

GRAYSON COUNTY ZONING ORDINANCE



ADOPTED DECEMBER 8, 1998

Amended: 08/17/1999
Amended: 02/13/2001
Amended: 10/09/2001
Amended: 02/09/2004
Amended: 04/17/2007
Amended: 10/09/2008
Amended: 01/08/2009
Amended: 02/12/2009
Amended: 06/10/2010
Amended: 09/14/2011
Amended: 01/09/2014
Amended: 05/08/2014
Amended: 02/11/2016
Amended: 12/17/2018
Amended: 06/13/2024
Amended: 09/12/2024

PREPARED BY THE GRAYSON COUNTY PLANNING COMMISSION

APPROVED BY THE GRAYSON COUNTY BOARD OF SUPERVISORS

Zoning Ordinance of Grayson County

The Grayson County Zoning Ordinance guides development standards and the use of property for those lands in the un-incorporated areas of Grayson County. The incorporated towns of Fries, Independence, and Troutdale administer their own zoning.

Information about zoning is available at the Zoning Administrator's office, located at the Department of Planning & Community Development, Grayson County Courthouse, and 129 Davis Street, P.O. Box 217, Independence, VA 24348 or by calling the Zoning Administrator at 276-773-2471.

The Official Grayson County Zoning Map identifies parcels by Zone Districts. Each property is assigned a zone district based on their location and primary use of the property. The online Zoning Map is available through WEBGIS at the Department of Planning & Community Development website for Grayson County Government or by visiting the Department of Planning & Community Development office at the Grayson County Courthouse.

To identify what standards may apply to a piece of property; landowners should reference Article 3- General Requirements and the information in Article 4- Zone Districts for the zone district assigned to their property.

The information in Article 5- Administration will pertain to the processes affiliated with the administration of zoning in Grayson County such as; applications for permits, involvement of the Boards and Commissions affiliated with the zoning process, special use permits, rezoning, appeals, notice of violations, enforcement, variances and public notice requirements.

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ARTICLE 1 – TITLE, AUTHORITY, JURISDICTION & PURPOSE

- 1-1 **Title.** This ordinance, which shall be known and may be cited as the “Zoning Ordinance of Grayson County, Virginia”.
- 1-2 **Authority.** Adopted pursuant to the authority granted by Title 15.2, Chapter 22, Article 7, §15.2-2280 through § 2315 et seq., of the Code of Virginia, 1950, as amended.
- 1-3 **Jurisdiction.** The provisions of this ordinance shall apply to all land within Grayson County, Virginia, which is not within the jurisdiction of the incorporated towns.
- 1-4 **Purpose.** The general purpose of this ordinance is for the promotion of health, safety and/or general welfare of the public in accordance with §15.2-2283 and §15.2-2200 of the Code of Virginia, 1950 as amended.
- 1-5 **Construction of language.** For the purpose of this ordinance, certain words and terms shall be interpreted as follows.
- 1) The word "shall" and "must" is mandatory and not discretionary; and the word "may" is permissive;
 - 2) The word "lot" includes the words “plots” and “parcel” and will mean a lot on record.
 - 3) The word "permitted" means allowed or permitted without meeting the requirements for a Special Use Permit as described in Article 5.
 - 4) The particular shall control the general. Words used in the present tense shall include the future and any words used in the singular can include the plural and the plural the singular, unless the context clearly indicates the contrary.
 - 5) All public officials, bodies, and agencies to which reference is made are those of the County of Grayson, Virginia; “the Board” shall mean the Grayson County Board of Supervisors, the “commission” shall mean the Planning Commission, the “BZA” shall mean the Board of Zoning Appeals and the “Administrator” shall mean the Zoning Administrator.
 - 6) Any reference to “ordinance” shall mean the Grayson County Zoning Ordinance, unless otherwise stated. Any reference to the “zoning map” shall mean the Official Grayson County Zoning Map.
 - 7) In the case of any difference of meaning or implications between the text of this ordinance and any caption, illustration, or table, the text shall control.

Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the definitions in Article 2.

ARTICLE 2 - DEFINITIONS

- 2-1 For the purpose of this Ordinance, certain words and terms shall be defined as follows. When not defined here the latest edition of Merriam-Webster definition shall apply.
- 2-2 **Access Easement:** A means of access granted for the right of use of a property, granted by a property owner, for the purpose of ingress and egress.
- 2-3 **Accessory Structure:** A structure that is detached from a principal structure on the same lot, and customarily incidental and subordinate to the principal structure or use. Accessory structures may include, but is not limited to, detached garages and garden utility sheds, detached decks and detached gazebos.
- 2-4 **Accessory Use:** An activity or structure that is customarily incidental to and subordinate to an existing established principal activity and/or structure and is located on the same lot as the principal structure.
- 2-5 **“Act of God”:** For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, § [18.2-77](#) or [18.2-80](#), and obtain vested rights under this section.
- 2-6 **Adjacent Grade:** The ground level, nearby and having a common border.
- 2-7 **Administrator or Agent:** The official designated by the Grayson County Board of Supervisors to administer and enforce this ordinance. When not otherwise defined will mean the Zoning Administrator.
- 2-8 **Adult Entertainment/Retail:** Establishment which offers goods and services of an adult nature which may include but is not limited to adult retail, adult themed nightclubs)
- 2-9 **Agriculture/Agriculture Operation:** The use of land for agricultural purposes including but not limited to; the storage, handling, production, or sale of agricultural, horticulture, floriculture, silviculture. May include nurseries, greenhouses, crops, pastures, tillage of soil and orchards. To include the sheltering, raising, handling, processing or sale of agricultural and animal products and may include the use, maintenance and storage of machinery or equipment as part of the agricultural operation. For the purpose of this ordinance equine animals are considered agricultural animals. When numbers of confined agricultural animals reach the thresholds defined in Agriculture- High Intensity the operation shall be considered Agriculture-High Intensity.

