GILES COUNTY
ZONING ORDINANCE

COUNTY OF GILES
ZONING ORDINANCE

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ARTICLE 100
AUTHORITY AND ENACTMENT

SECTION 101
AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.1 Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia (1950) as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem suited to carry out the purpose of zoning, and in each district it may regulate the following:

101.01 The use of land, building, structures and other premises for agricultural, business, industrial, residential, flood plain, and other specific uses;

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

101.03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards. and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

101.04 The excavation or mining of soil or other natural resources.

(Note: The current Virginia Code Section references are 15.2-2280 to 15.2-2316)

SECTION 102
ENACTMENT

Therefore, be it ordained by the Board of Supervisors of the County of Giles, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.1, Chapter 11, Article 8 of the Code of Virginia (1950) as amended, that the following be adopted as the Zoning Ordinance of the County of Giles, Virginia.

ARTICLE 200
PURPOSES OF THE REGULATIONS

SECTION 201
PURPOSES

The County of Giles Planning Commission and Board of Supervisors have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public, and accomplish the objectives of Section 15.1427 of the Code of Virginia (1950) as amended, by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 7, Section 15.1465, et. seq., of the Code of Virginia (1950) as amended, the purposes of these regulations are:

201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;

201.02 To reduce or prevent congestion in the public streets;

201.03 To facilitate the creation of a convenient, attractive, and harmonious community;

201.04 To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

201.05 To protect against destruction of, or encroachment upon, historic areas;

201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;

201.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.

201.08 To provide for the preservation of agriculture and forestal areas and other lands of significance for the protection of the natural environment.

201.09 To protect approach slopes and other safety areas of licensed airports.

201.10 To promote affordable housing.

201.11 To protect surface and ground water.

Sec. 15.1489

SECTION 202
NONEXCLUSIONARY INTENT

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the County of Giles; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the County of Giles of economic, racial, religious, or ethnic groups.

ARTICLE 300

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

SECTION 301
GENERAL DEFINITIONS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied." All distances and areas refer to measurement in the horizontal plane. Any reference to this Chapter includes all amendments or supplements to the Chapter. Any reference to particular numbered sections or portions of the Code of Virginia (1950) as amended apply identically to those same sections as they may be subsequently renumbered or re-designated.

SECTION 302
SPECIFIC DEFINITIONS

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

302.01 **Abattoir**. A commercial slaughter house.

302.02 **Accessory Use or Building**. See Use, Accessory or Building, Accessory.

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

302.04 **Administrator, The**. The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the County of Giles Board of Supervisors. He may serve with or without compensation as determined by the Board of Supervisors.

302.05 **Agriculture**. The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, and any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.

302.06 **Alley**. A platted service way providing a secondary means of access to abutting properties.

302.07 **Alteration**. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

302.08 **Animal or Poultry Husbandry**. Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than five (5) dogs, cats, or other customary pet animals for noncommercial purposes.

302.09 **Animal Hospital or Clinic**. An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.

302.10 **Apartment**. A unit in a multifamily dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.

302.11 **Apartment Development**. A development containing one or more multifamily dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.

302.12 **Automobile Graveyard**. Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia Department of Motor Vehicle registration and Virginia inspection certification, if required for operation on the public highway, are placed, located, or found.

302.13 **Automobile Service Station**. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or mechanical automobile washing.

302.14 **Basement**. A story having part but not less than one half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

302.15 **Bed and Breakfast**. A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) persons, unrelated to the owner or operator, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one (1) week in duration. *Amended 10/2000*

302.16 **Board**. The Board of Zoning Appeals as established under this Ordinance.

302.17 **Boarding House (Rooming House)**. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.

302.18 **Building**. Any structure designed or intended for the convenience, support, enclosure, shelter, or protection of persons, animals, or property.

30219 **Building, Accessory**. A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes without the granting of a conditional use permit.

302.20 **Building Code**. The Virginia Uniform Statewide Building Code, as adopted by the County of Giles and as amended.

302.21 **Building, Height of**. The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.

302.22 **Building Inspector**. The building official appointed by the County to administer and enforce the provisions of the Building Code, or his designated representative or agent.

302.23 **Building, Main**. A building in which is conducted the main or principal use of the lot on which said building is situated.

302.24 **Campground**. Campground shall mean any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for camping; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation. All campgrounds shall comply with the VA Department of Health's Campground Regulations.

302.25 **Child Care Center**. Any facility other than a Family Day Care Home, providing care, protection, and guidance to a group of children during only part of the day.

302.26 **Clerk**. The Clerk of the Circuit Court having jurisdiction in Giles County.

302.27 **Clinic**. A facility in which services provided by one or more physicians, dentists, or other health care providers takes place on an outpatient basis, provided however that clinics operated for the purpose of providing treatment for drug and/or alcohol abuse or addiction on more than an occasional basis, either as an inpatient or outpatient shall require a conditional use permit. *Amended 09/05*

302.28 **Cluster Development**. A development pattern in which residential, commercial, industrial and institutional uses, or combinations thereof, are grouped together, leaving portions of the land undeveloped. Such development usually involves density transfer where unused allowable densities in one area are permitted in another area. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space.

302.28-1 **Commercial or Service Establishments:** Places of business for the display and sale of merchandise or services to the public. This use is established as a conditional use and includes a broad range of business or service uses. The fact that a use (i.e. Public Garage or Private Storage Building) does not preclude the approval of that specific business as a conditional use under this definition. Amended 5/22

302.28-2 **Commercial Outdoor Recreation Facility.** Any outdoor establishment, publicly or privately owned, and operated as a commercial enterprise.

302.29 **Commission, The**. The County of Giles Planning Commission.

302.30 **Community Center**. A place, structure, area, or facility used for civic, cultural, educational, recreational, and/or social activities which is open to the public and intended to serve the local community, and is operated by a non-profit organization. Amended 2/15

302.31 **Common Elements**. All portions of a cooperative other than the units.

Conditional Use- See Special Exception**.**

302.32 **Conditional Zoning**. The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Board of Supervisors to accept the proffered conditions, the conditions proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the County.

302.33 **Condominium**. A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.

302.33a **Congregate Home**. A facility serving as a home for the mentally ill, mentally retarded, developmentally disabled, or as rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met. *Added 2/95.*

302.34 **Contractor Storage Yard**. An area used for storage of construction equipment, supplies and materials.

302.35 **Convenience Store**. A store designed for ease of access; which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, gasoline, and magazines; and having a size which limits the volume and variety of items sold, and is utilized because single purchases may be made quickly.

302.36 **Conversion Building**. A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.

302.37 **Cooperative**. Real estate owned or leased by a cooperative organization.

302.38 **Cooperative Interest**. A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.

302.39 **Cooperative Organization**. Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.

302.40 **Cooperative Unit**. A physical portion of the cooperative designed for separate tenancy.

302.41 **Cottage Industry**. A small, nonpolluting business or industry which is not located in a residence and which employs fewer than five (5) workers. Such industry has no outside storage and is limited to a structure having 5,000 square feet or less.

302.42 **Cul-de-sac**. A circular turning area at the end of a dead-end street.

302.43 **Curb Grade**. The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade.

302.44 **Dairy**. A commercial establishment for the manufacture and sale of dairy products.

302.45 **Dairy Farm**. A livestock establishment where the production of milk is its primary purpose.

302.46 **Developer**. An owner of property being developed, whether or not represented by an agent.

302.47 **Development**. A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single family or two family residential dwelling units or buildings which are devoted to multifamily dwelling, commercial, recreational, or industrial use. The term "development" shall not be construed to include any property which will be devoted principally to agricultural production.

302.48 **District**. A section of the County of Giles within which the zoning regulations are uniform as referred to in the Code of Virginia, Section 15.1486.

302.49 **Driveway**. Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.

302.50 **Dump Heap (Trash Pile)**. Any area of one hundred (100) square feet or more where trash, garbage or other waste or scrap material is dumped or deposited without being covered.

302.51 **Dwelling**. ~~Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.~~ A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities. A Dwelling shall have at least 400 gross square feet of internal living space and shall not include an unregistered industrialized building, yurt, tent, travel trailer, recreational vehicle, or similar vehicle or structure. The construction of a Dwelling shall at a minimum meet that of the Virginia Uniform Statewide Building Code. Amended 03/05/2014

302.52 **Dwelling, Multi-Family**. A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in Section 302.119 of this ordinance.

302.53 **Dwelling, Single Family**. A building designed for, or occupied exclusively by, one (1) family, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in Section 302.119 of this ordinance. Family shall include Family Day Homes as provided in 15.1 486.5, Code of Virginia 1950 as Amended and Group Home of 8 or Fewer as provided in 15.1 486.3, Code of Virginia as Amended. Amended 2/95.

302.54 **Dwelling, Two Family (Duplex)**. A building designed for, or occupied exclusively by, two (2) families living independently of each other, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in Section 302.119 of this ordinance.

302.55 **Dwelling Unit**. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in Section 302.119 of this ordinance.

302.56 **Easement**. A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.

302.57 **Electronic data storage or processing center**. Facilities where electronic data is processed, including: data entry, storage, conversion; analysis; or transfer, subscription and credit card transaction processing, telephone sales and order collection, mail order or catalog sales, and mailing list preparation. (added 2/6/19)

302.57 **Fairgrounds/Exhibit Areas**. An area set aside and managed for the exhibition and display of agricultural products and animals, amusement rides and games, craft exhibitions and fireworks displays.

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

302.60 **Family Day Care Center**. Any private family home in which less than six (6) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home. *Amended 2/95.*

302.61 **Family, Immediate Member of**. ~~Any person who is a natural or legally defined offspring, spouse, grand child, grand parent, or parent of the owner~~. Any person who is a natural or legally defined offspring, spouse, sibling, grand child, grand parent or parent of the owner. *Amended 04/2000*

302.62 **Floating Zone**. A district classification which is not "anchored" to a particular area on the initial zoning map but which is available through rezoning to any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the Board of Supervisors which ensure that the classification is compatible with the surrounding properties and districts.

302.63 **Flood**. A general temporary inundation of lands not normally covered by water that are used or usable by humankind. Concurrent mudslides shall be deemed to be included in this definition.

302.64 **Flood Hazard Area**. The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping as appropriate.

302.65 **Floodplain**. An area, usually a relatively flat or low land adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.

302.66 **Flood Proofing**. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.

302.67 **Floodway**. The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one hundred (100) year flood.

302.68 **Floor Area**. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement, cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.

302.69 **Frontage**. The length of the property line of any lot or tract of land measured along a public street, road, or highway against which the land abuts.

302.70 **Garage Apartment**. A dwelling unit constructed in or above an existing private garage.

302.71 **Garage, Private**. Accessory building of not more than 1600 square feet in size and not exceeding the permitted height in district requirements for accessory structures contained in table 1, used for the storage of automobiles owned and used by the occupants of the building to which it is accessory. Private garages may be permitted to exceed 1600 square in size feet by conditional use permit pursuant to section 802.04 of this ordinance. *(amended 08/2017)*

302.72 **Garage, Public**. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor vehicles. A motor vehicle awaiting repair may not be stored for more than 60 days. *Amended 02/2003*

302.73 **Gardening**. Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.

302.74 **Garbage**. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

302.75 **General Store, Country**. A single store, the ground floor of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following items: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, gasoline, and general hardware articles.

302.76 **Golf Course**. Any parcel of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

302.77 **Golf Driving Range**. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

302.78 **Governing Body**. The Board of Supervisors of the County of Giles, Virginia.

302.79 **Granny Cottage**. A one bedroom dwelling unit associated with a primary single family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.

302.80 **Greenhouse**. A building with translucent sides which is artificially heated for the purpose of growing plants, trees and shrubs indoors.

302.81 **Group Home**. Repealed. Amended 2/95

302.82 **Guest Room**. A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.

302.83 **Hazardous Material**. Any chemical substance or material in a quantity or form which may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous materials include: explosives, gases (compressed, liquefied, or dissolved), flammable and combustible liquids, flammable solids or substances, oxidizing substances, poisonous and infectious substances, radioactive materials, and corrosives.

302.84 **Health/Fitness Club**. A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities requires membership in the club.

302.85 **Health Department**. The Giles County Health Department or its designated agent or representative.

302.86 **Heliport**. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

302.87 **Heliport Hazard**. Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

302.88 **Helistop**. A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

302.89 **Highway Engineer**. The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.

302.90 **Historical Area**. An officially designated area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. Such areas are recognized at the state, national, or local level.

302.91 **Hog Farm**. A farm where swine are raised commercially as the principal farm enterprise.

302.92 **Hog Pen**. An enclosure for concentrated confinement or housing of swine.

302.93 **Home for Adults**. Any facility other than a Nursing Home, providing parttime or fulltime care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

302.94 **Home Occupation**. An accessory use carried on by the occupant of a dwelling in connection with which there is no display, other than a than a professional name plate, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.

302.95 **Hospital**. An institution rendering medical, surgical, obstetrical, or convalescent care on an inpatient basis, including any institution licensed as a hospital by the State Hospital Board.

302.96 **Hospital, Special Care**. A special care hospital shall mean an institution rendering care primarily for mental or feebleminded patients, epileptics, alcoholics, or drug addicts.

302.97 **Hotel**. A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel".

302.98 **Housing for the Elderly**. A multifamily structure, designed for the elderly or physically handicapped, in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten (10)) are occupied or designed for occupancy by:

(a) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or over or is handicapped, or

(b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death.

(c) A single person who is 62 years of age or over or a nonelderly handicapped person between the ages of 18 and 62, or

(d) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being.

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

302.99 **Industrialized Building.** A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in this section and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings.

302.100 **Inoperable Motor Vehicle.** A vehicle which does not display current State and County registration plates nor a valid State inspection. To exclude motor vehicles as described in the Code of Virginia, Section 46.2-665 and 666.

302.101 **Junk Yard (Automobile Wrecking Yard)**. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.

302.102 **Jurisdiction**. The area or territory subject to the legislative control of the County of Giles.

302.103 **Kennel**. Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals for commercial purposes is carried on.

302.104 **Land Use Plan**. The Land Use Plan of the County of Giles, as amended.

302.105 **Light Industry**. Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.

302.106 **Livestock**. Animals kept or raised for sale, use, or pleasure.

302.107 **Livestock Market**. A commercial establishment wherein livestock is collected for sale, sold, or auctioned.

302.108 **Loading Space**. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

302.109 **Lot**. A numbered and measured portion or parcel of land separated from other portions or parcels by description in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.

302.110 **Lot Area**. The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.

302.111 **Lot, Corner**. A lot abutting upon two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except as defined for mobile home subdivisions in Section 70706.

302.112 **Lot Coverage**. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

302.113 **Lot, Depth of**. The average horizontal distance between the front and rear lot lines.

302.114 **Lot, Double Frontage (Through)**. An interior lot having frontage on two (2) streets as distinguished from a corner lot.

302.115 **Lot, Interior**. Any lot other than a corner lot.

302.116 **Lot of Record**. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of the County of Giles at the time of the adoption of this Ordinance.

302.117 **Lot, Width**. The horizontal distance between side lot lines measured at the setback line.

302.118 **Main Use**. The primary purpose for which land or a building is used.

302.119 **Manufacture and/or Manufacturing**. The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.

302.120 **Mobile/Manufactured Home, Etc.** A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the travel mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities; and includes the

plumbing, heating air-conditioning, and electrical systems contained in the structure.(Section 36-85.11 of the Code of Virginia as amended). Such structure as defined herein (including any structure originally built as a mobile/manufactured home as defined herein, regardless of whether plumbing or electrical facilities have been removed) may be used only as a single family residence, and may not be used as a storage building, accessory structure or for any other purpose except a mobile/manufactured office building as defined in Section 302.124. *Amended 10/96*

302.121 **Mobile Unit.** A structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, subject to the Industrialized Building and Manufactured Home Safety Regulations, and designed to be used without a permanent foundation.

302.122 **Mobile/Manufactured Home Park.** The division of a lot, tract, or parcel of land into one or more lots, tracts, or parcels for the purpose, whether immediate or future of accommodating one or more mobile/manufactured homes exclusively, and where the stands are rented or leased.

302.123 **Mobile/Manufactured Home Stand.** A plot of ground within a mobile/manufactured home park designed to accommodate one mobile/manufactured home.

302.124 **Mobile/Manufactured Home Subdivision.** A development which has been created in accordance with the County of Giles Subdivision Ordinance. Each lot is designed to be individually owned and occupied by a mobile/manufactured home.

302.125 **Mobile/Manufactured Office Building.** A structure of one or more sections, manufactured off-site and transported to the point of use for installation or erection. The structure shall be subject to Federal and/or state regulations depending upon the specific manufactured structure classification as defined in this section. Mobile units and manufactured homes as defined herein may be considered mobile/manufactured office buildings for the purposes of this section. Mobile units and manufactured homes or mobile/manufactured office buildings are not permitted to be utilized as motel units in the County.

302.126 **Modular Home**. A manufactured dwelling which is transported in two or more parts, is not built on a permanent chassis, is designed to be placed on a permanent foundation, and is subject to the state regulations regarding industrialized buildings. For the purposes of this ordinance, a multi-section mobile/manufactured home may be considered a modular home.

302.127 **Non Conforming 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.

302.128 **Non Conforming Structure**. A structure existing at the time of building or a structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or 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.

302.129 **Non Conforming Use of Land**. A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.

302.130 **Non Conforming Use of Structures**. The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

302.131 **Nursery**. A wholesale, retail or research facility including greenhouses, in which plants, trees and shrubs are raised for transplanting.

302.132 **Nursing Home**. Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health related services for the treatment and inpatient care of two or more unrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.

302.133 **Off-street Parking Area**. Space provided for vehicular parking outside the dedicated street right of way.

302.134 **One Hundred Year Flood**. A flood that, on the average, is likely to occur once every 100 years.

302.135 **Parking Space**. An area consisting of a minimum of 9 x 18 feet (amended 5/13).

302.136 **Park.** A tract of land owned by a governmental agency or non-profit organization used by, and open to the public, for passive or active recreation and equipped for the conduct of sports and leisure time activities, not including any activity that includes the use of motorized vehicles.

302.137 **Patio**. A level, landscaped and/or surfaced area directly adjacent to a principal building.

302.138 **Pen**. A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.

302.139 **Planned Unit Development (PUD)**. A form of development, usually characterized by a large tract of land that is developed under a comprehensive site plan. A PUD usually includes a variety of housing types and densities, common open space, and a mix of building types and land uses. PUD permits the planning of a project and the calculation of densities for the entire development, rather than on an individual lot-by-lot basis.

While PUD has most commonly been used for residential development, it may be applied to other forms of development such as shopping centers, industrial and office parks, and mixed-use developments which are combinations of uses.

302.140 **Plat**. A drawing or map which has been reviewed and approved by the Board of Supervisors of the County of Giles which depicts a lot or lots which are the result of the subdivision of land. When used as a verb "plat" is synonymous with "subdivide".

302.141 **Prefabricated Building**. The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at site construction.

302.141-1 **Private Seasonal Camp or Retreat:** A private seasonal camp or retreat shall be deemed to exist when a structure or vehicle or camping unit as defined in Section 302.24 of this ordinance is placed permanently on a lot. No more than two camping units or one structure may be placed on a lot under this section and shall be occupied only by the owner or lessee of the lot and such owner or lessee's invited guests. For permanent structures, all requirements for sewage disposal imposed by the Virginia Department of Health must be met. Pit Privies for primitive structures or camping units will be permitted if approved by the Virginia Department of Health. Camping units placed on lots in an A-1, C-1 or RRA-1 zoning district for less than 30 days in a calendar year, otherwise in compliance with the provisions of this section, shall not require any permit. *Amended 5/99, Amended 2/01.*

302.142 **Professional**. A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with home occupation, the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.

302.143 **Professional Office**. ~~An office whose use is characterized by the activities of one or more professionals as defined in 302141 and who serve an average of one client or less per hour.~~ An office whose use is characterized by the activities of one or more professionals as defined in 302141. *Amended 2/2009*

302.144 **Property**. Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.

302.145 **Public Service or Storage Buildings**. Governmental facilities necessary for public health, safety, and welfare.

302.146 **Public Water and Sewage Systems**. A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving fifteen (15) connections or serving 20 or more persons and which is properly permitted.

302.147 **Public Utilities**. Public Utilities- Public service facilities and systems such as electric distribution lines (under 138KV), water lines and distribution systems (including treatment plants, pump stations, etc.), sewer lines and systems (including treatment plants, lift stations, etc.), natural gas distribution systems (excluding compression/decompression stations), telecommunication systems and associated structures not to exceed 1500 square feet and also to include satellite dishes as an accessory use provided that their height does not exceed 8' and they can be screened from public view (cable, telephone, fiber optic, etc.), expansions of existing electrical substations not to exceed 50% of their current area, or such similar operations publicly or privately owned furnishing electricity, gas, water, sewer service, communications or related services to the general public. Telecommunications towers are not permitted under this section and are regulated pursuant to Article 712 of this ordinance. The following uses are specifically not permitted under this section but may be applied for as a conditional use in any zone.

a. Power plants (electric generation)

b. Substations new or expansions in excess of 50% of the existing footprint

c. Commercial wind farms, solar farms, etc. exceeding 1 megawatt or not an accessory use to the property upon which it is located. A system shall be deemed to be an accessory when the system does not generate power in excess of what is consumed by structures located on the same or adjacent parcels as the system.

d. Natural gas compression and decompression stations.

e. Satellite dishes exceeding 8' in height or which cannot be screened from public view.

f. Electric transmission lines in excess of 138 KV. (amended 6/21)

302.148 **Ramada**. A structure erected over a mobile/manufactured home for the purpose of providing shade or shelter.

302.149 **Recreational Vehicle**. A mobile unit, whether self propelled or towed which is designed for temporary human habitation during travel, recreation, or vacation. This term includes motor homes, campers converted buses, and travel trailers.

302.150 **Recreational Vehicle Park**. Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.

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

302.152 **Residential Use**. Any place, building, or establishment used in whole or in part as a dwelling.

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

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

302.155 **Retail Stores and Shops**. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, 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, and beauty and barber shop.

302.156 **Right-of-way**. The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.

302.157 **Right of Way Line**. The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right of way.

302.158 **Satellite Dish or Satellite Dish Antenna**. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

302.159 **Sawmill**. A mill or machine for the processing of timber into lumber.

302.160 **Sawmill, temporary.** Portable mill used to process timber for less than 9 months per year on any one parcel.

302.161 **Setback**. The minimum distance from which any building structure must be separated from a property line. (amended 1/2016)

302.162 **Setback Line**. A line generally parallel with and measured from a property line, defining the limits of a yard in which no building or structure may be located. (amended 1/2016)

302.163 **Solid Waste**. Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing. Solid waste may be categorized as follows: (1) Agricultural-Solid Waste that results from the raising and slaughtering of animals, and the processing of animal products and orchard and field crops; (2) Commercial-Waste generated by stores, offices and other activities that do not actually turn out a product; (3) Industrial-Waste that results from industrial processes and manufacturing; (4) Institutional-Waste originating from educational, health care and research facilities; (5) Municipal-Residential and commercial solid waste generated within a community; (6) Pesticide-The residue from the manufacturing, handling, or use of chemicals intended for killing plant and animal pests: (7) Residential-Waste that normally originates in a residential environment, sometimes called domestic solid waste.

