ZONING ORDINANCE*

TOWN OF KEYSVILLE VIRGINIA

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ZONING ORDINANCE
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AUTHORITY

WHEREAS, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter II, Article 8, Sections 15.1-486 through 15.1-498 Code of Virginia of 1950 as amended, authorizing town councils to divide the area of towns into one or more districts of such shape and area as may be deemed best suited to carry out the purposes of this article, and in such district or districts may establish setback building lines, regulate and restrict the location, erection, constructions, reconstruction, alteration, repair or use of buildings and other structures, their height, area and bulk and the percentage of the lot to be occupied by buildings or other structures, the size of yards courts and other open spaces and the trade, industry, residence and other specific uses of the premises in such district or districts.

THEREFORE, BE IT ORDAINED, by the Town Council of Keysville, Virginia, for the purpose of promoting health, safety, morals, comfort, prosperity and the general welfare requiring it, that the following be adopted as the Zoning Ordinance of Keysville, Virginia together with the accompanying map adopted herewith as an integral part of the ordinance and to be known as the Zoning Map of the Town of Keysville, Virginia.

ARTICLE I – DISTRICTS

ESTABLISHMENT OF DISTRICTS

1-1 For the purpose of this ordinance, the incorporated area of Keysville, Virginia is hereby divided into five (5) districts as follows:

Residential, Limited.....R-L
Residential, General.....R-C
Light Commercial.....LC
General Commercial.....GC
Industrial.....Ind.

1-2 LOCATIONS AND BOUNDARIES

The location and boundaries of these districts are shown on the Zoning Map of Keysville, Virginia.

ARTICLE II – RESIDENTIAL, LIMITED, DISTRICT (R-L)

Statement of Intent

2-1 This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage and enjoyable environment for family life, and to prohibit activities of a commercial nature. To these ends, development is limited to single unit dwelling providing homes for the residents plus certain other uses, such as schools, parks, churches, and public facilities that serve the residents of the district.

2-2 USE REGULATIONS:

In a Residential Limited District, no building or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Single-family dwellings,

Public and semipublic uses such as schools, churches, playgrounds and parks.

Home occupations as defined herein.

Accessory Buildings: Permitted as defined; however, private garages or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer than then (10) feet to any property line.

Poles, Lines, Distribution Transformers, Pipes, Meters and/or facilities necessary for the provision and maintenance of public utilities; provided that only one line of poles shall be allowed in any street.

2-2A SIZE REGULATIONS:

All single-family dwellings hall consist of not less than 1400 square feet of living space exclusive of porch(es), patio(s), attached garage(s) and carport(s) etc.

2-2B AREA REGULATIONS:

All dwellings and buildings in this district shall be served by a Public Water System.

For residential lots served by public water and sewage disposal systems; the minimum lot area shall be not less than fifteen thousand (15,000) square feet.

For residential lots served by a public water system but having individual sewage disposal, the minimum lot area shall be not less than twenty thousand (20,000) square feet, subject to health department approval.

For permitted uses, other than residential, utilizing individual sewage disposal systems, the required area for any such use shall be determined by the Charlotte County Health Department, but not less than 20,000 square feet.

2-3 SETBACK REGULATIONS

No building shall be located closer than sixty (60) feet to any street right-of-way which is fifty (500 feet or greater in width, or closer than seventy (70) feet to any street right-of-way less than fifty (50) feet in width. This shall be known as "the set-back line" as defined herein.

2-4 FRONTAGE REGULATIONS

The width of any lot at the setback line in this district shall not be less than eight (80) feet.

YARD REGULATIONS

Side: The side yard shall be not less than fifteen (15) feet.

Rear: Each main building shall have a rear yard of not less than thirty-five (35) feet.

2-6 SPECIAL PROVISIONS FOR CORNER LOTS

Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on the streets.

The side yard on the side facing the side street shall be not less than thirty (30) feet for both main and accessory buildings.