- 2-10 Agriculture Buildings/Structures:** Farm buildings & structures that are used for agricultural purposes and not for residential or non-agricultural commercial or industrial uses. Must be located on the same parcel where a bona fide agriculture operation occurs or on adjacent property under the same ownership. See the definition above.
- 2-11 Agriculture-High Intensity:** The use of a tract of land for Animal Feeding Operations as defined by the Department of Environmental Quality and when the following numbers of animals are confined and fed or maintained for a total of 45 days or more in a 12 month period. The animal threshold is based on 500 units and includes; 333 Lactating Dairy Cattle, 500 Feeder & Slaughter Cattle, 250 Horses, 1250 Swine (larger than 55 pds), 3,333 Sheep, 27,500 turkeys, 50,000 Broilers and laying hens.
- High Intensity Agriculture is allowed in Rural Farm District when the minimum tract size is 50 acres and when the minimum separation distance can be met. The minimum separation distance is 500 feet from any agricultural structures/holding pens to the nearest adjacent homes or business under separate ownership.
- 2-12 Agricultural Use:** The use of property for agriculture production. Proof of agricultural use of a property is provided by completing and submitting the Agricultural Affidavit.
- 2-13 Agricultural Affidavit:** A written report and required documentation, signed by the property owner which states that the use of the structure is for agricultural uses only.
- 2-14 Animal Clinic:** An establishment where animals such as dogs, cats, other small pets, and livestock are provided medical or surgical treatment. Includes the terms animal or veterinary hospital.
- 2-15 Automobile and Farm Machinery Sales and Service:** A business that repairs, inspects and/or sells parts or complete units in exchange for monetary gain.
- 2-16 Automobile Graveyard:** Any lot on record or place which is exposed to the weather upon which more than five (5) unlicensed and/or inoperable motor vehicles of any kind are placed, located or found. **Article 3-16** specifies the requirements for Automobile Graveyards.
- 2-17 Auto Body Shop:** An establishment in which damaged automobiles are repaired and/or repainted.
- 2-18 Auto Sales & Services:** Establishments with the primary purpose of selling, cleaning, or repairing motor vehicles.
- 2-19 Bed and Breakfast:** A dwelling or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.
- 2-20 Boarding House:** A long term living arrangement where non-family members are provided lodging and/or meals.

- 2-21 **Brownfield**: A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.
- 2-22 **Building**: A structure having one (1) or more stories and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including manufactured home dwellings.
- 2-23 **Building Code**: For the purpose of this Ordinance shall mean the Building Code(s) enforced by the Grayson County Building Official.
- 2-24 **Building Setback Line**: A line or lines within a lot or other parcel of land so designated on a recorded plat or otherwise established by law which establishes a distance from which a building or structure shall be erected.
- 2-25 **Carport**: An open structure used to cover a vehicle or a recreational vehicle.
- 2-26 **Camping**: Temporary, recreational, overnight use of land, for personal, family or affiliated persons. Two or fewer camping units.
- 2-27 **Campground**: Means and includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel or tract of land, on which three or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer. Campgrounds must operate in compliance with state and local requirements.
- 2-28 **Child Care Center**: Any facility operated for the purpose of providing care, protection, and guidance to a group of five or more children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers under the Code of Virginia, 1950, as amended.
- 2-29 **Code of Virginia**: Shall mean the Code of Virginia, 1950, as amended. The state code that enables zoning and specifies certain practices as it relates to the localities use of zoning law.
- 2-30 **Condominium**: A building or group of buildings, in which units are owned individually, and the structures, common areas, and facilities; which are owned by all the owners on a proportional, undivided basis. May include townhouses when applicable.
- 2-31 **Commercial**: An establishment or business that generally has retail or wholesale sales, office uses, or services which does not generate noise or other impacts considered incompatible with less-intense uses.
- 2-32 **Commercial Boarding Kennel**: Any structure(s) used to house five or more companion animals not belonging to the property owner on a fee-for-service basis.
- 2-33 **Commercial Breeding Kennel**: Any structure(s) in which five or more intact females of canines or felines are kept for a commercial purpose such as to breed and sell companion animals.