302.164 **Solid Waste Disposal**. The ultimate disposition of solid waste that cannot be salvaged or recycled.

302.165 **Solid Waste Disposal Facility**. Any place where garbage, trash, or any waste material is buried, destroyed, or permanently stored; including dumps, sanitary landfills, incinerators, or toxic or infectious waste disposal sites.

302.166 **Solid Waste Management**. A planned program providing for the collection, storage, and disposal of solid waste including, where appropriate, recycling and recovery.

302.167 **Special Exception (Conditional Use)**. A use which may be allowed for a specific lot in a district if the use is listed as a Conditional Use for the district and if the Board of Supervisors, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Board of Supervisors considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Board of Supervisors may stipulate additional requirements for the use to protect the public interest.

302.168 **Special Exception (Conditional Use) Permit**. A permit which indicates the conditions of use for a specific lot in a district which has been approved for Conditional Use by the Board of Supervisors.

302.169 **Special Zoning District**. A district created by act of the Board of Supervisors for a specific purpose e.g. citing of solid waste collection or disposal sites.

302.170 **Story**. That portion of a building, other than the basement, included between the surfaces of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

302.171 **Story, Half**. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.

302.172 **Street**. The principal means of access to abutting properties.

302.173 **Street Centerline**. A line generally parallel to the right of way lines that equally divide the street right of way.

302.174 **Street, Half**. A street that does not meet the minimum right of way width requirements set forth or referenced in this Ordinance.

302.175 **Street, Internal**. A private street providing access to lots within a development, but not including driveways.

302.176 **Street Line**. The dividing line between a street or road right of way and the contiguous property.

302.177 **Street, Major**. A heavily traveled thoroughfare or highway that carries a large volume of through traffic.

302.178 **Street, Other**. A street that is used primarily as a means of public access to the abutting properties.

302.179 **Street (Road)**. Any public thoroughfare which affords the principal means of access to abutting property.

302.180 **Street, Service Drive**. A public right of way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.

302.181 **Street Width**. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.

302.182 **Structure**. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

302.183 **Studio**. A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance exercise studios are included in this definition.

302.184 **Subdivider**. Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

302.185 **Subdivision**. The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" and, when appropriate, shall relate to the process of subdividing or to land being subdivided.

~~(a) The term "to subdivide" does not include divisions of land into parcels of five acres or more not involving any new street or easement of access.~~ *Amended 02/2003*

(b) The term "to subdivide" does not include the transfer of ownership of a lot, tract or parcel of land to the owner of adjacent land, except that the owner of land so transferred must comply with the provisions of the County of Giles Ordinance before any improvements are erected on the land so transferred.

302.186 **Surveyor**. A land surveyor certified by the Commonwealth of Virginia.

302.187 **Television and/or Radio Stations**. A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.

302.188 **Temporary Use**. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

302.189 **Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge**. Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

302.190 **Tourist Home**. A dwelling where only lodging is provided for compensation for up to five (5) persons (in contrast to hotels and boarding houses) and open to transients.

302.191 **Townhouse Unit**. A single family dwelling forming one of a group or series of four or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

302.192 **Townhouse Development**. One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.

302.193 **Tree**. A woody perennial plant having a single main stem.

302.194 **Truck Terminal**. A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor trailer is parked.

302.195 **Truck Stop**. A structure built to accommodate tractor trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.

302.196 **Use, Accessory**. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

302.197 **Variance**. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of 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, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

302.198 **Wayside Stand, Roadside Stand, Wayside Market**. Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.

302.199 **Wrecked Automobile**. Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.

302.200 **Yard**. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

302.201 **Yard, Front**. ~~An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right of way line and the front line of the building projected to the side lines of the lot. On corner lots, the front shall be considered as parallel to the street upon which the lot has its least dimension~~. An open, unoccupied space, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front setback line projected to the side lines of the lot. On corner lots, the front shall be considered parallel to the street upon which the lots have its least dimension. *Amended 12/2000*

302.202 **Yard, Rear**. ~~An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard~~. An open space, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear setback line projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard. *Amended 12/2000*

302.203 **Yard, Side**. ~~An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension. Accessory buildings are allowed in side yards in all zones except R-1; R-2; and R-3. (6/98)~~ An open, unoccupied space, on the same lot with a main building, situated between the side setback and the adjacent side line of the lot extending from the rear line of the front yard to the front line of rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension. Accessory Buildings are allowed in all zones except for R-1, R-2 and R-3. *Amended 6/98; 12/2000*

ARTICLE 400
ESTABLISHMENT OF DISTRICTS

SECTION 401
DIVISION OF THE COUNTY OF GILES INTO DISTRICTS

For the purposes of this Ordinance, the County of Giles is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map.

SECTION 402
INCORPORATION OF THE ZONING MAP

The zoning map entitled the "Official Zoning Districts Map for the County of Giles, Virginia", dated , 1991, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

SECTION 403
MAP AMENDMENT

If in accordance with the provisions of Article 800, herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Giles County Board of Supervisors together with a numerical entry referring to the application for the amendment, submitted in accordance with Article800, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Giles County Board of Supervisors. Amendments to this Ordinance, which involve matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The County of Giles Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the County. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

SECTION 404
REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map, or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 405
RULES FOR DETERMINING BOUNDARIES

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

405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.

405.02 District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or right of way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

405.03 Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Board of Supervisors in accordance with Section802.04 of this Ordinance.

405.04 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

405.05 Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.

405.06 (a) If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary in accordance with Section 806.01 of this Ordinance.

(b) In case any territory within the unincorporated portion of the County has not been clearly included within one of the districts established on the Official Zoning Map, or in case any territory is added to or otherwise becomes a part of the County by boundary adjustment or otherwise, such territory shall be deemed to be classified in the C-1 zoning district until otherwise classified by amendment as provided herein. *Amended 07/21/12*

ARTICLE 500
APPLICATION OF ZONING REGULATIONS

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

SECTION 501
USES

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

501.01 Permitted Uses.

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

501.02 Conditional Use.

A Conditional Use is one which may be allowed when the Giles County Board of Supervisors, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the County and the public interest. Where a Conditional Use is required for a given use in certain zone, a Zoning Permit will be issued by the Zoning Administrator after such Conditional Use has been approved by the Board of Supervisors after recommendation from the Planning Commission.

SECTION 502
BUILDINGS

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

SECTION 503
LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding three (3) feet, and those authorized modifications described in Section 701.01.

SECTION 504
GARDENING

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

SECTION 505
PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE

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

SECTION 506
SOLID WASTE MANAGEMENT FACILITIES OPERATING PRIOR TO ADOPTION OF ORDINANCE

Nothing contained herein shall require any change in the plans or construction of any governmental or industrial solid waste management facility for which a State permitting process was initiated prior to the effective date of this Ordinance. However, construction or expansion beyond the limits provided by the State in the pending permit of the facility, initiated following the effective date of this ordinance shall be in conformity with the provisions of this Ordinance and the Solid Waste Management Facilities District.

ARTICLE 600
USES IN DISTRICTS

The County of Giles is divided into the following districts:

SECTION 601
CONSERVATION DISTRICT C-1

601.01 Intent of the Conservation District.

This district is to protect those areas of the County where human activities, left unrestricted, have a high potential for adversely impacting the environment and the safety and welfare of the public by accelerated soil erosion, reduced water quality, inappropriate uses of the land, and generally the uneconomical provision of public services and facilities. The District also includes lands which are occupied by various open uses; such as National Forests and Parks, State owned forests and recreation lands, and local government owned lands. This district is established for the specific purpose of providing food and fiber, recreation and open space uses, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. It is the intent of this article that no private dump or landfill be allowed in the C-1 District.

601.02 Permitted Uses.

Within the Conservation District C-1 the following uses are permitted:

601.02-1 Agriculture;

601.02-2 Tree farms, horticulture, woodlots;

601.02-3 Wildlife areas, hunt clubs, or game refuges;

601.02-4 Flood control and watershed structures;

601.02-5 Timber production, temporary sawmills, forests;

601.02-6 Fish hatcheries;

601.02-7 Public Utilities (amended 6/21)

601.02-8 Cemeteries, churches and other places of worship with attendant cemetery, educational or recreational facilities;

601.02-9 Park *(Amended 12/16)*

601.02-10 Repealed 6/14

601.02-11 Repealed 04/1996

601.02-12 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation.

601.02-13 Mobile home, not including mobile home parks or subdivisions;

601.02-14 repealed 5/99

601.02-15 Short Term Rentals of a Dwelling *Amended 10/2010*

601.03 Developments Permitted Upon Approval.

Conventional zoning restrictions are waived in favor of the detailed site plan developed to preserve the character and the environment consistent with the purposes of this District. A site plan shall be prepared by a registered professional engineer, architect, or landscape architect at a scale commensurate with the size of the parcel being developed. No such development plan shall be approved prior to a review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles. The application shall be filed with the zoning administrator who shall forward the application to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan, location, scale, and arrangement of the proposal along with the anticipated impacts on the purposes of this District in making its recommendations to the Board of Supervisors. Developers are urged to hold preliminary discussion with the Planning Commission prior to the development of their plans.

601.03-1 Data to Accompany Application.

With the Application, there shall be submitted a tentative, overall development plan which shall include:

601.03-1.1 Mapping of the project at an accurate scale for the proposed development:

(a) Proposed extent of various land uses, which may include a mixture of various uses;

(b) Proposed street system including public and private rights of way;

(c) Proposed parking areas and parking space delineations;

(d) Proposed plat showing subdivision lot lines;

(e) Proposed utility rights of way or easements including water, sewer, gas, power, and telephone;

(f) Proposed drainage plan;

(g) Proposed location of buildings, structures, and improvements;

(h) Property lines of proposed common property;

(j) Relationships and tie ins to adjacent property.

(k) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains and drainage retention areas.

601.03-1.2 Supporting documentation to include the following minimum data:

(a) A legal description of the project boundaries;

(b) A statement of existing and proposed property owners;

(c) Names and addresses of all adjacent property owners;

(d) A statement of project development objectives and character to be achieved;

(e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;

(f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.

(g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;

(h) Approvals from the Virginia Department of Highways and the Giles County Health Officer;

(i) Proposed agreements, provisions, covenants, or conservation easements which govern the use, maintenance, and continued protection of property to be held in common ownership;

(j) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

601.03-2 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the County of Giles a check in the amount of one hundred dollars ($100.00) plus one dollar ($1.00) for each dwelling unit proposed on the development plan;

601.03-3 Appearance of Developer. The Planning Commission and/or the Board of Supervisors may require the developer to appear to discuss the planned development;

601.03-4 Plan Approval.

(a) Within sixty (60) days after the filing of the development plan, the Planning Commission shall report to Board of Supervisors one of the following:
Recommend approval of the plan as presented, or
Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
- Recommend disapproval; the report shall include the reasons for the recommendations;

(b) The Board of Supervisors shall give notice under Section 15.1431 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Board of Supervisors disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;

(c) If the development plan is approved, or approved with modifications by the Board of Supervisors, the Zoning Map shall be amended to show the C-1 conditional rezoning and permit number. If the development plan is approved with modifications, the Board of Supervisors shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.

601.04 Status of Approval.

No building permits shall be issued within the project area until the final development plan has been approved by the Board of Supervisors, after review of the application and hearing thereon, in accordance with Article800 herein, and a finding as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles.

601.05 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

601.05-1 Public Schools;

601.05-2 Governmental administrative or storage buildings;

601.05-3 General store, country, convenience store;

601.05-4 Private for profit, non profit, or public seasonal organization camps;

601.05-5 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Department of Health of the Commonwealth of Virginia Governing Campgrounds are met;

601.05-6 Permanent sawmill; wood processing plants; or commercial wood and/or fuel yard;

601.05-7 Mine, quarry, gravel, shale, or sand operations;

601.05-8 Hotel, motel, lodge or resort;

~~601.05-9 Television, radio, or other communications transmitting or receiving stations and towers;~~ *Amended 11/1/01*

601.05-10 Automobile service station;

601.05-11 Temporary uses;
601.05-12 removed (6/21)

601.05-13 Recycling facilities;

601.05-14 Batch plants for asphalt, concrete, etc.;

601.05-15 Bulk storage of fuel, chemicals, or explosives;

601.05-16 Bed and Breakfast; *Amended 10/4/2001*

601.05-17 Telecommunications Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/01*

601.05-18 Private Seasonal Camp or Retreat *Amended 05/1999*

601.05-19 Community Center. *Added 2/2015*

601.05-20 Commercial Outdoor Recreation Facility *(added 12/16)*

601.05-21 Shooting Range *(added 5/17)*

601.06 Accessory Uses.

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

601.06-1 Home occupations provided that the requirements of Article 700, Section 705 are met;

601.06-2 Living quarters in the main structure of persons employed on the premises;

601.06-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

601.06-4 Satellite dish antenna not extending into the required rear or side yards;

601.06-5 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

601.06-6 Signs as provided for in Article 700;

601.06-7 Parking as provided for in Article 700;

601.06-8 Swimming pool associated with a private residence.

SECTION 602
AGRICULTURAL AND LIMITED USES DISTRICT A-1

602.01 Intent of the Agricultural and Limited Uses District

This District covers the unincorporated portions of the County which contains the most productive agricultural and forest lands and represents the most valuable lands for the production of food, fiber and water resources. This District is established to protect and stabilize agriculture as an ongoing economic activity, to conserve water and other natural resources, to protect watersheds. It is the intent to prevent the adverse effects resulting from encroachment and mixing of residential and other incompatible developments within the agricultural district. For agricultural enterprises such mixing of uses would cause increased traffic and complaints about the characteristics of normal farm operations. Further, it is the intent that no private dumps or landfills be allowed in the A-1 District.

602.02 Permitted Uses.

Within the Agricultural and Limited Uses District A-1 the following uses are permitted:

602.02-1 Agriculture, including farm dwellings and agricultural buildings;

602.02-2 Animal hospital;

602.02-3 Animal husbandry, including fish hatchery and fur-bearing animals and pelt processing;

602.02-4 Cemeteries;

602.02-5 Cottage industry;

602.02-6 Fairgrounds;

602.02-7 Flood control and watershed structures;

602.02-8 Governmental administrative or storage buildings;

602.02-9 Hog operations;

~~602.02-10 Kennel. No kennel shall be closer than fifty (50) feet of a lot line;~~ *Amended 06/07/2007*

602.02-11 Nurseries, tree farms and greenhouses;

602.02-12 Livestock sales;

602.02-13 Mobile home, not including mobile home parks or subdivisions;

602.02-14 Park *(Amended 12/16)*

602.02-15 Public utilities (amended 6/21)

602.02-16 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation.

602.02-17 Timber production, temporary sawmill;

602.02-18 Wayside stand;

602.02-19 Wildlife areas, hunt clubs, or game refuges;

602.02-20 Churches and other places of worship with attendant cemetery, educational or recreational

facilities;

602.02-21 Family day care home;

602.02-22 ~~Private Seasonal Camp or Retreat~~ *Amended 05/1999*

602.02-23 Short Term Rentals of a Dwelling *Amended 10/2010*

602.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

602.03-1 Public Schools;

602.03-2 removed (6/21)

602.03-3 Neighborhood retail stores or services;

602.03-4 Private for profit, non profit, or public seasonal organization camps;

602.03-5 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Department of Health of the Commonwealth of Virginia Governing Campgrounds are met;

602.03-6 Permanent sawmill; wood processing plants; or commercial wood and/or fuel yard;

602.03-7 Mine, quarry, gravel, shale, or sand operations;

602.03-8 Hotel, motel, lodge or resort;

602.03--9 Feed mill or seed and feed store;

602.0310 Automobile service station;

~~602.03-11 Television, radio, or other communications transmitting or receiving stations and towers;~~ *Amended 11/1/2001*

602.03-12 Contractor's storage yard, not to exceed one (1) acre in size;

602.03-13 Temporary uses;

602.03-14 Recycling facilities;

602.03-15 Batch plants for asphalt, concrete, etc.;

602.03-16 Bulk storage of fuel, chemicals, or explosives;

602.03-17 Race tracks.

602.03-18 Additional farm dwellings for farm workers and their families employed on the subject property. *Added 02/94*

602.03-19 Two family dwellings. *Added 6/95.*

602.03-20 Multi-family dwellings, apartments, townhouses (in accordance with Section 709 of this Ordinance)

and condominiums. *Added 6/95*.

602.03-21 Boarding Houses, tourist homes, Bed and Breakfast *Added 2/96*

602.03-22 Private Seasonal Camp or Retreat *Amended 05/99*

602.03-23 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

602.03-24 Commercial or service establishments numbering three or less at any one location; *Amended 06/05*

602.03-25 Kennel. No kennel shall be closer than fifty (50) feet of a lot line; *Amended 06/07/07*

602.03-26 Community Center. *Added 2/2015*

602.03-27 Commercial Outdoor Recreation Facility *(added 12/16)*

602.03-28 Shooting Range *(added 5/17)*

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

602.04-1 Home occupations provided that the requirements of Article 700, Section 705 are met;

602.04-2 Living quarters in the main structure of persons employed on the premises;

602.04-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

602.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

602.04-5 Signs as provided for in Article 700;

602.04-6 Parking as provided for in Article 700;

602.04-7 Satellite dish antenna not extending into the required rear or side yards;

602.04-8 Swimming pool associated with a private residence.

SECTION 603
RURAL RESIDENTIAL/AGRICULTURAL DISTRICT RRA-1

603.01 Intent of the Rural Residential/Agricultural District.

This district covers portions of the County which are occupied by a mixture of agricultural and other residential and/or commercial uses. The district is established for the specific purpose of facilitating existing agricultural operations, conservation of natural resources, and to provide for residential uses while maintaining the rural-agricultural character of the area.

603.02 Permitted Uses.

Within the Rural Residential/Agricultural District RRA-1 the following uses are permitted:

603.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation;

603.02-2 Mobile home, not including mobile home parks or subdivisions;

603.02-3 (repealed) *Amended 2/95*

603.02-4 Family day care center; *Amended 2/95*

603.02-5 moved to conditional use (2/19)

603.02-6 Flood control and watershed structures;

603.02-7 Timber production, temporary sawmill, forests
603.02-8 moved to conditional use (2/6/19)

603.02-9 Nurseries, tree farms and greenhouses;

603.02-10 Cemeteries;

603.02-11 Park *(amended 12/16)*

603.02-12 Agriculture;

603.02-13 Repealed 5/2019

603.02-14 moved to conditional use (2/6/19)

603.02-15 Public utilities (amended 6/21)

603.0216 Churches and other places of worship with attendant educational and recreational facilities;

603.0217 Public schools;

603.0218 Public administration, service or storage buildings;

603.02-19 moved to conditional use (2/6/19)

603.02-20 Repealed 8/2015

603.02-21 moved to conditional use (2/6/19)

~~603.02-22 Bed and Breakfast;~~ *Amended 2/96*

603.02-23 (repealed) Amended 2/15

603.02-24 (repealed) *Amended 2/95*

603.02-25 (repealed) *Amended 2/95.*

603.02-26 ~~Private Seasonal Camp or Retreat~~ *Amended 5/1999*

603.02-27 Short Term Rentals of a Dwelling *Amended 10/2010*

603.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

603.03-1 Commercial or service establishments numbering three or less at any one location;

603.03-2 Private seasonal camp or retreat;

603.03-3 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Department of Health of the Commonwealth of Virginia Governing Campgrounds are met;

603.03-4 Sawmill or commercial wood and/or fuel yard;

603.03-5 Mine, quarry, gravel, shale, or sand operations;

603.03-6 Animal hospital;

603.03-7 Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence, except the residence of the owner;

603.03-8 Motel, hotel, lodge or resort;

603.03-9 Feed mill or seed and feed store;

603.03-10 Automobile service station;

~~603.0311 Television, radio, or other communications transmitting or receiving stations and towers;~~ *Amended 11/1/2001*

603.03-12 Recycling facilities;

603.03-13 Batch plants for asphalt, concrete, etc.;

603.03-14 Bulk storage of fuel, chemicals, or explosives;

603.03-15 Private for profit, non profit, or public organization camps;

603.03-16 Race tracks.

603.03-17 removed (6/21)

603.03-18 Contractor's storage yard;

603.03-19 Heliport, helispot;

603.03-20 Health/Fitness club;

603.03-21 Public garage;

603.03-22 Automobile service station;

603.03-23 Automobile grave yard.

603.03-24 Two family dwellings. *Added 6/95.*

603.03-25 Multi-family dwellings, apartments, townhouses (in accordance with Section 709 of this Ordinance) and condominiums. *Added 6/95.*

603.03-26 Boarding houses, tourist homes, Bed and Breakfasts *Amended 2/96*

603.03-27 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

603.03-28 Community Center*. Added 2/2015*

603.03-29 Commercial Outdoor Recreation Facility *(added 12/16)*

603.03-30 Shooting Range *(added 5/17)*

603.03-31 Wildlife areas, hunting clubs, or game refuges *Amended 2/19*

603.03-32 Fish hatcheries *Amended 2/19*

603.03-33 Cottage Industry *Amended 2/19*

603.03-34 Fairgrounds *Amended 2/19*

603.03-35 Golf courses, miniature golf courses, driving ranges *Amended 2/19*

603.03-36 Livestock Market *Amended 2/19*

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

603.04-1 Home occupations provided that the requirements of Article 700, Section 705 are met;

603.04-2 Living quarters in the main structure of persons employed on the premises;

603.04-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

603.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work, not to exceed two years;

603.04-5 Signs as provided for in Article 700;

603.04-6 Parking as provided for in Article 700;

603.04-7 Satellite dish antenna not extending into the required rear or side yards;

603.04-8 Swimming pool associated with a private residence.

33333SECTION 604
RESIDENTIAL LIMITED DISTRICT R1

604.01 Intent of Residential Limited District R1.

The intent of the R1 residential district is to provide for low density residential development which is characterized by large lots and open space. This district is primarily designed to provide and encourage a safe and suitable environment for family life.

604.02 Permitted Uses.

Within the Residential Limited District R1 the following uses are permitted:

604.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation;

604.02-2 Public Schools;

604.02-3 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any residential lot;

604.02-4 Park *(amended 12/16)*

604.02-5 Public Utilities (amended 6/21)

604.02-6 Family day care homes;

604.02-7 Mobile/Manufactured homes subject to the conditions imposed by Section 707.01.5 of this Ordinance (*added 8-20-2026)*

604.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

604.03-1 (repealed) *Amended 2/95*

604.03-2 Bed and Breakfast;

604.03-3 Public utilities;

604.03-4 Public administrative or service buildings or private storage buildings;

604.03-5 removed 6/21

604.03-6 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

604.03-7 Short Term Rentals of a Dwelling *Amended 10/2010*

604.03-8 Community Center. *Added 2/2015*

604.03-9 Commercial Outdoor Recreational Facility *(added 12/16)*

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

604.04-1 Home occupations provided that the requirements of Article700, Section705 are met;

604.04-2 Living quarters in the main structure of persons employed on the premises;

604.04-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work, not to exceed two years;

604.04-5 Signs as provided for in Article 700;

604.04-6 Parking as provided for in Article 700;

604.04-7 Satellite dish antenna not extending into the required rear or side yards;

SECTION 605
GENERAL RESIDENTIAL DISTRICT R2

605.01 Intent of the General Residential District R2.

The intent of the General Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods in accordance with the County of Giles Comprehensive Plan. The regulations for this district tend to protect against encroachment of commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

605.02 Permitted Uses.

Within General Residential District R2 the following uses are permitted:

605.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation;

605.02-2 Two family dwellings;

605.02-3 (repealed) *Amended 2/95*

605.02-4 Public schools;

605.02-5 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any lot containing a residence;

605.02-6 Park *(added 12/16)*

605.02-7 Family day care center; *Amended 2/95*

605.02-8 Public Utilities (added 6/21)

605.02-9 Mobile/Manufactured homes subject to the conditions imposed by Section 707.01.5 of this Ordinance. (*added 8-20-2026)*

605.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of County, the following uses may be permitted with appropriate conditions:

605.03-1 (repealed) *Amended 2/95*

605.03-2 Boarding houses; tourist homes; Bed and Breakfasts;

605.03-3 removed 6/21

605.03-4 Professional offices and clinics in structures similar in character with surrounding neighborhoods with signs as provided in Section 706.043;

605.03-5 removed 6/21

605.03-6 Public service or private storage building.