2-7 HEIGHT REGULATIONS

No building shall be erected to contain more than and one-half (2 ½) stories nor to exceed thirty-five (35) feet in height from grade except that:

These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae, and radio aerials.

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

2-8 OFF-STREET PARKING

In accordance with special off-street parking provisions contained herein.
See Article IX.

2-9 SIGNS

Refer to Article X.

Article III – RESIDENTIAL GENERAL DISTRICT (RG)

Statement of Intent

3-1 This district is composed of certain quiet, medium density residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district ae designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit activities of a commercial nature.

3-1 A USE REGULATIONS

In Residential General District RG no building or land shall be used, and no building shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses:

All uses permitted and in the same manner permitted in Residential limited District R-L.

Single and multi-family dwellings, and apartments, dormitories, and boarding houses.

Lodges and Fraternal, social recreational and civic organizations.

Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the maintenance of public utilities, including water and sewerage facilities.

3-2 AREA REGULATIONS

All dwellings and buildings in this district shall be served by a public water system.

For residential lots served by public water and sewage disposal systems, the lot area shall be not less than:

One (1) unit.....Seven Thousand (7,000) square feet.
Two (2) units.....Nine Thousand (12,000)square feet.
Three (3) units.....Eleven Thousand (11,000) square feet.
For each additional unit above three (3).....One Thousand (1,000) square feet.
All of these are subject to Health Department Approval.

For permitted uses other than residential, utilizing individual sewage disposal systems, the required area for any such use shall be determined by the Health Department, but in no case less than 10,000 square feet.

3-3 SETBACK REGULATIONS

No building shall be located closer than forty (40) feet to any street right-of-way which is forty (40) feet or greater in width, or closer than fifty (50) feet to any street right-of-way less than forty (40) feet in width. This shall be known as "the set-back line", as defined herein.

3-4 YARD REGULATIONS

Side: The side yard shall be not less than eight (8) feet.

Rear: Each main building shall have a rear yard of not less than twenty-five (25) feet.

FRONTAGE REGULATIONS

The lot width at the setback line shall be not less than sixty (60) feet.

3-5 HEIGHT REGULATIONS

No building shall be erected to contain more than two and one-half (2½) stories not to exceed thirty-five (35) feet in height from grade except that:

These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae, and radio aerials.

All necessary buildings shall be less than the main building in height.

3-6 SPECIAL PROVISIONS FOR CORNER LOTS

Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on the streets.

The side yard on the side facing the side street shall be not less than twenty (20) feet for both main and accessory buildings.

3-7 OFF-STREET PARKING

See Article IX.

3-8 SIGNS

Refer to Article X.

ARTICLE IV – LIGHT COMMERCIAL, DISTRIC (LC)

Statement of Intent

4-1 The primary purpose of this district is to establish and protect a limited business district that will serve the surround ding residential districts. Traffic and parking congestion is to be held to a minimum to protect and preserve property values in the surrounding residential districts and, insofar as possible, all neighborhood business development shall take place in a limited business district.

4-2 Use Regulations

Within any light commercial district, as indicated on the Zoning Map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose, or for any other than the following specified purposes:

All purposes permitted in the aforementioned residential districts, except residential area regulations do not apply.

Bakeries and confectionaries whose products are sold at retail and only on premises.

Neighborhood grocery stores and drug stores.

Banks, and office buildings.

Hotels, Motels and Tourist Courts, not exceeding 24 sleeping units.

Barber shops and beauty parlors.

Green houses and nurseries operated on a commercial scale, including sale rooms and offices.

Parking of automobiles excluding house trailers, freight trucks, and trailers.

Laundries of the self-service type, and "pick-up" laundry and dry cleaning stations.

Photographic studios and watch repair shops.

Retail stores, not exceeding 4,000 square feet of floor space, provided that no manufacturing wholesaling or jobbing shall be carried on, and that in the permitted stores and shops, no merchandise shall be carried other than that intended to be sold at retail on the premises.

4-3 SETBACK

The setback on existing "built up" streets shall conform to the existing pattern. The setback for undeveloped existing (or future) streets in this district shall be a minimum of 15 feet.