- 2-34 **Commercial Recreation Attractions/Events:** The provision of entertainment, recreation or amusement services at a determined location, and in exchange for a fee. The intent is for public use as opposed to private use.
- 2-35 **Commercial Slaughterhouse/Meat processing:** An industrial facility where animals are killed, processed and packaged for food then returned to animals' owners and/or sold in bulk to retail outlets for consumption or other outlets for distribution.2-35 **Commercial Stables:** An establishment where horses are kept for commercial use; including boarding, show, hire and sale.
- 2-36 **Commercial Storage Units:** Structures that are rented or leased for storage in exchange for payment.
- 2-37 **Commercial Warehouse:** A large building used to wholesale, store and/or transfer goods in exchange for payment.
- 2-38 **Communications Tower & Antennas:** A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, M/FM radio digital, microwave or cellular signals.
- 2-39 **Community Center:** A structure or area used for fraternal, social, cultural, and/or recreational programs generally open to the public and designed to serve the local community.
- 2-40 **Companion Animal:** Any animal that is kept, when not raised for food or fiber. For the purpose of this Ordinance equine is considered livestock and/or agricultural animal.
- 2-41 **Construction Sales & Services:** Any establishment involved in the sale of building materials including hardware, plumbing, and lumber supplies, or the sale of building construction services for the erection or repair of structures.
- 2-42 **Construction & Repair Services:** A location used to for a construction or trade related and/or service business and/or the construction services to include trucking, grading and other equipment services related to construction or development. Shall also include the service, repair or rental of home, farm and/or office equipment and appliances.
- 2-43 **Country Store:** Any retail establishment offering for sale; food products, beverages, household items and/or other retail items, including petroleum. Under 15,000 square feet in area, similar to Convenience Stores.
- 2-44 **Custom Slaughter:** Small farm or family operations that slaughter and process for their own use or those of friends and family on sporadic occasion on average less than 2 days a week.
- 2-45 **Deck:** A flat floored roofless area, differs from a patio in that it is raised off of the ground.
- 2-46 **Development:** Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured or mobile

homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

2-47 Dwelling: A structure used as a place of abode. Can include one of the following;

a) Dwelling Accessory-A dwelling unit located within a structure in which the principal activity is commercial, professional or general personal service.

b) Dwelling, Single-Family-Attached -A building containing dwelling units, each of which has a primary ground floor access to the outside and which are attached to each other by party walls without openings. Same as the term "townhouse".

c) Dwelling, Single-Family-Detached -A structure used as a residence by one family, containing one living unit which is entirely separated from structures on adjacent lots and which meets the standards of the Building Officials and Code Administrators International, Inc. (BOCA) Basic Building Code. This term includes modular homes, and manufactured homes.

d) Dwelling, Two-Family or Duplex -A residential structure containing two dwelling units designed for occupancy by not more than two families.

e) Dwelling, Multi-Family -A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like.

2-48 Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be permitted for use under, on, or above said lot or lots.

2-49 Educational Facility: A structure or group of structures used to provide education to fewer than 100 persons on a temporary or permanent basis.

2-50 Elder Care Center: A facility operated for providing care to a group of elderly persons during part of the day only and meeting the licensing requirements under the Code of Virginia, 1950, as amended. State Code may limit zoning authority and shall be referenced.

2-51 Emergency Services Infrastructure: Structures and affiliated infrastructure used for the performance of fire, ambulatory or rescue services.

2-52 Family: An individual or a group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together or as a single housekeeping unit.

2-53 Feedlot: A confined animal operation where livestock is aggregated and fed high calorie feed to maximize their weight prior to slaughter.

2-54 Flea Market: A market where groups of individual sellers offer goods for sale to the public.

2-55 Flood: A general and temporary inundation of normally dry land areas. A one hundred year flood is a flood that, on the average, is likely to occur once every one hundred

(100) years (i.e., one that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

- 2-56 **Floodplain**: Any land area susceptible to being inundated by water from any source. The FEMA designated Special Flood Hazard Area or Floodplain is delineated and reviewed prior to zoning permits and is regulated in the Grayson County Floodplain Ordinance.
- 2-57 **Floodplain Determination/Flood Elevation Certificate**: Document stamped by a licensed professional, trained to determine the physical location of a FEMA Base Flood Elevation and/or proposed or actual building elevations in relation to the Base Flood Elevation.
- 2-58 **Flood prone Construction**: Methods of construction or development that are required when development activities occur in the floodplain in accordance with Building Codes.
- 2-59 **Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 2-60 **Frontage**: The width of a lot or parcel abutting a public right-of-way measured at the front property line.
- 2-61 **Gazebo**: A freestanding roofed structure, open on all sides or with railing on all sides.
- 2-62 **General Retail**: Buildings used to display and sell a variety of common goods. Examples include food and beverage, crafts, antiques, gifts, hardware, appliance and entertainment devices, furniture, clothing and shoes and other household items.
- 2-63 **Grayson County WebGIS**: Online, web based Geographic Information System available to the public at the Grayson County Website, Department of Planning & Community Development. Provides parcel data, zoning map, FEMA Special Flood Hazard Area and other useful data for land use applications.
- 2-64 **Group Care Facility**: A facility, required to be licensed by the state, which provides training, care, supervision, treatment, and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include daycare centers, family daycare homes, foster homes, schools, hospitals, jails, or prisons.
- 2-65 **Health or Fitness Club**: An establishment providing health, exercise or athletic services and/or goods.
- 2-66 **Height**: The vertical distance from the highest point on a structure (except any chimney, spires, antennas or other minor, narrow structural extensions on a building) to the average ground level of the grade where the walls or other structural elements intersect the ground.
- 2-67 **High-Volume Kennels**: Kennel(s) or structure (s) where over 25 companion animals are kept or/are intended to serve, to provide medical care, grooming services, to give

shelter/respice as foster homes and/or rescue and/or other uses with volumes of animals over 25 units.