605.03-7 Recycling facilities;

605.03-8 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *amended 11/1/2001*

605.03-9 Short Term Rentals of a Dwelling *Amended 10/2010*

605.03-10 Community Center. *Added 2/2015*

605.03-11 Commercial or Service Establishment. *Added 2/2015*

605.03-11 Commercial Outdoor Recreation Facility. *Added 12/16*

605.04 Accessory Uses.

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

605.04-1 Home occupations provided that the requirements of Article700, Section705 are met;

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

605.04-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

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

605.04-5 Signs as provided for in Article 700;

605.04-6 Parking as provided for in Article 700;

605.04-7 Satellite dish antenna not extending into the required rear or side yards;

605.04-8 Swimming Pool associated with a private residence or multifamily development.

SECTION 606
MEDIUM DENSITY RESIDENTIAL DISTRICT R3

606.01 Intent of Medium Density Residential District R3.

The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the County of Giles Comprehensive Plan. The regulations for this district provide for development which is not completely residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

606.02 Permitted Uses.

Within Medium Density Residential District R3 the following uses are permitted:

606.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation;

606.02-2 Two family dwellings;

~~606.02-3 Multifamily dwellings, apartments, townhouses (in accordance with Section 709 of this Ordinance), and condominiums;~~ *Amended 08/01/12*

606.02-4 Public schools;

606.02-5 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any lot containing a residence;

606.02-6 Park *(amended 12/16)*

606.02-7 Professional offices and clinics in structures similar in character with surrounding neighborhoods with signs as provided in Section706;

606.02-8 Public Utilities (amended 6/21)

606.02-9 Public service or private storage building.

606.02-10 Family day care center; *Amended 2/95*

606.02-11 Mobile/Manufactured homes subject to the conditions imposed by Section 707.01.5 of this Ordinance (*added 8-20-2026)*

606.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Giles County, the following uses may be permitted with appropriate conditions:

606.03-1 (repealed) *Amended 2/95*

606.03-2 Boarding houses; tourist homes; Bed and Breakfasts;

606.03-3 General hospitals;

606.03-4 removed 6/21

606.03-5 Commercial operations which: (1) will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use; (2) will not be detrimental to the public welfare or injurious to property or improvements; (3) will not be in conflict with the intent of this district; and (4) will comply with all other provisions regulating such uses;

606.03-6 Congregate homes serving the mentally ill, mentally retarded, developmentally disabled, as rest homes, homes for adults, or nursing homes, provided that licensing requirements are met; Amended 2/95

606.03-7 Clubs, fraternities, lodges, and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;

606.03-8 removed 6/21

~~606.03-9 Television, radio, or other communications transmitting or receiving stations and towers;~~ *Amended 11/1/2001*

606.03-10 Recycling facilities;

606.03-11 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

606.03-12 Short Term Rentals of a Dwelling *Amended 10/2010*

606.03-13 Multifamily dwellings, apartments, townhouses (in accordance with Section 709 of this Ordinance), and condominiums. *Amended 08/01/12*

606.03-14 Community Center. *Added 2/2015*

606.03-15 Commercial Outdoor Recreation Facility *(added 12/16)*

606.04 Accessory Uses.

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

606.04-1 Home occupations provided that the requirements of Article 700, Section 705 are met;

606.04-2 Living quarters in main building of persons employed on the premises;

606.04-3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

606.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

606.04-5 Signs as provided for in Article 700;

606.04-6 Parking as provided for in Article 700;

606.04-7 Satellite dish antenna not extending into the required rear or side yards;

606.04-8 Swimming Pool associated with a private residence or multifamily development.

SECTION 607
PLANNED DEVELOPMENT DISTRICT R4

607.01 Intent of Planned Development District R4.

607.01-1 The intent of the Planned Development District R4 is to provide for larger scaled developments, development on difficult sites, clustering of residential dwelling units, to provide for neighborhoods with a variety of housing types and densities, and neighborhood shopping facilities, schools, parks, playgrounds, off street parking and, where necessary, land reserved to provide local employment opportunities.

607.01-2 The R4 Planned Development District is considered a "floating" zone and classification of a piece of property as R4 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

607.02 Permitted Uses.

Within Planned Development District R4 the following uses are permitted by right:

607.02-1 Single family dwellings allowed under the provisions for RR-A1;

607.02-2 Planned developments as indicated in the intent section. No such development plan shall be approved prior to a review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles.

607.02-3 public utilities 6/21

607.02-4 Public service or private storage building;

607.02-5 Mobile/Manufactured homes subject to the conditions imposed by Section 707.01.5 of this Ordinance. (*added 8-20-2026)*

607.03 Conditional Uses.

When after review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

607.03-1 Private storage buildings larger than 300 square feet;

607.03-2 removed 6/21

607.03-3 Recycling facilities;

607.03-4 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

607.03-5 Short Term Rentals of a Dwelling *Amended 10/2010*

607.03-6 Community Center. *Added 2/2015*

607.03-7 Commercial Outdoor Recreation Facility *(added 12/16)*

607.04 Accessory Uses.

607.04-1 In addition to the principal residential uses, other commercial or noncommercial service uses may be permitted provided: (a) that such uses are intended primarily to serve the needs of the project area residents; (b) that such uses are designed and located for the convenience of project area residents and to protect the character of the district; (c) that all subsequent changes in use shall be approved by the Planning Commission or its agent; (d) that all commercial uses shall not total more than ten (10) percent of the total project area; and (e) that construction of commercial facilities shall not begin until twenty five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development has been completed.

607.04-2 Satellite dish antenna not extending into the required rear or side yards;

607.04-3 Swimming Pool associated with a private residence or multifamily development;

607.04-4 Private storage building smaller than 300 square feet;

607.05 Uses Permitted by Approval.

The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.

607.06 Qualifying Requirements.

A tract or parcel of land may be considered for R-4 Planned Residential District Zoning only if it meets the following conditions:

607.06-1 Ownership Requirements. The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;

607.06-2 Availability of Public Utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer systems can be developed as part of the project;

607.06-3 Land Suitability. Rezoning land to R-4 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, nonconformity to County development plans, or other public health, welfare or safety objectives.

607.07 Site Design Requirements.

The following are the site design requirements for the R4 Residential District:

~~607.07-1 Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre;~~ *Amended 02/2003*

607.07-2 Common Open Space. Minimum open space shall not be less that Forty (40) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios and other similar improvements but inclusive of swimming pools and other active and passive recreational areas. A minimum of 20% of the total area shall be dedicated to usable open space which shall be of usable

size, shape, location, and topography for formal parks, plazas, greens or squares, or for active recreational use. Stormwater management facilities, underground utility easements, and similar uses may be included in the total 40% open space but not within the required 20% usable open space. *Amended 11/2019*

607.07-3 Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;

607.07-4 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, preserve existing ridgelines and water courses, be properly related to topography, and provide convenient and safe access. Lot design will reflect the following priorities:

(a) ~~retention of prime agricultural soils~~; minimize the loss of prime agriculture soils *Amended 02/2003*

(b) minimize impact on adjacent parcels with active agricultural operations;

(c) provide locations of structures which least likely block scenic vistas;

(d) maximize benefits of solar energy (passive and active technology);

607.07-5 Development Plan. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential and recreational shopping and shall be designed to maximize the use and/or enjoyment of natural amenities by project residents.

607.07-6 Street Design. The street system within the project area shall be designed:

(a) According to functional street purposes and projected traffic flow; and shall require a minimum 20 ft. right of way or access easement; *Amended 05/2007*

(b) To discourage through traffic;

(c) To assure safe and convenient sight distances;

(d) To complement the natural topography;

(e) In coordination with existing and planned streets; and located in a minimum 20 ft. wide right of way or access easement. *Amended 05/2007*

~~(f) To be constructed in accordance with the current applicable Virginia Department of Transportation Subdivision Street Requirements.~~ *Amended 02/2003*

607.07-7 Street Names and Signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;

607.07-8 Street Lighting. Street lighting may be provided in the development;

607.07-9 Pedestrian Circulation. Provision may be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;

607.07-10 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;

607.07-11 Water and Sewer. All planned Residential Districts shall be served by collective water and sewer systems as follows:

(a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.

(b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.

(c) ~~Where space requirements are met and project design allows individual water and/or sewer systems may be permitted.~~ Where Virginia Department of Health requirements are met and project design allows individual water and or sewer systems may be permitted. *Amended 02/2003*

607.07-12 Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the County development plan;

607.07-13 Fire Hydrants. If adequate public water service is available, fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection; *Amended 02/2003*

607.07-14 Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage way traverse the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the development;

607.07-15 Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other as may increase danger of health, life, property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;

607.07-16 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;

607.07-17 Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;

607.07-18 Maintenance of Common Property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties. Preservation of open space shall be assured by dedication to a public agency or private foundation, or an alternative mechanism that insures management in perpetuity by a responsible and accountable party. The mechanism must be approved by the Planning Commission.

607.07-19 Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

607.08 Data to Accompany Application.

With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:

607.08-1 Mapping of the project at an accurate scale for the proposed development plan:

(a) Proposed land uses including residential types, commercial types, recreation and any other proposed use;

(b) Proposed street system including public and private right of way;

(c) Proposed parking areas and parking space delineations;

(d) Proposed plat showing subdivision lot lines;

(e) Proposed utility rights of way or easements including water, sewer, gas, power, and telephone;

(f) Proposed drainage plan;

(g) Proposed location of buildings, structures, and improvements;

(h) Property lines of proposed common property;

(i) Proposed pedestrian circulation system;

(j) Proposed landscaping plan and proposed treatment of the project perimeter such as screening;

(k) Relationships and tie ins to adjacent property.

607.08-2 Supporting documentation to include the following minimum data:

(a) A legal description of the project boundaries;

(b) A statement of existing ~~and proposed~~ property owners; *Amended 02/2003*

(c) Names and addresses of all adjacent property owners;

(d) A statement of project development objectives and character to be achieved;

(e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;

(f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;

(g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;

(h) Proposed building types including architectural style, height, and floor area;

(i) Obtain Applicable Approvals from the Virginia Department of Highways and the Giles County Health Officer; *Amended 02/2003*

(j) Proposed agreements, provisions, covenants, or conservation easements which govern the use, maintenance, and continued protection of property to be held in common ownership or conveyed to a qualified non-profit conservation organization or state land conservation agency;

(k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

607.08-3 Application. Ten copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

607.08-4 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the County of Giles a check in the amount of ~~one~~ two hundred dollars ~~($100.00)~~ ($200.00) plus ~~one~~ ten dollars ~~($1.00)~~ ($10.00) for each dwelling unit proposed on the development plan; *Amended 02/2003*

607.08-5 Appearance of Developer. The Planning Commission and/or the Board of Supervisors may require the developer to appear to discuss the planned development;

607.08-6 Review and Approval of Planned Development Plans. The review and approval of a developer's plan for a development under the Planned Development District zone shall follow the following steps:

(a) Concept Plans. The applicant shall confer the zoning administrator or his designee to discuss the appropriateness of the cluster proposal and whether land should be dedicated to public use or reserved in common. The applicant shall then confer with the planning commission to discuss the appropriateness of the plan. The planning commission shall either approve, approve with conditions, or deny the proposed plan and open space provisions.

(b) Board of Supervisors' Approval of Dedicated Open Space. Where it is determined by the planning commission that areas are suitable of dedication to public use, but such areas are not contained in the comprehensive plan, then the board of supervisors shall review and approve such proposed conveyance.

(c) Preliminary Plat. Following the endorsement of the concept plan by the planning commission and, where necessary, approval of a conveyance by the board of supervisors, the applicant shall submit a preliminary plan under the requirements of the subdivision ordinance. The requirements for a planned development plan shall be the same as for a conventional subdivision except that plans shall be prepared showing five-foot contour intervals and shall include the location and plan for all open spaces.

(d) Final Plat. The requirements for the submission and approval of final plat shall be the same as in the subdivision ordinance.

607.08-7 ~~Preliminary Plat Approval~~. Application Procedures for Planned Unit Development

~~(a) Within sixty (60) days after the filing of the development plan, the Planning Commission shall report to Board of Supervisors one of the following:~~

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

~~(b) The Board of Supervisors shall give notice under Section 15.1431 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Board of Supervisors disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;~~

~~(c) If the preliminary development plan is approved, or approved with modifications by the Board of Supervisors, the Zoning Map shall be amended to show the R4 Planned Unit Development. If the preliminary development plan is approved with modifications, the Board of Supervisors shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified~~.

(a) The Zoning Administrator shall present the application to the Planning Commission as soon as is practicable after such application is received. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1431 of the Code of Virginia (1950) as amended.

The Commission shall then present the proposed amendment along with appropriate explanatory materials to the Board of Supervisors with its recommendations. If the Commission fails to submit its recommendations within ~~sixty (60) days~~ one hundred (100) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment; *Amended May 2007*

(b) The Giles County Board of Supervisors shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1431 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment ~~within thirty five (35) days from the date of the public hearing~~ within thirty (30) days from the date the recommendation is received from the Planning Commission. The Board of Supervisors and the Commission may hold a joint public hearing in accordance with Section 15.1431 of the Code of Virginia; *Amended May 2007; Amended November 2008.*

607.09 Status of Approval.

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

SECTION 608
MOBILE HOME DISTRICT MH1

608.01 Intent of the Mobile Home District MH1

The intent of the Mobile Home District MH1 is to allow residential development in the form of mobile home parks and mobile home subdivisions.

Zoning Amendment Required for MH1 District Classification. The MH1 District is considered a "floating" zone and classification of a piece of property as MH1 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a mobile home park or mobile home subdivision shown in Section 707 and the proposed use is compatible with adjacent land uses.

608.02 Permitted Uses.

Within Mobile Home District MH1 the following uses are permitted:

608.02-1 Mobile home parks as provided for in Section707;

608.02-2 Mobile home subdivisions as provided for in Section707;

608.02-3 Permanent buildings associated with mobile home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:

(a) Parking requirements for such facilities are met.

(b) Such uses are subordinate to the residential use and character of the park.

608.03 Conditional Uses.

When after review of an application and hearing thereon, in accordance with Article800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Giles County, the following uses may be permitted with appropriate conditions:

608.03-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood.

608.03-2 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

608.04 Accessory Uses.

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

608.04-1 Living quarters in main structure of persons employed on the premises;

608.04-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work;

608.04-3 Signs as provided for in Article 700;

608.04-4 Parking as provided for in Article 700;

608.04-5 Satellite dish antenna not extending into the required rear or side yards;

608.0-46 Swimming Pool associated with the development.

608.04-7 Private storage buildings;

SECTION 609
COMMUNITY CENTER BUSINESS DISTRICT B1

609.01 Intent of the Community Center Business District B1.

This district covers those portion of the County which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setback. Uses in the District include retail sales, services, banks, restaurants, and other similar businesses. The intent of the District is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures.

Parking in Community Center Business District. The parking requirements as provided in Article 700 are not applicable except for residential uses for the B1 District. On street parking is allowed and off street parking is provided in several public parking lots in the district. The provision of additional off street parking by developers of property in this district is allowed.

609.02 Permitted Uses.

Within the Community Center Business District B1 the following uses are permitted:

609.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;

609.02-2 Bakeries;

609.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;

609.02-4 One or two family dwellings but not including single family and two family developments;

609.02-5 Retail stores and shops;

609.02-6 Theaters, assembly halls, playhouses and dinner theaters;

609.02-7 Hotels;

609.02-8 Banks and loan and finance offices, including drive types;

609.02-9 Churches and other places of worship, and church school buildings;

609.02-10 Libraries;

609.02-11 Hospitals and clinics;

609.02-12 Funeral home and/or mortuaries;

609.02-13 Automobile service stations and public garages (with major repair in an enclosed building);

609.02-14 Clubs and lodges;

609.02-15 Automobile sales;

609.02-16 Lumber and building supply (with storage in an enclosed building);

609.02-17 Plumbing and electrical supply (with storage in an enclosed building);

609.02-18 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any such use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within fifty (50) feet of any Residential District;

609.02-19 Public utilities;

609.02-20 Public service and storage buildings;

609.02-21 Restaurants including dairy product stores and soda fountains, and drive in restaurants;

609.02-22 Newspaper offices and printing shops;

609.02-23 Business and professional offices, and clinics;

609.02-24 Greenhouses;

609.02-25 Police, fire, and rescue squad stations;

609.02-26 Post offices;

609.02-27 Bus stations and taxi stands;

609.02-28 Radio and television broadcasting studios;

609.02-29 Public buildings and properties of a cultural, administrative, or service type;

609.02-30 Individual residential uses associated with a permitted use such as the residence of an entrepreneur;

609.02-31 Parking garages and parking lots;

609.02-32 Business and vocational schools;

609.02-33 Signs as provided in Article 700;

609.0-234 Museums;

609.02-35 Picture frame manufacturing and assembling;

609.02-36 Studios;

609.02-37 (reserved) *Amended 2/95*

609.02-38 Short Term Rentals of a Dwelling *Amended 10/2010*

609.02-39 Mobile homes subject to the conditions imposed by Section 707.01.5 of this Ordinance. (*Added 8-20-2026)*

609.03 Conditional Uses.

When after review of an application and hearing thereon, in accordance with Article 802.03 herein, the Giles County Board of Supervisors finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

609.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;

~~609.03-2 Television and radio transmitting antennae~~; *Amended 11/1/2001*

609.03-3 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;

609.03-4 Wholesale business, storage warehouse, or processing not objectionable because of noise, or odors provided that any such use shall be at least fifty (50) feet from the nearest boundary of any Residential District;

609.03-5 Conversion of a single family dwelling to a multifamily use;

609.03-6 Fabricating and welding of metal within a completely enclosed building;

609.03-7 Open storage of machinery, materials, and supplies;

609.03-8 Recycling facilities;

609.03-9 Permanent Sawmill; *Added 11/94.*

609.03-10 Congregate homes serving the mentally ill, mentally retarded, developmentally disabled, or as rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met. *Amended 2/95.*

609.03-11 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

609.03-12 Sexually Oriented Business *Amended 1/6/2005*

609.03-13 Commercial or service establishments numbering three or less at any one location; *Amended 06/2005*

609.03-14 Community Center. *Added 2/2015*

609.03-15 Park. *Added 12/16*

609.03-16 Commercial Outdoor Recreation Facility. *Added 12/16*

609.04 Requirements for Permitted Uses and Conditional Uses in Community Center Business District B1.

609.04-1 Final grading and site finishing are required on all sites developed in the B1 district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.

609.05 Accessory Uses.

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

609.05-1 Living quarters in the main building of persons employed on the premises or renters;

609.05-2 Private parking garage;

609.05-3 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

609.05-4 Signs as provided for in Article 700;

609.05-5 Satellite dish as not extending into the required rear or side yards.

SECTION 610
GENERAL BUSINESS DISTRICT B2

610.01 Intent of the General Business District B2.

Generally, this district covers that portion of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, business offices, printing presses, restaurants and taverns, and garages and service stations.

610.02 Permitted Uses.

Within the General Business District B2 the following uses are permitted:

610.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;

610.02-2 Bakeries;

610.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;

610.02-4 One or two family dwellings but not including single family, two family developments;

610.02-5 Retail stores and shops;

610.02-6 Theaters, assembly halls, playhouses and dinner theaters;

610.02-7 Hotels;

610.02-8 Banks and loan and finance offices, including drive types;

610.02-9 Churches and other places of worship, and church school buildings;

610.02-10 Libraries;

610.02-11 Hospitals;

610.02-12 Funeral homes and/or mortuaries;

610.02-13 Automobile service stations and public garages (with major repair in an enclosed building);

610.02-14 Clubs and lodges;

610.02-15 Automobile sales;

610.02-16 Lumber and building supply (with storage in an enclosed building);

610.02-17 Plumbing and electrical supply (with storage in an enclosed building);

610.02-18 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a, completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;

610.02-19 Public utilities;

610.02-20 Public service and storage buildings;

610.02-21 Restaurants including dairy product stores and soda fountains, and drive in restaurants;

610.02-22 Newspaper offices and printing shops;

610.02-23 Business and professional offices, and clinics;

610.02-24 Greenhouses;

610.02-25 Police, fire, and rescue squad stations;

610.02-26 Post offices;

610.02-27 Bus stations and taxi stands;

610.02-28 Radio and television broadcasting studios;

610.02-29 Public buildings and properties of a cultural, administrative, or service type;

610.02-30 Individual residential uses associated with a permitted use such as the residence of an entrepreneur.

610.02-31 Parking garages and parking lots;

610.02-32 Business and vocational schools;

610.02-33 Signs as provided in Article700;

610.02-34 Off street parking as required by this Ordinance;

610.02-35 Museums;

610.02-36 Picture frame manufacturing and assembling;

610.02-37 Studios.

610.02-38 (reserved) *Amended 2/95*

610.02-39 Short Term Rentals of a Dwelling *Amended 10/2010*

610.02-40 Convenience Store. *Added 07/2016*

610.02-41 Mobile homes subject to the conditions imposed by Section 707.01.5 of this Ordinance *(added 8-20-2026)*

610.03 Conditional Uses.

When after review of an application and hearing thereon, in accordance with Article 802.03 herein, the Giles County Board of Supervisors finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

610.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;

610-03-2 Strip mall;

~~610.03-3 Television and radio transmitting antennae~~; *Amended 11/1/2001*

610.03-4 Athletic fields, stadiums, and arenas;

610.03-5 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;

610.03-6 Drive in theaters provided all parts of such drive in shall be distant at least two hundred (200) feet from any Residential District and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right of way of said street or highway;

610.03-7 Livestock market and sales pavilions;

610.03-8 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the "Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds" are met;

610.03-9 Shooting Range *(amended 5/17)*

610.03-10 Wholesale business, storage, processing or warehouse not objectionable because of noise or odors provided that any such use shall be at least fifty (50) feet from any Residential District;

610.03-11 Conversion of a single family dwelling to a multifamily use;

610.03-12 Kennels and animal hospitals provided that any structure or premise used for such purposes shall be located at least two hundred (200) feet from any residential lot;

610.03-13 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least two hundred (200) feet from any residential lot;

610.03-14 Fabricating and welding of metal within a completely enclosed building;

610.03-15 Open storage of machinery, materials, and supplies;

610.03-16 Satellite dish antenna not extending into the required rear or side yards;

610.03-17 Recycling facilities.