4-4 OFF-STREET PARKING

See Article No. IX

4-5 HEIGHT

No building or structure shall be erected to a height in excess of fifty (50) feet above grade without recommendation of the commission and approval of the Town Council after the required Public Hearing (s).

4-6 SIGNS

Refer to Article X.

ARTICLE V – GENERAL COMMERCIAL DISTRICTS (CC)

Statement of Intent

5-1 Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access.

5-2 USE REGULATIONS

In a General Commercial District GC no building or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

All uses permitted in the light Commercial District except dwellings and apartment houses. NOTE: A residence for a watchman or a caretaker for a business on premises may be permitted.

Retail Business: Retail stores and service establishments such as bakeries, food shops, drug stores, branch laundries and dry cleaning shops (but not dyeing plants), beauty parlors, barber shops, tailor and shoe repair shops, florist, jewelry, gift and optician shops, hardware and electrical appliance stores, music stores, hotels, motels, theaters or other commercial establishments of like nature.

Gasoline filling stations for servicing automobiles, and public garages.

Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement when not in conflict with other Town Ordinances.

Manufactured home park in conformity with special provisions contained herein.

Public Utilities: Utility Substations, Pump Houses, distribution lines, and poles and other facilities for the provision and maintenance of public utilities, meters, pipes, fire and rescue including railroads and their facilities, and water and sewerage works.

5-3 FRONTAGE AND YARD REGULATIONS

Sideyard: Where the District abuts a residential district, the minimum side yard shall be 20 feet.

Setback: The setback on existing built up streets shall conform to the existing pattern. The setback for existing undeveloped streets (or future streets) in this district shall be a minimum of 10 feet.

5-4 OFF-STREET PARKING

See Article IX.

5-5 HEIGHT

No building (or structure) shall be erected to a height in excess of sixty (60) feet above grade without recommendation of the commission and approval of the Town Council after the required Public Hearing(s).

5-6 SIGNS

Refer to Article X.

5-7 FORBIDDEN USES: Automobile Graveyards and Junkyards.
NOTE: Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance may continue as nonconforming uses, provided that they shall have a period of not exceeding two (2) years after said adoption in which to completely screen on any side viewed from a public road the operation or use by a solid six (6) foot high masonry wall, or other type of solid fencing or hedge approved by the administrator.

ARTICLE VI – INDUSTRIAL DISTRICT (IND.)

Statement of Intent

6-1 The primary purpose of this district is to establish areas where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional and neighborhood commercial service establishments.

6-2 USE REGULATIONS

In Industrial District IND., no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Any uses permitted in the General Commercial District CC.

Accessory uses and buildings customarily incidental to the above.

Assembly of electric appliances, electronic instruments and devices, radios and phonographs, including the manufacture of light metal parts only, such as coils, condensers, transformers and crystal holders.

Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling; tire retreading, recapping of tires, batter manufacture.

Blacksmith shop, welding or machine shop, excluding the following: punch presses, drop hammers and automatic screw machines.

Building material sales yard.

Coal and wood yards, lumber yards.

Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors.

Textile mills.

Draying freighting or trucking yard or terminal.

Laboratories, pharmaceutical and medical.

Laundry and Dry Cleaning Plants.

Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except the following: fish, meat, sauerkraut, pickles, vinegar, yeast and the rendering of fats and oils.

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 semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.

Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

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

Stone monument works, wholesale.

Veterinary or dog or cat hospital; kennels.

Wholesale business: Storage warehouse, tobacco sales warehouse.

6-3 RESTRICTIONS ON PERMITTED USES

Landscaping may be required within any established or required from setback area, the plans and execution of which must take into consideration traffic hazards, and no such landscape planting shall be permitted to exceed a height of three (3) feet within fifty (50) feet from the corner of any intersecting streets.

Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential zones and for off-street parking for vehicles incidental to the industry, its employees and clients.