- 2-68 Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residence. A maximum limit of 10 persons (including family members) can be under employment or engaged in the activity, and the use shall be on the same parcel as the residence. It is the responsibility of the landowner to ensure that the buildings used for the activity(s) meet Building Code requirements. All parking shall be off street and impact to the surrounding community shall be kept to a minimum.
- 2-69 Home Occupation Limited:** An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residence. A maximum limit of 5 persons (including family members) can be under employment or engaged in the activity, and the use shall be on the same parcel as the residence. It is the responsibility of the landowner to ensure that the buildings used for the activity(s) meet Building Code requirements. All parking shall be off street and impact to the surrounding community shall be kept to a minimum.
- 2-70 Hospital:** Institutions rendering medical, surgical, obstetrical or convalescent care. May include Nursing Homes and institutional sanatoriums.
- 2-71 Human Service Facilities:** Facilities which provide care, education and/or rehabilitation of human beings when the care is for non-family members. May include but is not limited to Home care, Child Care, Foster Care, Group Homes, Day Care and Elder Care Centers. Where required by State Code; Human Service Facilities must be licensed with the Commonwealth of Virginia and meet the Building Code for structures used. State statutes limit zoning authority for certain facilities and shall be referenced prior to permit.
- 2-72 Incineration Facility:** A permitted facility to reduce the volume of solid wastes, extracting in some cases energy in the form of steam, heat, or electricity, and disposing the remaining ash in a solid waste land-filling facility.
- 2-73 Industrialized Building:** A combination of one or more sections or modules, subject to state regulations 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 shall not be considered industrialized buildings for the purpose of this code
- 2-74 Infrastructure:** Streets, utilities or other physical improvements necessary for development.
- 2-75 Inoperable Motor Vehicles:** Any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid. May also include the major element of a vehicle when the entire vehicle is not whole, such as the shell and/or frame of a vehicle.

- 2-76 Junkyard:** An establishment (clarify business only) or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the purpose of this ordinance may relate to the operation of an automobile graveyard and affiliated commercial activities related to automobile graveyards.
- 2-77 Landfill-Municipal:** A solid waste disposal site as defined by the Virginia Waste Management Board to accommodate municipal solid waste.
- 2-78 Landscaping:** The planting and maintenance of trees, shrubs, lawns and other ground cover or materials, flowers, walkways, landscaping gravel, and appropriate grading, such as to render an aesthetic appearance to the viewer or to shield from view.
- 2-79 Library:** Public facility that shares books, multi-media devices and other informational items while providing a community facility for activities and/or educational use.
- 2-80 Light Manufacturing:** Assembling and manufacturing activities that do not occupy a building of more than 15,000 square feet, do not employ more than fifteen (15) employees, have no exterior storage or unsightly elements outside of enclosed screening or landscaping to screen from neighboring properties. Structures that use or store hazardous materials and are considered High Hazard Group H according to the Virginia Construction Code, cannot be classified light manufacturing use.
- 2-81 Limited Access Parcel:** A parcel unable to meet the access requirements of the Grayson County Zoning Ordinance, **Article 3-7 a-e**, and approved by the Subdivision Agent as a Limited Access Parcel.
- 2-82 Lodge or Inn:** A facility offering overnight accommodations as a destination point for visitors and may provide additional services such as a restaurant, meeting rooms, and recreational facilities.
- 2-83 Lot:** A unit within a subdivision or may include any single parcel of land.
- 2-84 Lot on/of record:** Defines a lot or parcel which has been recorded in the Clerk of Circuit Court, Grayson County and which has received a tax map number from the Commissioner of the Revenue.
- 2-85 Lot Line or parcel boundary:** A line marking the boundary of a lot or parcel.
- 2-86 Manufacture:** The act or process of producing something, by hand or with machinery
- 2-87 Manufactured Home:** A structure subject to federal regulation, which is transportable in one or more sections; is eight (8) feet or more in width and forty (40) body feet or more in length in the traveling mode; or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family 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. Mobile Homes were built prior to 1976.

- 2-88 Manufactured Home Park:** A parcel of land under single or common ownership in which ten (10) or more manufactured homes and affiliated infrastructure are located and occupied continuously by non-family members.
- 2-89 Medical/Dental Clinics:** Facility where medical and dental services are provided in exchange for a fee.
- 2-90 Microbrewery:** A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry outs and/or on-site tap-room or restaurant sales as a brewpub.
- 2-91 Mobility Setback:** The setback distance of a structure, used to ensure that a vehicle or recreational vehicle can move out and away from a structure, by control of their own property or other method in accordance with **Article 4-13.13**. Pertains to the Shoreline Recreation Zone District.
- 2-92 Motel or Hotel:** A building or group of detached or connected buildings containing more than one separate rooming unit designed or used primarily for providing sleeping accommodations for automobile travelers or transient guests at a daily rate. Automobile parking is located on the premises.
- 2-93 Museum:** A building or place devoted to the acquisition and exhibit of items or artifacts of historical interest and educational value accessible by the general public.
- 2-94 Nonconforming Structure:** A building or structure or portion thereof lawfully existing at the time this ordinance became effective, which was designed, erected or structurally altered for a use that does not conform to zoning regulations of the zone in which it is located.
- 2-95 Nonconforming Use:** A use that lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued and which does not currently conform to the use regulations.
- 2-96 Outdoor Recreation:** Activities such as boating, fishing, hunting, hiking, nature watching and similar activities performed outdoors for recreation.
- 2-97 Parcel on record:** Same as lot of record or lot on record.
- 2-98 Park Homes:** A unit four hundred (400) square feet or less, a type of movable resort cottage designed for part time recreational use only. When more than two is proposed for a lot or area they shall follow the requirements for campgrounds. Park homes must:
- a. Meet the permit requirements for placement and elevation and anchoring and setup requirements set forth in the manufactures set up instruction, verified by the building official.
 - b. The water and drainage system of any home or premises where plumbing fixtures are installed shall be connected to a public or private water supply and a public or private sewer system. As provided for in Section 103.11 of Part] of the Virginia Uniform