610.03-18 Permanent Sawmill; Added 11/94.

610.03-19 Congregate homes serving the mentally ill, mentally retarded, developmentally disabled, or as rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met. Amended 2/95.

610.03-20 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

610.03-21 Sexually Oriented Business *Amended 1/6/2005*

610.03-22 Commercial or service establishments numbering three or less at any one location; *Amended 06/2005*

610.03-23 Community Center. *Added 2/2015*

610.03-24 Park. *Added 12/16*

610.03-25 Commercial Outdoor Recreation Facility. *Added 12/16*

610.04 Requirements for Permitted and Conditional Uses in General Business District B2.

610.04-1 Final grading and site finishing are required on the parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will

be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.

610.05 Accessory Uses.

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

610.05-1 Living quarters in the main building of persons employed on the premises;

610.05-2 Private parking garages;

610.05-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

610.05-4 Mobile office building;

610.05-5 Signs as provided for in Article 700;

610.05-6 Parking as provided for in Article 700;

610.05-7 Satellite dish antenna not extending into the required rear or side yards;

610.05-8 Swimming pool associated with a private residence or multifamily development.

SECTION 611
MIXED BUSINESS/RESIDENTIAL DISTRICT B-3

611.01 Intent of the B-3 District

The intent of the B-3 District is to recognize that, at the time of the adoption of this ordinance, in some areas of the County pre-existing development patterns were a complex mix of agricultural, residential, commercial and industrial uses requiring non-traditional protection and control. Traditionally, these areas have been used for residential purposes in combination with agriculture, industrial and commercial operations. Accordingly, it is intended that this district continue to accommodate residential and agricultural uses and also a variety of commercial and industrial uses which will:

(1) preserve existing property values;

(2) provide desirable employment;

(3) maintain the goal of environmental quality;

(4) protect against uses likely to generate large concentrations of traffic, crowds, dust odors, smoke or other obnoxious influences; and

(5) Not be detrimental to the health, safety, and public welfare of the neighborhood nor injurious to property or improvements.

611.02 Permitted Uses – Generally

Within the B-3 District, the following uses shall be permitted:

611.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation;

611.02-2 Two family dwellings;

611.02-3 Home occupations in accordance with Section 705 of this ordinance;

611.02-4 Swimming pools, private;

611.02-5 Utility and agricultural buildings incidental to farm or residential use;

611.02-6 Cemeteries;

611.02-7 Churches and other places of worship;

611.02-8 Clubs and lodges;

611.02-9 Park *(amended 12/16)*

611.02-10 (repealed); *Amended 2/1995*

611.02-11 Public utilities (amended 6/21)

611.02-12 Agriculture;

611.02-13 Nurseries;

611.02-14 Wayside stands;

611.02-15 Cottage Industry

611.02-16 Convenience store with or without automobile service station;

611.02-17 Automobile service stations;

611.02-18 Automobile dealers selling new or used motor vehicles;

611.02-19 Equipment (construction, mining, farm, etc.) and vehicle sales, service, and repair. (amended 01/2018)

611.02-20 Small engine sales, service and repair

611.02-21 Business and professional offices and clinics

611.02-22 Restaurants, including dairy product stores, soda fountains, and drive in restaurants

611.02-23 Retail, wholesale and mail order merchandising including storage, or distribution warehouses;

611.02-24 Signs in accordance with Section 706 of this ordinance;

611.02-25 Lumber and building materials store, wholesale or retail, including plumbing and electrical supplies, builder's hardware and glazing;

611.02-26 Manufacture of millwork, boxes, cabinets, trim, furniture, picture frames and other wood products of similar nature, including arts and crafts;

611.02-27 Retail stores and shops;

611.02-28 Assembly of small arms ammunition from previously prepared materials;

611.02-29 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith, or similar shops provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;

611.02-30 Mini warehouses;

611.02-31 Banks and loan and finance offices, including drive-in types;

611.02-32 Public or private schools;

611.02-33 Short Term Rentals of a Dwelling *Amended 10/2010*

611.02-34 Carwash *(added 9/18)*

611.02-35 Mobile homes subject to the conditions imposed by Section 707.01.5 of this Ordinance. *(added 8-20-2026)*

611.03 Conditional Uses

When after review of an application and hearing thereon, in accordance with Article 802.04 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surrounding uses, is consistent with intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions if any are required:

611.03-1 Hotel or Motel;

611.03-2 Home for adults;

611.03-3 Mobile home, located on a lot with a minimum area or 5,000 square feet.

611.03-4 Multi family dwellings and apartments;

611.03-5 Feed Mill;

611.03-6 Hog Operations;

611.03-7 Wood processing, permanent sawmills, flooring and planning mills;

611.03-8 Timber production, temporary sawmills and coal and wood yards;

611.03-9 Truck or truck freight terminals;

611.03-10 Shooting Range *(amended 5/17)*

611.03-11 Manufacture or assembly of electrical appliances, tools, dies, bolts, nuts, screws, rivets, firearms, photographic and metering equipment, hardware products, valves, filters, sheet metal products, heating, cooling ventilating equipment and machined parts;

611.03-12 Commercial printing, publishing and lithographing;

611.03-13 Manufacturing, processing packaging, sales and distribution of such products as beverages, candy, bakery goods, frozen foods, meat, poultry, dairy and ice cream products, fruits and vegetable processing and canning;

611.03-14 Structures and facilities necessary for the wholesale or retail distribution of petroleum products;

611.03-15 Recycling facilities;

611.03-16 Metal fabrication and welding within a completely enclosed building;

611.03-17 Commercial uses;

611.03-18 Abattoir;

611.03-19 Automobile and truck or recreational vehicle assembling, painting, upholstering, repairing, rebuilding or reconditioning, body or fender work but not auto salvage or junk yards;

611.03-20 Laboratories – research or experimental;

611.03-21 Structures used by contractors for material storage, offices, repair of equipment and similar uses normally associated with general contracting;

611.03-22 Swimming Pools, public

611.03-23 Telecommunications Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

611.03-24 Sexually Oriented Business *Amended 1/6/2005*

611.03-25 Community Center. *Added 2/2015*

611.03-26 Commercial Outdoor Recreation Facility. *Added 12/16*

611.04 Accessory Uses

Where a lot is devoted to a permanent principal use, customary accessory uses and structures are authorized. The following rules are applicable:

611.04-1 Living quarters in the main building of persons employed on the premises;

611.04-2 Private parking garages;

611.04-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

611.04-4 Mobile office building;

611.04-5 Signs as provided for in Article 700;

611.04-6 Parking as provided for in Article 700;

611.04-7 Satellite dish antenna not extending into the required rear or side yards;

611.05 Lot Regulations

611.05-1 The following lot regulations shall apply to all new structures or to the expansions of existing structures in this District:

All lot regulations shall be in compliance with the requirements of District B-2, except that structures used for residential purposes shall comply with the requirements of District R-3.

SECTION 612
LIGHT INDUSTRIAL DISTRICT M1

612.01 Intent of Light Industrial District M1.

The intent of the M1 Industrial District is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semifinished products from previously prepared material.

612.02 Permitted Uses.

Within the Light Industrial District the following uses are permitted:

612.02-1 Assembly of electrical appliances, electronic instruments and devices, and electrical parts.

612.02-2 Equipment (construction, mining, farm, etc.) and automobile assembly, painting, upholstering, repairing, re-building, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture. *(amended 01/2018)*

612.02-3 Open storage of wrecked automobiles for reconditioning, body or fender work, repainting or repairing, up to twelve (12) in number;

612.02-4 Blacksmith shop, welding or machine shop;

612.02-5 Laboratories pharmaceutical and/or medical;

612.02-6 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries or food products;

612.02-7 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;

612.02-8 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;

612.02-9 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

612.02-10 Cabinets, furniture and upholstery shops;

612.02-11 Boat building;

612.02-12 Monumental stone works;

612.02-13 Public service or storage buildings;

612.02-14 Public utilities;

612.02-15 Public water and sewage systems;

~~612.02-16 Radio transmission tower, provided such tower shall not exceed two hundred twenty five (225) feet in height, shall not be lighted, and shall conform in design and coloring to the environment and to plans and specifications approved by the Zoning Administrator and Building Inspector;~~ *Amended 11/1/2001*

612.02-17 Animal hospital, kennels;

612.02-18 Wholesale businesses, storage warehouses.

612.02-19 Sawmill

612.02-20 Business and Professional Offices *Amended 2/2008*

612.03 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

612.03-1 Building material sales yards, plumbing supply sales and storage;

612.03-2 Coal and wood yards, lumber yards, feed and seed stores;

612.03-3 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;

612.03-4 Truck terminal;

612.03-5 Truck stop;

612.03-6 Heliport;

612.03-7 Satellite dish antenna not extending into the required rear or side yards;

612.03-8 Recycling facilities;

612.03-9 Commercial uses.

612.03-10 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance) *Amended 11/1/2001*

612.03-11 Sexually Oriented Business *Amended 1/6/2005*

612.03-12 Shooting Range *(added 5/17)*

612.04 Accessory Uses.

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

612.04-1 Living quarters in the main building;

612.04-2 Private parking garage;

612.04-3 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

612.04-4 Signs as provided for in Article 700;

612.04-5 Parking as provided for in Article 700;

612.04-6 Satellite dish antenna not extending into the required rear or side yards.

612.05 Requirements for Use.

612.05-1 In accordance with Section 802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;

612.05-2 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;

612.05-3 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses.

SECTION 613
GENERAL INDUSTRIAL DISTRICT I-1

613.01 Intent of the General Industrial District I1.

The primary purpose of this district is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and the continued use of land for industrial purposes; (b) prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the district; (c) encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; and (d) encourage industrial parks.

613.02 Permitted Uses.

Within the General Industrial District I1 the following uses are permitted:

613.02-1 Assembly of electrical appliances, electronic instruments and devices, and electrical parts;

613.02-2 Equipment (construction, mining, farm, etc.) and automobile assembly, painting, upholstering, repairing, re-building, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture. *(amended 01/2018)*

613.02-3 Blacksmith shop, welding or machine shop;

613.02-4 Laboratories pharmaceutical and/or medical;

613.02-5 Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries, or food products;

613.02-6 Manufacture, compounding, processing, packaging, or treatment of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;

613.02-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

613.02-8 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

613.02-9 Building material sales yards, plumbing supply sales and storage;

613.02-10 Coal and wood yards, lumber yards, feed and seed stores;

613.02-11 Contractor’s equipment storage yards or plants, or rental of equipment commonly used by contractors;

613.02-12 Cabinets, furniture and upholstery shops;
613.02-13 Boat building;

613.02-14 Monumental stone works;

613.02-15 Wholesale businesses, storage warehouses;

613.02-16 Sawmills and Planing mills;

613.02-17 Brick manufacture;

613.02-18 Off street parking as provided in Article 700;

613.02-19 Public service or storage buildings;

613.02-20 Public utilities;

613.02-21 removed 6/21

613.02-22 Signs as provided in Article 700;

~~613.02.23 Radio transmission tower, provided such tower shall not exceed two hundred twenty five (225) feet in height, shall not be lighted, and shall conform in design and coloring to the environment and to plans and specifications approved by the Zoning Administrator and Building Inspector.~~ *Amended 02/2003*

613.02-24 Business and Professional Offices *Amended 2/2008*

613.03 Conditional Uses.

When after review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

613.03-1 Manufacture or production of aluminum;

613.03-2 Recycling facilities;

613.03-3 Truck terminals;

613.03-4 Truck stops;

613.03-5 Heliport;

613.03-6 Sand and gravel operations;

613.03-7 Petroleum storage;

613.03-8 Junk yards and automobile graveyards in accordance with the provisions of Article 700;

613.03-9 Manufacture, production, or processing of asphalt;

613.03-10 Satellite dish antenna not extending into the required rear or side yards;

613.03-11 Commercial uses.

613.03-12 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance *Amended 11/1/2001*

613.03-13 Sexually Oriented Business *Amended 1/6/2005*

613.03-14 Shooting Range *(added 5/17)*

613.04 Accessory Uses.

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

613.04-1 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

613.04-2 Signs as provided for in Article 700;

613.04-3 Parking as provided for in Article 700;

613.04-4 Satellite dish antenna not extending into the required rear or side yards.

613.04-5 No more than one residential building which is occupied by the owners or employees of the industry to which it is accessory. Both buildings must be located on the same parcel to be considered accessory. *Added 11/2019*

613.05 Requirements for Permitted Uses in General Industrial District I-1.

613.05-1 In accordance with Section 802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;

613.05-2 Final grading and site finishing are required on parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;

613.05-3 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming uses.

SECTION 614
FLOOD HAZARD DISTRICT FH1

614.01 Purpose of Flood Hazard District.

The purpose of these provisions is to prevent the loss of 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 uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies; (b) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (c) requiring all those uses, activities, and developments that do occur in flood prone areas to be protected and/or floodproofed against flooding and flood damage; and (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

614.02 Applicability.

These provisions shall apply to all lands within the jurisdiction of the County of Giles and identified as being flood prone as stipulated in this Ordinance.

614.03 Compliance.

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 provision of this Ordinance and the Giles County Floodplain Ordinance.

SECTION 615
SOLID WASTE MANAGEMENT FACILITIES DISTRICT SWM1

615.01 Purpose of Solid Waste Management Facilities District.

The purpose of these provisions is to prevent the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds, and the impairment of the tax base by: (a) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and developments, may cause unacceptable increases risks.

615.02 Applicability.

These provisions shall apply to all lands within the jurisdiction of the County of Giles.

615.03 Compliance.

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 provision of this Ordinance and any other applicable State regulations which apply to Waste Management uses.

615.04 Abrogation and Greater Restrictions.

This Ordinance supersedes any ordinance currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

615.05 Permitted Uses.

The development of solid waste management facilities is a very complex and varied process. Such diverse activities as the collection of materials for reuse and recycling to the siting of landfills, incinerators, and the disposal of the residue from such facilities must of necessity be carefully considered. The balance between the need for regulation and the ease in which a proposed facility may be permitted in large measure will impact on the availability of efficient and effective collection, processing, storage, and disposal of solid waste. Therefore, within the Solid Waste Management Facilities District there are no uses permitted by right.

615.06 Conditional Uses.

When, after review of an application and hearing thereon, in accordance with Article 800 herein, the Giles County Board of Supervisors finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the County of Giles, the following uses may be permitted with appropriate conditions:

615.06-1 Solid Waste Management Facilities

615.06-2 The uses permitted in the R-2 and B-2 districts

615.06-3 The uses permitted as conditional uses in the R-2 and B-2 districts

615.06-4 In making a recommendation for a rezoning to the SWM Facilities District, the Planning Commission and the Board of Supervisors will need to find that the proposed development meets the tests of public necessity, convenience, general welfare, good zoning practice and report same in the action to allow the proposed development.

615.06-5 For any facility which would require a permit or license from the State to operate, the rezoning and Conditional Use shall be conditioned upon the successful completion of the regulatory process to be verified by submission of a copy of approved permit(s).

615.07 Accessory Uses.

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

615.07-1 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

615.07-2 Signs as provided for in Article 700;

615.07-3 Parking as provided for in Article 700;

615.07-4 Satellite dish antenna not extending into the required rear or side yards.

615.08 Requirements for Uses Permitted in this District.

615.08-1 In accordance with Section 802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.

Section 616

Newport Village District

(Section Added 6/21)

616.01 Intent of Newport Village District

This district is comprised of what is the Historic Village of Newport, an area that has a long history of mixed use including single family, commercial, and multifamily uses. This district is established to encourage the continued historical uses of land and structures by encouraging primarily continued single family use and also by allowing compatible commercial and multifamily uses that do not take away from the quaint historical character of the area. When evaluating conditional use applications for this area the above mentioned character of this area should be considered along with the infrastructure and parking constraints that are present within it. Lot regulations within this district shall be the same as RRA-1 and are located in table 1 of this ordinance.

616.02 Permitted Uses

616.02-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation

616.02-2 Family day care center

616.02-3 Flood control and watershed structures

616.02-4 Nurseries, tree farms and greenhouses

616.02-5 Cemeteries

616.02-6 Park

616.02-7 Agriculture

616.02-8 Public water, sewage, or utility systems

616.02-9 Churches and other places of worship with attendant educational and recreational facilities

616.02-10 Public schools

616.02-11 Public administration, service or storage buildings

616.02-12 Short Term Rentals of a Dwelling

616.02-13 Community Center

616.03 Conditional Uses

616.03-1 Commercial or service establishments numbering three or less at any one location;

616.03-2 Motel, hotel, lodge or resort;

616.03-3 Automobile service station;

616.03-4 Public garage;

616.03-5 Multi-family dwellings, apartments, townhouses (in accordance with Section 709 of this Ordinance) and condominiums.

616.03-6 Boarding houses, tourist homes, Bed and Breakfasts

616.03-7 Telecommunication Towers or Antennae (in accordance with Section 712 of this Ordinance)

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

616.04 1 Home occupations provided that the requirements of Article 700, Section 705 are met;

616.04 2 Living quarters in the main structure of persons employed on the premises;

616.04 3 Recreational vehicles stored as an accessory use shall meet the same setback requirements as the main building and occupancy is prohibited. (amended 1/2016)

616.04 4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work, not to exceed two years;

616.04 5 Signs as provided for in Article 700;

616.04 6 Parking as provided for in Article 700;

616.04 7 Satellite dish antenna not extending into the required rear or side yards;

616.04 8 Swimming pool associated with a private residence.

New section added 06/2021

ARTICLE 700
USE REGULATIONS

SECTION 701
AREA REGULATIONS

Area and density regulations are provided by District in the Lot Regulations, Table 1.

701.01 Authorized Modifications of Yard Requirements.

The following modifications of the yard requirements are allowed:

701.01-1 An uncovered or covered porch or deck may project into a required front yard for a distance not exceeding five (5) feet;

701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;

701.01-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the median average of the existing setbacks on the existing developed lots. For lots adjacent to former primary highways having a right of way width in excess of fifty feet, by conditional use permit, the applicable lot setback line or lines may be established as if the existing road right of way is fifty feet with the centerline of the existing roadway being used as the centerline of the right of way. Amended May 2006

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

701.01-5 Proposed means of ingress/egress additions (ramps, lifts, etc.) to existing structures shall not be required to meet minimum setbacks from Table 1 provided that they are to provide ease of accessibility, there is a clearly demonstrated medical need, that the modifications to setback requirements are the minimum necessary to comply with requirements for such structures as determined by the Zoning Administrator and Building Official, and that the modifications do not result in a public safety hazard. *Added 2/19*

701.02 Special Provisions for Corner Lots.

701.02-1 Of the two (2) sides of a corner lot in residential districts, the front shall be deemed to be the shorter of the two sides fronting on streets, except in mobile home subdivisions where the front shall be the longer of the two sides. Of the two (2) sides of a corner lot in any non residential district on which a building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the side of the lot on which the building or structure fronts and has its primary pedestrian access. Of the two (2) sides of a corner lot in any non residential district on which no building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the longer of the two (2) sides fronting on streets;

701.02-2 The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings.

TABLE 1
Lot Regulations by District
County of Giles Zoning

	Main Bld.						Accessory Bld.			
DISTRICT	**LOT SIZE *****	**FRONT SETBACK***	**FRONTAGE AT SETBACK**	**SIDE SETBACK******	**REAR SETBACK**	**HEIGHT ****	**TO MAIN BLDG.**	**SIDE SETBACK**	**REAR SETBACK**	**HEIGHT**
C-1	5 Acres (d)	35'	~~500~~' 150' (12/99)	2 yards/15' min.	25'	35'	10' (9/18) ~~35' 20' (10/98)~~	10'	~~25~~ 10' (12/08)	35'
A-1	2 Acres (d)	35'	150'	2 yards/15' min.	25'	35'	10' (9/18) ~~35' 20' (10/98)~~	10'	~~25~~ 10' (12/08)	35'
RRA-1 NVD	2 Acres (d)	35'	150'	2 yards/15' min.	25'	35'	10' (9/18) ~~35' 20' (10/98)~~	10'	~~25~~ 10' (12/08)	35'
R-1	1 acre ©	35'	75'	2 yards/10' min.	25'	35'	~~20'~~ 10' (9/18)	10'	10'	20'
R-2	1 acre ©	35'	75'	2 yards/10' min.	25'	35'	~~20'~~ 10' (9/18)	10'	10'	20'
R-3	1 acre (e)	35'	50' for SF 100' for Duplex	2 yards/10' min.	20'	48'	~~20'~~ 10' (9/18)	5'	5'	20'
R-4	43,560 sq. ft. (for by rights uses)		-	**Requires Detailed Plan**			**(also see Area Standards below)**			
MH-1	43,560 sq. ft. MH Park	35'	150'	15'	20'	35'	~~20'~~ 10' (9/18)	20'	10'	15'
	Lot 3,800 sq. ft. – Requires Detailed Plan		15'	15'	10'	35'	5'	5'	5'	15'
B-1	NA	NA	__	(b)	__	48'	5'	5'	5'	10'
B-2	5,000 sq. ft.	~~50'~~ 35' (11/98)	25'	(b)	__	35'	5'	5'	5'	10'
M-1	43,560 sq. ft.	35'	150'	15'	25'	48'	~~20'~~ 10' (9/18)	10'	15'	45'
I-1	43,560 sq. ft.	35'	150'	15'	25'	48'	~~20'~~ 10' (9/18)	10'	15'	45'

~~AREA STANDARDS FOR PLANNED DEVELOPMENT DISTRICT~~

~~MINIMUM LOT AREA~~		~~FRONT YARD SETBACK:~~		~~REAR YARD SETBACK:~~	
~~S.F.~~	~~8,000 sq. ft.~~	~~S.F.~~	~~30 ft.~~	~~S.F.~~	~~25 ft.~~
~~Duplex~~	~~4,000 sq. ft.~~	~~Duplex~~	~~25 ft.~~	~~Duplex~~	~~25 ft.~~
~~T.H.~~	~~1,200 sq. ft.~~	~~T.H.~~	~~15 ft.~~	~~T.H.~~	~~15 ft.~~

~~MINIMUM LOT WIDTH:~~	~~SIDE YARD~~			~~Maximum Density per gross acre:~~	~~10.5 units/acre~~
~~S.F.~~	~~60 ft.~~	~~S.F.~~	~~8 ft.~~	~~Dwelling Height~~	~~35 ft.~~
~~Duplex~~	~~40 ft. @ unit~~	~~Duplex~~	~~8 ft.~~	~~Accessory bldg. Height:~~	~~1 Story~~
~~T.H.~~	~~16 ft. @ unit~~	~~T.H.~~	~~15ft.~~	Height of other bldgs.	40 ft.
				Minimum tract size	5 acres
				Minimum open space	50% of tract

Amended 02/2003

Maximum lots on a pipe stem: 2

(a) R-3 Lot Area add 3,000 square feet for each added unit in multi family developments.
(b) Buildings used for residential use same requirements as R-2.
© Where both public water and sewer are provided, the lot size may be reduced to .2 acres.
(d) With an approved water and septic source from Giles County Health Department, lot sizes may be reduced to 1 acre. (Amended 12/99)
(e) Where both public water and sewer are provided, the lot size may be reduced to .115 acres.