The commission shall act on any application received within twenty (20) days after receiving the application, except that upon formal notice in writing being given to the applicant, the time for action may be extended for successive twenty-day periods, not exceeding three (3) months. Failure on the part of the commission to act on the application within the established time limit shall be deemed to constitute approval of the application.

6-4 FORBIDDEN USES

Regardless of the permission of any of the above uses, no such use shall be permitted if it creates a nuisance by reason of excessive smoke, dust, noxious or nauseous fumes, noise or vibration. The official responsible for the issuance of building permits shall refuse to issue such permits, if, in his opinion, the permitted use would violate this section.

Without limitation, such industries as steel mills, petroleum refineries, asphalt plants, fertilizer plants, pulp and paper mills, automobile graveyards as defined by the State Code, junkyards, open garbage and trash dumps, shall be forbidden in this or any other district.

Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance may continue as nonconforming uses, provided that they shall have a period of not exceeding two (2) years after said adoption in which to completely screen on any side viewed from a public road the operation or use by a solid six foot (6) high masonry wall, or other type of solid fencing or hedge approved by the administrator.

6-5 YARD REGULATIONS

Side Yard: Wherever a building is built upon a lot adjacent to a residential district boundary, there shall be provided a side yard of not less than twenty (20) feet on the side of the building adjacent to the district boundary line.

Setback: A minimum of fifty (502) feet.

6-6 HEIGHT REGULATIONS

No building or structure shall be erected to a height greater than seventy (70) feet without recommendation of the commission, and approval of the Town Council after the required Public Hearing (s).

No building or group of buildings with their accessory buildings shall cover more than seventy (70) per cent of the area of the lot.

6-7 USES NOT PROVIDE FOR

See Article IX "Special Provision".

6-8 SIGNS

Refer to Article X.

ARTICLE VII – NONCONFORMING USES

7-1 ENLARGEMENT OF NONCONFORMING USES

If, at the time of enactment of this ordinance, any lot, building or structure is being used in a manner or for a purpose which does not conform to the provisions of this ordinance and which is not prohibited by some other ordinance, such manner of use or purpose may be continued, and any renewal or change of title of possession, or right to possession, or lease of any such lot, building or structure shall not be construed to prevent the continued nonconforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure, if indoors, or lot, if outdoors, which was manifestly arranged or designed for such use at the time of enactment of this ordinance; provided that the yard, setback and height regulations of

the district in which the use is located are observed. No building or structure containing a nonconforming use shall be hereafter extended or enlarged except in conformance with the provisions of this ordinance. No building or structure in which active nonconforming use is discontinued for a period exceeding one (1) year subsequent to the enactment of this ordinance, shall again be devoted to any prohibited use. Whenever a nonconforming use of a building has been changed to a more restricted use or to a nonconforming use, such use shall not thereafter be changed to a less restricted use, unless such use would conform to zoning for the area.

7-2 REVERSION TO A CONFORMING USE

Whenever a nonconforming use of a building structure or land has been abandoned or when such a use has been discontinued for more than two years, any re-use of the building structure or land shall conform to this ordinance. However, this shall not be interpreted to interfere with temporary seasonal nonconforming uses that have been in continual operation for a period of (2) or more years prior to the effective date of this ordinance.

Any building damaged by fire or other causes to the extent of seventy five (75) percent or more of its assessed valuation may be rebuilt only in accordance with this ordinance. If any building which has contained a nonconforming use is moved or removed, the subsequent use of the property shall conform to this ordinance.

Permits previously issued: The use of a nonconforming building or land area for which a permit was issued legally, prior to the adoption of this ordinance may continue provided such building is completed within one 91) year after the effective date of the ordinance.

Changes in District: Whenever the boundaries of a zoning district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this ordinance.

7-3 NONCONFORMING LOTS

Any lot of record in a residential zone at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used for residential construction when the required setbacks, side and rear yards are provided: however, when more than fifty (50) percent of the lots in the block in which such nonconforming lots are located have dwelling constructed on them which are nonconforming lots as to either front, side or rear yards, the board of zoning appeals may grant variances as necessary after a formal hearing.