Statewide Building Code (13 VAC 5-63) for functional design, water supply sources and sewage disposal systems are regulated by the Virginia Department of Health and the Virginia Department of Environmental Quality.

- 2-99 **Personal Services:** Establishment that provides services for personal health and/or beauty. May include beauty or barber shops, tanning salons, manicure, pedicure, professional massage, fitness centers, dance studio and other services for non-medical health and well-being.
- 2-100 **Picnic Shelter:** A roofed and open structure used for enjoyment of the outdoors gatherings of people or to dine under.
- 2-101 **Place of Worship (or Church):** Structure or location where services or rites are held showing reverence for a deity.
- 2-102 **Planned Unit Development:** A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as referenced in this ordinance. A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual basis. Planned Unit Development is a type of Subdivision and guidelines are available in the Grayson County Subdivision Ordinance.
- 2-103 **Plat or survey:** A drawing, plan or map representing a parcel. Legal surveys shall be drawn by a licensed professional.
- 2-104 **Principal Activity or Use:** The main use of land or structures as distinguished from secondary or accessory uses.
- 2-105 **Principal Building:** A structure, or where the context so indicates, a group of structures in or on which is conducted the principal activity of the lot on which the structure is located.
- 2-106 **Print Shop:** A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.
- 2-107 **Professional Office Services:** Structures and services related to professional trades which may include; lawyers, architects, graphic designers, consultants, online financial sales or services, engineers, surveyors, insurance, real estate and similar services.
- 2-108 **Property Owner:** The person, firm, corporation, executor or trustee in ownership of the property. The property owner shall be the entity listed on the Grayson County Real Estate Database as managed by the Commissioner of Revenue Office, unless proved otherwise.

2-109 Proposed Towing Mechanism/Path of Travel: The side of a recreation vehicle or camper where the towing mechanism is located. For self-propelled vehicles, the planned path of travel to move a recreation vehicle from the parked location out to a public road.

2-110 Public Street: Any thoroughfare or public way which has been dedicated for public use.

2-111 Recreational Vehicle: A vehicle which is built on a single chassis, is four-hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is recreational camping, travel, or seasonal use. Recreational vehicles placed on sites shall either:

- a) be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or
- b) Meet the permit requirements for placement elevation and anchoring requirements for manufactured homes as stated in the Uniform Statewide Building Code.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Two Recreational Vehicles or Camping units are allowed on any lot of record, the number of units over two shall be considered a campground.

2-112 Recreational Vehicle Park: Any lot or land on which one or more recreational vehicle sites are located, established, and maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes.

2-113 Recycling Collection Center: A building which is used to collect container and paper waste, separate, and store used materials such as newspapers, aluminum cans, and glass prior to shipment to reuse the materials to manufacture raw materials.

2-114 Recycling Processing Facility: A facility in which common recyclable resources such as newspapers, glass and metal cans are reprocessed and treated to return such products into raw materials for shipment or re-use. Shall not apply to processing of large equipment, metal scrap, appliances or motor vehicles.

2-115 Restaurant: An establishment where food is ordered, prepared and served for pay.

2-116 Retreat Center: A retreat or conference center used as a facility for professional, educational or religious meetings or seminars where meals and recreational activities may be provided for participants. Retreat centers that provide overnight accommodations as a campground or a common facility with over seven bedrooms is considered **Retreat Center-Overnight**.

2-117 Retreat Center Overnight: A retreat center that has camping lots, cabins or a facility with over seven (7) bedrooms for overnight accommodation.

- 2-118 Right of Way/Legal Easement:** The right to pass over property. Legally recorded in the Clerk of Court as a land record and/or legal right to use other property.
- 2-119 Riverbank Edge:** The point where the riverbank ends the vertical ascent up from the water edge and levels out to a horizontal plane.
- 2-120 Roof:** The top covering of a building. Roof area is the total area of the covering, measured as width x the length in feet to establish the total square footage of the roof.
- 2-121 Sawmill - small scale:** Any milling machine and associated equipment used for changing raw timber into lumber products. Small scale when employment of less than ten (10) individuals and related traffic generation is under fifty (50) vehicles per day. Small scale sawmills must be placed at least fifty (50) feet from all adjoining property lines.
- 2-122 Sawmill - large scale:** Any milling machine and associated equipment used for changing raw timber into lumber products and exceeds the parameters for small scale sawmill.
- 2-123 School:** Private or Public Facility used for educational purposes where one hundred (100) or more persons use a structure or group of structures on a similar parcel.
- 2-124 Setback (Street):** The minimum required distance between the structure and the public street or road.
- 2-125 Setback (Yard):** The minimum required distance between the structure and all adjoining property line(s).
- 2-126 Sign:** A structure or device designed or intended to attract attention and convey information to the public in written or pictorial form and located outdoors.
- 2-127 Solar Energy Generating Facility (Solar Facility):** Solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks, and screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy generating facilities, when used in the Grayson County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory Solar Facility: A solar facility comprised of photovoltaics attached to and/or incorporated into building components and/or materials for structures, such as roofs or shingles, along with supporting equipment, the facility being an accessory use to the principal use of the property and not exceeding 50 kW. Such facilities may be ground-mounted. Supporting equipment commonly includes panels, racking, inverters, performance monitoring, grid connection, and energy storage systems.