* Add 10 feet for corner lots. Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

** The height limit for dwellings may be increased up to 48 feet and up to three stories provided each side yard is 20 feet, plus 1 foot or more of side yard for each additional foot of building height over 35 feet.

A public or semi-public building such as a school, church or library may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased to 1 foot for each foot in height over 35 feet. Church spires, belfries, cupolas, municipal water towers, chimneys, flue, flagpoles, television antennas and radio aerials are exempt. Satellite dish antennas are not exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.

For buildings over 48 feet in height, approval shall be obtained from the County. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to 4 feet above the height of the building on which the walls rest.

*** For permitted uses utilizing individual sewage disposal systems, the minimum required shall be as required by the Health Official. The Administrator shall require the area considered necessary by the Health Official. All uses within 500' of the public system are required to connect to the system. (amended May 2, 2002)

**** All property located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a

10 foot side yard on the side or sides adjoining or adjacent to the residential district.

Table amended 11/2019, 6/2021

701.03 Modifications to Height Restrictions (Amended February 2008, and May 2014)

701.03-1 The height restrictions for principal structures and accessory uses set forth in Table 1 (other than telecommunications towers and antennas regulated by Section 712 unless for the purpose of co-location on an existing structure) may be exceeded by conditional use permit issued in accordance with the provisions of this section. This section shall also provide the means for County approval of excessive height structures referenced in Table 1 *(amended 05/2014).*

701.03-2 In evaluating whether or not to grant a conditional use permit for a structure which exceeds district height restrictions, the Board of Supervisors shall consider the following.

a. Height of the proposed structure;

b. Proximity of the structure to residential structures and residential district boundaries;

c. Nature of the uses on adjacent and nearby properties;

d. Surrounding topography;

e. Effect of the proposed structure on neighborhood property values.

f. The character of the existing neighborhood and the compatibility of the proposed use with adjacent and nearby properties;

g. The necessity of the additional height. *(added 05/2014)*

701.03-3 Any permit granted pursuant to this section shall require that the structure be located so as to be a minimum of 110% of the height of the proposed structure from any off-site residential structure and any adjacent property owners.

SECTION 702
ADDITIONAL BUILDINGS ON A SINGLE LOT

702.01 Additional Single family Structures on a Single Lot.

In zoning districts where a single family dwelling, modular home or mobile home is a permitted use, a second such structure shall be permitted by right provided that there is a minimum of twenty (20) feet between structures, all applicable setbacks are met, and the lot area is twice the lot size required for a single structure. Mobile homes are not permitted as a second structure unless mobile homes are a permitted use in the zoning district. (Amended 4/2016)

702.02 Additional Multi family Structures or Additional Non residential Main Structures on a Single Lot.

The addition of a multi family structure to a lot which is located in a residential zone and which already contains multi family structures, or the addition of another main building to such a lot, requires that all additional buildings conform to all open space requirements for the district in which the lot or tract is located and further conform to all other requirements, County Codes and ordinances.

702.03 Temporary Building.

A temporary building may be used in conjunction with construction work only and may be permitted in any district but shall be removed immediately upon completion or abandonment of construction; however, not to exceed a two (2) year maximum.

SECTION 703
OFF STREET PARKING

Off street automobile storage or parking space be provided on every lot on which any permitted or Conditional Use is established in accordance with this Ordinance.

703.01 General Requirements.

For the purpose of this Ordinance, the following general requirements shall be observed:

703.01-1 Parking spaces for all dwellings and other uses shall be located on the same lot with the –main buildings to be served;

703.01-2 If an off street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single family or two family dwellings, such space may be provided on other off street property, provided that the center point of such space lies within six hundred (600) feet of the property line of such main use;

703.01-3 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;

703.01-4 Area reserved for off street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;

703.01-5 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

703.01-6 Any new use established in an existing building after the effective date of this ordinance shall provide off street parking which conforms to the requirements of this section.

703.01-7 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

703.02 Site Requirements.

All off street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

703.02-1 All such parking areas shall be constructed of a stable material in a dust free condition. ~~Except those serving one and two family dwellings, shall be surfaced with concrete, asphalt, tar and gravel.~~ Where concrete or asphalt is used, individual parking spaces shall be so marked. ~~All parking areas shall be maintained in a dust free condition.~~ A good stand of vegetative cover shall be maintained on the remainder of the lot; *Amended 07/2006*

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

703.02-3 The parking lot shall be adequately drained. Where a creation of a paved or sealed parking lot will likely cause storm water run off due to grade conditions, review and approval by the Administrator is necessary before the improvement is to be made.

703.02-4 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:

(a) Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage.

(b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor ten (10) feet to adjoining property lines.

(c) Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right way line.

703.02-5 Off-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty two (22) feet between parking rows back shall be clear for maneuvering into and out of parking spaces.

703.02-6 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, signs, and other permitted uses.

703.03 Parking Space Requirements for All Districts.

In all districts, except the Central Business District B-1, there shall be provided off street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.

703.03-1 In the Central Business District B-1, off street parking shall be provided for any building whose primary use is residential.

703.03-2 Other uses in the Central Business District B-1 are exempt from off street parking requirements.

703.03-3 Dwellings:

Land Use	Parking Requirements
a. Single, two family, townhouse	Two (2) spaces for each dwelling unit.
b. Multi-family	1.5 per dwelling unit except for 1 bedroom apartments which is 1 per unit. (amended 12/22)
c. Hotels, motels	One (1) space for each bedroom, plus one (1) additional space for each two (2) employees.
d. Mobile home parks and subdivisions	Two (2) spaces per mobile home.
e. Recreational vehicle parks	One (1) space for each travel trailer, motor home, or camper.
f. Boarding and rooming houses	One and one half (1 ½) spaces for each bedroom. One (1) space for each two (2) employees.

703.03-4 Public Assembly:

Land Use	Parking Requirements
a. Newly constructed churches and other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
b. Private clubs, lodges and fraternal or sororal buildings not providing Overnight accommodations	One (1) space for each four (4) members.
c. Theaters, auditoriums, coliseums stadiums, and similar places of Places of assembly	One (1) space for each four (4) seats seats, plus one (1) space per employee.
d. Schools, including kindergartens, play schools, and day care centers	One and one half (1 ½) space for each employee including teachers and administrators, plus five (5) spaces per classroom for high school and colleges.
e. Day care centers	One (1) for each employee, plus one (1) for each five (5) students, plus two (2) loading spaces.
f. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or Assembly without fixed seating arrangements	One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.
g. Bowling alleys	Three (3) spaces for each alley, plus one (1) space for each (2) employees.
h. Libraries; museums	One (1) space for each 500 square feet of floor area.

703.03-5 Health Facilities:

Land Use	Parking Requirements
a. Hospitals and similar facilities	One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one space for each employee, on the maximum working shift.
b. Kennels and animal hospitals	Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
c. Medical, dental, and health offices and clinics	Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.
d. Homes for adults and similar uses	One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.

703.03-6 Businesses:

Land Use	Parking Requirements
a. Automobile repair establishments	One (1) space for each 180 square feet, plus one (1) space for each employee.
b. Food stores	One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the maximum shift.
c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments	1 space per 5 seats plus 1 for each employee on maximum shift. (amended 12/21)
d. Office buildings, including banks, business, commercial and professional offices and buildings but not Including offices and clinics	1 per 300ft2 of floor area, plus 1 for each employee. (amended 12/21)
e. General business, commercial or personal service establishments catering to the retail trade.	1 per 300ft2 plus 1 for each employee (amended 12/21)
f. Governmental Offices	1 per 300ft2 plus 1 for each employee (amended 12/21)
g. Shopping Centers	One (1) space per 200 square feet of gross leasable area.
h. Furniture Stores	One (1) space for each 1,000 square feet of gross floor area.
i. Public utilities, such as telephone telephone exchanges and substations radio and TV stations, and electric Power and gas substations	One (1) space for each employee on the maximum shift, plus three (3) spaces.
j. Mortuaries and funeral parlors	Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each employee.

703.03-7 Industries:

Land Use	Parking Requirements
a. Manufacturing and establishments catering to the retail trade	One (1) space for each two (2) employees on the not maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
b. Wholesale establishments	One (1) space for every fifty (50) square feet of customer service area, plus one (1) spaces for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

SECTION 704
JUNK STORAGE AND AUTOMOBILE GRAVEYARDS

Title 33.1, Chapter 6, Sections 344 through 348 of the Code of Virginia (1950) as amended, establish the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Giles County Zoning Ordinance incorporates the provisions of the above referenced sections of the State Code. Junk storage or automobile graveyards, meeting the following criteria, may be permitted by Conditional Use Permit as provided for in Article 800.

704.01 Criteria for the Location of Junkyards or Automobile Graveyards. (See Secs. 33.1 348 of the Code of Virginia.)

No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1000) feet of the nearest edge of the right way of any interstate or primary highway, or within five hundred (500) feet of the nearest edge of the right way of any other highway or street, except:

704.01-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the highway or street, or otherwise removed from sight;

704.01-2 Junkyards or automobile graveyards which are not visible from the main traveled way of the highway or street.

704.02 Automobile Graveyards or Junkyards in Existence in Permitted Districts at the Time of Adoption.

Automobile graveyards or junkyards in existence where they are permitted at the time of adoption of this Ordinance, as amended, are considered as non conforming uses.

SECTION 705
HOME OCCUPATIONS

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Administrator may request advice from the Planning Commission as appropriate.

705.01 Special Requirements.

Home occupation, where permitted, shall meet the following special requirements:

705.01-1 The applicant either shall be the owner of the property on which the home occupation is to be located, or shall be a tenant thereof. If the applicant is a tenant, he shall have written approval of the owner of the property;

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

705.01-3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;

705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in Section 706.04;

705.01-5 The building in which the home occupation is to be located shall be an existing structure ready for occupancy, and not a proposed structure.

705.01-6 The County Officials, such as the building inspector, police, fire personnel, and others shall have the right and responsibility of inspection prior to the issuance of a home occupation permit.

705.02 Expiration.

A Certificate of Zoning Compliance for home occupations shall expire under the following conditions:

705.02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;

705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of two (2) consecutive years.

SECTION 706
Signs

706.01 Findings, purpose and intent; interpretation.

706.01-1 Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon designated historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

706.01-2 Signs not expressly permitted as being allowed by permitted use under this article may be applied for as a conditional use pursuant to section 802.04 of this ordinance.

706.01-3 A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection 706-01-01(01) of this section.

706.01-4 These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

706.01-5 These regulations distinguish between portions of the County designed for primarily vehicular access and portions of the County designed for primarily pedestrian access.

706.01-6 These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the County. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

706.01-07 These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

706.02 - Definitions.

706.02-1 **A-Frame sign**- a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high and not having a signage are greater than 32 square feet. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

706.02-2 **Advertising**- any words, symbol, color or design used to call attention to a commercial product, service, or activity.

706.02-3 **Animated sign**- a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign” or "electronic copy sign".

706.02-4 Awning sign means a sign placed directly on the surface of an awning.

706.02-5 **Banner**- a temporary sign of flexible material designed to be installed with attachments at each of four corners or be affixed to a framework or flat surface.

706.02-6 **Building frontage**- the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

706.02-7 **Business sign**- a sign which directs attention to a product, service or commercial activity available on the premises.

706.02-8 **Canopy sign**- a sign attached to a canopy.

706.02-9 **Chalk-board sign**- a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

706.02-10 **Changeable copy sign**- a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign. Electronic changeable copy signs whose message is changed more than once in an (8) eight hour period shall not be included in this section.

706.02-10-B **Changeable copy sign**- electronic a sign whose message is continuously (more than once in an (8) eight hour period) changed electronically through the use internal illumination.

706.02-11 **Comprehensive sign plan**- a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities. This term is also used as description of a signage plan approved as part of a Conditional Use or a Planned Unit Development.

706.02-12 **Feather sign**- a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

706.02-13 **Flag-** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

706.02-14 **Flashing sign**- a sign that includes lights that flash, blink, or turn on and off intermittently.

706.02-15 **Freestanding sign**- any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

706.02-16 **Ground mounted sign**-means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

706.02-17 **Height-** the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade prior to construction; or

(2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

706.02-18 **Holiday Displays**- displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

706.02-19 **Illegal sign**- any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

706.02-20 **Illuminated sign**- a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

706.02-21 **Marquee-** a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

706.02-22 **Marquee sign**- a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

706.02-23 **Minor sign**- a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

706.02-24 **Monument sign**- a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

706.02-25 **Neon sign-** a sign containing exposed tubes filled with light-emitting gas.

706.02-26 **Nonconforming sign-** any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this ordinance and which fails to conform to current standards and restrictions of this ordinance.

706.02-27 **Off-premises sign**- a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

706.02-28 **Pole sign**- a sign that is mounted on one (1) or more freestanding poles.

706.02-29 **Portable sign**- any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

706.02-30 **Projecting sign means-** any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

706.02-31 **Public area**- any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

706.02-32 **Roof sign**- a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

706.02-33 **Shopping Center**- a grouping of retail business and service uses on a single development site with common parking facilities.

706.02-34 **Sign-** any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term “sign” does not include public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term “sign” also does not include the display of merchandise for sale on the site of the display.

706.02-35 **Sign face**- the portion of a sign structure bearing the message.

706.02-36 **Sign structure**- any structure bearing a sign face.

706.02-37 **Temporary sign**- a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

706.02-38 **Vehicle or trailer sign**- any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, shall be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

706.02-39 **Wall Sign**- any sign attached to a wall or painted on or against a flat vertical surface of a structure.

706.02-40 **Window sign**- any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

706.03 - Permit required.

706.03-01 In general, a sign permit is required prior to the display and erection of any sign except as provided in section 706-04 of this Article.

706.03-02 Application for permit.

706.03-02-A Except as provided in Section 706.04, no outdoor advertising, sign, or sign structure shall be installed without issuance of a Certificate of Zoning Compliance prior to such installation. Application for the Certificate of Zoning Compliance shall proceed in accordance with the specified procedures of Sections 802.02 or 802.03, as appropriate. Failure to adhere to the requirements of this Ordinance automatically cancels any such Certificate which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith;

706.03-02-B In fulfillment of the site plan requirements under Section 802.02 as appropriate, all applications for a Certificate of Zoning Compliance shall be accompanied by two (2) copies of plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support. The specifications shall include design and wind load engineering calculations;

706.03-02-C Applications for a Certificate of Zoning Compliance shall be reviewed and decided as specified in Section 802.02 as appropriate, with the following specific provisions:

(1) The Giles County Building Inspector shall review and approve all sign plans and specifications prior to issuance of the Certificate of Zoning Compliance.

(2) The application shall require the signature of the owner of the lot(s) in question, and of the tenant of such lot, if there be any tenant.

706.03-03 Permit fee. A nonrefundable fee as set forth in article 900 shall accompany all sign permit applications.

706.03-04 Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The County may revoke a sign permit under any of the following circumstances:

706.03-04-A The County determines that information in the application was materially false or misleading;

706.03-04-B The sign as installed does not conform to the sign permit application; or

706.03-04-C The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

706.03-05 Conditional Uses.

706.03-05-A Comprehensive sign plans may be approved as part of the approved plan in Planned Unit Development (PUD) districts. Comprehensive sign plans may be approved as part of the permit requirements for uses allowed by Conditional Use Permits. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square footage of sign surface, and the number of signs to be placed on a site.

706.03-05-B Signs not expressly permitted as being allowed under this article may be granted by a conditional use pursuant to section 802.04 of this ordinance. This shall include modification to maximum duration, height, number of signs per lot, and square footage of signage per lot.

706.03-05-C Electronic changeable copy signs shall require a Conditional Use permit in all zones.

706.03-05-D Vehicle or Trailer signs shall require a Conditional Use Permit in all zones.

706.04 - Permit not required.

A sign permit is not required for:

706.04-01 Signs erected by a governmental body or required by law.

706.04-02 Flags up to 24 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way, that the height of flag pole not exceed (35) thirty five feet, and that there be no more than one pole with a maximum of (3) flags per lot.

706.04-03 The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with 706-09-01.

706.04-04 Temporary signs as follows:

706.04-04-A One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active. b.

706.04-04-B On any property for sale or rent in Residential zoning districts, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet, and on any property for sale or rent in Commercial or Industrial zoning districts, not more than (3) three signs with an area up to thirty two (32) square feet and a maximum height of eight (8) feet.

706.04-04-C Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

706.04-04-D On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet.

706.04-04-E On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.

706.04-04-F Banners, not to exceed 24 sq ft erected no more than fifteen (15) days prior to the advertised event and removed no more than five (5) days after the advertised event.

706.04-05 Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.

706.04-06 A-frame signs more than fifty (50) feet from the nearest public right of way.

706.04-07 Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

706.04-08 permanent window signs, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

706.05 – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

706.05-01 General prohibitions.

706.05-01-A Signs that violate any law of the Commonwealth relating to outdoor advertising.

706.05-01-B Signs attached to natural vegetation.

706.05-01-C Signs simulating, or which are likely to be confused with, a traffic control signs or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized County official as a nuisance.

706.05-01-D Any sign displayed without complying with all applicable regulations of this chapter.

706.05-02 Prohibitions based on materials.

706.05-02-A Signs painted directly on a building, except where expressly permitted by this chapter.

706.05-02-B Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every four seconds.

706.05-02-C Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

706.05-02-D Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.

706.05-02-E Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

706.05-02-F Signs that emit sound.

706.05-02-G Any sign that is generated by a series of moving, projected images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, mobile unit or any other surface.

706.05-02-H Strings of flags visible from, and within 50 feet of, any public right-of-way.

706.05-02-I Pole signs less than 6 feet in height.

706.05-03 Prohibitions based on location.

706.05-03-A Off-premises signs, unless specifically permitted by this chapter.

706.05-03-B Signs erected on public land other than those approved by an authorized County official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

706.05-03-C Signs on the roof surface or extending above the roofline of a building or its parapet wall.

706.05-03-D Neon signs, except in windows.

706.05-03-E A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

706.05-03-F Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

706.06 - Measurements of sign area and height.

706.06-01 Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.

706.06-02-A In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

706.06-02-B In instances where a lot fronts on two different roads, the maximum signage area per lot may be doubled. The additional signage, however is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both corner lots and double frontage (through) lots.

706.06-03 Sign area.

706.06-03-01 Sign area is calculated under the following principles:

706.06-03-1-A With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

706.06-03-1-B The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

706.06-03-1-C For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view if displaying script or lettering.

706.06-03-2 The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.

706.06-04 Maximum height. The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

706.07 - Maintenance and removal.

706.07-01 All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.

706.07-02 All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

706.07-03 The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.

706.07-04 The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

706.07-05 Sign condition, safety hazard, nuisance abatement, and abandonment.

706.07-05-A Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

706.07-05-B Any sign which constitutes a nuisance may be abated by the County under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

706.08 – General requirements.

706.08-01 Placement. Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way a minimum of 110% of the signs height.

706.08-02 Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

706.08-02-A In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct

lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

706.08-02-B Internal illumination shall be limited to the illumination standards for parking lot lighting as defined by the Illuminating Engineering Society of North America (IESNA) . No sign shall be permitted to have an illumination spread of more than .05-foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by IESNA, and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

706.09 - Nonconforming signs.

706.09-01 Signs lawfully existing on the effective date of this ordinance or prior ordinances, shall be governed by the regulations of section 708 of this ordinance as either non-conforming uses of land, non-conforming structures, or both.

706.10 –Non-commercial signs.

706.10-01 Substitution. Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

706.10-02 Off-site Signs for Noncommercial Use of Limited Duration. With a permit, a noncommercial organization may erect up to two off-premises temporary signs on properties in commercial and industrial zoning districts with the consent of the persons in charge of such properties. Each sign shall be no more than 16 square feet in area and 8 feet in height. The area of the sign counts against the maximum temporary sign area permitted on that lot. No more than one off-premises temporary sign may be displayed per lot. Display of such signs shall be limited to 30 days at a time. Each organization shall be limited to the display of such signs no more than 4 times within any calendar year.

706.11 – Shopping Centers.

706.11-01 Individual establishments within a shopping center shall each be allowed one façade identification sign which does not exceed ten percent of the area of the wall frontage dedicated to that establishment and not extend over more than eighty-five percent of the horizontal width of the building front.

706.11-02 In addition to a façade identification sign, individual establishments within a shopping center shall each be allowed one projecting sign which does not exceed ten percent of the area of the structure frontage dedicated to that establishment.

706.11-03 Shopping centers shall be allowed one freestanding identification sign per road frontage, each limited to no more than 150 square feet in size and thirty feet in height.

706.11-04 Out parcels platted as part of the shopping center shall be allowed one façade identification sign per establishment and one freestanding sign per road frontage with no sign greater than sixty square feet.

706.11-05 Directional signs shall not be counted as signs for the purpose of calculating the total number of signs in place.

706.12 – Residential district signs. (C-1, A-1, RRA-1, R-1, R-2, R-3, R-4 and MH-1 Zoning Districts)

706.12-01 Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts. Total Area for all signs shall be no more than 32 square feet per lot and there shall be a maximum of (3) three permanent signs per lot in Residential Districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	24 ft2	12 ft2/12 ft2	3 ft2/3 ft2
Maximum Allowed	1 poles / 3 flags each	Refer to Section 706-04-04	1
Illumination	As required by law	None	None
Setback	None	None	None
Maximum Height	35’	4 ft.	4 ft.
Location	Flag pole ≤ 8” diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

706.12-02 Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts. Total Area for all signs shall be no more than 32 square feet per lot and there shall be a maximum of (3) three permanent signs per lot in Residential Districts.

TYPE	Flags	Temporary signs	Changeable Message signs	All permanent signs including changing message
Size (each/total)	24 ft2	32 ft2	24 ft2	32 ft2
Maximum Allowed	1 poles / 3 flags each	Refer to Section 706-04-04	1	3
Illumination	As required by law	None	Internal/Indirect	Internal/Indirect
Setback	None	None	110% of height for freestanding.	110% of height for freestanding.
Maximum Height	35 ft	4 ft	8 ft	8 ft
Location	Flag pole ≤ 8 in. diameter	Freestanding, portable, wall or window	None	Wall, free standing or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited	unlimited

706.13-01 Commercial district signs. (B-1, B-2 and B-3 Zoning Districts)

(a) Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign. Total Area for all signs shall be no more than 150 square feet per lot and there shall be a maximum of (3) three permanent signs per lot in Commercial Districts.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)	150ft2	150ft2	45 ft2	32ft2
Maximum Number	1	2	3 poles/ 2 flags each	Refer to section 706-04-04
Illumination	Internal/Indirect	Internal/Indirect	As required by law.	None
Setback	110% of height	Same as building attached to.	None.	None
Maximum Height	25 feet	Same as building attached to.	35’	4 feet
Duration	Unlimited	Unlimited	Unlimited	90 Days

706.13-02 Window signs. Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

706.13-03 Off-Site Signs for Commercial Use of Limited Duration. Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned B-1, B-2 or B-3. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

706.14-01 Industrial district signs. (M-1 and I-1 Zoning Districts)

(a) General. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign. Total Area for all signs shall be no more than 400 square feet per lot and there shall be a maximum of (3) three permanent signs per lot in Industrial Districts.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)	150ft2	150ft2	45 ft2	32ft2
Maximum Number	1	2	3 poles/ 2 flags each	Refer to section 706-04-04
Illumination	Internal/Indirect	Internal/Indirect	As required by law.	None
Setback	110% of height	Same as building attached to.	None.	None
Maximum Height	25 feet	Same as building attached to.	35’	4 feet
Duration	Unlimited	Unlimited	Unlimited	90 Days

Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

SECTION 707
MOBILE/MANUFACTURED HOMES

Any mobile/manufactured homes placed in Giles County after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

707.01 Minimum Requirements for All Mobile Homes

707.01-1 All mobile/manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all mobile homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia and all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974;

707.01-2 All mobile/manufactured homes shall be completely skirted within sixty days; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials provided for in the Uniform Statewide Building Code;

707.01-3 All mobile/manufactured homes shall be supplied with approved water and wastewater disposal;

707.01-4 All mobile/manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 vehicle spaces (each space containing a minimum of 180 square feet) for each mobile/manufactured home. Each off-street parking area shall have unobstructed access to either a public or private street.