ARTICLE VIII – ZONING PERMITS

8-1 ZONING PERMITS

No building or structure shall be started, reconstructed, enlarged, or altered until a zoning permit shall be obtained from the Zoning Administrator.

The Planning Commission may request a review of the zoning permit approved by the administrator in order to verify the permit with respect to proper zoning district and regulations.

Each application for a zoning permit shall be accompanied by two (2) copies of a drawing showing the size and shape of the parcel of land on which the proposed building is to be constructed; the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoined said parcel of land, and any other information that may be necessary for proper consideration of the application If it appears that the proposed building or use, is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the Zoning Administrator, and one copy of the drawing shall be returned to the applicant with said permit.

Permits Previously Issued: Nothing herein contained shall require any changed in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted before this ordinance becomes effective.

ARTICLE IX – SPECIAL PROVISIONS

9-1 MINIMUM OFF-STREET PARKING

There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard sized automobiles, as follows:

Residential Limited District: Two (2) spaces for a single family dwelling. See below for provisions on other permitted uses.

Residential General District: There shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new dwelling, or each dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each accommodation.

Any commercial building hereafter erected, converted or structurally altered shall provide one parking space for each three hundred (300) square feet of business floor space in the building. Any restaurant or establishment hereafter erected that serves meals, lunches or drinks to patrons either in their cars or in the building shall provide one parking space for each two hundred (200) square feet of business floor space in the building; provided, however, that two (2) or more establishments may provide necessary parking space upon a single parcel of land.

Any church, theater, auditorium, stadium, and any other structure involving the assembling of person, shall provide on the same lot or within one thousand (1,000) feet thereof, together with means of ingress and egress thereto, one parking space for each eight (8) seats provided in the structure.

Any hospital or sanitarium shall provide on the same lot or in the immediate vicinity, together with ingress and egress thereto space for the standing of cars used by patients or their guests at the scale of one (1) space for each three (3) beds.

Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.

Industrial establishments shall provide, on the lot, parking space for one (1) automobile for each four (4) employees.

9-2 MANUFACTURED HOME PARKS

Manufactured Home Parks must conform to all requirements of Article 9 of Charlotte County, Va. Zoning Ordinance adopted 3-1-89.

9-3 WIDENING OF HIGHWAYS AND STREETS

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

9-4 USES NOT PROVIDED FOR

Whenever in any district established under ordinance, a use is not specifically permitted or denied and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the council within thirty (30) days. The Council may then

approve or deny the application in accordance with the provisions of this ordinance and the Code of Virginia 1950 as mended.

ARTICLE X – SIGNS

Regulations for signs in the various Zoning Districts shall be as follows:

10-1 RESIDENTIAL LIMITED AND RESIDENTIAL GENERAL

All signs and outdoor advertising shall conform to the Code of Virginia, and where not in conflict with more restrictive provisions of the Code of Virginia, the following signs are permitted within the size limitation shown:

Home Occupation - 6 square feet in total area.
Church Bulletin Boards - 12 square feet in total area.
Directional Signs – 6 square feet in total area.
Sale or rental of premises upon which erected -6 square feet.

10-2 LIGHT COMMERCIAL, GENERAL COMMERCIAL AND INDJUSTRIAL DISTRICTS

All signs and outdoor advertising shall conform to the Code of Virginia, except that, only one sign for each street upon which a lot abuts shall be permitted to advertise the business on such lots; and when any sign is lighted, such lights shall be so shaded that they will not interfere with the vision of motorists or residential property owners in the vicinity; and further that all flashing (on and off) signs shall be prohibited.

ARTICLE XI – ADMINISTRATION

This ordinance shall be enforced by the Zoning Administrator who shall be appointed by the town council and who, as well as his successors, shall serve at the pleasure of the town council, and whose compensation as such shall be fixed by resolution of the town council.