Large-Scale Solar Energy Facility: A ground-mounted solar facility that generates electricity from sunlight on an area adequate to support a rated capacity of one megawatt (MW) alternating current or greater.

Operator: The company or individual responsible for the overall operation and management of the solar facility.

Owner: The company or person who owns all or a portion of a solar facility.

Participating landowner: A person who owns real property under lease or other property agreement with the owner or operator of a solar facility.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Project; Project Area: These terms, when used in the context of identifying the limits or area of a facility, or the distance or separation of a facility or its components from other features, shall refer to the entirety of one or more parcels or leased portions of parcels upon which a facility is proposed to be sited.

Rated capacity: The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Small-Scale Solar Energy Facility: A ground-mounted solar facility that generates electricity from sunlight on an area adequate to support a rated capacity of one megawatt (1 MW) alternating current or less.

- 2-128 Solid Waste Management Facility:** A permitted facility to receive solid wastes for disposal in land-filling operation or for storing or compacting for reshipment to another facility.
- 2-129 Special Use:** A use that is not permitted by right in a zone district. A special use permit can be granted in accordance with **Article 5** of the ordinance. Can be referred to as a special exception or a conditional use in other ordinances.
- 2-130 State Designated Road:** A road designated by the Virginia Department of Transportation as a public road with a designated route number assigned by the Virginia Department of Transportation.
- 2-131 Stockyard:** A commercial enterprise that features an enclosure where farm animals are kept on a temporary basis, prior to transport, slaughter, sale or vaccination or to facilitate exchange of animals.
- 2-132 Storage Shed:** A small building used to store items or things.
- 2-133 Structure:** Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. Shall include buildings and/or other "built" items when the purpose is for regular use at a specified location.
- 2-134 Subdivision:** Any division of property as defined in the Grayson County Subdivision Ordinance.

- 2-135 Substandard Lot:** Lot or parcel not suitable for building development or a lot which is incompatible with the county's ordinances and requirements
- 2-136 Temporary Accessory Mobile Home:** A mobile living unit of more than three hundred and twenty (320) square feet, designed to accommodate a caregiver, such as a family member, to be located near the home of those who require care. Shall be temporary in nature and placed with a permit. Must be removed from the site, when the care is no longer required.
- 2-137 Temporary Roadside Market:** A structure or area of land used for more than a three-day period for the sale of locally produced agricultural or horticultural products, antiques, and/or locally made craft items.
- 2-138 Towable Trailer:** A nonautomotive vehicle designed to be hauled by road and towed by an automotive vehicle. Used to transport something. For the purpose of this Ordinance is not considered a recreational vehicle and not to be used for human occupation.
- 2-139 Use:** The activity occurring on a lot or a parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.
- 2-140 Variance:** A reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.
- 2-141 Viewshed:** The view of an area from a specific vantage point. It includes all surrounding points that are in line of sight with that location.
- 2-142 VDOT Representative:** Designated official of the Virginia Department of Transportation serving Grayson County.
- 2-143 Wall:** Upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area. Includes areas in conjunction with doors and windows when purpose is to enclose an area.
- 2-142 Winery:** The use of a structure or land to produce wine or a business involved in the production of wine.
- 2-144 Wind Energy Generating Facility (Wind Facility):** A facility or project that generates electricity from wind and consists of one (1) or more wind turbines and may include other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines. The following words, terms and phrases pertaining to wind energy generating facilities, when used in the Grayson County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory Wind Facility: A wind facility comprised of a tower and wind turbine that has a wind turbine height less than one hundred (100) feet and a rated capacity less than 100KW, along with supporting equipment, the facility being an accessory use to the principal use of the property. Supporting equipment commonly includes turbines, towers, controllers, inverters, grounding systems, foundations, and energy storage systems.

Rated capacity: The maximum capacity of a wind facility based on the sum total of each turbine's nameplate capacity, which is typically specified by the manufacturer with a label on the turbine equipment.

Temporary meteorological tower (MET) or wind monitoring tower: A free-standing tower equipped with instrumentation, such as anemometers, designed to provide real-time data pertaining to wind speed and direction, and used to assess the wind resources at a particular site.

Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment. This includes a structure on which a wind turbine is mounted, or on which anemometers and other instrumentation are mounted in the case of MET towers.

Utility-Scale Wind Energy System: A wind facility with a rated capacity of one (1) megawatt (MW) or greater that generates electricity from wind, and consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site. Two (2) or more wind turbines otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single utility-scale wind energy project.