707.01-5 Mobile/Manufactured homes placed in the R-1, R-2, R-3, R-4, B-1, B-2 and B-3 zoning districts are required to be (i) converted to real property in accordance with Virginia Code Section 46.2-653.1 within thirty (30) days of placement, and (ii) constructed so that the certificate of occupancy is issued within five years following the date of manufacture listed on the home's data plate, and, (iii) placed on individual lots, and (iv) subject to the same terms and conditions applicable to single family dwellings. (*added 8-20-2026)*

707.01-6 Nothing in this Section shall relieve owners of lots or parcels from obligations relating to manufactured housing units imposed by the terms of a restrictive covenant. (*added 8-20-2026)*

707.02 Mobile/Manufactured Home Parks.

707.02-1 The location of a mobile/manufactured home park shall require a Certificate of Zoning Compliance issued by the Zoning Administrator.

707.02-2 Operators of mobile/manufactured home parks shall conform to the Uniform Statewide Building Code. The placement of individual mobile/manufactured homes shall require the issuance of a building permit.

707.02-3 All mobile/manufactured home parks for which permits are granted under this section will be subject to periodic inspection. Upon any infraction by the park the permit may be revoked by Giles County.

707.03 Applicants for Mobile/Manufactured Home Parks.

All applicants shall submit two copies of a site plan showing the following:

707.03-1 A vicinity map showing the location and area of the proposed park;

707.03-2 The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;

707.03-3 The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties;

707.03-4 The location and dimensions of all existing streets and street right way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park;

707.03-5 The proposed layout, including internal streets with dimensions and such typical street cross sections and center line profiles as may be required in evaluating the street layout, water, sewer, drainage and utility lines, facilities and connections, with dimensions shown; location and dimensions of all mobile/manufactured homes standard parking spaces , management facilities, laundry facilities, recreation buildings and other permanent structures; location and nature of fire fighting facilities, including hydrants; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, fencing and screening, and natural features to be retained.

707.04 Mobile/Manufactured Home Park Design Requirements.

All mobile/manufactured home parks shall meet the following requirements:

707.04-1 Area Requirements. For each mobile/manufactured home in a mobile /manufactured home park, a mobile/manufactured home stand shall be provided which is 3800 square feet of area or more which shall front on an existing road, street, or internal street.

707.04-2 Width and Length Requirements. Each mobile/manufactured home stand shall have a width of forty (40) feet or more and a length of ninety-five (95) feet or more.

707.04-3 Distance Between Mobile/Manufactured Homes. Mobile/manufactured homes shall be arranged so as to provide a distance of twenty (20) feet or more between individual units.

707.04-4 Setback requirements. The setback from the right way of internal streets shall be fifteen (15) feet and from the rear stand line ten (10) feet.

707.04-5 Sanitation Facilities. It shall be the responsibility of the mobile/manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. In the areas where Giles County provides refuse collection service and the owner desires to utilize the same, the Giles County will require and must approve a centralized collection arrangement to facilitate collection for the mobile/manufactured home park. Giles County refuse trucks will not travel on internal streets.

707.04-6 Electrical Connections. Each mobile/manufactured home shall be provided with electrical outlets installed in accordance with the Uniform Statewide Building Code.

707.04-7 Internal Streets. An internal street shall be an all-weather surface roadway which is twenty (20) feet wide and established within a right-of-way thirty-six (36) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn around. These streets shall be maintained solely at the

owner's expense, and will not be accepted by Giles County as public streets.

707.05 Mobile/Manufactured Home Accessory Structures.

All mobile/manufactured accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

707.05-1 All mobile/manufactured home accessory structures must meet the plumbing, electrical, construction and other applicable requirements of the Uniform Statewide Building Code;

707.05-2 Except in the case of an awning, ramada, or other shade structure, where a mobile/manufactured home accessory structure is attached to a mobile/manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the mobile/manufactured home unit, or such accessory structure shall be attached to the mobile/manufactured home unit in a substantial manner by means of a roof. All mobile/manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile/manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a mobile/manufactured home;

707.05-3 No mobile/manufactured home accessory structures, except ramadas, shall exceed the height of the mobile/manufactured home;

707.05-4 No mobile/manufactured home accessory structure shall be erected or constructed on any mobile/manufactured home lot or stand except as an accessory to a mobile/manufactured home.

707.05-5 The rear yard of each mobile/manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of mobile/manufactured home accessory structures.

707.05-6 For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile/manufactured home accessory structures.

707.06 Mobile/Manufactured Home Subdivisions.

707.06-1 Mobile/manufactured home subdivisions shall conform to the requirements of the Giles County Subdivision Ordinance.

707.06-2 Minimum lot width for mobile/manufactured home subdivision lots is ninety (90) feet and minimum lot depth is sixty-six (60) feet.

707.06-3 The orientation of a mobile/manufactured home on a lot in a mobile/manufactured home subdivision shall have the side of the mobile/manufactured home with the longest dimension parallel to the street.

SECTION 708
NON-CONFORMING LOTS, BUILDINGS, AND USES

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

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

708.01 Lots of Record.

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

708.01-1 A single nonconforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in Section 807.00 herein.

708.01-2 In the event that a non-conforming lot of record is adjacent to one or more unimproved lots, owned by the same owner, such owner shall be required to combine the non-conforming lots so as to create a conforming lot to the greatest extent possible. Such combination of lots shall be noted on the Certificate of Zoning Compliance. Such certificate of Zoning Compliance shall be recorded in the Office of the Clerk of the Circuit Court of Giles County, Virginia, and evidence of such recording shall be exhibited to the Building Official prior to issuance of a building permit. Prior to the issuance of a Certificate of Zoning Compliance for a non-conforming lot of record, the Zoning Administrator shall make reasonable inquiries to determine the applicability of this subsection. *Amended 3/1998*

708.01-3 The combination of one or more lots to create one lot for building purposes is expressly permitted. Such combination shall be noted on the Certificate of Zoning Compliance, and such Certificate shall be recorded in the Office of the Clerk of the Circuit Court of Giles County, Virginia. Evidence of such recording shall be exhibited to the Building Official prior to the issuance of a building permit. In the event that the lots are combined, compliance with applicable area, yard and setback requirements shall be determined based upon the outside boundaries of the combined lots. *Amended 3/1998*

708.02 Nonconforming Structures.

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

708.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration within two (2) years and meeting building codes;

708.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non conformity; and any structure or portion thereof may be altered to decrease its non conformity;

708.02-3 Notwithstanding the provisions of Section 708.02-2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line;

708.02-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;

708.02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non conformity.

708.03 Nonconforming Uses of Land.

Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

708.03-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;

708.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;

708.03-3 In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

708.03-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

708.04 Nonconforming Uses of Structure.

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

708.04-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;

708.04-2 Should a structure of portion thereof containing a nonconforming use be destroyed by any means other than fire or act of God, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.

708.04-3 Any structure or portion thereof destroyed by fire or act of God or declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration if the work is done within two (2) years;

708.04-4 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;

708.04-5 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

708.05 Replacement of Obsolete Structure.

Any non-conforming mobile home which lawfully existed on January 1, 1992 as either a non-conforming structure or a non-conforming use of land may at any time be replaced with a larger mobile home, provided that at the time of such replacement the owner of the lot shall provide evidence satisfactory to the zoning administrator that a mobile home of the same size as the existing mobile home is no longer being manufactured, and further provided that sanitary (septic or sewer) requirements can be met for the larger structure and that the setback regulations for the zoning district are met with the replacement mobile home. This section shall not apply if a variance to the applicable setback regulations would be required to place the larger structure on the lot. *Added 6/1995.*

SECTION 709
SPECIAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

Townhouse developments shall conform to the following regulations:

709.01 There shall be at least four (4) but no more than ten (10) townhouse units continuously connected.

709.02 The minimum lot area for any townhouse unit shall be 2,250 square feet.

709.03 The minimum lot width for interior lots shall be twenty (20) feet; for corner lots, forty five (45) feet; and for end lots within the interior of a block, thirty (30) feet.

709.04 The minimum gross floor area for townhouses shall be 900 square feet, exclusive of attics, garages, porches, decks, patios and basements more than fifty percent underground. The minimum patio size is 200 square feet.

709.05 For every townhouse unit within a development, a minimum of two (2) parking spaces shall be provided; however, the parking spaces must be located within one hundred feet of the townhouse unit.

709.06 The facade of townhouses in a group shall be varied by changed front yards or variations In materials or design. Units abutting each other should have a complementary but not identical facade or treatment of materials. No more than two abutting units shall have the same or essentially the same architectural treatment of facades and roof lines.

709.07 An approved homeowner's association shall be required of all townhouse developments, with membership consisting of all the individual dwelling unit owners of the townhouse development. The charter of the association shall be subject to the approval of the Board.

709.08 **The following setback and yards shall be kept:**

709.08-1 The front setback shall be a minimum of twenty five (25) feet; however, not more than two abutting units shall have the same front setback, with the setback variation to be a minimum of three (3) and not more than eight (8) feet. An entrance porch may extend five (5) feet from the front of the building into the front yard.

709.08-2 The rear yard shall be a minimum of thirty five (35) feet.

709.08-3 The side yards shall be a minimum of twenty five feet. The minimum distance between groupings of townhouse units shall be twenty (20) feet. All townhouse units other than end dwellings shall occupy the full width of the lot.

709.08-4 Accessory buildings in Townhouse developments shall maintain a distance of ten (10) feet from the rear lot line; ten (10) feet from the side lot lines; and a forty (40) foot front setback.

709.09 Townhouse developments shall be designed and constructed to include fire wall resistance shall conform to the Virginia Statewide Building Code as adopted and amended by Giles County.

SECTION 710
FENCES

710.01 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;

710.02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

SECTION 711
PUBLIC UTILITY LOTS

711.01 Public Utility Lots Defined.

Public Utility lots shall be deemed to refer to a tract or parcel of land upon which will be constructed facilities used to provide public utilities. Such lots shall not include a commercial establishment open to the public nor shall such lots be used for residential purposes unless all other requirements of this ordinance are complied with. *Added 11/95.*

711.02 Area Requirements for Public Utility Lots.

The district lot size and frontage at setback, front setback requirements, and required rear and side yards requirements set forth in Table 1 of Section 701 shall not apply to a public utility lot as defined in Section 711.01. Other setback and yard requirements may be modified by variance provided the variance does not adversely impact public safety. ~~Setback and yard requirements shall apply to such lots~~. *Added 11/95,. Amended 8/17/2006, amended 10/2/2013, amended 6/14*

-Entire section amended 6/14 to include all public utilities.

SECTION 712 Wireless Communication Facilities
Article 712 Wireless Communication Facility (WCF), Class 1, Class 2, and Class 3
(Entire Section Amended 11/20)

712.01 INTENT

To provide for the siting of Wireless Communication Facilities (WCFs) by establishing guidelines for the construction and modification of towers, in conformity with the Code of Virginia section 15.2-2316. The established guidelines are designed to reduce the adverse impacts and encourage stealth techniques through the placement of towers in locations with appropriate vegetative cover or through alternative tower designs and to promote the expansion of telecommunication services into all areas of Giles County.

712.02 DEFINITIONS

712.02-1- A “distributed antenna system (DAS)” is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure

712.02-2- A “stealth structure” is any structure designed to conceal or disguise antenna structures and antennas associated with wireless communication facilities including but not limited to tree poles, flag poles, silos, “lookout” towers, painted structures, etc.

712.02-3- Wireless communication facility: All infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground equipment, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

- Class 1 – Wireless Communication Facilities with a height less than or equal to 50 feet above ground level (AGL).
- Class 2 – Wireless Communication Facilities with a height greater than 50 feet but less than or equal to 100 feet above ground level (AGL).
- Class 3 – Wireless Communication Facilities with a height greater than 100 feet but less than or equal to 150 feet above ground level (AGL).

712.03 GENERAL STANDARDS

712.03-1- All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the county, state or federal government with the authority to regulate WCFs. If regulations change and WCFs are required to comply with such changes, the owners of the WCFs governed by this ordinance shall bring WCF(s) into compliance within 6 months of the effective date of such change in standards or regulations. Failure to comply shall constitute grounds for the removal of the WCFs at the owner’s expense.
WCFs shall be considered either a principal or accessory use.

712.03-2- WCFs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and designs chosen must cause the least disturbance to the surrounding view.

712.04 WCF REQUIREMENTS

712.04-1- WCFs shall, subject to any applicable FAA standard, be of a neutral color and subject to staff approval so as to reduce visual obtrusiveness. The appearance shall be maintained in the approved neutral color.

712.04-2- The design of buildings and related structures within the WCF compound area shall, to the extent possible, use materials and colors that will blend into the natural setting and surrounding trees.

712.04-3- If a WCF is installed on a structure other than a tower (i.e. water tower, light pole, etc.), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

712.04-5- The County reserves the right to employ the services of a wireless telecommunications consultant to review all WCF applications. All applicable costs will be the responsibility of the applicant.

712.04-6- Class 1 WCFs shall meet the same setback requirements as that used for utility poles.

712.04-7- Class 2 and 3 WCFs shall meet the following setback requirements:
Setback Requirement:

The minimum setback requirement from the base of the tower to any primary or occupied structure on the subject or adjacent parcel shall be at least equal to 110 percent of the height of the tower, measured from the closest structural member of the tower. The minimum setback from base of tower to respective front, side, and rear property lines shall be the same as and accessory structure in zoning district that the tower is located in. Guy lines shall be exempt from the minimum setback requirement in side and rear yards for the respective zoning district, but shall comply with the setback requirements for the front yard.

712.04-8 Buildings and support equipment requirements:

712.04-8(a) Buildings and support equipment associated with WCFs shall comply with the following requirements:

712.04-8(b) The cabinet or structure shall not be more than 16 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.

712.04-8(c) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.

712.04-8(d) Equipment storage buildings or cabinets shall comply with all applicable building codes.

712.04-8(e) No advertisement signs shall be allowed on a WCF. Signs of no more than one square foot containing ownership, operational and name plate data shall be allowed.

712.05 USES BY RIGHT

The uses listed in this section are deemed to be uses by right subject to administrative approval. The following provisions shall govern the issuance of approvals for WCFs.

712.05-1 COLLOCATION OF WCFS

712.05-1(a)- The collocation of WCFs on existing WCFs. The collocation must be accomplished in a manner consistent with the following:

712.05-1(b)- The WCF which is modified or reconstructed to accommodate the collocation of an additional WCF shall be of the same WCF type as the existing WCF(s).

712.05-1(c)- A WCF which is being rebuilt to accommodate the collocation of an additional WCF may be moved onsite within 50 feet of its existing location provided that all other setback requirements are met. Once the WCF is rebuilt to accommodate the collocation, only one WCF may remain on the site.

712.05-1(d)- Installing a cable microcell network (distributed antenna system or DAS) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCFs.

712.05-1(e)- WCF upgrades/ equipment maintenance of existing wireless provider on WCF.

712.05-2 CLASS 1, CLASS 2 WCFs IN ALL ZONES PROVIDED THE FOLLOWING REQUIREMENTS ARE MET:

712.05-2(a)- Additional standards for Class 1 Wireless Communication Facilities in districts where permitted by right:

712.05-2(b)- The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in Section 712-06.

712.05-3- Class 2 WCFs in all zones provided the following additional standards are met:

712.05-3(a)- Additional standards for Class 2 Wireless Communication Facilities in districts where they are permitted by right:

(1) WCFs shall be reviewed administratively if less than 15 feet above the surrounding tree line. WCFs that are sited in open areas would not meet the requirement of “stealth techniques” in section 712-02-2(a) and would be subject to the conditional use permit approval process for WCFs.

(2) If the Zoning Administrator through administrative review determines the proposed WCF does not use stealth techniques to reduce the impact of the WCF on surrounding properties and view sheds, a conditional use permit shall be required.

(3) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in Section 712-06.

(4) As tree growth occurs towers may be extended to allow for transmission/reception provided that stealth techniques are continued or modified to provide adequate masking and that there is still no more than 15’ projection above surrounding trees. Administrative review (certificate of zoning compliance) shall be required for such modifications.

712.06 APPLICATION REQUIREMENTS FOR USES BY RIGHT

712.06-1- Sufficient copies of the wireless facility site development plan that show the type and height of the proposed WCF, simulated photo of proposed WCF, proposed means of access, setbacks from the property lines, elevation drawing of the proposed WCF and any other structures and any other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

712.06-2- A cover letter that outlines what the applicant is proposing to do on-site.

712.06-3- Any cost associated with the review of the application by the County and/or its consultant shall be paid by the applicant at submittal.

712.06-4- A structural analysis may be requested by the Zoning Administrator in order to complete a review of an application.

712.06-5- Description of what “stealth” techniques are to be used to mask the towers appearance.

712.06-7- The Zoning Administrator may request additional information if needed while reviewing an application for administrative approval. Failure to provide the requested information shall result in the denial of the application.

712.07 USES BY CONDITIONAL USE PERMITS

712.07-1- Class 2 facilities not able to meet the requirements mandated for by-right use and all Class 3 facilities shall only be allowed after approval of a conditional use permit.

712.07-2-Applications for Conditional Use Permits under this section shall be subject to the procedures and requirements under Section 802.04 of this ordinance.

712.07-3- In granting a Conditional Use Permit, the Planning Commission may recommend and the Board of Supervisors may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjoining properties.

712.07-4-Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

712.07-5-The maximum height of any WCF shall be made a condition of approved Conditional Use Permits. Lightning rods shall be exempt from the maximum height calculation.

712.8 CONDITIONAL USE APPLICATION REQUIREMENTS FOR CONDITIONAL USE PERMITS

712.8-1- In addition to any information required for applications pursuant to the Giles County Zoning Ordinance, applicants for a conditional use permit for WCFs shall submit the following information:
712.8-2- A scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses, adjacent land uses (including when adjacent to other jurisdictions), comprehensive plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed WCF and any other structures, simulated photo of proposed WCF, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.

712.8-3- Legal description of the parent tract and leased parcel (if applicable).

712.8-4- The setback distance between the proposed WCF and the nearest residential unit and platted residential properties.

712.8-5- The applicant shall also identify the type of construction of the existing WCF(s) and the owner/operator of the existing WCF(s), if known.

712.8-6- A landscape plan showing specific landscape materials. The Board of Supervisors may waive this requirement if it deems appropriate upon applicant request with sufficient justification.

712.8-7- Method of security fencing (no less than 6 feet in height) with anti- climbing device, and finished color and, if applicable, the method of camouflage and illumination. The Board of Supervisors may waive this requirement if it deems appropriate upon applicant request.

712.8-8- A description of compliance with all applicable federal, state or local laws.

712.8-9- A statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas.

712.8-10- Identification of the entities providing the backhaul network for the WCF(s) described in the application and other cellular sites owned or operated by the applicant in the county.

712.8-11- A description of the suitability of the use of existing WCFs, other structures or alternative technology not requiring the use of WCFs or structures to provide the services under consideration.

712.8-12- A cost estimate for removal of the WCF and facilities from the site.

712.8-13- A copy of the initial lease.

712.8-14- A description, including mapping at an appropriate scale, of the search area and coverage objective.

712.8-15- A map depicting all collocation candidates in search area, along with the RF analysis documentation as to their suitability.

712.8-16- High quality photo simulations of the site and proposed WCF.

712.8-17- TOWAIR Determination results for FAA registration.

712.9 REMOVAL OF ABANDONED WCFS

Any WCF that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such WCF shall remove the same within 90 days of receipt of notice from Giles County notifying the owner of such abandonment. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

712.10 NONCONFORMING WCFS

712.10-1- WCFs that are constructed, and/or installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

712.10-2- Preexisting WCFs shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting WCFs. New construction other than routine maintenance on preexisting WCFs shall comply with the requirements of this ordinance.

712.10-3- Notwithstanding this section 712.9, bona fide nonconforming WCFs that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit. The type, height, and location of the WCFs onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the WCFs shall be deemed abandoned as specified in Section 712-9.

SECTION 713
SEXUALLY ORIENTED BUSINESSES

713.01 INTENT OF ORDINANCE

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate, and

WHEREAS, the Board of Supervisors finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County that demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Board of Supervisors wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of sexually oriented businesses as well as the health problems associated with such businesses; and

WHEREAS, it is not the intent of the Board of Supervisors to condone or legitimize the distribution of obscene materials, and the Board recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities in the County of Giles; and

WHEREAS, Virginia Code Ann. §§15.2-926.2 grants authority to political subdivisions to enact laws regulating sexually oriented businesses.

713.02 DEFINITIONS.

ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas;" or

(b) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" generate 20% or more of the business's income, or account for 20% or more of inventory, or occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

(a) persons who appear in a state of nudity or semi-nudity; or

(b) live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(d) persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT MOTEL means a hotel, motel or similar commercial establishment that:

(a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

(c) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twenty-four (24) hours.

ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT means and includes any of the following:

(a) the opening or commencement of any sexually oriented business as a new business;

(b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(c) the additions of any sexually oriented business to any other existing sexually oriented business; or

(d) the relocation of any sexually oriented business; or

(e) a sexually oriented business or premises on which the sexually oriented business is located.

LICENSED DAY-CARE CENTER means a facility licensed by the State of Virginia, whether situated within the County or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

LIVE THEATRICAL PERFORMANCE means a play, skit, opera, ballet, concert, comedy, or musical drama.

NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

NUDITY or a STATE OF NUDITY means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

PREMISES means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner and/or operator of the sexually oriented business;

SEMI-NUDE OR SEMI-NUDITY means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS means:

(a) the human male genitals in a discernibly turgid state, even if fully and opaquely covered;

(b) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) masturbation, actual or simulated; or

(d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

713.03. Conditional Use Permit Required.

1) It shall be unlawful for any person to operate a sexually oriented business without a valid Conditional Use Permit issued by the County pursuant to this ordinance and under the other provisions of the Giles County Zoning Ordinance applicable to the issuance of conditional use permits;

713.04 Location Restrictions.

1) Sexually oriented businesses shall be permitted only by conditional use permit in a B-1, B-2, B-3, I-1 or M-1 zoning district provided that:

(a) the sexually oriented business may not be operated within:

(i) 2,000 feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(ii) 2,000 feet of a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;

(iii) 2,000 feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the county which is under the control, operation, or management of a public recreation entity;

(iv) 1,000 feet of the property line of a lot used for residential purposes or a lot zoned for residential use; or

(v) 1,000 feet of another sexually oriented business.

(b) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

(i) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center. The distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

2) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant of a conditional use permit, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within 2,000 feet (1000 feet for residential district) of the sexually oriented business.

