard setbacks shall be increased by one (1) foot for each one (1) foot in height above forty (40) feet.

10-9-3 A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty (40) feet.

10-9-4 Church spires, belfries, cupolas, monuments, water towers, fire towers, flues, flagpoles, television antennae, and radio aerials may exceed the height limit by no more than twenty-five (25) feet. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

10-9-5 Additional height above the stated height regulations requires a special use permit as provided for under Article 14-3.

10-9-6 No accessory building which is within twenty (20) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

10-10 Special Provisions for Accessory Buildings

No regulation, except that no accessory building shall be closer to a side or rear property line than twenty (20) feet. No accessory buildings are permitted in the front of the setback line for the main building.

10-11 Offstreet Parking and Loading

Offstreet parking and loading is subject to Sections 14-9 and 14-10 of this Ordinance.

10-12 Entrance Regulations

10-12-1 The centerline of any entrance onto a Virginia primary road shall be six hundred (600) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at lease one such entrance; and provided further that

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the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the six hundred (600) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

10-12-2 The centerline of any entrance onto U. S. Route 29 shall be nine hundred (900) feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the nine hundred (900) foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U. S. Route 29 Business.

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Article 11

FLOODPLAIN MANAGEMENT ORDINANCE

of

MADISON COUNTY, VIRGINIA

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA, ESTABLISHING FLOODPLAIN DISTRICTS REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR DEVELOPMENT, AND PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Madison County, Virginia, as follows:

ARTICLE 1 – GENERAL PROVISIONS

Section 1.1 – Purpose

The purpose of these provisions is to prevent the loss of the life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating development which, alone or in combination with other existing or future development, will cause unacceptable increases in flood heights, velocities, and frequencies.

B. Restricting or prohibiting certain development from locating within areas subject to flooding.

C. Requiring development that does occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

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Section 1.2 – Applicability

These provisions shall apply to all lands within the jurisdiction of Madison County, Virginia, and identified as being in the 100-year floodplain by the Federal Insurance Administration.

Section 1.3 – Compliance and Liability

A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

C. This ordinance shall not create liability on the part of Madison County, Virginia, or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any decision lawfully made thereunder.

D. Section 1.4 Replacement of Article 11 of Zoning Ordinance

This ordinance supersedes and replaces Article 11 of the Zoning Ordinance of Madison County, Virginia, which is hereby revoked.

Section 1.5 – Severability

If any section, subsection, paragraph, sentence, clause, or phase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance. The remaining

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portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.6 – Penalties

A. Any person who fails to comply with any of the requirements or provisions of this ordinance shall be guilty of a Class 1 misdemeanor and subject to the penalties therefore.

B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance to permit it to continue; and all such persons shall be required to correct of remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this ordinance may be declared by the Board of Supervisors of Madison County, Virginia, to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this ordinance.

ARTICLE II – DEFINITIONS

A. Development – Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filing, grading, excavation, mining, dredging, or drilling operations.

B. Flood – A general and temporary inundation of normally dry land areas.

C. Floodplain – (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

D. Manufactured Homes – A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater that 180 days.

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E. Manufactured Home Park/Subdivisions – A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

F. Base Flood/One-Hundred Year Flood – A flood that, on the average is likely to occur one every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

G. Flood-Prone Area – Any land area susceptible to being inundated by water from any source.

ARTICLE III – ESTABLISHMENT OF FLOODPLAIN DISTRICT

Section 3.1 – Description of District

The Floodplain District shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the district shall be the one hundred (100) year flood elevations or profiles contained in the Flood Insurance Study for Madison County, Virginia, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2007, as amended.

The Special Floodplain District shall be those areas identified as an AE Zone on the Flood Rate Insurance Map included in the Flood Insurance Study prepared by FEMA and for which one hundred (100)-year flood elevations have been provided in the Flood Insurance Study but for which no floodway has been delineated. For these areas, the (100)-year base flood elevations shall be used.

The Approximated Floodplain Area shall be that floodplain area for which no entailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated

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qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a through review.

Section 3.2 – Official Floodplain Map

The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be part of this ordinance and which shall be kept on file at the Building & Zoning Office of Madison County, Virginia.

Section 3.3 – District Boundary Changes

The delineation of the Floodplain District may be revised by the Board of Supervisors of Madison County, Virginia, where natural or man-made changes have occurred and/or where more detail studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to such a change, approval must be obtained from the Federal Insurance Administration.

Section 3.4 – Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain District shall be made by the Zoning Administrator of Madison County, Virginia. Should a dispute arise concerning the boundaries of the District, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 3.5 – Records

Records of actions associated with administering this Ordinance will be kept on file and maintained in the offices of the Madison County Zoning Administrator.

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ARTICLE IV – DISTRICT PROVISIONS

Section 4.1 – General Provisions

A. Development occurring within the Floodplain District shall be undertaken only upon the issuance of a floodplain permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Zoning Ordinance of Madison County, Virginia. Prior to the issuance of any such permit, the Zoning Administrator of Madison County, Virginia, shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any development adversely affect the capacity of the channels or floodway of any watercourse, drainage, ditch or any other drainage facility or system.

B. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc. within Madison County, Virginia, approval shall be obtained from the Division of Soil and Water Conservation (Department of Conservation and Historic Resources). A permit from the U. S. Army Corps of Engineers and the Marine Resources Commission, and certification from the State Water Control Water Board may be necessary (a joint permit application is available from any one of these three organizations). Furthermore, notification of the proposal shall be given to all affected jurisdictions, The Department of Conservation and Recreation (Floodplain Management Program), and the Federal Insurance Administration.

C. All applications for development in the floodplain district and all floodplain permits issued for the floodplain shall incorporate the following information:

1. For structures that have been elevated, the elevation of the lowest floor (including basement).

2. For structures that have been floodproofed (non-residential only), the elevation to which the structure has been floodproofed.

3. The elevation of the one hundred (100) year flood.

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D. No new construction or development shall be permitted within the floodplain district unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.

E. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

F. All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statement Building Code.

Section 4.2 – Design Criteria for Utilities and Facilities

A. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into the flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

C. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on site waste disposal sites. The Board of Supervisors of Madison County, Virginia may require a preliminary underground system to accommodate frequent floods and a secondary

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surface system to accommodate larger, less frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Draining openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Section 4.3 – Special Floodplain and Approximated Floodplain Districts

In the Special Floodplain and Approximated Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the *Uniform Statewide Building Code*, as amended.

Within the Special Floodplain and Approximated Floodplain Districts, all new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) shall include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one foot at any one point. The engineering principle-equal reduction of conveyance-shall be used to make the determination of increased flood heights.

Within the Special Floodplain District, until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special

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flood hazard, designated as Zones A1-30 and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within Madison County, Virginia.

Development in Zones A1-30, AE, and AH, on the Madison County, Virginia, Flood Insurance Rate Map which increases the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with the endorsement of Madison County, Virginia, for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Within the floodway area delineated by the applicant, the provisions of Section 4.1 (E) shall apply.

ARTICLE V – VARIANCES: FACTORS TO BE CONSIDERED

Whenever any person is aggrieved by a decision of the Zoning Administrator of Madison County, Virginia, with respect to the provisions of this Ordinance, it is the right of that person to appeal to the Board of Zoning Appeals for a variance. Such appeal must be filed in writing, within thirty (30) days after the determination by the Zoning Administrator of Madison County, Virginia. Upon receipt of such an appeal, the Board of Zoning Appeals shall set a time and place for the purpose of hearing the appeal, which shall be not more than sixty (60) days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given pursuant to Section 15.1-431 of the Code of Virginia (1950, as amended). The decision of the Board of Zoning Appeals may be appealed to the Circuit Court of Madison County, Virginia, by petition filed within thirty (30) days of said decision.

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this management ordinance and consider the following additional factors:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway area that will cause any increase in flood levels during the one hundred (100)-year flood.

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B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access by ordinary and emergency vehicles to the property in time of flood.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

M. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

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Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any exceptional hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VI – EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

B. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

C. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

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ARTICLE VII – ENACTMENT

ENACTED AND ORDAINED THIS 9th DAY OF MAY, 1989 AND AMENDED THIS 3rd DAY OF JANUARY, 2007. This ordinance shall become effective upon passage.

Madison County Board of Supervisors

By: _____
Eddie Dean, Chairman

Enacted and ordained, as amended, by the Board of Supervisors of Madison County, Virginia, on January 3, 2007.

	Aye	Nay	Abstain
Eddie Dean	_x__	_____	_____
Bob Miller	_x__	_____	_____
James L. Arrington	_x__	_____	_____
William L. Crigler	_x__	_____	_____
Clark Powers	_x__	_____	_____

_____
V. R. Shackelford, III,
Madison County Attorney

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Article 12

Sign Regulations

Statement of Intent

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the County, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of Outdoor Advertising.

12-1 Advertising Outdoors Regulated

12-1-1 No person except a public officer or employee in performance of a public duty, shall paste, post, paint, nail, tack, erect, place, maintain or fasten any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

12-1-2 Definitions of types and categories of signs regulated by this Article are listed below:

1. Auction Sign: A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated. Such signs may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion.
2. Business Sign: A sign either free standing or projecting or wall, which directs attention to product(s), commodity(ies), and/or service(s) available on the lot, premises, or farm upon which it is situated.
3. Directional Sign: A sign (one end of which is pointed, on which an arrow is painted or otherwise indicated the direction to which attention is called) not illuminated, four (4) square feet or less in area, giving the name only of a person(s), farm, business or other establishment.

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4. Free Standing Sign: A business sign located upon a lot or parcel of ground within the required setback area, not attached to the main building.
5. General Outdoor Advertising Sign: A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
6. Home Occupation Sign: A sign not exceeding four (4) square feet in area directing attention to a service available on the premises, but which service is clearly a secondary use of the dwelling.
7. Hunting, Fishing or Trespassing Sign: A sign, not illuminated, one and one-half (1/2) square feet or less in area erected on the appurtenant premises solely as a warning or notice.
8. Identification Sign: A sign which identifies or otherwise describes the name, ownership or location or the lot or parcel of land upon which it is situated.
9. Illuminated Sign: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.
10. Location Sign: A sign which directs attention to the approximate location of an establishment from which the advertised products, service or accommodation may be obtained and not situated upon the premises upon which such establishment is located.
11. Political Sign: A temporary sign, not illuminated, forty (40) square feet or less in area, presenting a candidate or issue, subject to Federal, State or local government plebiscite. Such sign may not be erected more than five (5) months prior to the date of the voting and shall be removed within one (1) month after the date of voting.
12. Projecting Sign: A business sign projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six (6) feet from the wall surface of the building on which it is erected.
13. Public Sign: A sign owned by and erected at the instance of a Federal State or local government agency.
14. Sale or Rental Sign: A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease. Such signs shall be removed within one (1) week of sale or lease of the lot or premises upon which it is

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situated. The lettering or message on any one side of such sign may be different from any other side.

15. Subdivision Sign: A sign, not illuminated, forty (40) square feet or less in aggregate area identifying a subdivision and located thereon at the entrance to such subdivision. Said sign shall be no greater in height than six (6) feet, and setback from any right-of-way for proper sight distance.
16. Temporary Sign: A sign, not illuminated, describing a seasonal or brief use being conducted upon the lot or premises upon which the sign is located. Temporary signs shall conform in size to directional signs.
17. Wall Sign: A business sign erected or painted on a building visible from the exterior thereof, no part of which is more than twelve (12) inches from the surface of the building on which it is erected. Such sign may be illuminated by indirect method.

12-2 Area Regulations for Signs By Zones

12-2-1 Agricultural, A-1 and Conservation, C-1

1. Business signs - Maximum size of total surface area thirty-two (32) square feet
2. Church bulletin boards and identification signs -Forty (40) square feet limit
3. Directional signs - Four (4) square feet limit
4. General advertising signs - Eighty (80) square feet limit
5. Home occupation signs - Eight (8) square feet limit per sign
6. Temporary signs - Forty (40) square feet limit

12-2-2 Residential, R-1, R-2 and R-3

1. Business signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding thirty-two (32) square feet per sign.
2. Church bulletin boards and identification signs, with a total surface area not exceeding forty (40) square feet per sign.
3. Directional signs, with a total surface area not exceeding four (4) square feet per sign.
4. Home occupation signs, with a total surface area not exceeding eight (8) square feet per sign.
5. Temporary signs with approval from the Zoning Administrator

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- Forty (40) square feet limit.

12-2-3 Business B-1

1. Business sign, free standing - One hundred (100) square feet limit.
1A. Business sign, projecting or wall – Two (2) square feet for each linear foot of building frontage limit.
2. Church bulletin boards and identification signs -Forty (40) square feet limit
3. Directional signs - Eight (8) square feet limit
4. General advertising signs - One hundred (100) square feet limit
5. Home occupation signs - Eight (8) square feet limit
6. Temporary signs - Forty (40) square feet limit

12-2-4 Industrial M-1 and M-2

a. Business or Industrial Signs - One hundred fifty (150) square feet limit
b. Identification Signs - Eighty (80) square feet limit
c. Directional Signs - Eight (8) square feet limit
d. General Advertising Signs - One hundred (100) square feet limit
e. Temporary Signs - Forty (40) square feet limit

12-3 Setback Requirements

Signs with a total surface area less than four (4) square feet per sign may be erected up to the property line. Signs with a total surface area more than four (4) square feet but less than ten (10) square feet per sign shall be located fifteen (15) feet or more from any street right-of-way. All signs exceeding ten (10) square feet in total surface area shall setback twenty-five (25) feet or more from any street right-of-way.

12-4 Height Regulations

Free standing signs shall not exceed a height of twenty (20) feet above ground level or the street to which it is oriented, whichever is higher, without a special use permit.

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12-5 Prohibited Signs

No sign shall be erected, maintained or operated:

12-5-1 (Except for authorized traffic signs) which is located at the intersection of any street in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of or be confused with any authorized traffic sign.