Wind turbine: A device that converts wind energy into electricity through the use of a wind turbine generator. A wind turbine typically consists of a tower, nacelle, rotor, blades, controller and associated mechanical and electrical conversion components.

Wind turbine height: The vertical height of a wind turbine as measured from the existing grade to the highest vertical point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

2-145 Yard: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be constructed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang.

2-146 Zone Map Amendment (Rezone): An authorized change in the Official Zoning Map. Often pertains to the rezone of property(s) to another Zone District.

2-147 Zone Text Amendment: An authorized change in the Zoning Ordinance or text affiliated with the Zoning Ordinance.

2-148 Zoning Permit: A written permit issued by the Zoning Administrator which is required before commencing any construction, reconstruction, alteration of any building or other structure, or before establishing, extending, or changing any activity or use on any lot.

Article 3- General Requirements for All Zone Districts

This section outlines the general requirements for all properties in the un-incorporated areas of Grayson County. Landowners should also reference the Zone District for the specific piece of property. This information is available in **Article 4- Zone Districts**.

- 3-1 Lot Size/Adjustment.** The standards for lot size and dimensions shall meet the minimum requirements as listed in **Article 4- Zone Districts**.

The lot size standard as listed in the Zone District shall apply unless a separate standard has been approved as part of an approved subdivision in accordance with the Grayson County Subdivision Ordinance.

The division of property (subdivision) and/or the adjustment of property lines must be in accordance with the Grayson County Subdivision Ordinance. Subdivision and/or lot line revision of property is allowed in all Zone Districts when the standards in the Subdivision Ordinance can be met. The Subdivision Ordinance is available in the Department of Planning & Community Development at the Grayson County Courthouse.

- 3-2 Compliance.** After the effective date of this ordinance, no building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, converted or structurally altered except in conformity with all of the regulations specified for the district in which such building, structure or land is located and with all other applicable provisions of this Ordinance, except as provided in **Article 3-4** and **Article 3-5**.

- 3-3 Relationship/Separability.** Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply. The interpretation and application of this ordinance shall be construed to be minimum requirements.

It is the responsibility of the property owner to understand how local, state and federal codes may apply to their project. Development guidelines and standards may be required by other local, state and federal laws. Dependent on the project, other statutes may be involved such as the: the Building Code, Grayson County Erosion & Sediment Control Ordinance, Grayson County Floodplain Ordinance and Grayson County Subdivision Ordinance. State or Local Stormwater Management Programs/Ordinances may apply, in particular, for common plans of development and/or projects that will develop or grade for new development. State agencies such as the Virginia Department of Transportation, Virginia Department of Health and the Virginia Department of Environmental Quality may require their own standards as it relates to development projects. The U.S Army Corps of Engineers should be consulted when impact to waterways or wetlands is proposed. When needed, the Grayson County Department of Planning & Community Development is available to assist the landowner with information about local, state and federal agencies that are related to development.

This ordinance is not intended to override any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

The provisions of this ordinance are cumulative with additional limitations imposed by all other laws and ordinances, previously passed or which may be passed after the adoption of this ordinance, governing any subject matter appearing in this ordinance.

The provisions of this ordinance are separable. Thus, if any court of competent jurisdiction judge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment. If any court of competent jurisdiction or judge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

3-4 Existing Nonconforming Features & Uses. (Commonly known as “Grandfather Clause”) This article pertains to the features of a building, structure or lot which was in existence prior to the effective date of the Zoning Ordinance and/or pertains to any non-conforming use of a property, where the use was in existence prior to the effective date of the Ordinance.

Existing nonconforming features of any building, structure and/or lot shall be allowed to continue with determination from the Administrator that such building, structure or lot was in existence prior to the effective date of the Ordinance.

The existing nonconforming building or structure can be altered, repaired, enlarged or extended as long as the extension or alteration does not increase the degree or extent of the non-conforming feature. In regard to setback distances, the new setback distance (because of the addition/repair) shall not be less than the already established distance of the non-conforming structure to the setback. Existing nonconforming structures/buildings can be replaced when the replacement of the structure can be built within the same footprint of the original structure or built to the standard so that no portion of the structure shall exceed the original setback distances. It is the responsibility of the owner to document and show the existing and proposed design as part of the permit application to replace or expand a non- conforming structure or building.

Permits to replace or repair non-conforming structures in the Shoreline Recreation Zone District will only be issued when it can be shown that 1) the location is outside of the Floodplain/Special Flood Hazard Area or 2) the replacement/repair meets the standards of the **Grayson County Floodplain Ordinance**.

Permits to replace or expand any non-conforming buildings or structures shall be obtained prior to demolition. When replacement is required due to fire or other “acts of god”, a zoning permit for the new building or structure shall be obtained within twenty-four (24) months of the incident. Repair or replacement of flood damaged structures

located within the Special Flood Hazard Area shall be in conformance with the **Grayson County Floodplain Ordinance**.

Existing nonconforming uses shall be allowed to continue when it is determined by the Zoning Administrator that the use was in operation prior to the effective date of the Zoning Ordinance and when the time parameters for continued use have been met. It is the responsibility of the landowner to provide proof of existence when needed. Whenever a nonconforming use is discontinued for a period of more than twenty four (24) consecutive months, whether or not equipment or fixtures intended for such use are removed, vested rights will not apply and any subsequent use of the property shall conform to the effective ordinance and current district regulations.