713.05 Required provisions for Conditional Use Permits

Any conditional use permit granted pursuant to this ordinance shall expressly require the following conditions.

1) No merchandise or activities of the establishment to be visible from a point outside the establishment.

2) The exterior portion of the sexually oriented business shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

3) The exterior portions of the establishment shall not be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(a) The establishment is a part of a commercial multi-unit center; and

(b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

4) Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

5) The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

713.06 Separability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

713.07 Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

713.08 Effective Date.

This ordinance shall be enforced from and after January 2005.

SECTION 714
SHORT-TERM RENTALS OF A DWELLING
Added 10/2010, entire section amended 10/2021

The following regulations shall apply to all short-term rentals of single family dwellings, mobile homes or portions of owner occupied single family dwellings for any period less than 30 days. Such short-term rentals in compliance with this section shall be a permitted use in any zoning district that permits single family dwellings, or mobile homes where applicable.

714.01 There shall be no change in the outside appearance of the dwelling unit or premises or other visible evidence of the conduct of such short-term rentals and the type of unit to be rented must also be a legal (permitted use, approved conditional use, or existing non-conforming use) use in the district within which it is located. (amended 06/2018)

714.02 The applicant shall furnish evidence of an approved septic system or connection to a public sewer system and approved well or public water supply and compliance with other applicable regulations of the Virginia Department of Health (VDH), prior to the issuance of a permit. Occupancy of properties using an approved septic system may not exceed the occupancy limit set forth on the septic permit issued by VDH. All other applicable requirements of the Virginia Department of Health are also to be met.

714.03 Applicant shall demonstrate/verify that adequate parking area is available onsite to accommodate the maximum number of occupants who will reside in the premises.

714.04 Requirements for short term rentals:

a. There shall be a working two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e.. kitchen or hallway) within the rented premises.

b. There shall be a working carbon monoxide detector within the rented premises. Smoke detectors shall also be present in each sleeping room, in each area immediately outside of a sleeping room, and on each floor of the structure.

c. This section shall only permit the rental of a single family dwelling in it's entirety, a mobile home in its entirety, or no more than two guest rooms in an owner occupied single family dwelling provided that both rooms are rented to a single group.

d. The structure must comply with the Virginia Uniform Statewide Building Code, HUD code for mobile homes, and any other applicable regulation.

e. Outdoor camping or occupancy of recreational vehicles is not permitted in connection with short term rentals.

714.05 The County may inspect any dwelling used for short term rental purposes to ensure compliance with this section and the owner of such dwelling consents to such inspections as a condition of the issuance of a permit.

714.06 The County of Giles does not enforce restrictive covenants. The applicant is responsible for confirming that the use of short-term rental is permitted by any related restrictive covenants.

714.07 The owner of a property offered for short term rental must register with the Giles County Treasurer and shall collect and pay to the Treasurer all applicable transient occupancy taxes as a condition of any permit issued by the County.

714.08 The failure of the property owner to comply with the provisions of this Section or failure to comply with applicable Building Code or VDH requirements shall be cause for the revocation of a permit. Prior to revocation the owner shall be given a notice of violation and shall have thirty (30) days to abate the violation. Three violations in any calendar year may result in the revocation of the permit regardless of subsequent compliance.

SECTION 715
URBAN AGRICULTURE *Added 8/10/2018*

715.01 Intent

The keeping of chickens and honey bees supports a local, sustainable food system by providing an affordable, food source of fresh eggs and honey and also provides an opportunity for those people not living on farms to have the experience of keeping animals on a small scale. These regulations are to provide appropriate standards for the keeping of chickens and honey bees within an urban environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the animals.

715.02 General Standards

These standards for the keeping of honey bees and chickens shall apply in residential zones where agriculture is not permitted. In zones where agriculture is permitted the regulations of that zone shall apply. The keeping of honey bees and chickens as defined herein shall be permitted as an accessory use to single family dwelling in the following zones: R-1, R-2, R-3, and R-4.

715.02-1 Keeping of Chickens

Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if the use is conducted at the applicant's place of residence subject to the following conditions:

a) Each parcel used for the keeping of chickens must have a minimum lot size of one-quarter acre.
b) Chickens are defined herein as domestic female fowl chicken (hens). Male chickens (roosters) are prohibited from being kept under this section.
c) No more than six female chickens (hens) are allowed.
d) Adequate shelter, care and control of the chickens is required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of Giles County and the Code of Virginia regarding care shelter, sanitation, health, rodent control, cruelty, neglect, noise, control and any other requirements pertaining to, but not limited to, the adequate care and control of animals.
e) The owner of the chickens shall take necessary action to reduce the attraction of predators, rodents and the potential infestation of insects and parasites.
f) Chickens shall not be allowed to roam free. They shall be kept in an enclosed, secure enclosure not to exceed 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of one and one-half square feet per hen and an open run area containing not less than eight square feet per hen. Pens may be portable. The total maximum area, 128 square feet, shall include both the pen and coop and only one pen and coop is permitted per lot and per single family dwelling.
g) The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
h) All pens/coops shall comply with the following setback/height requirements:
    1. 20' minimum from any part of coop or pen to any dwelling located on the same property.
    2. 50' minimum from any part of coop or pen to any dwelling located on any adjacent property.
    3. The front setback requirement shall be the same as that for other structures in the zone in which the property is located as defined by Article 700, Table 1 of this ordinance.
    4. In no circumstance shall any part of a pen or coop be located closer than 20' from any property line.

5. No part of any pen or coop shall be taller than 10’ above grade.

i) All pens shall be located outside of drainage areas that could allow fecal matter to enter a storm drainage area or stream.

j) All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pest from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary conditions at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.

k) All feed or other material intended for consumption by chickens shall be kept in containers that are rodent proof, and such container shall be equipped with tight fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be prima facie evidence that such area is maintained in violation of this section.

l) A reasonable level of composting of chicken litter and waste on site is encouraged. Provision shall be made by the owner for the removal and disposal of chicken litter and waste. Such waste shall not create a nuisance or health hazard to adjoining property owners. The owner shall also be responsible for removal of any dead chickens.

m) Disposal of litter, waste, and dead chickens on public land or in the sewage or storm water collection system is strictly prohibited.

715.02-2 Keeping of Honey Bees

The keeping of honey bees as defined herein, shall be permitted as an accessory use to single family dwellings if the use is conducted at the applicant’s place of residence and subject to the following conditions:

a) Two beehives or less are allowed on any lot. On lots one quarter acre or larger, more than two hives may be kept, provided that there is an additional lot area of 2,500 square feet for each additional hive.

b) All beehives shall meet the following setback/height requirements:
   1) Hives shall be placed a minimum of 10’ from any property line.
   2) Hives shall be place no closer than 50’ to any dwelling, not to include the dwelling to which it is accessory.
   3) The front setback shall be the same as that for other structures in the zone which the hive is located as defined by Article 700, Table 1 of this ordinance.
   4) Maximum height above grade for hives shall be 10’.

c) An adequate water source must be provided within 10’ of each hive.

715.03 Administration

a) Persons wishing to keep chickens or honey bees under this section shall file application with the Zoning Administrator as outlined in Article 800, Section 802 of this ordinance.

b) Any violations found of this section may subject the owner to revocation of permit and to penalties as provided in Section 1003 of this ordinance.

SECTION 716
(added November 6, 2024)

SOLAR ENERGY SYSTEMS

716.01 DEFINITIONS:

716.01-1 ***Solar energy system, accessory use***: A facility for the conversion of solar energy to electricity that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

716.01-2 ***Solar energy system, community scale***. A ground mounted solar energy system that connects to a distribution network which has the capacity to produce five or less megawatts.

716.01-3 ***Solar energy system, utility scale***. A ground mounted solar energy system that connects to a distribution network which has the capacity to produce more than five megawatts.

716.01-4 ***Battery Energy Storage System***. Equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored.

716.02 WHERE PERMITTED:

716.02-1 ***Solar Energy System, Accessory Use*** is deemed to be an accessory use in all zones. Approval for such uses shall be the same procedures required for accessory uses in the applicable zone provided the system complies with the provisions of Virginia Code Section 15.2-2288.7

716.02-2 Solar Energy System community scale and utility scale as defined in Section 716.01-2 and 716.01-3 are permitted as a conditional use in all zones except for R-1, R-2, MH-1 and FH-1.

716.03 REQUIREMENTS FOR *SOLAR ENERGY SYSTEM, COMMUNITY AND UTILITY SCALE*

716.03-1 Application. An application for a solar energy system shall contain:

A. Project narrative. A narrative identifying the applicant, facility owner, site owner, proposed operator, and a description of the proposed facility including an overview of the facility and its location; the size of the site and the facility area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum generated capacity of the facility identified as AC and/or DC; the approximate number, panel design details and expected lot coverage of solar panels, equipment, and supporting accessory structures to be constructed; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection; and a statement that addresses how the facility will be in compliance with the comprehensive plan. The statement shall address the following:

(1) Why the applicant believes the proposal will not be of substantial detriment to adjacent properties.

(2) Why the applicant believes that the character of the zoning district will not be changed by the proposed action; and

(3) How the proposal will be in conformance with the additional regulations provided in this Section, and with the public health, safety, and general welfare.

B. Concept plan. The concept plan shall include the following information:

(1) Property lines, minimum required buffer areas, and any proposed buffer areas and setback lines that exceed the minimum requirements.

(2) A vicinity map showing the proposed site, together with prominent landmarks, physical features, and transmission lines.

(3) Existing and proposed buildings structures and other improvements, including preliminary location(s) of the proposed solar equipment.

(4) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and other areas requiring access to parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements.

(5) Proposed locations and maximum heights of equipment, electrical cabling from the solar systems to equipment, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable buffers or setbacks).

(6) Proposed locations of delivery, parking, and staging areas.

(7) Areas where vegetative buffering will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers will be installed and maintained following Virginia Pollinator-Smart Program best practices.

(8) Existing wetlands, woodlands and vegetated areas.

(9) Identification of actively cultivated lands, and predominant soil types of those lands including the identification of soils suited to farming.

a. The applicant shall demonstrate the preservation of topsoil for future agricultural use.

(10) A scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy facility from adjoining properties, and potentially sensitive locations including the New River, Walker's Creek, the Appalachian Trail, if applicable.

(11) Additional information may be required, as determined by the zoning administrator, as deemed necessary by the zoning administrator to assess the visual impact of the facility, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may also require other relevant information deemed to be necessary to evaluate the application.

C. Generalized landscaping and screening plan.

1. The applicant must submit a landscaping and screening plan with the location, size, and general type of plantings including the use of existing and newly installed vegetation to screen the facility. A detailed landscaping and screening plan with plant species, size, number, spacing, and height will be required at the time of site plan review.

D. Identification of environmental and cultural resources.

1. The applicant must submit the following:

(a) The location of all historical, architectural, archeological, or other cultural resources on or near the proposed facility as documented by the Virginia Cultural Resource Information System and the Department of Historic Resources.

(b) The location of all wildlife and wildlife habitats documented by the department of wildlife resources.

(c) The location of airports within a mile of the proposed development.

(d_ Detailed reports of environmental and cultural resources will be required as part of the site plan review.

E. Performance standards.

The application shall comply with the following criteria:

(1) Lot requirements. Solar energy systems must meet the following lot requirements:

a. Solar facilities shall not be located within one (1) mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. The applicant must also provide a glint and glare study that demonstrates that the panels will be operated, sited, designed, and installed to eliminate glint and glare effects on airport operations.

b. The facilities photovoltaic panels, equipment, and accessory structures shall be set back a distance of at least a minimum one hundred (100) feet from all property lines and public rights of way. Increased setbacks over one hundred (100) feet may be included in the conditions for a permit as required to reduce the visual impact of the facility to adjacent residential districts, agriculture and conservation districts, lands under a conservation easement, or historic districts registered through the National Register of Historic Places or the Virginia Landmarks Register or to mitigate other impacts. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas if such are generally perpendicular to the property line or underground.

(c) Height.

(i) Ground-mounted solar energy panels shall not exceed a height of fifteen (15) feet, which shall be measured from the highest natural grade below each solar panel to the highest point of the panel at its tallest position. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet existing state and federal requirements.

(d) Visibility.

(i) Visual impacts. The facility shall utilize only panels that employ anti-glare technology, antireflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare.

(e) Vegetative buffer.

(i). A vegetative buffer sufficient to mitigate the visual impact of the facility as approved by the zoning administrator is required. The buffer shall, at minimum, consist of a landscaping strip at least 30 feet wide, and shall be located within the setbacks required in subsection 1(b).

(ii). The buffer shall consist of existing vegetation and as needed, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should include vegetation a minimum of three (3) feet high at planting and reasonably expected to grow to a minimum of 15 feet at full maturity.

(iii). The planning commission or board of supervisors may also require additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impact of the facility or in situations where solar energy system developments are located on lots adjacent to residential districts, agriculture and conservation districts, the New River, Walker’s Creek, Wolf Creek, the Appalachian Trail, lands under a conservation easement, or historic districts listed in the Virginia Landmarks Register/National Register program.

(iv). Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers must be used in the vegetative buffer following Virginia Pollinator-Smart Program best practices.

(v). Screening and/or buffer creation requirements may be waived or altered for alternative designs such as landscaped berms, existing wetlands, or woodlands, if the berms, wetlands, or woodlands are permanently protected and maintained for use as a buffer.

(vi) Existing trees and vegetation must be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable and approved by the zoning administrator. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer at least three (3) feet tall at planting. The vegetative buffer shall be maintained for the life of the facility.

(f) Fencing.

(i). The facility area containing equipment, panels, and/or supporting accessory structures shall be enclosed by security fencing not less than eight (8) feet in height. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The fencing shall always be maintained while the facility is in operation and posted with appropriate safety messaging.

(g) Pollinator habitats.

(i) The facility area shall be seeded promptly with pollinator-friendly vegetation in such a manner as to reduce invasive weed growth and trap sediment within the facility area. Virginia Pollinator-Smart Program best practices shall be followed. These habitats shall be maintained over the life of the project.

(h) Lighting.

(i). Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall be dark sky compliant.

(j). Safety standards.

(i). Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) facilities, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan or building permit application shall refer to the specific safety and environmental standards complied with.

(ii). Ensure site management coordination by posting facility operator information as well as 24-hour emergency contact information at all entrances of the facility.

(j). Approved solar components.

(i). Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

(ii). Panel materials. Applications shall describe all materials included in the proposed solar panels for the facility. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance.

(k). Building code.

(i). All solar energy systems shall meet approval of local building code officials, consistent with the State of Virginia Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. A third party inspector with expertise in the construction and inspection of solar energy systems shall be selected by the County to conduct all building inspections for the facility and the cost of the third party inspector will be paid for by the applicant.

(l.) Utility notification.

(i). All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(m). Battery energy storage system.

(i). A battery energy storage system shall meet all applicable setbacks as required by this chapter and any increased setbacks required by conditions of the special use permit.

(n). The developer shall provide an emergency response plan and associated training for first responders that is equipment and site specific. Such plan shall be approved by the County Emergency Services Coordinator and must include a means of access to the facility for emergency response vehicles including roads within the facility that may be traversed by emergency vehicles.

716.04 Processing and approval standards.

716.04-1. Siting Agreement. Prior to submitting an application for approval of a solar energy system, the applicant shall give notice to the County Administrator and attempt to negotiate a siting agreement pursuant to Virginia Code Section 15.2-2316.7.

716.04-2 Community meeting. A public meeting shall be held by the applicant to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall be held under the following guidelines:

(1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least fourteen (14) days in advance of the meeting.

(2) The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.

(3) The meeting shall be held within the county, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.

(4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.

(5) The applicant shall provide the zoning administrator a summary of any input received from members of the public at the meeting.

(6) The applicant shall make available to the public information about materials and components used for the construction, maintenance, and decommissioning of solar panels.

This public meeting shall be held prior to the public hearing(s) required by Section 802.04 of the Zoning Ordinance.

716.04-3 Review of application and site plan, inspections.

1. Applications for solar energy systems will be reviewed by County staff. The County may contract third party consultants with expertise and experience in solar energy development and storm water management to assist in the review of applications. Third party consultants will be chosen at the discretion of the County. The cost of the third-party consultant review will be estimated upon receipt of the application and charged to the applicant. The estimate of the associated costs upon receipt, shall be forwarded to the applicant by the County prior to any contractual agreements made in order to allow, if warranted, a reasonable and justifiable challenge to be submitted by the applicant. Should a challenge be made by the applicant, the County shall review the challenge and have the discretion to proceed accordingly.

2. Staff approval of the following plans and studies is required prior to any grading, permitting or construction:

(a) Site development plan. The approval of a site development plan (site plan) and erosion and sedimentation control plans as defined by the County Code shall be required prior to any construction. All solar generation facilities shall require a site development plan and all other documentation and approvals required by law, including those provided for any conditional use permit. The site development plan shall include a decommissioning plan as well as other requirements stated throughout this ordinance. Erosion and sediment control plans and stormwater maintenance plans shall be submitted to the Virginia Department of Environmental Quality for review and approval.

(b) A detailed landscaping and screening plan with plant species, size, number, spacing, and height shall be required prior to the approval of zoning or building permits. The plan must also include and identify pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the facility area and in the setbacks and vegetative buffering-following Virginia Pollinator-Smart Program best practices.

(c) Maintenance of site features. All site features such as landscaping, fencing, and stormwater management facilities shall be properly maintained throughout the life of the permit.

(d) A post-construction safety plan to be made available to public safety agencies to include training on the equipment to be located on the site as required by the Emergency Services Coordinator.

(e) Environmental and cultural resources reports.

(i). A copy of the cultural resources review conducted in conjunction with the state department of historic resources for the department of environmental quality permit by rule process.

(ii) The applicant shall be responsible for submitting a copy of the environmental impact report (EIR) for the Department of Environmental Quality permit by rule process.

(iii). If not included in the EIR, the applicant shall submit a report to address the following impacts:

(1) Soil, including erosion, siltation, toxicity, productivity, and suitability for agriculture.

(2) Water, including quantity, quality, and flow of streams, and groundwater.

(3) Wildlife, including aquatic and terrestrial, as well as subsurface, and addressing habitats, alteration of migration patterns, with particular attention to birds.

(4) Wetlands.

(5) Noise.

(6) Vegetation regime identifying alterations temporary and long-term.

(7) Visual.

(8) Impacts on pollinators and pollinator habitats at the site.

(9) Suggested remediation measures to be employed at decommissioning. For each likely significant negative impact, the report should identify actions which could mitigate the impact.

716.04-4 Criteria for evaluation of Application

The following criteria shall apply to the Planning Commission and Board of Supervisors review and consideration of the application:

(1) The topography of the site and the surrounding area;

(2) The proximity of the site to, observability from, and impact on urban and residential areas;
(3) The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance;

(4) The proximity of the site to other large scale solar energy facilities, other energy generating facilities, and utility transmission lines;

(5) The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways;

(6) The proximity of the site to, observability from, and impact on public rights-of-way, including, but not limited to, highways, secondary roads, streets, and scenic byways;

(7) The proximity of the site to, observability from, and impact on recreational areas, such as parks, trails, lakes, rivers, and creeks;

(8) The proximity of the site to airports;

(9) The preservation and protection of wildlife and pollinator habitats and corridors;

(10) The proximity of the site to any urban planning area, community planning area, or environmentally or culturally sensitive area identified in the comprehensive plan;

(11) The size of the site;

(12) The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility;

(13) The preservation and protection of prime farmland and silvicultural land in the county;

(14) With regard to any cash payments or in-kind contributions, the impact of the project on probable future uses of the land if not developed with a solar farm, including any changes in future tax revenues; investments in infrastructure for other types of development that may have occurred in the area, and would be of lesser utility; and the provisions of a siting agreement under sections 15.2-2316.6 et seq. of the Code of Virginia, 1950, as amended; and

(15) Such other matters as the board of supervisors may deem reasonably related to the application or its impacts.

716.05 Decommissioning.

A. The site development plan for a solar energy system shall include a detailed decommissioning plan that provides the following:

(1) Procedures and requirements for removal of all solar energy infrastructure, equipment, facilities, or devices of the solar energy generation facility and its various structures and foundations at the end of the useful life of the facility or if it is deemed abandoned.

(2) Provisions for the restoration and regeneration of soil and vegetation with a description of pre-construction and desired post-construction conditions including productivity goals for agricultural viability. (Description is provided at the time of the concept plan.)

(3) The anticipated life of the facility.

(4) The estimated overall cost of decommissioning the facility in current dollars and the methodology for determining such estimate, and;

(5) The way the facility will be decommissioned including a plan for the disposal of each component material type above and below ground.

(6) The decommissioning plan and the estimated decommissioning cost will be updated every five (5) years during the operation of the facility.

B. Surety.

1. Unless the solar energy system is owned by a public utility within the Commonwealth of Virginia, the owner, lessee, or developer shall provide financial assurance of decommissioning in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by Giles County. Such estimate shall include one hundred (100) percent of the total projected cost of decommissioning, including the net salvage value of equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The surety shall be posted prior to the facility receiving its final approval of a site plan from Giles County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner, or operator, and provided to the County. "Gross costs" shall not include a deduction for salvage value.

C. Applicant, facility owner, and property owner obligation.

1. Within six (6) months after the cessation of use of the solar generation facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall commence decommissioning the solar generation facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within twelve (12) months of the facility becoming an inactive solar energy generation facility, the county shall conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County. Following completion of decommissioning of the entire solar energy generation facility, the bond shall be released and, if the County has called upon the bond and taken control of bond resources, any remaining resources held by the County shall be refunded to the surety.

D. Applicant, owner default; decommissioning by the County.

1. If the applicant, its successor, and the property owners fail to decommission the solar energy facility within twelve (12) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in

excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.

2. Any excess decommissioning surety funds shall be released to the surety after completion of decommissioning.

3. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County the right to access the property and the solar energy facility equipment and materials so the County can complete the decommissioning, should it choose to do so, upon the applicant's and property owner's default. Such instrument shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, operator, or property owner, including remedies under the County's zoning powers.

E. Equipment, structure and building removal.

Unless otherwise approved by the County, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed within ninety (90) days of decommissioning.

F. Infrastructure removal. A reclamation plan will be required as a part of the site plan approval for all community scale or utility scale solar facilities. This plan will be used to assist with the cost estimate for the decommissioning bond. The reclamation plan shall include, at a minimum:

1. All above ground and underground infrastructure shall be removed and recycled or reused.

2. Final land surface conditions, including but not limited to grass, trees, cropland, pasture, including the status of on-site gravel roads if such roads remain on the property.

3. Provisions for the restoration and regeneration of soil and vegetation with a description of pre-construction and desired post- construction conditions including productivity goals for agricultural viability.

4. Final contours and grades; and

5. A plan for the disposal of each component material type.

G. Partial decommissioning. Any reference to decommissioning the generation facility shall include the obligation to decommission all or a portion of the solar energy facility, whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the partial decommissioning shall be completed ln accordance with the decommissioning plan and this section for the applicable portion of the solar energy facility.

ARTICLE 800
ADMINISTRATION

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

SECTION 801
ZONING ADMINISTRATOR

801.01 Appointment.

The Zoning Administrator shall be appointed by the County Board of Supervisors. In all cases, final authority in matters so delegated shall remain with the Board of Supervisors.