ARTICLE XII – PROVISIONS FOR APPEAL

12-1 BOARD OF ZONING APPEALS

There shall be a Town of Keysville Board of Zoning Appeals consisting of five (5) members appointed in accordance with the provisions of Section 15.1-494 of the Code of Virginia 1950 as mended. One member of the Board shall be an active member of the Planning Commission of the Town of Keysville, Virginia.

12-1-2 The Board shall elect from its own membership its officers who shall serve such terms and keep such records as provided for in Section 15.1-494 of the Code of Virginia 1950 as amended.

12-2 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

12-2-1 The Boarding of Zoning Appeals shall have the powers and duties provided for in Section 15.1-494 of the Code of Virginia 1950 as amended.

12-2-2 In accordance with the referenced Section it shall have the power and it shall be its duty: a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrator; (b) to grant variances in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extra-ordinary or exceptional situation the strict application of the terms of the ordinance would actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it that the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.

12-3 APPLICATION AND APPEAL PROCEDURE FOR AGGRIEVE PARTIES

12-3-1 An appeal to the Board of Zoning Appeals may be made by any party aggrieved by any decision of the Zoning Administrator. Such appeal shall be made in accordance with the procedure called for in Section 15.1-496 of the code of Virginia 1950 as amended.

12-3-2 The Board shall fix a time for hearing such appeals after giving public notice in accordance with Section 15.1-431 of the Code of Virginia 1950 as amended.

12-3-3 The Board may reverse or affirm or may modify, the order or requirement appealed from.

12-3-4 The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

ARTICLE XIII – INTERPRETATION PROVISIONS

13-1 Nothing contained herein shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted or for which plans were on file with the town council before this ordinance becomes effective, and the construction of which from such plans shall have been started within thirty (30) days after this ordinance becomes effective except that if the building operation in question is discontinued for a period of not less than six (6)

months, any further construction shall be in conformity with the provisions of this ordinance.

13-2 EFFECTIVE DATE

The date of effect of this ordinance shall be from and after its adoption and legal application, and its provisions shall be in force thereafter.

13-3 SEVERABILITY

Should any section or provisions of this ordinance be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole, or any part thereof other than the part as held to be constitutional or invalid.

13-4 CONFLICT WITH STATUTES, LOCAL ORDINANCES, OR REGULATIONS

Where the provisions of this ordinance are in conflict with existing statutes, local ordinances, or regulations, the most restrictive provisions of any of the above shall govern. (Refer Sect. 15.1-498 Code of Va. 1950 as amended.)

ARTICLE XIV – AMENDMENTS

14-1 The Regulations, Restrictions, and Boundaries established in this ordinance may, from time to time, be amended supplemented, changed, modified, or repealed by the Governing Body pursuant to Section 15.1-493 of the Code, as follows:

14-2 The Planning Commission shall hold at least one Public Hearing on such proposed amendment after notice as required by Section 15.1-431 of the Code, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials.

14-3 Before approving and adopting nay amendment, the governing body shall hold at least one Public Hearing thereon, pursuant to public notice as required by Section 15.1-431 of the Code, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the Public Notice without an additional Public Hearing after notice required by Section 145.1-431 of the Code. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.

In the event that the Governing Body shall deny the petition of a property owner or other petitioner to amend this ordinance, substantially the same petition shall not be reconsidered for a period of one (1) year from the date of the original denial by the governing body.

ARTICLE XV – VIOLATION AND PENALTY

15-1 All departments, officials and public employees of the Town of Keysville which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, any such permit or license, if issued to conflict with the provisions of this ordinance, shall be null and void.

15-2 Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, thereof, shall be fined not less than $10.00 nor more than two hundred fifty dollars ($250.00). Such person, firm or corporation shall be deemed to be guilty of a separate offence for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

ARTICLE XVI – DEFINITIONS OF WORDS AND TERMS

16-1 For the purpose of this ordinance, certain words and terms are defined as follows: words used in the present tense include the future; words in the singular number include the plural and the plural the singular.

16-2 ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building, provided that no such accessory building shall be used for housekeeping purposes.

16-3 ADMINISTRATOR, THE ZONING: 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 town council. He may serve with or without compensation as determined by the council.