12-5-2 Which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of changing speed or direction or the existence of danger on any highway.

12-5-3 Which is not effectively shielded so as to prevent beams or rays of light from being directed as any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.

12-5-4 Which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.

12-5-5 Which is obsolete or inconsistent with State law or the provisions of this ordinance.

12-5-6 Which is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant except (1) any sign erected or maintained by or under the supervision of County or other governmental authority or the Virginia Department of Highways and (2) any other sign which is specifically provided for or permitted in this Article.

12-5-7 Which is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker or another sign except such as may be (1) required by law (2) so placed by a duly authorized governmental agency (3) so placed not as an advertisement but as a warning against hunting, fishing or trespassing or (4) not visible from any highway.

12-5-8 Which violates any provisions of the laws of Virginia relating to outdoor advertising including Sections 13.1-351 to 33.1-381 inclusive and Section 46.1-174, 1950 Code of Virginia as amended.

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12-6 Permitted Signs

12-6-1 Only signs as listed and described in this subsection or otherwise provided for in the sub-sections of this section shall be permitted and these shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance. No other signs shall be permitted. The permitted signs in Madison County are:

12-6-2 Government Signs: Signs erected and maintained by the Virginia Department of Highways or other governmental authorities in accordance with law.

12-6-3 Historical markers erected by duly authorized public authorities.

12-6-4 Danger, aviation, railroad, bridge, ferry, transportation, Red Cross, public utilities, and other signs as set forth in Section 33.1-355.

12-6-5 Hunting, fishing or trespassing signs erected on the appurtenant property solely as a warning or notice. Such signs shall not exceed an area of 1.5 square feet and shall not be illuminated.

12-6-6 Directional signs of a public or quasi-public nature identifying or locating a town, hospital community center, public building or historical place situated in Madison County, Virginia, and also signs identifying or locating a school, college, YMCA, church or similar place of workshop board of trade, service club, soil conservation activity, 4-H Club, Isaac Walton League, Chamber of Commerce, or similar public or quasi-public activity for religious, civic, educational or cultural purposes and signs drawing attention to public conveniences relating to such places or activities.

12-6-7 Name signs upon property displaying the name or address of the premises and the nature of the home occupation.

12-6-8 Home occupational signs upon property displaying the name and/or address of the occupant of the premises and the nature of the home occupation.

12-6-9 Tourist home signs, announcing accommodations only when located on the premises.

12-6-10 Farm signs and wayside stand signs erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock or services sold, produced, manufactured or furnished on such farm.

12-6-11 Store window signs or displays on or within store windows.

12-6-12 Construction signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect or engineer.

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12-6-13 Business signs, exclusive of billboards, of a character which have not been listed or described, provided they advertise only businesses located in Madison County, Virginia. Subject to design, height, bulk and lighting in Madison County, Virginia. Subject to design, height, bulk and lighting approval by the Planning Commission.

12-6-14 Temporary signs may be permitted in reasonable number as determined by the zoning administrator provided these are not illuminated and a permit is obtained from the zoning administrator if required as hereinafter provided that in all zones such signs shall not exceed ten (10) square feet in area.

12-7 Other General Regulations for Signs

12-7-1 All signs shall comply with the provisions of this article and it shall be unlawful for any person to erect or maintain a sign which does not comply.

12-7-2 Whenever a sign becomes structurally unsafe, or endangers the safety of a structure or premises or the public or is erected or maintained in violation of this ordinance, the zoning administrator shall order such sign to be made safe or comply with this ordinance as the case may be or be removed. Such order shall be sent by registered mail and shall be complied with within twelve (12) days from the date of the mailing of said order to the person owning or responsible for the sign. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed and the cost thereof shall be added to any fine imposed for violation under this ordinance.

12-7-3 No sign shall be located or illuminated in such a manner as to cause a traffic hazard. No flashing, rotating, visually moving or physically agitated signs are permitted in any district.

12-7-4 No business signs shall be restored, or transferred to another business, product, commodity or service, unless such sign conforms with the provisions of this ordinance.

12-8 Temporary Signs

12-8-1 Temporary signs will be regulated as described in 12-7 through 12-7-4. Erectors of same should keep in mind that the prime criteria for judging the sign, size and location will be the degree to which it provides as nuisance or danger to the public.

12-9 Nonconforming Signs

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Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming sign shall comply in all respects with the requirements of Article 13 relating to non-conforming uses.

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Article 13

Nonconforming Uses

13-1 Continuation

13-1-1 If at the time of enactment or subsequent amendment of this ordinance, as enacted or amended, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

13-1-2 If any change in title or possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

13-1-3 If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

13-2 Changes in Zoning Boundaries

Whenever the boundaries of a zone are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article. Such uses shall automatically become eligible for any and all necessary permits as are needed to continue the use.

13-3 Expansion or Enlargement

13-3-1 A nonconforming structure to be extended or enlarged must be made to conform with the general provisions of this ordinance. If a nonconforming use or structure is altered, expanded, enlarged or extended, the new alteration, expansion, enlargement or extension shall comply with the provisions of this ordinance; however the existing nonconforming use or structure can remain in its nonconforming status.

13-3-2 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

13-4 Nonconforming Lots

Any lot of record at the time of the adoption of this ordinance which is less in area or frontage than the minimum required by this ordinance may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

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13-5 Restoration or Replacement

When a nonconforming structure or when a conforming structure which houses a nonconforming activity is destroyed or damaged in any manner, it may be restored or repaired without bringing said structure or activity into conformance provided such reconstruction is begun within eighteen (18) months of the calamity.

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Article 14

General Provisions

14-1 <u>Building Permits</u>

14-1-1 Building permits shall be obtained from the Madison County Building Office. No building permit shall be issued for a structure on land that does not comply with Madison County zoning, subdivision, site plan, soil erosion and floodplain ordinances. No building permit shall be issued until a zoning permit has been issued by the Madison County Zoning Office provided a zoning permit is required. No building permit for a structure with water and/or sewer facilities shall be issued until applicant obtains written approval from the Madison County Health Department. Each lot shall have (a) one (1) approved sewage disposal system or connection, or (b) one (1) approved drainfield area and one (1) approved reserve drainfield area equal in size to that of the approved drainfield area (100% reserve). No building permit for a structure which will use a well as a water source shall be issued until the well is drilled and produces water. No building permit for a structure on a lot or parcel of land with access by a private road shall be issued until the private road is built. No building permit for a structure on a lot or parcel of land with access by a public road shall be issued until the public road is accepted by the Virginia Department of Transportation or until the applicant has posted a bond or line of credit approved by the Board of Supervisors as security for the construction of the public road. The applicant for a building permit shall obtain all required approvals and shall pay the costs of such approvals.

If a structure requires the permanent or temporary hookup of one or more public utilities, the utilities may not be made operational to the structure until a valid building permit or certification of occupancy for the structure is shown to a utility representative responsible for authorizing the start-up service.

14-1-2 Application for building permits, upon approval or denial by the Building Inspector, may be appealed to the Board of Zoning Appeals.

14-1-3 Any person making application for a building permit shall pay the County Treasurer a fee as indicated on the Fee/Refund Schedule as adopted by resolution of the Madison County Board of Supervisors.

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Building permits shall be required for any construction, reconstruction, alteration or enlargement of a building, except that if a storage building is 200 feet or less with no wiring or plumbing, then no building permit will be required. If a storage building is larger than 200 square feet, a building permit will be required.

14-1-4 Building permits will be issued for a term of one (1) year. In the event work specified on the permit is not completed prior to the expiration of the term of the permit, a new building permit subject to the Fee/Refund Schedule will be required.

14-1-5 Upon issuance of a building permit for a swimming pool, the owner must execute a statement that the fence required by the appropriate building code will be constructed with thirty (30) days after the pool is filled with water.

14-2 Certificate of Occupancy

Structures may be used or occupied only after a certificate of occupancy has been issued by the Building Inspector. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a building permit. A certificate of occupancy shall be issued after the erection or structural alteration of such building or part has conformed with the appropriate Building Code(s) and with the provisions of this ordinance, as certified by the Building Inspector, and after the water, septic and electric systems are complete and the dwelling is structurally safe. A certificate of occupancy shall not be issued for a manufactured home unless the home has a HUD inspection label displayed thereon.

14-2A Adoption of Building Code Books

Inspector shall make inspections in accordance with the standards specified in the following building code books which are adopted and incorporated herein:

(A) Virginia Uniform Statewide Building Code (2000 Edition), as amended.
(B) 2000 International Building Code (IBC), as amended.
(C) 2000 ICC International Plumbing Code (IPC), as amended.

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(D) 2000 ICC International Mechanical Code (IMC), as amended.
(E) 1999 National Electric Code (NEC) as referenced in the 2000 ICC Electric Code (EC), as amended.
(F) 2000 International Fuel Gas Code (IFGC), as amended.
(G) 2000 ICC International Energy Conservation Code (IECC), as amended.
(H) 2000 International Residential Code for One-and-Two Family Dwellings (IRC), as amended.

14-2B Public Sewer System

Whenever a public sewer system is required under this ordinance, said system shall be a central system constructed by the developer/owner in accordance with standards and specifications of the State Health Department and Rapidan Service Authority (RSA). If a Virginia pollution discharge elimination system (VPDES) permit issued by the State Water Control Board is required for the public sewer system, ownership of the system shall be transferred to RSA after the system has been constructed by the developer/owner, and the public sewer system shall be operated by RSA. If a VPDES permit is not required for the public sewer system, said system shall be operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department.

14-2C Public Water System

Whenever a public water system is required under this ordinance, said system shall be a central system constructed and operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department.

14-2D Sanitary Sewer and Water

No plat of survey or building permit shall be approved where individual water and septic tank systems are to be used until written approval has been secured from the Madison County Health Department . Each lot shall have one (1) approved drainfield area and one (1) approved reserve drainfield area. The approved drainfield area and the approved reserve drainfield area shall have a minimum area of Ten Thousand (10,000) square feet; provided, however, additional area may be required by the Madison County Health Department.

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The Madison County Health Department shall determine the suitability of soil for waste disposal systems. A conventional sewage system shall be utilized if soil conditions are acceptable. The Madison County Health Department may require the owner to submit soil percolation tests and other methods of soil evaluation to determine the suitability for sub-surface disposal.

If the Madison County Health Department determines that the site does not allow for a conventional sewage system, a non-conventional sewage system may be utilized. A maintenance and monitoring plan approved by the Madison County Health Department is required for all non-conventional sewage sytsems. This plan must be approved by the manufacturer of the system and remain in effect for the entire life of the system. The Madison County Health Department will determine the level of maintenance and monitoring required for each non-conventional sewage system; provided, however a minimum of semi-annual testing is required. The Madison County Health Department will supervise the correction of any non-conventional sewage system that does not comply with the approved maintenance and monitoring plan. The Madison County Health Department shall send a copy of all maintenance and monitoring reports to the Madison County Zoning Administrator.

All non-conventional sewage systems shall be designed under the supervision of a licensed professional engineer. Such system shall be designed to operate at a designated site on the proposed lot in conformance with the design requirements of the Virginia State Board of Health Sewage Handling and Disposal Regulations, or other applicable regulations.

All non-conventional sewage systems will be subject to the requirements for “Conditional Construction Permits” under the Virginia State Board of Health, Sewage Handling and Disposal Regulations, related to the identification of the conditions and circumstances which form the basis for approving the proposed non-conventional sewage system and recordation of the construction permit for the system in the Clerk’s Office of the Circuit Court of Madison County, Virginia.

If a subdivision contains 15 or more lots, the developer shall provide a

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public water and sewer system to serve said lots. A public water system shall be constructed and operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department. A public sewer system shall be constructed by the developer/owner in accordance with standards, and specifications and requirements of the State Health Department. A public sewer system shall be constructed by the developer/owner in accordance with standards and specifications of the State Health Department and the Rapidan Service Authority (RSA). If a Virginia pollution discharge elimination system (VPDES) permit issued by the State Water Control Board is required for the public sewer system, ownership of the system shall be transferred to RSA after the system has been constructed by the developer/owner, and the public sewer system shall be operated by RSA. If a VPDES permit is not required for the public sewer system, said system shall be operated by the developer/owner in accordance with standards, specifications and requirements of the State Health Department.

A subdivision within a Business, General, B-1, Industrial, Limited M-1, or Industrial, General, M-2 zone may be approved by the Madison County Health Department if it has received a permit from the State Water Control Board for a sewage treatment facility with discharge into an all weather system.

14-3 Special Use Permits

There are three types of special use permits: (1) temporary (2 year); (2) temporary (5 year); and (3) indefinite. The type must be indicated by the applicant in his/her request.

14-3-1 Temporary (2 year) permit: If the special use permit is granted, the use may be performed for two (2) years. At least sixty (60) days prior to the expiration of the permit, the Administrator shall notify the permit holder by registered mail or other witnessed method that the permit will terminate on a certain date. It shall be the responsibility of the permit holder to reapply for the special use permit if he/she desires to continue such use.

14-3-2 Temporary (5 year) permit: If the special use permit is granted, the use may be performed for the five (5) years. At least ninety (90) days prior to the expiration of the permit, the Administrator shall notify the permit holder by registered mail or other witnessed method that the permit will terminate on a certain date. It shall be the responsibility of

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the permit holder to reapply for the special use permit if he/she desires to continue such use.

14-3-3 Indefinite Permit: If the special use permit is granted, the permit holder may continue the use indefinitely.

14-3-4 Revocation of Special Use Permit:
If during the period of use the Board of Supervisors, on complaint filed, determines that the use is a serious nuisance or danger, or that the owner or operator of the use covered by the Special Use Permit has failed to observe all laws with respect to the maintenance and conduct of the use or any conditions in connection with the permit that were attached when the permit was issued, or that the applicant for a special use permit made a material misrepresentation when the permit was obtained, the Board of Supervisors may revoke the special use permit after notice and hearing pursuant to
Section 15.1-431 of the Code of Virginia, 1950 as amended, and, upon revocation as set forth above, the user shall have ninety (90) days from the date of the notice to terminate the use.