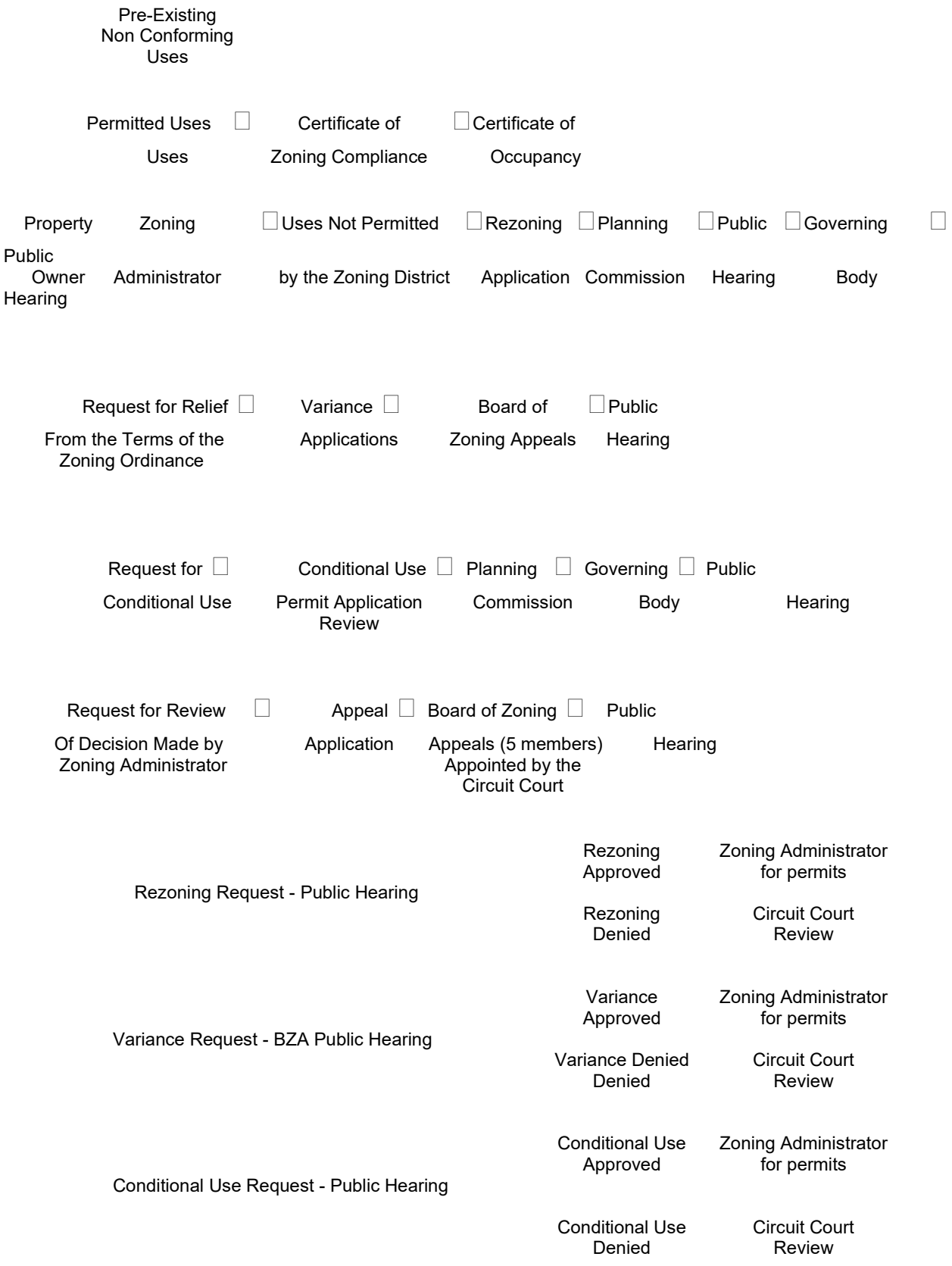
801.02 Powers and Duties Relating to Zoning.

The Zoning Administrator is authorized and empowered on behalf of and in the name of the Giles County Board of Supervisors to administer and enforce the provisions set forth herein. These powers include receiving applications for permits issued pursuant to this Chapter; inspecting premises; and issuing Zoning Permits, Certificates of Occupancy, and all other permits and licenses referenced in this Chapter, in cases in which such application shows that the proposed activity is in compliance with the provisions of this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the Giles County Board of Supervisors to administer and enforce this Chapter, including the ordering, in writing, the remedy for any condition found in violation of this Chapter, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Chapter. The Zoning Administrator does not have the authority to take final action on applications or matters for which final action is reserved to the Board of Zoning Appeals or Giles County Board of Supervisors, such as those involving variances or Conditional Uses.

801.03 Zoning Administration Process.

Figure 1 outlines the administrative process to be followed under various provisions of this Chapter. Specific provisions for administering these provisions is contained in the text of this Chapter.

Figure 1 • Zoning Administration Process



	Appeal Approved	Zoning Administrator for permits
Appeal of Zoning Administrator's Decision BZA Public Hearing		
	Appeal Denied	Circuit Court Review

SECTION 802
CERTIFICATE OF ZONING COMPLIANCE PROCEDURES

802.01 Issuance and Display of the Certificate of Zoning Compliance.

The Zoning Administrator shall issue a Certificate of Zoning Compliance for any permitted use or any structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. A Certificate of Zoning Compliance shall also be required for any use allowed by the granting of a Conditional Use or a variance. Such Certificate shall be in addition to the Conditional Use permit required (see Sec. 802.03) or the resolution granting the variance (see Sec. 807), and such Certificate shall be issued only after the granting of the Conditional Use or variance. The Certificate of Zoning Compliance shall indicate whether the use is a permitted use, a Conditional Use, or a variance. If the Certificate is issued pursuant to a project involving construction or reconstruction of a structure, the Certificate shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

802.02 Application Procedure for Permitted Use.

Applications for a Certificate of Zoning Compliance shall be submitted to the Zoning Administrator according to the following provisions:

802.02-1 An application for a Certificate of Zoning Compliance for a permitted use shall be submitted at the time of application for a building permit; or, in cases where no building permit is required, at the time of a request for utility service. The Zoning Administrator may require that the site plan include the following: lot dimensions; locations of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back, and side yards; locations and dimensions of easements (public and private); water courses; fences; names, locations and dimensions of streets, street right of way; existing and proposed driveways; parking areas with location and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application.
amended 6/2014

802.02-2 Each application for a Certificate of Zoning Compliance shall be accompanied by payment of the specified fee;

802.02-3 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

802.02-4 If the proposed use or construction described in the application required by Section 802.021 are in conformity with the provisions set forth herein and other appropriate codes and regulations of Giles County, ~~including but not limited to the required:~~

~~(1) Health Department approval of individual sewage disposal system;~~
~~(2) Highway Department Entrance Permit;~~
~~(3) Flood Insurance Floodplain Ordinance;~~
~~(4) Erosion and Sediment Control Ordinance Plan;~~
~~(5) Virginia Statewide Uniform Building Code;~~ *Amended 05/2005*

then the Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue the Certificate of Zoning Compliance. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

802.02-5 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Certificate of Zoning Compliance, but shall return one (1) copy of the site plan to the applicant along with a written and signed refusal. Such refusal shall state the reasons for refusal and shall cite the portions of this Chapter with which the submitted plan does not comply.

The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal.

802.03 Application Procedure for Non-Conforming Uses.

~~Applications for a non-conforming use permit shall be obtained by the owner of any non-conforming use, structure, or other non-conforming situation within six (6) months of the adoption of this Ordinance~~. When a non-conforming use or structure, as defined in Section 302.127, 302.128 or 302.129 is identified by the Zoning Administrator, the owner of the property upon which such use or structure is located will be notified of such non-conformance and will have ninety (90) days from the date of such notice to provide the Zoning Administrator with clear and convincing evidence that the use or structure was in existence on January 1, 1992.

Upon receipt of such proof, satisfactory to the Zoning Administrator, a non conforming use permit may be issued. The failure to provide such proof shall constitute prima facie evidence that the use is in violation of this ordinance. All determinations made by the Zoning Administrator pursuant to this section may be appealed to the Board of Zoning Appeals pursuant to Section 804.13-1 and Section 806 of this ordinance. Copies of all determinations shall be provided to the Planning Commission and the Board of Supervisors at their next meeting following the date of the determination.

The owner of a parcel containing a use which becomes non-conforming due to the amendment of this ordinance may apply for a non conforming use permit within twelve (12) months from the effective date of the amendment.

The issuance of a non conforming use permit shall not permit the enlargement, extension, movement or alteration of a non conforming use. *Amended 9/1998*

802.04 Application Procedures for Conditional Uses.

Applications for a Conditional Use Permit for a conditional use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for appropriate action as specified in this Section. Applications for Conditional Use Permits shall be submitted in accordance with the following procedures:

802.04-1 An application shall be accompanied by two (2) copies of a site plan drawn in accordance with applicable provisions of Section 17802.00 of this Chapter, with such reasonable information shown thereon as may be required by the Zoning Administrator. The Zoning Administrator may require that the site plan include the following: lot dimensions; locations of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back, and side yards; locations and dimensions of easements (public and private); water courses; fences; names, locations and dimensions of streets, street right of way; existing and proposed driveways; parking areas with location and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application. amended 6/2014

802.04-2 Each application for a Conditional Use Permit shall be accompanied by payment of a fee as set forth in Article 900 to help defray the cost of publicizing and conducting the public hearing;

802.04-3 The application shall be sent to the Planning Commission for review and recommendation, and said Commission shall have ~~sixty (60)~~ one hundred (100) days within which to submit a report recommending approval or denial of the application. If the Commission fails to submit a report within a ~~sixty (60) day~~ one hundred (100) day period, it shall be deemed to have approved the proposed conditional use. The one hundred (100) day period shall begin on the date of the first meeting at which the application is referred to the Planning Commission for consideration. Applications may but are not required to be referred to the Planning Commission for action at any meeting which occurs sooner than ten (10) days after the application being submitted. *Amended 05/2007*

802.04-4 The Board of Supervisors shall consider the proposed Conditional Use after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 1715.1431 of the Code of Virginia (1950) as amended, and shall take action on the proposed conditional use within thirty (30) days ~~from the date of the public hearing~~ from the date the recommendation is received. If so desired by mutual agreement between the Planning Commission and the Board of Supervisors, a joint public hearing may be held under the provisions of Sec. 15.1431 of the Code of Virginia (1950) as amended; *Amended 05/2007*

802.04-5 In evaluating the proposed Conditional Use, the Planning Commission and the Board of Supervisors shall consider the following concerns:

(a) The character of the existing neighborhood and the compatibility of the proposed use on adjacent and nearby properties;

(b) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;

(c) The current and future need for the proposed use in Giles County; and

(d) The effect of the proposed use on neighborhood property values;

(e) The relationship of the proposed use to Giles County Comprehensive Plan;

802.04-6 Additional Requirements.

In approving a proposed Conditional Use the Board of Supervisors may stipulate such additional requirements as are necessary to protect the public interest. The Board of Supervisors may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Board of Supervisors;

802.04-7 If the Board of Supervisors approves the application for a proposed Conditional Use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use;

802.04-8 If the Board of Supervisors disapproves the application for a proposed Conditional Use, the Board of Supervisors shall inform the applicant of the decision in writing within thirty (30) days ~~from the date of the public hearing~~ from the date the recommendation is received, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record; Amended 05/2007

802.04-9 A property owner, or his appointed agent, shall not initiate action for a Conditional Use Permit for the same conditional use affecting the same parcel of land more often than once every twelve (12) months;

802.04-10 A Conditional Use Permit shall be put into effect six (6) months after the date the Permit is issued, or else the Permit shall become void, unless otherwise provided in the permit itself.

802.04-11 If a Conditional Use Permit specifies a life span or expiration date for the Permit, renewal of such Permit shall not require a public hearing unless the original conditions in the permit are changed; however, the Board of Supervisors shall consider such renewal at a regular or called meeting, and notice of the renewal shall be shown on the agenda of the Board of Supervisors;

802.05 Application Procedures for Amendment to Zoning Text or Zoning Map (Rezoning).

The Giles County Board of Supervisors may from time to time amend this Chapter or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Board of Supervisors or Planning Commission proposing the rezoning shall state which of the above public purposes is intended by the proposed amendment.

802.05-1 Applications for amendments may be initiated: (a) by resolution of the Giles County Board of Supervisors; (b) by recommendation of the Planning Commission; or (c) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the subject property. Such resolution, recommendation, or petition shall be submitted in writing to the Zoning Administrator.

802.05-2 The Zoning Administrator shall present the application to the Planning Commission as soon as is practicable after such application is received. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1431 of the Code of Virginia (1950) as amended.

The Commission shall then present the proposed amendment along with appropriate explanatory materials to the Board of Supervisors with its recommendations. If the Commission fails to submit its recommendations within ~~sixty (60) days~~ one hundred (100) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment; *Amended 05/2007*

802.05-3 The Giles County Board of Supervisors shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1431 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment ~~within thirty five (35) days from the date of the public hearing~~ within thirty (30) days from the date the recommendation is received from the Planning Commission. The Board of Supervisors and the Commission may hold a joint public hearing in accordance with Section 15.1431 of the Code of Virginia; *Amended 05/2007*

802.05-4 Any application for an amendment may be withdrawn without prejudice prior to action thereon by the Board of Supervisors at the discretion of the person, firm, corporation, or public body initiating such a request, upon written notice to the Zoning Administrator;

802.05-5 No more than one application for the same or substantially the same amendment affecting a specific parcel of land shall be initiated during any twelve (12) month period.

802.06 Procedures for Proffering Conditions to Zoning District Regulations.

802.06-1 Intent. The intent of this section is to provide (pursuant to Sections 15.1491.1 through 15.1491.6 of the Code of Virginia (1950) as amended) for conditional zoning whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

802.06-2 Proffer of Conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this Chapter, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Board of Supervisors. In addition, all of the following conditions shall be met:

(a) the rezoning itself must give rise to the need for the conditions;

(b) the conditions proffered shall have a reasonable relation to the rezoning;

(c) the conditions proffered shall not include a cash contribution to the County;

(d) the conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities, not provided for under any concurrent subdivision of the property;

(e) the conditions shall not include payment for or construction of offsite improvements, other than any which may be required under a concurrent subdivision of the property;

(f) no condition shall be proffered that is not related to the physical development or physical operation of the property; and

(g) all such conditions shall be in conformity with the Giles County Comprehensive Plan.

802.06-3 Effect of Proffered Conditions upon Acceptance. Once proffered and accepted as part of an amendment to this Chapter, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive revision of this Chapter.

SECTION 803
CERTIFICATE OF OCCUPANCY

Certificates of Occupancy shall be issued by the Building Official in accordance with the following provisions:

803.01 Certificate of Occupancy Required.

A certificate of Occupancy shall be required in advance of occupancy or use of:

803.01-1 A building hereafter erected;

803.01-2 A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;

803.01-3 A change of type of occupancy or use of any building or premises.

803.02 Issuance of Certificate of Occupancy.

The Building Official shall sign and issue a Certificate of Occupancy under the following circumstances: (a) there exists a previously issued Certificate of Zoning Compliance; and (b) the building, as finally constructed, complies with the sketch or plan submitted.

SECTION 804

(Sections 804, 805, 806 and 807 amended 3/2016 to reflect changes to Code of VA)

BOARD OF ZONING APPEALS -- ORGANIZATION AND PURPOSE

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

804.01 Terms of Office.

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

804.02 Public Offices Held.

No member shall hold any public office in Giles County except that one (1) member may be a member of the Planning Commission.

804.03 Compensation.

Members of the Board may receive such compensation as may be authorized by the Board of Supervisors.

804.04 Support.

Within the limits of funds appropriated by the Board of Supervisors, the Board of Appeals may employ or contract for secretaries, clerks, legal council, consultants, and other technical and clerical services.

804.05 Vacancies.

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

804.06 Rules of Procedure.

The Board shall adopt rules in accordance with the provisions of this Chapter and consistent with other ordinances of Giles County and general laws of the Commonwealth for the conduct of its affairs.

804.07 Officers.

The Board shall elect a Chairman and Vice Chairman from its own membership who shall serve annual terms as such and may succeed themselves. The Board shall also elect a Secretary, who may be one of its members or may be a qualified individual who is not a member of the Board.

804.08 Public Records and Reports.

The Board will keep a full public record of its proceedings and shall submit a report of its activities to the Board of Supervisors at least once each year. All meetings of said Board shall be open to the public.

804.09 Conflict of Interest.

Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has a financial interest or in which the action would financially benefit him.

804.10 Time of Meetings.

The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.

804.11 Witness.

The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.

804.12 Members Needed for Quorum or Action.

A quorum shall be at least three (3) members. A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which said Board is empowered.

804.13 Powers and Duties of the Board of Zoning Appeals.

804.13-1 Board Authorized to Hear and Decide Appeals. The Board is authorized to hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Chapter. Any appeal form a decision of the Zoning Administrator shall require notice and public hearing as provided in Sec. 15.22204 of the Code of Virginia (1950) as amended.

804.13-2 Board Authorized to Decide on Variances. The Board is authorized to hear and decide on any request for such variance from the terms of the Chapter 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 Chapter shall be observed and substantial justice done. The procedure for hearing and deciding upon such request is as contained in the following Section.

SECTION 805
VARIANCES

805.01 Variance Procedures

The Board of Zoning Appeals is hereby authorized to grant a variance upon application for a given property from the appropriate property owner, tenant, governmental official, department, board, or bureau. To authorize such variance, the Board shall find that all of the following specific conditions are met before granting the variance request:

1) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.
2) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
3) The condition or situation of the property is not 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.
4) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.
5) The relief or remedy sought by the variance application is not available through a special exception (conditional use) process that is authorized in the ordinance pursuant to subdivision 6 of section 15.2 2309 Code of VA or the process for mediation of a zoning ordinance pursuant to subdivision A 4 of 15.2-2286 Code of VA at the time of filing of the variance application.

805.02 Public Hearing Required.

No such variance shall be authorized except after notice and hearing as required by Section 15.22204 of the Code of Virginia 1950, as amended.

805.03 Board May Require Conditions, Bond.

In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

805.04 Application.

Application shall be made to the Zoning Administrator. The application shall be accompanied by three (3) copies of an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. The Zoning Administrator may require that the site plan include the following: lot dimensions; locations of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back, and side yards; locations and dimensions of easements (public and private); water courses; fences; names, locations and dimensions of streets, street right of way; existing and proposed driveways; parking areas with location and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing. amended 6/14

A Conspicuous sign shall be placed on the property for 30 days prior to the public hearing to alert the public of the action being requested.

805.05 Hearing and Action.

The Secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.22204 of the Code of Virginia (1950) as amended. The Board shall decide same within thirty (30) days from the date of such hearing.

805.06 Limitation of Hearings.

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

805.07 Withdrawal of Application.

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

805.08 Fee.

Each application for a variance shall be accompanied by payment of a fee set forth in Article 900 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

SECTION 806
PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS

Requests for a hearing before the Board of Zoning Appeals for a review of any administrative decision pursuant to Sec. 804.131 shall observe the following procedures:

806.01 An appeal to the Board may be filed by any person aggrieved by, or by an officer, department, board, or agency of Giles County affected by, any decision of the Zoning Administrator within thirty (30) days after the decision.

806.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board. Such applications shall specify the decision being appealed and the grounds for appeal.

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

806.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.

806.05 The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by Section 15.22204 of the Code of Virginia (1950) as amended, and decide the same within thirty (30) days from the date of such public hearing.

806.06 In exercising the powers granted to the Board in this Chapter, the said Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Certificate of Zoning Compliance.

806.07 Any application for appeal before the Board may be withdrawn without prejudice, prior to action thereon by said Board, at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.

806.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 900 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded minus any expenditures which have been made for publicizing or conducting the public hearing at the time the notice is received.

SECTION 807
DECISION OF BOARD OF ZONING APPEALS

807.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or agency of Giles County with an interest in the matter, may present to the Circuit Court of Giles County a petition specifying the grounds on which they are so aggrieved. Such petition shall be filed within thirty (30) days after the filing of the decision in the office of the Board.

807.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved' s attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

807.03 The Board shall not be required to return the original papers acted upon by it; it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed, and shall be verified.

807.04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.

807.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

ARTICLE 900

SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

SECTION 901
FEES RELATED TO ZONING

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

901.01 Each application for a Certificate of Zoning compliance shall be accompanied by a payment of $30.00. Effective 7/14

901.02 Each application for a Zoning conformation letter shall be accompanied by a payment of $30.00. Effective 7/14

901.03 Each application for a Conditional Use Permit shall be accompanied by a payment of a fee of $500.00. In the event that the application involves more than 50 adjacent landowners there shall be an additional charge of $6.00 per letter. Effective 7/14

901.04 Each application for a Conditional Use Permit for a Telecommunication Tower shall be accompanied by a fee of $2500.00 (Engineering review or any other fees set forth in 712.16 of the Zoning Ordinance is in addition to this permit application fee). In the event the application involves more than 50 adjacent landowners there shall be an additional charge of $6.00 per letter. Effective 7/14

901.05 Each application for a hearing before the Board of Zoning Appeals for a variance shall be accompanied by a fee of $500.00. In the event the application involves more than 50 adjacent landowners there shall be an additional charge of $6.00 per letter.
Effective 7/14

901.06 Each application for a hearing before the Board of Zoning Appeals for an administrative review shall be accompanied by a fee of $150.00. Effective 7/14

901.07 The application fee for any Zoning process on which work has commenced or use of begun prior to the approval of the Zoning Administrator shall be twice that listed in this section. Effective 7/14

SECTION 902
FEES RELATED TO AMENDMENTS

Each application for an amendment to the zoning text, zoning map (rezoning), or comprehensive plan shall be accompanied by payment of a fee of $500.00. In the event the application involves more than 50 landowners there shall be an additional charge of $6.00 per letter. Amended 6/14

SECTION 903
RETURN OF FEES

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

ARTICLE 1000
VIOLATIONS AND PENALTIES

SECTION 1001
VIOLATIONS

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

SECTION 1002
COMPLAINTS REGARDING VIOLATIONS

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

SECTION 1003
PENALTIES

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined an amount not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

ARTICLE 1100
LEGAL STATUS PROVISIONS

SECTION 1101
CONFLICT WITH OTHER LAWS

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

SECTION 1102
VALIDITY

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

SECTION 1103
REPEALED RESOLUTIONS AND ORDINANCES

Any ordinance or regulation which conflicts with any provision of this ordinance shall be considered under the provisions of Section 1101. Any ordinance or regulation failing to meet Section 1101 provisions is repealed, held to be invalid, and of no effect.

SECTION 1104
EFFECTIVE DATE

These regulations shall take effect and be in force on and after January 1, 1992. The Zoning Administrator shall maintain the official copy of the Zoning Ordinance. Amended 8/2015

ARTICLE 1200
MAPS

SECTION 1201
MAP

Figure 2 illustrates the location of the zoning districts as established upon the adoption of this Zoning Ordinance. The Zoning Administrator must be consulted for official determination of the actual property zoning.

SECTION 1202
OFFICIAL ZONING MAP

The Official Zoning Map shall be kept up-to-date in a timely manner by the Zoning Administrator.