16-4 AGRICULTURE: The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, animal hospitals or similar uses.

16-5 ALTERATION: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

16-6 ALLEY: A public roadway usually less than 25 feet wide abutting the rear of lots between blocks.

16-7 APARTMENT HOUSE: A building used or intended to be as the residence of three (3) or more families living independently of each other.

16-8 BASEMENT: A story having part, but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story, for the purpose of height regulations, if it is subdivided and used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

16-9 BOARDING HOUSE: A building where, for compensation, lodging and/or meals are provided for at least five (5) but not exceeding fourteen (14) persons.

16-10 BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

16-11 BUILDING, ACCESSORY: A subordinate building, customarily incidental to and located upon the same lot occupied by the main building. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

16-12 BUILDING, HEIGHT OF: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building to the highest point of the roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

16-13 BUILDING, MAIN: The principle building or one of the principle buildings upon a lot, or the building or one of the principle buildings housing the principle use upon the lot.

16-14 BUILDING OFFICAL: The official designated by the Town Council with the responsibility of acting in the capacity of the building official. This designation may be changed from time to time by Council.

16-15 CELLAR: A story having more than one-half (1/2) of its height below grade.

16-16 COMMISSION, THE: The Town of Keysville Planning Commission.

16-17 DWELLING: Any building or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and trailers.

16-18 DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

16-19 DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than one (1) family.

16-20 DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

16-21 FAMILY: One or more persons occupying premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

16-22 GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling.

16-23 GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

16-24 HOME OCCUPATION: An occupation carried on by the occupant of a dwelling in a residential zone as a secondary use in connection with which there is no exterior display; and not more than one (1) person is employed, other than members of the family residing on the premises; including, but not limited to, such occupations as hairdressers, dressmaking and alteration, preparation of foodstuffs and confectionery, renting of private rooms to non-transients, such as students, school teachers, and the like.

16-25 HOTEL: A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

16-26 LOT: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having frontage

upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

16-27 LOT, CORNER: A lot abutting on two or more streets at their intersection.

16-28 LOT, DEPTH OF: The average horizontal distance between the front and real lot lines.

16-29 LOT, WIDTH OF: The average horizontal distance between the side lot lines.

16-30 LOT OF RECORD: A lot which has been recorded in the Clerk's office of the Circuit Court of Charlotte County, Virginia.

16-31 MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished or finished materials, or products, or any or either of them into an article or articles or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing or manufactured articles.

16-32 NONCONFORMING USE: The use of any building or premises contrary to the use regulations of this ordinance for the zone in which the building or premises is located.

16-33 OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way.

16-34 PUBLIC GROUNDS: Area reserved, by deed or otherwise, for public use only.

16-35 SETBACK: The distance by which any building or structure must be separated from the front lot line.

16-36 STORY: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, the space between the floor and the ceiling next above it.

16-37 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.

16-38 STREET, ROAD: A public thoroughfare which affords principal means of access to abutting property.

16-39 STREET LINE: The dividing line between a street or road and the contiguous property.

16-40 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs, billboards and poster panels.

16-41 TOURIST HOME: A dwelling where lodging only is provided for compensation for not exceeding fourteen (14) persons, in contradistinction to hotels and boarding houses, and open to transients.

16-42 TOURIST COURT, AUTO COURT, MOTEL, AUTEL OR MOTEL LODGE: A building or group of 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.

16-43 TRAILER, AUTOMOBILE: A vehicle with or without motive power, designed to be used for human habitation.

16-44 TRAILER COURT: Any area or tract of land used or designed to accommodate two (2) or more automobile trailers.

16-45 USE, ACCESSORY: A subordinate use, customarily incidental and located upon the same lot occupied by the main use.

16-46 YARD: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

16-47 YARD, FRONT: An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot or street line and extending across the full width of the lot.

16-48 YARD, REAR: An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps) and the rear line of the lot and extending the full width of the lot.

16-49 YARD, SIDE: an open unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.