14-3-5 Permit holders may continue any valid operation during the course of and pending a decision of an appeal to the higher appropriate authority. Decisions rendered are effective on that date, unless specified otherwise in the decision of revocation.

14-4 Standards for issuance of special use permits
Special Use Permits shall be issued by the Board of Supervisors after recommendation from the Planning Commission. Special Use Permits shall comply with terms, purpose and intent of this ordinance, in the districts in which such permits are permitted. Special use permits may be issued for uses that are in harmony with the purpose and intent of the Madison County Zoning Ordinance. The Commission may attach conditions to such permits.

14-4-1 No such special use permit shall be heard except after public notice has been given in accordance with the requirements of Section 15.1-431 of the Code of Virginia, 1950 as amended.

14-4-2 The Board of Supervisors may grant, conditionally, the application for the special use permit, when in its judgment such special use permit

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application complies with the following standards.

(a) Such use shall not be objectionable by reason of smoke, dust, order or vibration.
(b) The use shall not tend to change the character and established pattern of development of the area in which it wishes to locate.
(c) The use shall be in harmony with the intent of the zoning district, and shall not adversely affect the use of neighboring property or the welfare of persons living and working in the neighborhood of the proposed use.
(d) The location and height of buildings, the location of walls, fences, screening, entrances, lighting, parking and the nature of landscaping on the site shall be such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings or impair the value thereof.
(e) Such use will be in conformity with the intent and recommend land use of the Comprehensive Plan for Madison County, Virginia unless it can be shown that the Comprehensive Plan for Madison County, Virginia is in error with respect to the subject property.
(f) The proposed use shall not violate any ordinance of Madison County or any law of the Commonwealth of Virginia.
(g) The safety and movement of vehicular traffic upon adjacent streets or roadways will not be adversely affected.
(h) Such use will not have an adverse economic or physical impact on the public facilities of Madison County.

14-4-3 The Board of Supervisors in granting a special use permit may impose reasonable conditions such as but not limited to:

(a) Abatement or restriction of noise, light, smoke, dust, soil erosion, or other element that may affect surrounding properties.
(b) Establishment of setback, side, front and rear yard requirements necessary for orderly expansion and prevention of traffic congestion.
(c) Provision for adequate ingress and egress to public streets and roads, as well as proper drainage control on the site.
(d) Providing adjoining property with screening or shielding from view of the proposed use.

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(e) Limiting the hours of operation.

(f) Providing that the use shall terminate upon the sale or transfer of the property by the applicant.

14-4-4 Appeals - Special Use Permits

The decision of the Board of Supervisors on an application for a special use permit may be appealed to the Circuit Court of Madison County, Virginia, by the applicant or any aggrieved party.

14-5 Abandonment of Special Use Permit

Whenever a special use permit is issued, the activity authorized thereby shall be established, and any construction authorized shall be diligently prosecuted within such time as the Board of Supervisors may have specified, or, if no such time has been specified, then within one (1) year after the effective date of such permit, unless an extension shall be granted by the Board of Supervisors after recommendation from the Planning Commission because of occurrence of conditions unforeseen at the time of granting the special use permit. If construction has not commenced within a period of one (1) year, unless same is extended as set forth above, such permit shall terminate.

If a temporary special use is not performed for one year (365 days continuously not performed) or if an indefinite permitted use is not performed for two (2) years (730 days continuously not performed), the use is considered abandoned and the special use permit shall terminate.

14-5-6 Special Use Permit Upon Property Sale or Transfer

Unless otherwise provided by conditions imposed under Article 14-4-3, a special use permit shall not terminate upon the sale or transfer of the property by the applicant.

14-5-7 Tabling of Special Use Permit Request

When applicant tables a special use permit request, action must be taken by the Board of Supervisors within one hundred eighty (180) days from the date of the first tabling request by applicant or the request shall be voided.

14-6 Conditional Zoning

Any landowner applying for rezoning may also voluntarily proffer in

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writing such conditions to regulate use of said land and such conditions shall have the same force and effect as the regulations provided for the zoning district or zone by this ordinance.

Prior to approving a rezoning request, the governing body may accept proffered conditions providing such conditions conform to the provisions of Section 15.1-491 through 491.6 of the Code of Virginia, 1950, as amended.

Before any proffered condition shall be accepted as part of the rezoning, the governing body shall hold a public hearing in accordance with Section 15.1-431, Code of Virginia, 1950, as amended.

14-7 Uses Not Provided For

14-7-1 If in any zone established under this ordinance a use is not specifically permitted, it is prohibited. If an application is made by a property owner to the administrator fur such use, the administrator shall refer the application to the Planning Commission. After a public hearing in accordance with Section 15.1-431 of the Code of Virginia (1950, as amended), the Planning Commission shall make its recommendations to the Board of Supervisors to (a) amend the ordinance to allow the use within the zone by right (b) amend the ordinance to allow the use within the zone with a special use permit, (c) rezone the area and thereby allow the use, or (d) deny the use in that zone.

14-7-2 If the Planning Commission fails to make a recommendation to the Board of Supervisors within ninety (90) days after the first regular meeting of the Planning Commission after the application has been referred to it, the Board of Supervisors shall assume that the Planning Commission concurs with the applicant for the use as requested; provided, however, the aforesaid ninety (90) day period may be extended with the consent of the applicant.

14-7-3 The Board of Supervisors shall then, on request of the applicant, proceed to treat the application as a request to amend the zoning ordinance, in accordance with the public hearing and notice requirements established in Section 15.1-431, Code of Virginia, 1950, as amended.

14-8 Widening of Highways and Streets

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Whenever there shall be plans in existence, approved by either the State Department of Highways or by the Governing Body for the widening of any street or highway, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way the right-of-way for such proposed street or highway widening.

14-9 Minimum Off-Street Parking

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobile. Two hundred (200) square feet (10 feet by 20 feet) of lot or floor area shall be deemed parking space for one vehicle, excluding the necessary space for turning movements and aisles. Aisles for two-way drives (90 degree parking) shall be at least twenty-two (22) feet wide and for angle parking, one way, at least sixteen (16) feet in width. All parking spaces and access driveways shall be covered with an all-weather surface, and shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjoining property unless permitted by an overall drainage plan approved by all parties affected.

14-9-1 A driveway or parking space shall be at least three (3) feet from a property line and no parking space for a multiple-family dwelling shall be less than ten (10) feet from a residential structure. No parking space shall allow overhang of vehicles to walkways or roadways.

14-9-2 The parking spaces required for one, two and three family dwellings shall be located on the same lot as the dwelling; the parking spaces required for all other land uses shall be located on the same lot as the principal use or on a lot which is within three hundred (300) feet of the principal use, such distance to be measured along lines of public access to the property.

14-9-3 Collective provision of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all other stated parking requirements.

14-9-4 Minimum off-street parking spaces accessory to the use hereinafter

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designated shall be provided as follows, except that the required space may be reduced as approved by the Planning Commission, when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change.

14-9-5 In all residential districts there shall be provided in a private garage or on the lot, space for the parking of two (2) automobiles for each family dwelling unit in a new building, or each family dwelling unit added in the case of the enlargement of an existing building, except a multiple-family dwelling used as housing for older persons shall have space for the parking of one (1) automobile for each bedroom located therein.

14-9-6 Hotels and motels shall provide on the lot, parking space for one (1) automobile for each guest room or dwelling unit, plus such spaces as are required for restaurants, assembly rooms and affiliated facilities in the hotel or motel.

14-9-7 Tourists house, boarding house or rooming house shall provide on the lot one (1) space for each guest accommodation.

14-9-8 For Churches, school auditoriums, theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. For elementary and intermediate schools, one (1) parking space for each faculty and staff member and other fulltime employees, plus four (4) spaces for visitors in addition to the requirements of the auditorium. For secondary schools, one (1) parking space per faculty and staff member and other fulltime employees, plus one (1) parking space per ten (10) students, based on the maximum number of students attending classes at any one time, in addition to the requirements of the auditorium. Parking space already provided to meet off-street parking requirements for stores, office buildings and industrial establishments situated within three hundred (300) feet of the place of public assembly as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 P. M. and midnight on other days, may be used to meet not more than seventy-five (75%) percent of the off-street parking requirements of a church or other similar place of public assembly.

14-9-9 For hospitals, there shall be provided at least one (1) parking space for

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each two (2) beds based on the maximum capacity in terms of beds, including those of infants and children.

14-9-10 For funeral homes, one (1) space per four (4) seats in the main chapel or parlor, plus one (1) parking space per two (2) employees.

14-9-11 For retail stores selling direct to the public, one (1) parking space for each one hundred fifty (150) square feet of retail floor space in the building.

14-9-12 For office buildings, offices or professionals, and personal service establishments, there shall be provided one (1) parking space for each two hundred (200) square feet of floor space.

14-9-13 For medical and dental clinics, four (4) parking spaces per examination or treatment room, plus one (1) parking space for each doctor and employee.

14-9-14 For industrial establishments or wholesale establishments, there shall be provided one (1) parking space for each two (2) employees computed on the basis of the maximum number of individuals employed within an eight hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

14-9-15 Any commercial building not listed above and hereafter erected, converted, or structurally altered, shall provide one (1) parking space for each one hundred fifty (150) square feet of business floor space in the building.

14-9-16 Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate protective barriers where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

14-10 Required On-Site Loading Space

14-10-1 All on-site loading space shall be provided on the same lot with the use to which it is appurtenant.

14-10-2 All on-site loading space shall be provided in addition to, and exclusive of, the parking requirements on the basis of:

- one (1) space for each eight thousand (8,000 square feet of retail gross leasable area.
- one (1) space for each eight thousand (8,000 square feet of gross office space.
- one (1) space for each ten thousand (10,000) square feet of industrial floor space.

14-10-3 Additional loading spaces may be required based upon Planning

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Commission review of any site development plan, which may be required.

14-10-4 Such on-site loading space shall be a minimum of fifteen (15) feet in width, fifteen (15) feet in clearance height, and a depth sufficient to accommodate the largest delivery trucks serving the establishment, but in no case shall such length be less than twenty-five (25) feet.

14-10-5 All loading and unloading berths shall be surfaced with all weather material, and if the loading berths front on a public street, the delivery vehicles shall at no time project onto the sidewalk or street.

14-11 Location of Gasoline Dispensing Pumps and Islands

14-11-1 All appliances for dispensing gasoline installed outside of enclosed buildings shall be located either: (A) a minimum of twelve (12) feet from the street or roadway right-of-way when the pump island is situated parallel to the roadway; (B) a minimum of twenty (20) feet from the street or roadway right-of-way when the pump island is situated at an angle of from one (1) to forty-five (45) degrees to the roadway; or (C) a minimum of thirty (30) feet from the street or roadway right-of-way when the pump island is situated at an angle of forty-six (46) to ninety (90) degrees to the roadway.

14-12 Provisions for Corner Lots

14-12-1 The front of a corner lot shall be the side where the driveway entrance is or will be located as approved by the Virginia Department of Transportation.

14-12-2 The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings.

14-13 Wireless Communciations Facilities

14-13-1 Purpose and goals.

The purpose of this ordinance is to establish guidelines for the siting of wireless communications facilities (WCF). The goals of this ordinance are to:

(A) Minimize the total number of freestanding antenna support structures throughout the County, by maximizing the use of existing support structures;
(B) Strongly encourage the joint use of new and existing WCF sites;
(C) Strongly encourage the owners and operators of WCFs to locate them, to the

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extent possible, in areas where the adverse impact on the County is minimal.

(D) Limit the location of freestanding antenna support structures that detract from the scenic qualities of Madison County;

(E) Encourage the owners and operators of WCFs to locate and configure them in a way that minimizes the adverse visual impact on the landscape and adjacent properties; and

(F) Enhance the ability of wireless communications providers to provide such services efficiently and effectively to residents and visitors of Madison County.

14-13-2 Applicability.

(A) Generally. The requirements set forth in this ordinance shall govern the location of WCFs installed in any zoning district.

(B) Amateur Radio; Receive-Only Antennas. This ordinance shall not apply to any amateur radio antenna or support structure having a combined height of less than 200 feet, or any receive-only antenna and its support structure used for non-commercial purposes.

(C) Emergency facilities. This ordinance shall not apply to a temporary, commercial WCF, upon the declaration of a state of emergency by federal, state or County government, for the duration of the emergency and for a period of up to three months thereafter. Any such WCF must comply with all federal and state requirements.

(D) Special events. This ordinance shall not apply to a temporary, commercial WCF established for the purpose of providing coverage of a special event (such as news coverage or a sporting event), for the duration of the event and for a period of up to one week thereafter. Any such WCF must comply with all federal and state requirements.

14-13-3. Permitted Uses.

The following are deemed to be uses permitted by right in every zoning district, provided that they meet the requirements of Section 14-3-6:

(A) Installation of a new freestanding WCF less than 100 feet or less in height;

(B) Installation of a concealed WCF;

(C) Installation of an attached WCF, including installation of a WCF on a telephone or electric utility company's existing utility pole or on an

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existing light stanchion, provided that the top of the attached WCF is no more than 20 feet above the building or structure to which it will be attached.

(D) Mitigation of an existing WCF, except in circumstances where the mitigation of an existing un-illuminated WCF results in a WCF that is required to be illuminated;

(E) An antenna co-located or combined on an existing support structure of any height, provided that: (i) the addition of said antenna adds no more than twenty (20) feet to the height of the existing support structure; (ii) the addition of the antenna does not require expansion of the footprint of the support structure or the associated equipment compound; and (iii) the equipment compound shall be brought into compliance with applicable landscaping requirements; and

(F) Replacement of an antenna, antenna element, or support structure, where such device or structure will be replaced with another that is of identical or reduced size and weight, and has identical or reduced wind load properties.

14-13-4 Uses Requiring a Special Use Permit.

Except as provided in Section 14-13-3, a WCF shall be allowed only by special use permit.

14-13-5. Alternatives hierarchy.

The following is a listing, in order of preference, of the types of WCF facilities preferred by the County:

(1) Attached WCFs.
(2) WCFs co-located or combined on an existing WCF.
(3) Mitigation of an existing WCF.
(4) Concealed freestand WCF.
(5) Non-concealed WCF.

14-13-6. General Requirements.

The requirements set forth in this section shall apply with respect to the location of each WCF governed by this ordinance:

(A) Authorization and approvals required.

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(i) Any WCF permitted by right under this ordinance must be authorized pursuant to a written verification of the zoning administrator that the facility will meet all applicable requirements of this ordinance, and no building permit shall be issued for any WCF until this verification has been provided. Such verification shall be provided by the zoning administrator within a reasonable time after receipt of all required application materials, not to exceed 60 days. If the zoning administrator determines that a WCF fails to meet the requirements of this ordinance, then the zoning administrator shall provide written notice to the applicant, identifying which requirements are not satisfied, and shall give the applicant an opportunity to provide additional information demonstrating compliance. If such additional information is not provided within ten (10) days then the zoning administrator's determination of noncompliance shall become final. Appeals from a decision of the zoning administrator shall be to the Board.

(ii) The approval of a WCF that is subject to the requirement of a special use permit shall be governed by the process set forth in Section 14-3 of the zoning ordinance. Additionally:

(a) In determining whether a WCF is in harmony with the surrounding area, and whether the WCF will have an adverse impact on adjacent properties, the County will consider the aesthetic impacts of the WCF in addition to other relevant factors.

(b) The County may condition approval on changes in WCF height, design, style, buffers, or other features of the WCF, or on changes to the surrounding area. Such changes need not result in performance identical to that of the original application.

(c) Factors relevant to consideration aesthetic effects include: protection of the view in sensitive or particularly scenic areas; protection of the view from unique natural features; scenic roadways and historic sites; the concentration of WCFs in the vicinity of the proposed WCF; and whether the height, design, placement or other characteristics of a proposed WCF could be modified to have a less intrusive visual impact.

(d) If the County determines that the proposed additional service, coverage or capacity to be achieved by a proposed new WCF can be achieved by use of one or more existing WCFs, it may disapprove the proposed WCF application.

(iii) Prior to issuance of a building permit, the following shall be provided to

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the building official with respect to any support structure more than 100 feet in height:

(a) A structural analysis of the proposed support structure prepared by an engineer, indicating the proposed and future loading capacity of the antenna structure; and
(b) Proof of compliance with Subpart C of Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," or a certification that such regulations are not applicable.

(iv) The County reserves the right to require a supplemental review for any WCF, in order to determine whether the WCF meets the requirements of this ordinance, subject to the following:

(a) Due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the County may require the applicant to pay for a technical review by a third-party expert, the cost of which shall be borne by the applicant in addition to other applicable fees, <u>not to exceed two-and-one-half times the amount of the applicable zoning application fee</u>.
(b) Based on the results of the expert review, the County may require changes to the applicant's application or submissions.
(c) A supplemental review may address any or all of the following: (1) the accuracy and completeness of the application and accompanying information; (2) the applicability of analysis techniques and methodologies; (3) the validity of conclusions reached; (4) whether the proposed WCF complies with applicable approval criteria; (5) other analysis deemed by the County to be relevant to determining whether a proposed WCF complies with the requirements of this ordinance.

(v) Whenever a third party desires to co-locate on any support structure approved under this section, the support structure owner shall notify the zoning administrator, in writing, of the proposed co-location and of the proposed antenna mounting height on the support structure. The County shall have a right of first refusal to lease the co-location space, rent free, for emergency communications purposes, provided adequate space and structural capacity exists for the County's proposed use. The County must exercise this right by written notice within 30 days of receiving notice of the proposed co-location.

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(B) Visibility. Each WCF and related buildings, structures and equipment shall be configured and located in a manner that shall minimize adverse visual impacts on the landscape and adjacent properties.

(i) Each WCF shall be designed to be compatible with the height, scale, color and texture of existing structures and landscapes, as applicable.
(ii) Each new antenna shall be flush-mounted, unless it is demonstrated through radio frequency propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
(iii) An attached WCF shall be designed to complement the facade, roof, wall or other portion of the building structure to which it is affixed, so it blends with the existing design, color and texture of the structure.

(C) Height. Each WCF shall be of the least height necessary to meet the needs of the geographic area to be served by the facility, not to exceed 199 feet, except that in R-1, R-2 and R-3 zoning districts the maximum height of a WCF shall be 125 feet. Height calculations shall include above-ground foundations, but shall exclude lightening rods and lights required by the FAA which do not provide any support for antennas. In the event an applicant provides indisputable technical data demonstrating that a WCF service area would be so substantially compromised that there would be a requirement of additional WCFs within a distance of 2 miles, then the County may approve additional height. Each WCF that exceeds 199 feet in height shall be subject to a requirement that the WCF shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the WCF with a monopole-type support structure at such time as the wireless network has developed to the point that a height of 199 feet or less can be justified.

(D) Monopoles preferred. Each freestanding, non-concealed WCF shall utilize a monopole support structure or utility pole. Upon request of an applicant, the County may approve a different type of support structure if the applicant demonstrates to the satisfaction of the County through the submission of technical data that a monopole structure is not appropriate to accommodate the intended uses.

(E) Design for co-location.
(i) Each freestanding WCF up to 120 feet in height shall be engineered and constructed to accommodate no fewer than 3 co-located WCFs.
(ii) Each freestanding WCF that is 121 up to 150 feet in height shall be engineered and constructed to accommodate no fewer than 4 co-located WCFs.

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(iii) Each freestanding WCF that is 151 or more feet in height shall be engineered and constructed to accommodate no fewer than 6 WCFs.

(F) Grading. Grading shall be minimized and shall be limited to the area necessary for the new WCF and associated equipment compound and fencing.

(G) Lighting. Lighting of a WCF shall comply with the following:

(i) There shall be no lighting of any WCF except as specifically required by federal statute or FAA regulations.

(ii) All FAA required lighting shall be of the minimum intensity and/or number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. In cases where residential uses are located within one-quarter mile of the WCF, then dual mode lighting shall be requested from the FAA.

(iii) Security lighting for ground-level accessory equipment shall be down-shielded and of a type and intensity consistent with generally accepted dark sky lighting standards.

(H) Setbacks. Support structures and related accessory equipment shall comply with the following setback requirements:

(i) If a freestanding support structure is to be constructed using breakpoint design technology, then the minimum setback shall be a distance equal to 110 percent of the distance from the highest point on the structure to the breakpoint level of the structure. Certification by an engineer of the breakpoint design and of the design's fall radius must be provided at the time of application, along with the other information required by this ordinance.

(ii) If a freestanding support structure is not be constructed using break-point design technology, then the minimum setback distance for any such structure more than 100 feet in height shall be equal to 110 percent of the height of the proposed support structure.

(iii) The setback of any support structure from an abutting property may be reduced if an easement is obtained from the owner of the abutting property that restricts development within that portion of the fall zone which would extend onto the abutting property. Such fall zone ease-ment shall be created by deed, acceptable to the county attorney, and it shall be recorded subsequent to the County approval of any zoning applications and prior to the issuance of a building permit for the support structure. The setback of any support structure from the right-of-way for a public street may be reduced upon approval of VDOT and

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the County, without need for a fall zone easement.

(iv) All other WCFs shall be subject to the setbacks of the underlying zoning district, however, if an existing building or structure that is nonconforming as to any setback will serve as the support structure for a proposed WCF, then the existing nonconforming setback shall apply.

(I) Equipment cabinets and compounds.

(i) Equipment cabinets more than 3 feet in height shall not be visible from ground level. Cabinets may be located within a principal building, behind a screen on a rooftop, or on the ground within a fenced-in compound with landscape screening.

` (ii) Where required, landscape screening shall consist of a 10-foot wide buffer planted with evergreen trees, minimum 2 inches caliper, 25-feet on center, evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least 5 feet, plant 5-feet on center, minimum 3-gallon or 24 inches tall at the time of planting; or a combination of both. Alternative landscape plans or materials may be approved by the County, upon a determination by the County that a reasonably equivalent level of screening will be achieved. Existing mature tree growth and natural land forms on the property containing a WCF site shall be preserved to the maximum extent possible, and may be used in lieu of the required landscape screening, in whole or in part, upon a determination that a reasonably equivalent level of screening will be achieved.

(iii) Equipment compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed within a compound, and no compound may be utilized as habitable space.

(J) Fencing. All freestanding support structures and associated equipment compounds shall be enclosed by a fence adequate to preclude to prelude unauthorized only.

(K) Signs. No signs shall be permitted on any WCF, other than the following:

(i) Signs required by the FAA or FCC shall be permitted;

(ii) Informational signs shall be permitted for the purpose of identifying the support structure (such as an ASR registration number), contact information for the party responsible for operation and main-

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tenance of the facility, and contact information for the property manager (if applicable); and

(iii) Warning signs shall be permitted, if more than 220 volts are necessary for the operation of the facility and such voltage is present in a ground grid or in the antenna support structure. Any such signs shall be posted at 20-foot intervals on the fence or wall surrounding the facility and shall display in large, bold, high-contrast letters (minimum 4 inches in height) the words "DANGER—HIGH VOLTAGE".

(L) Federal standards for interference protection. Each WCF shall comply with all applicable federal laws and regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and inter-modulation distortion. Each applicant seeking an approval required by this ordinance shall provide a written certification at the time of application that the subject WCF shall comply with such regulations.

(M) Federal standards for radio frequency emissions. Each WCF shall comply with all applicable federal laws and regulations regarding radio frequency emissions. At the time of application, the applicant shall provide a certification that radio frequency emissions from the WCF comply with FCC standards, and that, individually and cumulatively, and together with any other facilities located on or immediately adjacent to the proposed WCF, the proposed WCF complies with FCC standards. The certification shall be accompanied by a statement of the qualifications of the person providing the certification.

(N) Compliance with ANSI standards. Each WCF shall comply with American National Standards Institute (ANSI) standards, as adopted by the FCC, pertaining to electromagnetic radiation. Each applicant seeking an approval required by this ordinance shall provide a written certification at the time of application that the subject WCF shall comply with such standards.

(O) Safety.

(i) Each WCF and its accessory equipment shall be constructed in compliance with requirements of the Virginia Uniform Statewide Building Code.

(ii) Any time an antenna is added to an existing WCF located on a support structure in excess of 100 feet, the owner or operator of the antenna shall provide the County with an engineer's certification that the WCF can structurally accommodate the total number of antenna to be located on the WCF.

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(P) Sounds. No unusual sound emissions, such as alarms, bells, buzzers, etc. are permitted.

(Q) Abandonment.

(i) A WCF and its accessory equipment shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with a replacement support structure, in which case the removal shall occur within 90 days of cessation of use.

(ii) A support structure which remains unoccupied by any antenna for a period of 180 consecutive days ("vacancy period") shall be removed within 60 days of the last day of the vacancy period, at the owner's expense.

(iii) An owner who wishes to extend the time for removal shall submit an application stating the reason for the proposed extension. The Board may extend the time for removal or reactivation upon a showing of good cause.

(iv) If the WCF or vacant support structure is not removed within the time period required by this subparagraph, the County may give written notice that it will contract for removal of the WCF within 30 days following the notice. Thereafter, the County may cause removal of the WCF and the owner or corporate surety, if any, shall be responsible for payment of all costs incurred by the County to do so.

(v) Upon removal of a WCF and its accessory equipment, the site shall be returned to its natural state and topography, and shall be vegetated consistent with the natural surroundings or the current uses of the surrounding or adjacent land at the time of the removal.

14-13-7. New freestanding WCF.

(A) No new or mitigated freestanding WCF shall be permitted unless the applicant demonstrates that no existing WCF can accommodate the WCF facilities or is suitable, as to design or location.

(B) In any R-1, R-2 or R-3 zoning district, new freestanding WCFs (other than those mounted on a utility pole) shall only be permitted on lots whose principal use is not single-family residential.

14-13-8. Mitigation of existing freestanding WCF.

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(A) An existing WCF may be modified in order to mitigate the impact of that facility. Mitigation must accomplish a minimum of one of the following objectives: (i) reduce the number of WCFs; (ii) reduce the number of nonconforming WCFs; or (iii) replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this ordinance. No WCF shall be mitigated more than one time. Upon completion of mitigation, the owner of the mitigated WCF shall provide the County with evidence that at least one of the above-referenced objectives has been achieved.

(B) The height of a mitigated WCF shall not exceed 115 percent of its original height.

(C) A new WCF approved for mitigation of an existing WCF shall not be required to meet new setback standards, so long as the new WCF and its equipment compound are no closer to any property lines or dwelling units than the facility being mitigated.

(D) Except as set forth within paragraphs (B) and (C), above, a mitigated WCF shall be brought into compliance with the requirements of 14-3-5.

14-13-9. Interference with public safety communications.

In order to facilitate the regulations, placement and construction of each WCF, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations and guidelines of the FCC, each owner of a WCF, and each applicant (if different than the owner) shall agree in a signed written statement to the following:

(1) Compliance with "Good Engineering Practices" as defined by the FCC in its rules and regulations.
(2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
(3) In the case of an application for co-located telecommunications facilities, best efforts will be made to provide a composite analysis of

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all users of the site, to determine that the proposed facility will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures to attempt to prevent such interference.

(4) Whenever the County encounters radio frequency interference with its public safety communications equipment, and it believes that the interference has been or is being caused by a WCF, then:

(i) The County will notify the WCF service provider of possible interference with the public safety communications equipment. Upon such notification, the owner shall utilize its best effort to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best practices Guide" released by the FCC in February 2001, including the "Good Engineering Practices," as such have been or may be amended or revised by the FCC from time to time.

(ii) If the WCF owner fails to cooperate with the County in complying with its obligations under this subsection, or if the FCC makes a determination of radio frequency interference with the County's public safety communications equipment, the owner who failed to cooperate or whose facility caused the interference shall be responsible for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For purposes of this subsection, failure to cooperate shall include failure to initiate any response or action described in the "Best Practices Guide" within 24 hours of the County's notice.

14-13-10. Submission requirements.

For each proposed WCF, an applicant shall submit a completed application form and required application fees (as set forth on the most recent fee schedule approved by the Board along with a site plan containing or supported by the following information:

(1) An affidavit by a radio frequency engineer certifying compliance with the alternatives hierarchy set forth in Section 14-13-5. If a lower-ranking alternative is proposed, the affidavit must provide specific factual information explaining why higher-ranked options are not

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technically feasible, practical or justified.

(2) Evidence of the current ownership of the subject property.

(3) If the applicant is not the property owner, proof that the applicant is authorized to act upon the owner's behalf.

(4) All applicable certifications, assurances and written agreements required by this ordinance.

(5) Proposed maximum height of the WCF, inclusive of the base, the antenna support structure, antennas and lighting rods.

(6) Proposed exterior paint and stain samples for any components to be painted or stained.

(7) GPS coordinates for the WCF.

(8) Antenna mounting elevations and power levels of the proposed antenna, and all of the mounting elevations and power levels of any other WCF facilities located on the same site.

(9) Materials detailing the locations of existing WCFs to which a proposed WCF will be a handoff candidate, including GPS coordinates, latitude, longitude and power levels of the proposed and existing antennas.

(10) A radio frequency propagation plot, indicating the coverage of the applicant's existing WCF sites, coverage prediction and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher-ranked alternative; and

(11) A map showing the designated search ring.

(B) The following information shall be provided, in addition to the requirements of subparagraph (A), above, for any WCF which requires approval of a special use permit:

(1) Two sets (24" x 36") of a site plan for the proposed WCF, signed and sealed by a surveyor or engineer licensed by the Commonwealth of Virginia, including antenna support structure elevations, plans for any landscaping and fencing required, plus 17 sets (11" x 17"). Each site plan shall meet applicable requirements of the County's site plan ordinance.

(2) One (1) original and 2 copies of a survey of the proposed WCF site, signed by a professional surveyor licensed in the Commonwealth of Virginia.

(3) Photo-simulated post-construction renderings of the completed WCF, from locations to be determined during a pre-application conference with the zoning administrator.

(4) A balloon test for any proposed freestanding WCF in excess of 100

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feet, in order to demonstrate the height of the proposed WTF. The applicant shall arrange to raise a colored balloon, no less than 3 feet in diameter, at the maximum height of the proposed WTF and within 50 horizontal feet of the center of the proposed antenna support structure.

a. The applicant shall inform the zoning administrator and adjacent property owners in writing of the date and times of the test, at least 14 days in advance. The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant, once per week for 2 weeks in advance of the test date. The balloon shall be flown for a least 4 consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

b. Re-advertisement will not be required if inclement weather occurs—the original advertisement should direct readers to an alternate date.

(5) A report and supporting technical data demonstrating that all potentially usable elevated structures within the proposed service area, and alternative antenna configurations, have been examined and found unacceptable, for one of the following reasons:

a. No existing WCF in the geographic area meets the applicant's engineering requirements, and a written statement explaining in detail the requirements and the reason for this conclusion.

b. No existing WCF in the geographic area is of sufficient height to meet the applicant's engineering requirements or can be increased in height to meet those requirements, and a written statement explaining in detail the requirements and the reason for this conclusion.

c. No existing WCF in the geographic area has sufficient structural integrity to support the applicant's proposed WCF or can be sufficiently improved to provide such support, and a written statement identifying the specific WCFs that were investigated and the reasons for this conclusion.

d. Other limiting factors render other existing WCFs in the geographic area unsuitable, and a written statement explaining in detail the reasons for this conclusion.

(6) A written statement, supported by technical data identifying any existing service gap that will be addressed by the proposed WCF, and accompanying maps and calculations, or other data demonstrating the service gap. For the purpose of this paragraph, the term "service gap" means a defined geographic area in which there is a demon-

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strable, consistent absence of any signal.

(7) List of property owners within 1,000 feet in agriculturally zoned, and 500 feet in all other districts, of the subject property. The list must be compiled from the most current ownership information supplied by the commissioner of revenue's office.

(8) A written statement that the proposed WCF meets the alternatives hierarchy. In the event that the proposed WCF is of a lower degree of preference than a concealed freestanding WCF the applicant shall demonstrate that concealment technology is unsuitable for the proposed facility. Cost of concealment technology that exceed facility development costs of the proposed WCF shall not be presumed to render the technology unsuitable.

(9) A written statement provided by a professional engineer licensed by the Commonwealth of Virginia, specifying the design structural failure modes of the proposed WCF.

(10) Identification of the intended service providers who will operate the WCF.

(11) Proof of approval by the Virginia Department of Historic Resources, State Historic Protection and Preservation Office, or a certification that no such approval is required.

(12) A copy of any material submitted to the U.S Fish and Wildlife Service, or a certification that no submission to the FWS is required for the proposed facility.

(13) A pre-application conference will be required for a new freestanding WCF. The applicant shall demonstrate that the following notice was mailed by certified mail to all other wireless service providers licensed to provide service within the County. "Pursuant to the requirements of the Madison County Zoning Ordinance, we are hereby providing you with notice of our intent to meet with County staff in a pre-application conference to discuss the location of a free-standing wireless communication facility that would be located at _____ (insert physical address, latitude and longitude (NAD-83). In general, we plan to construct an antenna support structure_____ (insert number) feet in height for the purpose of providing (insert type of

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wireless service). Please inform County staff if you have any desire for placing additional WCF or equipment within 2 miles of our proposed facility. Please provide us with this information within 20 business days after the date of this letter."

(C) The following shall be provided in lieu of the requirements set forth in subsection (A), above, for any replacement of an existing antenna or support structure:

(1) A written statement setting forth the reasons for the replacement.
(2) A signed statement from a qualified professional, together with a statement of his qualifications, certifying that the radio frequency emissions from the WCF meet FCC standards for such emissions and that, both individually and cumulatively, and with any other facilities located on or immediately adjacent to the WCF, the replacement antenna complies with FCC standards.
(3) A structural analysis of the existing WCF prepared by an engineer licensed by the Commonwealth of Virginia, indicating that the existing or replacement support structure, and all existing and proposed attachments thereto, meet Virginia Uniform Statewide Building Code requirements (including wind loading).

14-13-11. Relation to Other Zoning Regulations.

(A) Principal or accessory use. WCFs may be considered either principal or accessory uses. An existing structure or existing use already established on the same lot shall not prelude the installation of a WCF on such lot.

(B) Relation to other zoning district regulations. For purposes of determining whether the installation of a WCF complies with zoning district regulations, the dimensions of the entire lot shall control, even though the WCF may be located on leased areas within such lots. In the event of a conflict between any requirements of this section and the requirements of a particular zoning district, the more restrictive requirements shall govern; however, the height limitations and setbacks applicable to buildings and structures within each zoning district shall not apply to WCFs.

14-13-12. Non-conforming uses.

(A) Impact of installation on non-conforming uses. A WCF that is constructed or installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure, other than a

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nonconforming WCF.

(B) Existing WCFs may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.
(C) Existing WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions (subject to obtaining a building permit) but shall be required to meet the requirements of Sections 14-3-5) (L), (M), (N), (O), (P) and (Q) of this ordinance.

(D) The owner of any existing telecommunications facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards (subject to obtaining a building permit) without having to conform to provisions other than Sections 14-3-5 (L), (M), (N), (O), (P) and (Q) of this ordinance.

14-13-13. Definitions.

"Accessory equipment" means any equipment serving or being used in conjunction with a WCF. This equipment includes, but is not limited to, utility and transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters and other structures.

"Antenna" means any structure or device used for telephonic, cellular, data, radio, or television communication through the sending and/or receiving of electromagnetic waves. Such structures and devices include, but are not limited to, directional antennas (such as panels, microwave dishes and satellite dishes) and omni-directional antennas (such as whips), and antenna arrays.

"Board" means the Board of Supervisors of Madison County, Virginia.

"Breakpoint technology" means the engineering design of a monopole such that a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole, and in the event of a structural failure of the monopole the failure will occur at the breakpoint rather than at the base plate, anchor bolts or any other point on the monopole.

"County" means the County of Madison, Virginia, a political subdivision of the

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Commonwealth of Virginia and, in appropriate context, to the governing Board, its officials, officers and employees.

“Engineer” means an engineer licensed within the Commonwealth of Virginia.

“Existing WCF” means any WCF that was placed, built, erected, or for which a special use permit had been approved by the Board on or before February 4, 2009.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Fall zone” means the area surrounding a support structure centered upon the support structure and encompassed within a radius equal to 110 percent of the total height of the support structure.

“Handoff candidate” means a WCF that receives call transference from another WCF, usually located in an adjacent first “tier” surrounding the initial WCF.

“Mitigation” means a modification of an existing support structure in order to bring the structure into compliance with the requirements of this ordinance, to improve aEsthestics, or to improve the functionality of the overall wireless network of which the facilities located on the support structure are a part.

“Monopole” means a structure to support antennas and related wireless equipment consisting of a single self-supporting pole, constructed without any external bracing, guy wires or similar attachments.

“Support structure” means a freestanding, guyed or self-supporting structure designed to support telecommunications facilities, including but not limited to lattice-type towers, monopoles and utility poles.

“Utility pole” means a wooden pole, 100 feet or less in height, of the type typically utilized by telephone and electric utility companies.

“WCF” means a wireless communications facility, and refers to any manned or unmanned facility established for the purpose of providing wireless transmission and/or reception of voice, data, images or other information, including but not limited to cellular telephone service, personal communications service (PCS) and paging service.

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A WCF usually consists, collectively, of an antenna, a support structure, and accessory equipment. However, as used in this ordinance "WCF" may refer, in appropriate context to an individual antenna and its accessory equipment and facilities used for non-commercial access to communications services, installed at a consumer's location.

"Attached WCF" means a WCF that is secured to an existing building or structure. An attached WCF shall be considered to be an accessory use to the existing principal use on a site.

"Co-located WCF" means any one of multiple WCFs operated by multiple carriers, service providers or licensees on a shared support structure.

"Concealed WCF" means a WCF that is hidden or camouflaged so that it is not readily identifiable as such, and that is designed to be aesthetically compatible with the surrounding natural environment and/or existing and proposed buildings and uses on a site. Examples of a concealed WCF include: man-made trees, silos, clock towers, steeples and bell towers, street light poles, and similar alternative mounting structures.

"Freestanding WCF" means a WCF utilizing a support structure.

AND BE IT FURTHER ORDAINED THAT this ordinance shall take effect upon its adoption and shall apply to all WCFs that have not been finally approved prior to that date.

ADOPTED this 4th day of February, 2009 by the Board of Supervisors of Madison County, Virginia, on motion of William L. Crigler, seconded by Clark Powers.

_____
Eddie Dean, Chairman

	Aye	Nay	Abstain	Absent
Eddie Dean	x			
James L. Arrington			x	
William L. Crigler	x			
Bob Miller	x			
Clark Powers	x			

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Attest:

_____

Lisa A. Robertson, County Administrator
Clerk to the Madison County Board of Supervisors

14-14 Small wind energy system.

14-14-1 Purpose and intent.
The purpose of this article is to regulate the placement, construction and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy systems and not unreasonably interfering with the development of independent renewable energy sources.

14-14-2 Applicability.
The requirements set forth in this division shall govern the use and siting of small wind energy systems used to generate electricity or perform work which may be connected to a utility grid pursuant to the net metering law set forth in Virginia Code Section 56-594 (1950, as amended), or serve as an independent source of energy, or serve in a hybrid system.

14-14-3 Definitions.
Small Wind Energy System. A supplemental wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of 30kw and does not emit or receive radio, television or wireless communication signals. A small wind energy system may be part of a hybrid energy system that uses more than one technology to produce energy (for example, a wind-solar system).

Tower. The structure on which the small wind energy system is mounted.

Tower Height. The height above ground of the fixed portion of the tower, including the wind turbine itself.

Turbine. The parts of the wind system including the blades, generator and tail.

14-14-4 Siting requirements.
The requirements for siting and construction of a small wind energy system in Madison County, Virginia, shall include the following:

1. A small wind energy tower shall have a maximum tower height of 60

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feet.

2. The applicant shall provide written confirmation that the proposed height of the small wind energy tower does not exceed the height recommended by the manufacturer or distributor of the tower.

3. The minimum distance between the ground and any protruding blades utilized on a small wind energy tower shall be 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 10 feet above the height of any structure within 150 feet of the tower base.

4. A small wind energy tower shall have no advertising sign, writing or picture.

5. A small wind energy system shall not be artificially lighted.

6. A small wind energy system shall be set back from all adjacent lots or parcels of land a distance equal to at least 110% of the height of the tower plus the blade length and a distance equal at least to 150% of the tower height plus blade length from any inhabited dwelling on all adjoining lots or parcels of land. In addition to the requirements set forth above, a small wind energy system shall meet all setback requirements for the zoning district in which it is located.

14-14-5 Removal of defective or abandoned wind energy systems.
Any small wind energy system found to be unsafe by the Madison County Building Inspector shall be repaired by its owner to meet federal, state and local requirements or removed as specified by the Madison County Building Inspector. Any small wind energy system that is not in operational use for a continuous period of 24 months shall be considered abandoned, and the owner of the abandoned system shall remove it within 90 days after receipt of a written removal notice from the Madison County Building Inspector.

14-14-6 Federal and state requirements.

(a) Compliance with Uniform Statewide Building Code: Building permit applications for a small wind energy system shall be accompanied by standard drawings of the small wind turbine structure, including the tower, blades, generator, base, and footings, and an engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a license professional engineer.

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(b) Compliance with National Electrical Code: A building permit application for a wind energy system shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(c) Compliance with regulations governing energy net metering: A small wind energy system connected to a utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.

This Ordinance shall become effective upon its adoption.

Adopted the 7th day of July, 2010 on motion of J. Dave Allen, seconded by James L. Arrington.

_____
Eddie Dean, Chairman
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
Eddie Dean	x			
James L. Arrington	x			
J. Dave Allen	x			
Jerry J. Butler	x			
Pete J. Elliott	x			

Attest:

_____
Lisa A. Robertson
Clerk/Madison County Board of Supervisors

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Article 15

Travel Trailer or Camper Parks
(Temporary or Permanent)

15-1 A special use permit may be issued by the Board of Supervisors after recommendation from the Planning Commission pursuant to Article 14-3 for a seasonal travel trailer or camper court in the Conservation and Agricultural zones subject to the following conditions:

15-1-1 Such camps or parks must have a minimum lot size of five (5) acres and contain no more than twenty (20) sites per acre.

15-1-2 No camper or travel trailer space shall contain less than one thousand (1,000) square feet of area.

15-1-3 No camper or travel trailer space shall be less than twenty-five (25) feet in width.

15-1-4 No camper or travel trailer shall be located closer than twelve (12) feet to another camper or travel trailer.

15-1-5 Seasonal permits for space rental or occupancy shall be obtained by the camp owner, from the administrator, to be issued by the trailer court or park owner, with copies of each permit furnished to the zoning administrator at the end of each calendar year.

15-1-6 No permit issued for space rental or occupancy shall exceed thirty (30) days and shall not be renewable to the same party or unit owner until a period of sixty (60) days has elapsed from the expiration date of the original permit.

15-1-7 The water and sanitary facilities including refuse storage and removal are approved by the Madison County Health Department.

15-1-8 The court or park owner provides for refuse collection and disposal.

15-1-9 If the park is approved as a permanent or temporary facility, a central service building providing washing, storage, and toilet facilities shall be installed subject to the approval of the Madison County Health Department.

15-1-10 Service buildings shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

1. One flush toilet for each sex for each five (5) dependent trailer lot or fraction thereof.
2. One lavatory for each sex for each five (5) dependent trailer or fraction thereof, and not less than one (1) shower or tub for each sex for each ten (10) dependent

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trailers.

3. Toilets and sanitation for sexes must either be in separate buildings, or if in the same building, separated by walls.
4. In each toilet facility building there shall be provided a slop sink with hot and cold water outlets.

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Article 16

DEVELOPMENT IMPACT

16-1 Development Impact

It is the intent of the Board of Supervisors and the Planning Commission to encourage the development of Madison County in an fiscally and environmentally sound manner. To this end, development proposals should be evaluated for their impact on the land, people, economy and public facilities and services of the County.

Madison County recognizes the benefits of sound planning for all types of development. All developers must expect to present to the Planning Commission and Board of Supervisors an objective evaluation of the impact of their proposed development on the County, and then must expect to assist in offsetting those impacts under laws of Virginia in effect at the time of application.

16-2 All developers may be required by the Planning Commission or Board of Supervisors to finance and assist in the preparation of an impact study of the proposed development upon the County. This impact study will supplement any information submitted with any preliminary plats and must include at a minimum the following:

1. The estimated increase in the County's population that will result from the development, describing the anticipated population structure of the development and including the period of time over which such growth is expected to occur.

2. The expected needs of the development for public and private services such as water, sewer, trash disposal, government, fire protection, police, schools, and rescue squads, including any additional land, persons, buildings, road and equipment that may be needed to provide such services and the estimated cost thereof.

3. The environmental impact of the development including its effect on air and water quality, wildlife, historic property and prime agricultural lands.

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4. The estimated local tax revenue that the development will generate.

16-3 Such a development impact study shall be prepared by competent individuals recognized as experts in planning, engineering, and environmental analysis.

16-4 The Commission or Board may request opinions from departments, agencies, or authorities of the County or state government or from recognized individuals.

16-5 The results of the impact study shall be weighed as one of the considerations in any actions taken by the Planning Commission or the Board of Supervisors.

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Article 17

Provisions for Appeal

Variance - Hardship - Interpretation

17-1 Board of Zoning Appeals

17-1-1 A board consisting of five (5) members shall be appointed by the circuit court of the County. Each Board member shall serve a term of office for five years. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

17-1-2 Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

17-1-3 Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

17-1-4 The Board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman.

17-2 Powers of the Board of Zoning Appeals

17-2-1 Boards of Zoning Appeals shall have the following powers and duties:

17-2-2 To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this Ordinance or of any ordinance adopted pursuant thereto in accordance with Section 15.1-495 of the 1950 Code of Virginia, as amended.

17-2-3 To authorize upon appeal in specific cases such variance from the terms of the Ordinance 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 the Ordinance shall be observed and substantial justice done, as follows:

17-2-4 When a property owner can show that his/her 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

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the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use of development of property immediately adjacent thereto, the strict application of the terms of the ordinance 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 variance shall be in harmony with the intended spirit and purpose of the ordinance. Financial conditions alone are not considered as evidence of hardship.

17-2-5 No such variance shall be authorized by the board unless it finds: (a) that the strict application of the Ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) 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 variance.

17-2-6 No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, as amended.

17-2-7 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 the Ordinance.

17-2-8 In authorizing a variance the board may impose such conditions regarding the location, character, setback, screening, lighting, access 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.

17-3 <u>Rules and Regulations</u>

17-3-1 The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

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17-3-2 The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.

17-3-3 The chairman or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

17-3-4 The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

17-3-5 All meetings of the board shall be open to the public.

17-3-6 A quorum shall be at least three (3) members.

17-4 Appeal to the Board of Zoning Appeals: Variances, Hardships, Interpretation

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by a decision of the zoning administrator except special use permits. A notice of appeal shall be filed specifying the grounds thereof. The administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

17-5 Appeal Procedure

17-5-1 Appeals shall be mailed to the Board of Zoning Appeals c/o the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any.

17-5-2 Appeals requiring an advertised public hearing shall be accompanied

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by payment to the Treasurer of a fee according to a fee schedule adopted by the Madison County Board of Supervisors.

17-5-3 The appeal must be mailed within thirty (30) days after the decision and notification of such decision made by the zoning administrator.

17-6 Public Hearing and BZA Decisions

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers the board may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Written communication of the Board's decision and reasons for its decision shall be sent to the County Planning Commission and the Board of Supervisors.

17-7 Appeals from Decisions of Board of Zoning Appeals

17-7-1 Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the jurisdiction, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

17-7-2 Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator'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 appealed from; but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

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17-7-3 The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of 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 appealed from and shall be verified.

17-7-4 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 partly, or may modify the decision brought up for review.

17-7-5 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 appealed from.

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Article 18

Amendments

18-1 The regulations, restrictions, districts and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:

18-1-1 That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

18-1-2 Notices shall be given of the time and place of such hearing in accordance with the requirements of Section 15.1-431 of the 1950 Code of Virginia, as amended.

18-1-3 Changes shall be made by the Board of Supervisors in the zoning ordinance or the zoning map only after such changes have been referred to the Planning Commission for a recommendation. Action shall be taken by the Board of Supervisors only after a recommendation has been made by the Planning Commission, unless a period of ninety (90) days has elapsed after the first regular meeting of the Planning Commission after the amendment has been referred to it, after which time it may be assumed the Planning Commission has recommended approval of the amendment.

18-1-4 Applications or petitions for amendments to the zoning ordinance or zoning map must be made in writing by the property owner(s) or the contract buyer(s) or authorized agents. Each application must be accompanied by payment of the applicable application fee adopted by the Board of Supervisors.

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Article 19

Administration and Interpretation

19-1 Administration

19-1-1 This Ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

19-2 Interpretation

19-2-1 Unless zone boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

19-2-2 Where zone boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

19-2-3 Where a zone boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limits of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

19-2-4 If no distance, angle, 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 said zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary, in accordance with the B.Z.A. appeals procedure. (Reference Article 17.)

19-3 Violation and Penalty

19-3-1 Any person, whether owner, lessee, principal, agent, employee or

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otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirement thereof, or who erects any building or uses any building or uses any land in violation of any application or plan submitted by him and approved under the provisions of this Ordinance, shall be punishable to a fine of not more than one thousand dollars ($1,000). Each day that a violation continues shall be deemed a separate offense.

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be, and the same is hereby declared to be, unlawful.

The Board of Supervisors may initiate injunction, mandamus or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

Upon his becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, the Board of Supervisors may institute such action as may be necessary to terminate the violation.

The remedies provided herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

19-3-2 Any person, firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, may be fined not more than one thousand dollars ($1,000.00). Such persons, 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 this

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ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

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Article 20

Definitions

Defined herein are those terms and names used which might be subject to other interpretations. Where terms are sufficiently identified within the text of the ordinance, the definition item will refer to that section number.

The words "used for" include "designed for", and vice versa; words used in the present tense include the future; words in singular number include the plural number and vice versa; the word "building" includes the word "structure", the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot", and the word "shall" is mandatory and not director.

20-1 Abattoir: A commercial slaughter house.

20-2 Access: A means of approach or admission.

20-3 Accessory Use or Building: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

20-4 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

20-5 Administrator, The: The official charged with the enforcement of the zoning ordinance. He/she may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He/she may serve with or without compensation as determined by the governing body.

20-5A Adult Bookstore: An establishment which has as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes juveniles in accordance with Article 6, 18.2-390 and 391 of the Code of Virginia (1950), as amended.

20-6 Agent: The representative of the governing body who has been appointed to serve as the agent to the Board in administering the subdivision ordinance.

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20-7 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening including such agricultural industries or business as fruit packing plants, dairies, orchards, nurseries, wayside stands for agricultural products, or similar uses.

20-8 Airport (Including Air Park, Flight Strip, and Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored.

20-9 Alley: A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

20-10 Alteration: Any change in the total floor area, use adaptability, or external appearance of an existing structure.

20-11 Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

20-12 Amusement Park: A commercial recreational activity of a permanent nature offering amusements and diversions and operating either seasonally or all year long.

20-13 Apartment House: See dwelling, multi family.

20-14 Architect: A professional who is registered with the Virginia State Department of Professional and Occupational Registration as an architect or one who is a member of the American Institute of Architects.

20-14A Auction Establishment: A structure or enclosure in which goods and/or livestock are displayed and sold by auction.

20-15 Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are located or found. See also "junkyard". (The State Code identifies 5).

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20-16 Automobile Service Station: A building used or intended to be used for the retail sale of fuels, lubrications, air, water and other operating commodities for motor vehicles to include the space and facilities for the installation of such commodities, and in addition the space for facilities for the storage, minor repair, painting, steam cleaning, rust-proofing and refinishing.

20-17 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted 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.

20-17A Biodiesel fuel production: Production of biodiesel fuel – a renewable, biodegradable, mono-alkyl ester combustible liquid fuel from agricultural plant oils or animal fats that meets American Society for Testing and Materials (ASTM) specifications for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

20-18 Block: That property abutting one side of a street, and lying between the two nearest intersecting or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

20-19 Board: The Board of Supervisors of Madison County, Virginia.

20-20 Board of Supervisors: The Board of Supervisors of Madison County, Virginia; the governing body.

20-21 Boarding House: A dwelling other than a hotel, where for compensation, meals or lodging and meals are provided for three (3) or more, but not exceeding fourteen (14) persons.

20-22 Buffering or Screening: For the purposes of this ordinance, screening or buffering shall be defined as any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties, wherever required by this ordinance. Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean trees, bushes and shrubbery.

20-23 Buildable Area: The area of a lot remaining after required yards, open

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spaces, parking, loading, and access areas have been provided.

20-24 Building: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property of any kind. When a building or structure is divided into separate parts by fire walls and having separate plumbing, electrical, heating, drainage and ventilation, each part so divided shall be deemed a separate structure.

20-25 Building Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

20-26 Building Coverage: Lot Coverage: All areas under roof or projections from buildings on a lot.

20-27 Building, Height of: The vertical distance measured from the level of the curb or the established curb grade 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 the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average adjacent elevation of the ground surface along the front of the building.

20-28 Building Inspector: An appointed official of Madison County who is responsible for certifying building inspections.

20-29 Building, Main: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

20-30 Building Permit: a permit which is issued by the Administrator before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the Zoning Ordinance.

20-31 Campground: An area containing five (5) acres or more of land developed by the owner to accommodate paying guests for stays of short duration in tents, campers or motor homes designed for single families or travel trailers owned by the guests. Campgrounds must comply with regulations for sanitation imposed by the County Health

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Officer; and a special use permit shall be obtained in every case. Individual space rentals shall be recorded as specified.

20-32 Camp, Summer: An area containing not less than ten (10) acres owned and/or operated privately for profit or by a charitable, religious or civic organization, where children or adults are lodged and fed in tents or similar rustic shelters during vacation periods and instruction in outdoor activities, crafts, sports, and similar pursuits are furnished. Included in this definition are day camps.

20-33 Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than eighteen (18) inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

20-34 Carnival: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

20-35 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

20-36 Cemetery: A privately or church owned and/or operated place for burial of the dead where lots are sold and perpetual care of the graves is furnished.

20-37 Certificate of Occupancy: A document which indicates to the public that a building, its construction, location and intended use, conform to all Madison County Ordinances and Codes relative to its construction, location and intended use.

20-38 Circus: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows.

20-39 Cluster Development: Development premised on unit density which allows unit credit based on gross acreage but permits development including lots and streets on a given percentage of the overall gross site.

20-40 Code, The: The Code of Virginia, as the same may be amended from

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time to time.

20-41 Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

20-42 Commission: The Planning Commission of Madison County, Virginia.

20-43 Common Open Space: An open tract, or parcel of land owned in undivided interest, not devoted to residential uses or structures but directly related and adjunct to a cluster development or planned development or special housing area as herein provided.

20-44 Condominium: Ownership of single units in a multiple unit structure or complex having common elements. Ownership includes fee simple title to a residence or place of business and undivided ownership, in common with other purchases of the common element in the structure and including the land and its appearance.

20-45 Conservation: The objective of preserving, protecting and utilizing within criteria and standards of the natural resources of Madison County, including excessive slopes, erosive soils, 15% + slopes, soils, water, timber, air and recreational open space, scenic or otherwise.

20-46 Construction Facilities, Temporary: A temporary special permit may be granted with conditions by the Board of Supervisors as being compatible with the use and nature of the adjacent properties for temporary construction facilities for a period coinciding with such construction work, provided that safe and convenient access is available, proper bonds for clean-up are provided, and adjacent properties are adequately protected.

20-46-1 Temporary highway department inspector's office.

20-46-2 Contractors office and equipment storage yards for contractors who have been awarded contracts by the Virginia Department of Highways. The above use shall not be construed to mean the storage or manufacture or processing of explosives or explosive components.

20-46-3 Contractors asphalt and concrete processing plants and aggregate storage for contractors who have been awarded contracts by the Virginia Department of Highways.

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20-47 Construction Standards: Specifications and standards as may be or are adopted by or are applicable in the County of Madison relating to the construction of all physical improvements.

20-47A Conventional Sewage System: An individual sewage disposal system incorporating a septic tank and sub-surface soil absorption (drainfield) with or without pumping to serve a single residence.

20-48 Country Club: An organization which provides facilities for dining, entertainment, lodging, golf, golf driving range, tennis, pro shop and/or swimming. A civic, fraternal, and patriotic club or lodge shall not be deemed a country club.

20-49 County: Madison County, Virginia.

20-50 County Engineer: An appointed official of Madison County who is a licensed professional engineer, or his designated deputy.

20-51 County Resident Engineer: The Resident Engineer for Madison County, Virginia, of the Department of Highways of Virginia, or his designated deputy.

20-52 Court: An open, unoccupied space, other than a yard with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

20-53 Cul De Sac: A street with only one outlet having an appropriate turn-around area for a safe and convenient reverse of traffic movement.

20-54 Dairy: A commercial establishment for the manufacture and sale of dairy products.

20-55 Day Care Center: Any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardian during a part of the day.

20-56 Developer or Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or

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another individual or entity to act on their behalf in planning, negotiation or in representing or executing the requirements of the ordinances of the County of Madison.

20-57 Director of Planning: An appointed county official who serves as the Director of Planning for Madison County, Virginia or his/her designated deputy.

20-58 District: Districts as referred to in Section 15.1-486, of the Code of Virginia.

20-59 Driveway or Accessway: That space specifically designated and reserved on the site for movement of vehicles from one site to another on site from the site to public street.

20-60 Duplex: A two family residential structure; the residential units may be arranged one above the other, or be semi-detached.

20-61 Dustless Surface: A surface adequately covered in accordance with good construction practice with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material, approved by the County Engineer and/or Resident Engineer, and maintained in good condition at all times.

20-62 Dwelling: Any structure used for residential purposes with complete and separate facilities for each unit except commercial establishments renting rooms to transients for a short number of days.

20-63 Dwelling Attached: One of two or more residential buildings having a common or party wall separating single dwelling units.

20-64 Dwelling, Multiple-Family: A structure arranged or designed to be occupied by three (3) or more families living independently of each other.

20-65 Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

20-66 Dwelling, Single Family: A residential building containing only one

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(1) dwelling unit and not occupied by more than one (1) family.

20-67 Dwelling, Single Family Attached: A group of two (2) or more single family dwelling units which are joined to one another by a common party wall, a common floor or ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to +another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as a semi-detached, garden court dwelling, patio house and townhouse shall be deemed a single family attached dwelling. See definition for townhouse.

20-68 Dwelling, Two-Family: A structure arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.

20-68A Dwelling, Two Family (limited): A single family dwelling existing on or before March 29, 1974, and arranged or designed to be occupied by two families. Said existing single family dwelling shall have only two (2) dwelling units and may be improved with repairs, renovations, or a porch or deck that is not enclosed; but the frame and floor area of said existing single family dwelling shall not be otherwise enlarged with additional construction.

20-69 Dwelling Unit: One or more rooms in a structure designed to provide living and sleeping accommodations for an individual or a family.

20-70 Dwelling Unit, Modular: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site.

20-71 Dwelling Unit, Sectional Home: A dwelling made of 2 or more modular units transported to the home site, put on a foundation (Permanent) and joined to make a single family dwelling, on a

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permanently improved parcel of ground.

20-72 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, a dairy barn or food handling establishment where trash, garbage or their waste or scrap material is dumped or deposited without being covered by a sanitary fill.

20-73 Easement: A grant by a property owner of the use of his land by another party for a specific purpose.

20-74 Engineer: An individual who is recognized by the State and who is registered with the State Department of Professional and Occupational Registration as a "professional engineer".

20-75 Family: An individual or group of individuals living together as one household within a single dwelling unit related by blood, marriage, or other legal arrangement, and having no more than two (2) boarders; or a group of five (5) or less individuals living together within a single dwelling unit with the intent to function as a single social and housekeeping unit. A family would not be a group of persons living as separate housekeeping units within one structure or whose housekeeping is independent of one another but have the same place of residence due to economic arrangements with a common proprietor rather than the purpose of living together. A dormitory, hotel, lodge, apartment building, fraternity or nursing home would not be a single family dwelling.

20-75A Farm or Food Products: Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple and sorghum products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, livestock feed, or baked goods.

20-76 Farm Tenant: A worker, other than the owner, who resides on and derives his/her principal income from a farm.

20-77 Farm Winery: An establishment licensed in accordance with Title 4-1 of the Code of Virginia (1950, as amended) (i) located on a farm in

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Madison County with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume or (ii) located in Madison County with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume. As used in this definition the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

20-77A Farm Market: A building, structure or place used for the sale of farm or food products or craft products to consumers where fifty-one percent (51%) or more of the products are grown, produced or processed by the operator or under the operator's direction. A farm market must be located at or beyond the setback line and must use an existing entrance as access.

20-78 Fire Lane: A means of access of sufficient design to permit ingress and egress by fire fighting equipment.

20-79 Floodplain: Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation.

20-80 Floor Area: The aggregate area of all floors included within the outer walls of a building, measured at the exterior of such walls.

20-81 Floor Area Ratio: The ratio of total floor area to land area.

20-82 Frontage: The minimum width of a lot measured from one side line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

20-83 Garage, Private: Accessory building designed or used for the storage

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of automobiles owned and used by the occupants of the building to which it is accessory.

20-84 Garage, Parking: All buildings used for temporary public parking.

20-85 Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor driven vehicles.

20-86 Garage, Service: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor vehicles.

20-87 General Store, Country: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, 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 country general store and no more than three (3) gasoline pumps shall be permitted.

20-88 Golf Course: Any golf course, publicly or privately owned, on which the game golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

20-89 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.

20-90 Governing Body: The Board of Supervisors of Madison County, Virginia.

20-91 Graveyard: A place for burial of the dead, consisting of 1 or more graves and set aside and maintained by a family.

20-91A Group home, child: A community based home-like single dwelling, other than the private home of the operator, licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, for up to twelve (12) child residents with one (1) or more adult resident counselors or other staff persons.

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20-92 Guest Room: A room which is intended, arranged or designed to be occupied by one or more guests paying direct or indirect compensation therefor, but in which no provisions is made for cooking. Dormitories are excluded.

20-93 Health Official: The Director of the Health Department of Madison County, Virginia.

20-94 Highway Engineer: The Resident Engineer of Madison County, employed by the Virginia Department of Highways.

20-95 Historical Area: A building or group of buildings with accessory buildings and structures, including monuments and the lot on which they are found, to which the provisions of State or County ordinances apply for the protection and perpetuation of an historical heritage. Historical areas shall be designated on the zoning map, when such areas are established.

20-96 Hog Farm: A farm where hogs are bred and/or raised in quantity to be sold at market.

20-97 Home Garden: A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

20-98 Home Occupation: An occupation limited to person(s) who reside on the premises where there is no evidence (except for signs as otherwise herein provided) that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling or accessory building thereto; provided, however, a home occupation with less than three (3) employees who are regularly employed on the site may be permitted by special use permit in Conservation (C-1) and Agricultural (A-1) zones and a home occupation conducted solely within the home without employees other than those who reside on the premises and without any customer traffic to the home shall be permitted by right in Conservation (C-1), Agricultural (A-1), Residential, Limited (R-1), Residential General (R-2) and Residential, Multiple Family (R-3) zones. A home occupation shall use no mechanical equipment exceeding 5 horesepower other than that which is normally used for domestic or household purposes.

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The aforesaid amendments shall apply to all home occupations which have heretofore been granted a special use permit.

20-99 Home Owners' Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered, planned development, or special housing area, is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

20-100 Hospital, Sanitarium, Sanatorium: Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics and drug addicts are treated or cared for under the supervision of licensed medical personnel.

20-101 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

20-101A Housing for older persons: Housing that is: (i) provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or (ii) intended for, and solely occupied by persons sixty-two years of age or older; or (iii) intended for, and solely occupied by, at least one person fifty-five years of age or older per dwelling unit.

20-102 Inoperable Vehicle: A motor vehicle, trailer, or attachment thereto designed for movement along public roadways which is required by the State of Virginia to display current license plates and/or meet safety standards as evidenced by display of a current state inspection sticker and current county sticker which vehicle, trailer, or attachment therefore does not display said license plates and/or a current state inspection sticker or current county sticker. Farm vehicles are exempt

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from this definition.

20-103 Junkyard: The use of any area of land of more than two hundred (200) square feet in any location for the buying or selling, storage, keeping or abandonment of junk including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard".

20-104 Kennel: A place designed or prepared to house, brood, breed, handle or otherwise keep or care for dogs or cats for sale or in return for compensation. Home litters kept less than 6 months are not included.

20-105 Landscape Architect: A professional who is registered in one or more states as a landscape architect or a professional who is a member of the American Society of Landscape Architects.

20-106 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. Example are lumber yards, warehouses, research laboratories, food preparation, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, tobacco warehouses, steel or metal fabrication.

20-107 Livestock: Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep, poultry, etc. This definition specifically excludes light horses or ponies used primarily for pleasure riding and dogs or cats.

20-108 Livestock Market: A commercial establishment wherein livestock, including horses and ponies, is collected for sale and auctioned off.

20-109 Loading Space: An off-street space available for the loading or unloading of goods, not less than fifteen (15) feet wide, twenty-five (25) feet long and fourteen (14) feet high, and having direct useable access to a street or alley, except that where one such loading space has been provided, and additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than twelve (12) feet.

20-110 Lot: A parcel of land occupied by a main structure or group of main

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structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by the county zoning ordinance, and having frontage upon a street. A lot is either shown on a plat of record for sale or transfer, or considered as a unit of property described by metes and bounds for building development.

20-111 Lot Area: The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot area shall not include portions under water.

20-112 Lot, Corner: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

20-113 Lot, Depth of: The average horizontal distance between the front and rear lot lines.

20-114 Lot, Double Frontage: A lot having frontage on two (2) streets.

20-115 Lot, Interior: Any lot other than a corner lot with only one street frontage.

20-116 Lot, Width of: The average horizontal distance between side lot lines.

20-117 Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia.

20-118 Manufacture And/Or Manufacturing: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character or for use for a different purpose.

20-119 Manufactured Home: A factory built structure transportable in one or more sections, which is built on a permanent chassis and which may be occupied as a single family dwelling after it has been placed upon a permanent foundation with screening of the undercarriage and connected to required utilities. A single wide manufactured home cannot be used as a storage building.

20-120 Modular Home: See Dwelling Unit, Modular Unit and Sectional

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Home. (Also, Industrialized Building Unit - Title 36. Chapter 4, Code of Virginia as amended).

20-121 Motel: Any group of dwelling units, combined or separated, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility.

20-122 Mulch Production Facility: The processing of wood wastes consisting of stumps, tree limbs, branches, bark, leaves and other clean and untreated wood wastes by grinding, shredding or chipping to produce mulch for distribution to the general public for landscaping and other horticultural uses. At least 75% of the mulch produced in a one-year time period must be removed from the site within the one-year time period; the machine (grinder) used shall not exceed 325 horsepower and shall operate intermittently as approved by the Madison County Board of Supervisors; and the facility must be exempt from permit requirements under the Virginia Solid Waste Management Regulations, Department of Environmental Quality.

20-123 Non-profit Organization: An incorporated organization or group whose character prohibits profit-making endeavors and which has tax exemption privileges.

20-124 Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land 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 of the ordinance.

20-125 Nonconforming Lot: An otherwise legally platted 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 the ordinance.

20-126 Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this ordinance or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

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20-126A Non-Conventional Sewage System: Any sewage disposal system other than a traditional septic tank and traditional sub-surface soil absorption (drainfield). This system may serve a commercial establishment, or may be used if enhanced flow distribution, low-pressure distribution or pre-treatment is necessary. This system shall not include an experimental or provisional system, and this system may be approved for intermittent use if both the manufacturer and a licensed engineer, in consultation with an Authorized On-Site Soil Evaluator (AOSE), verify that the system is designed for intermittent use and does not become biologically inactive with intermittent or seasonal use. The system shall also be required to be designed and inspected by an AOSE licensed engineer prior to being approved for intermittent use. All other regulations regarding maintenance and monitoring will apply.

20-127 Nursing Home: Includes rest homes, convalescent homes and homes for the aged, and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

20-128 Off-Street Parking Area or Parking Bays: Space provided for vehicular parking outside the dedicated street right-of-way.

20-129 Off-Site: Any area which does not fall within the boundary of property to be developed or planned, but generally lies in proximity to it.

20-130 Office Building: A structure wherein are employed a number of people greater than that allowed in professional offices and where there are no goods offered for sale.

20-131 Office Trailer: A structure or vehicle mounted on wheels designed for use on roads, propelled or drawn by its own or other motor power and designed and constructed to provide for a temporary or permanent office for the conduct of a business, profession, trade or occupation or for use as a selling or advertising device.

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20-132 On-Site: A term describing location within the boundary of any parcel of land to be planned or developed, which may be subject to an application for approval by the Board of Supervisors, Planning Commission and which is in single ownership or under unified control.

20-133 Open Space: Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by habitable buildings, streets, or parking lots.

20-134 Overhang: Any projection, either roof, bay window or similar cantilevered construction, which extends beyond the foundation of a structure. A story bay window may project not more than three (3) feet beyond the setback line of the building.

20-135 Parking Space: A space of sufficient size and shape to park one (1) standard size automobile and containing not less than four hundred (400) square feet of area, including moving and turning and 200 square feet per car space (10 x 20).

20-136 Parcel: Any tract of land or water not subdivided.

20-137 Patio House: Court Garden House: A single family attached dwelling, usually L-shaped, based on lot-line building of a house with the common walls of the adjacent dwellings forming a patio or garden court.

20-138 Pen: An enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals or poultry; a coop.

20-139 Performance Bond: A bond of surety, and/or cash deposit approved by the Governing Body equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term.

20-140 Planned Unit Development: A cohesive development of mixed uses based on unit density in which conventional lot restrictions are changed to provide a percentage of open space.

20-141 Planner; Land Planner: A professional qualified to prepare

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development plans, site plans, and/or subdivision plats who is either registered as such or who meets the standards of the American Institute of Certified Planners.

20-142 Planning Commission: The Planning Commission of Madison County, Virginia.

20-143 Plat: A diagram or map, drawn to scale showing tracts, parcels, lots, subdivisions, land boundaries, legally recordable in the clerk's office, together with all data essential to the description and identification of the several elements shown thereon, and including one or more certificates indicating due approval. A plat differs from a plan in that it does not necessarily show additional cultural, drainage and relief features.

20-144 Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, etc.

20-145 Porches: An open, unenclosed stoop or paved terrace which may project into a front yard for a distance not exceeding ten (10) feet. This shall not be interpreted to include porches which may be enclosed by removable windows; or fixed canopies.

20-146 Private School: Shall include private schools, colleges or universities, private instructional/training institutions.

20-147 Private Utility System: A utility system whose owner has the choice to accept a client's application for hookup or may refuse such request.

20-148 Professional Office (limited): The office, studio or occupational room of one doctor, architect, artist, musician, lawyer, realtor, insurance agent, surveyor, appraiser, clergy, licensed therapist, or other licensed professional person with less than three (3) employees who are regularly employed on the site where there is no evidence (except for signs as otherwise herein provided) that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling or accessory building thereto.

20-149 Property: Any tract, lot or parcel or several of the same collected together for the purpose of subdividing, preparing a site development

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plan and/or developing.

20-150 Public Access Easement: A legal easement, or series of easements, which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

20-151 Public Building: Any building owned or leased by a governmental or civic organization for public use such as a town hall, courthouse, armory, office building, post office, auditorium, museum, art gallery, school, college, university, hospital, clinic, library, police, fire or rescue station.

20-152 Public Facilities: Shall be considered for the purpose of this ordinance to be any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to: public roads, schools, water supply and sewer facilities and police and fire protection facilities.

20-153 Public Sewer System: A central system owned and/or operated by the Town of Madison, Madison County, Rapidan Service Authority, or an individual, partnership or corporation approved by the Board of Supervisors and by the State Health Department for the collection, removal, treatment and disposal of sewage.

20-154 Public Water System: A central system owned and/or operated by the Town of Madison, Madison County, Rapidan Service Authority, or an individual, partnership or corporation approved by the Board of Supervisors and by the State Health Department for the supply of potable water.

20-155 Quarrying: The industry of extracting stone from an open excavation. Quarrying shall be deemed to include both the extraction and processing of crushed stone in blocks for building, monumental and related uses, but shall not be deemed to include sand and gravel operations nor extracting industries of a temporary nature.

20-156 Record, Recorded, Recording: Admission to record in the Office of the Clerk of a Court of competent jurisdiction.

20-157 Recreation Area, Commercial: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to

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outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, skiing, sledding, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices or accessory uses such as refreshment stands, equipment sales or rentals.

20-158 Required Open Space: Any space required in any front, side or rear yard.

20-159 Restaurant: Any building in which for compensation, food, or beverages are dispensed for consumption on the premises, including among other establishments, cafeterias, cafes, tea rooms, confectionery shops, refreshment stands and drive-ins.

20-160 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, lumber yards and adult book stores), such as the following, which will serve as illustration only and are not to be considered exclusive: drug store, newsstand, 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, barber shop, and beauty shop.

20-161 Road: See Street.

20-162 Rooming House: A dwelling in which, for compensation, lodging is furnished to three or more but not exceeding nine guests; a boarding house differs because it not only provides rooms but also board.

20-163 Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary (definition from ASCE - Manuals of Engineering Practices No. 39, New York, ASCE, 1959; p. 61).

20-163 A Sawmill, Farm: A sawmill located on real property zoned Conservation, C-1 or Agricultural, A-1 that is sited a minimum of 200

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feet from the property line.

20-164 Sawmill, Portable: A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

20-165 Sawmill, Permanent: A sawmill permanently located for the purpose of processing timber from the property on which located, from adjoining property or from other properties removed from the sawmill or its environs without regard to point of origination. Such a mill temporarily ceases the processing of timber according to the current price level. (Includes planing mills).

20-166 Schools of Special Instruction: A school offering instruction in musical dramatic, artistic and cultural and personal development subjects.

20-167 Semi-Public Buildings: Any building designed for the use of the general public or any segment of the general public which is owned and/or operated by a non-profit association.

20-168 Setback: The minimum distance by which any building or structure is separated from the front lot line.

20-169 Signs - Structures: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, and rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one and one half (1.5) square foot in area is excluded from this definition.

20-170 Sign - Area of: The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding, supports, unless such supports are used to attract attention, In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of

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individual letters, figures, or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

20-171 Site Development Plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information required by this ordinance.

20-171A Small Engine Repair Shop: A shop to repair, remodel or reassemble engines or torque converters with no more than 20 horsepower.

20-172 Special Housing Area: Property or parcels having a specified size or acreage limit, within which planned cluster developments and condominium housing projects are permitted under the terms of this ordinance. Uses permitted include single family attached or detached units, multiple family units and recreational uses of all types, including campgrounds. Property owners association and/or horizontal property regimes are required pursuant to Sec. 55-79 of the Code of Virginia as amended. (Condominium housing, Chapter 683, Acts of Assembly, 1966).

20-173 Special Use Permit: A special use permit is a document which authorizes a use in a zone which is not permitted by the ordinance as a matter of right for that zone, but which the ordinance does allow with such a permit.

20-174 Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the ordinance applicable in Madison County, Virginia.

20-175 Store: See Retail Stores and Shops.

20-176 Story: That portion of a building, other than the basement, included between the surface of any floor and 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.

20-177 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.

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20-178 Street: A strip of land subject to vehicular and pedestrian traffic providing means of access to property; also designated as road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc., designed in accordance with traffic carrying capacities, specified by the standards of Madison County, Virginia or the Virginia Department of Highways whichever is applicable.

20-179 Street, Arterial: A highway which is a component of the principal roadway network for through traffic movement and as such is defined in the Virginia State Highway Commission Standards as an arterial highway, and is utilized as a supplement to and an extension of, the interstate highway system. An arterial highway is designed to collect and distribute through traffic to and from the collector road system. A minimum right-of-way of 120 feet is required and carrying capacity in excess of 8,000 vehicles per lane per day.

20-180 Street, Centerline: A line established as a center line of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or if there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the Commission, or in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

20-181 Street, Collector, Local: Designed to serve as the major arteries within developed areas and to efficiently connect adjacent neighborhoods, and adjoining subdivisions with neighborhoods. Local collector streets should be located and designed to collect and distribute residential traffic to elementary schools, churches, small commercial centers, and similar facilities. Such roads should be designed for right-of-way widths of 60 to 80 feet.

20-182 Street, Collector, Major: Designed to serve as the major links between the urban area, the communities and villages where there are no arterials or state primaries. Major collectors should be designed similar to primary roads on right-of-way widths of 90 to 100 feet.

20-183 Street, Interstate: Designed to accommodate large volumes of

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longdistance through traffic safely and efficiently at high operating speeds and preferably located to reduce excessive volumes of through traffic from nearby arterial highways. Interstates should be designed on right-of-way of 300 feet in widths to make possible future construction economical, and to provide the spatial separation between traffic lanes and adjoining development. (No interstate highway exists in or is planned for Madison County).

20-184 Street, Line: The dividing line between a street or road right-of-way and the contiguous property.

20-185 Street, Local: Designed primarily to provide direct access to residential, commercial, industrial or other abutting property on rights-of-way of 50 feet minimum.

20-186 Street, Primary: A street designed to provide intra-County traffic movements and access to Statewide points not served by the arterial system. As such a primary highway or street is anticipated to carry a traffic volume of 3,000 vehicles per day or more and is designed and maintained as part of the Virginia Primary System by V.D.H. State primaries should have right-of-way widths of 90 to 100 feet.

20-187 Street, Private: A local or collector street, travelway or road which affords principal means of access to abutting property and encompassed by a right-of-way dedicated to public use such that the street shall have guaranteed public vehicle access. A private street, etc., shall be constructed to county or state standards or the equivalent thereto and shall be maintained by a private corporation or adjacent landowners within the platted subdivision in accordance with the standards and bonding requirements of the County subdivision ordinance.

20-188 Street, Rural Subdivision: A street having minimum right-of-way of 50 feet located in rural areas or a subdivision divided into parcels of one acre or more, excepting streets carrying or anticipated to carry heavy volumes of traffic or otherwise defined herein.

20-189 Street, Service Drive: A public right-of-way generally parallel with and contiguous to a major highway. Service drives are designed primarily to promote safety by eliminating dangerous ingress and egress turning movements from the major highway.

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20-190 Street, Travel Lane: Space specifically designated and reserved on the site for the movement of vehicular traffic.

20-191 Street, Width: The total width of the strip of land dedicated or reserved for public travel including the roadbed, curb and gutter, sidewalks, planting or landscaping strips, and where necessary, utility easements.

20-192 Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

20-193 Structural Alteration: Any change in the supporting members of signs, a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

20-194 Surveyor, Land: An individual who is licensed by the Commonwealth of Virginia and registered with the State Department of Professional and Occupational Registration as a certified land surveyor.

20-195 Theater, Indoor: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

20-196 Theater, Outdoor: An area not to exceed five (5) acres containing a screen, projection booth, refreshment stand, parking spaces and sound transmission devices to individual parking spaces only, for the purpose of commercial exhibition of motion pictures.

20-197 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (See also Hotels and Boarding Houses) and open to transients.

20-198 Townhouse: One of a series of from three (3) to ten (10) attached dwelling units, under single or multiple ownership, separated from one another by parallel continuous firewalls without openings from basement floor to roof, and having diversified architectural facades, or treatment of materials on both front and rear of the building group, with not more than four (4) of any ten (10) abutting townhouses

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having the same architectural facades and treatment of materials, and with not more than three (3) abutting townhouses having the same front and rear setbacks. Minimum setback offset shall be not less than one (1) foot.

20-199 Travel Trailer: A mobile unit which is designed for temporary human habitation and for transport by attachment to a motor vehicle. A travel trailer may not be used as a storage building, nor occupied as a dwelling.

20-200 Travel Trailer or Camper Camps: See Campgrounds.

20-201 U.S.G.S.: The United State Geological Survey.

20-202 Use: The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied, or maintained.

20-203 Use, Accessory: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

20-203A Use, Seasonal or Brief: A use or activity that occurs for a brief time, or that occurs at a seasonal time, and then ceases, including, but not limited to, private auctions, land sales, yard sales, tent events and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses and activities are uses permitted by right in all zoning districts.

20-204 Variance: A variance is a relaxation of the terms of the zoning ordinance where such 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 the ordinance 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 space; 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 non-conformities in the zoning district or adjoining zoning districts.

20-205 VDH&T: The Virginia Department of Highways and Transportation.

20-206 Wayside Stand: Any structure located along a road and used temporarily for the sale of agricultural or horticultural produce, or merchandise produced for sale by the owner, or on the owner's property.

20-207 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

20-208 Yard, Front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

20-209 Yard, Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

20-210 Yard, Side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot and extending from the front yard line to the rear yard line.

20-211 Zone: See District.

Article 21

Validity: Effective Date

21-1 Severability

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

21-2 Conflicting Ordinances

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

21-3 Effective Date

The effective date of this ordinance and any amendment thereto shall be the date following its adoption by the Board of Supervisors; provided, however, unless otherwise specifically set forth in an amendment, any application filed prior to the adoption of any amendment shall be acted upon in accordance with the provisions of the ordinance in effect on the date such application was filed.

21-4 Validation of Certain Special Use Permits

All special use permits that were granted or granted conditionally under procedures set forth in this ordinance prior to March 21, 1990, except those that have been abandoned, terminated or revoked under said procedures, are hereby validated.

21-5 Certified Copy

A certified copy of the foregoing zoning ordinance of Madison County, Virginia, shall be filed in the office of the zoning administrator of Madison County and in the Office of the Clerk of the Circuit Court of Madison County, Virginia.

Official Content
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