3-5 Zoning Permits Required. A zoning permit shall be obtained for any structure or building placed on a parcel located within the un-incorporated jurisdiction of Grayson County unless considered exempt by **Article 3-6**.

Zoning Permits shall be obtained prior to the construction or placement of the structure and before the issuance of a building permit. The application process for zoning permits can be found in **Article 5- Administration**. Questions regarding the need for a permit shall be directed to the Zoning Administrator.

Special Use Permits are required when the proposed use is not listed as an allowable use in the Zone District for the property in question and the proposed use can be considered a Special Use. Reference **Article 5** for more information about obtaining Special Use Permits.

Floodplain Development Permit is required for development of property which is located in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area. Information about the floodplain and development requirements is available at the Department of Planning & Community Development.

3-6 Exemptions for Zoning Permit.

These structures are exempt from zoning permit.

- a. Fences, flagpoles, posts and/or gates when not considered part of a common plan of development or not part of a sign or an overhead vehicle entrance.*
- b. One story detached accessory structures when less than two hundred fifty six (256) square feet in area.*
- c. Prefabricated utility buildings used for public utilities when the floor area is under one hundred and fifty (150) square feet in area.*
- d. Agricultural buildings & structures with proof of bona fide agriculture operation by signing and submitting the Agricultural affidavit, to confirm that the use is agricultural.*
- e. Public and/or private plumbing, electrical or utility lines/infrastructure.*

*Structures that are exempt from the zoning permit requirement may not be exempt from the **Grayson County Building Code** or the **Grayson County Floodplain Ordinance**.

*Structures placed/ located in the Shoreline Recreation Zone District are not exempt and a zoning permit is required for ALL structures or buildings located in this zone district.

*Areas located in a FEMA designated Special Flood Hazard Area are not exempt and a zoning permit is required for ALL structures or buildings in this area.

3-7 Access Requirements for Principal Buildings (residential/other). A principal building(s) is defined as the structure(s) in or on which is conducted the principal activity of the lot on which the structure is located. Most often this is residential homes but can include a commercial building or other structure. The purpose of this article is to encourage new development in those areas capable of providing safe and legal access to the principal building. These are minimum standards necessary to obtain a zoning permit and may not be suitable for all properties.*

The landowner should also reference **Article 3- Zone Districts** to understand the uses permitted, lot size and setback requirements.

The access requirement to build a principal structure can be met by one or more of the following conditions;

- a. The parcel on record has a minimum of thirty (30) feet of road frontage on a state designated public road.
- b. The parcel on record has a minimum of a thirty (30) feet deeded or legal right of way from the parcel boundary to a state designated public road.
- c. The parcel on record was created as part of an approved subdivision and fronts an approved subdivision street meeting the requirements of the Grayson County Subdivision Ordinance.
- d. The parcel on record was created as part of an approved Family Subdivision, in accordance with the Grayson County Subdivision Ordinance.
- e. The parcel on record was created prior to December 8, 1998 (when zoning was enacted) and has not experienced any change in shape or size since December 8th, 1998. These parcels are described as Pre-98 parcels.
- f. The parcel on record is an approved Limited Access Parcel and meets the requirements of the Grayson County Subdivision Ordinance for Limited Access Parcel Classification.

*The Grayson County Department of Planning & Community Development and The Grayson County Building Department recommend a higher standard for access which may be necessary to achieve potential uses of the property for investments, commercial and/or industrial uses. For some properties; greater access area may be needed to achieve VDOT Entrance Permits, Utility right of ways, grading, requirements necessary to meet the Erosion and Sediment Control/Stormwater Management Program, Virginia Statewide Fire Code, access for emergency vehicles and fire apparatus and other unforeseen property/access needs. The minimum standards listed above may not be suitable for all properties.

3-8 Residential Density. The maximum number of single family dwellings-detached (includes residential homes, manufactured homes and cabins et al.) per parcel on record; shall not exceed **three (3) dwellings**. When more than one (1) single family dwelling is proposed

for a parcel on record, each additional dwelling unit must meet the minimum requirements listed below;

- a. Maintain a minimum distance of fifteen (15) feet between each residential structure
- b. Meet the street and property setback requirements for the zone district
- c. Meet the minimum lot size requirement for the zone district and multiplier for each residential structure. (For example; the minimum lot size is .69 acre x 3 proposed homes = 2.07 acre lot is required for all three homes)
- d. Parcel on record shall meet the access requirements for a principal structure as listed in **Article 3-7 a-e**.

Recommended: Single family dwellings sharing a common parcel should arrange structures to provide access to the primary road. To accommodate any future division of the dwelling/area of lot affiliated with the dwelling from the parent parcel, the access requirements in **Article 3-7** and the requirements of the Grayson County Subdivision Ordinance shall be met.

Note: These are the requirements for a zoning permit and may not include Building Code and/or Health Department requirements for multiple residences.

3-9 Accessory Structures. Structures that are an accessory to the principal structure and detached, such as sheds, barns, garages et al., are allowed on any lot of record in Grayson County when the minimum lot size and setbacks for the structure can be obtained in accordance with the zone district for the lot. Permits must be obtained in accordance with **Article 3-5** and **Article 3-6** of this ordinance.

3-10 Manufactured Homes. The purpose of this section is to prevent the abandonment of old manufactured homes and the issues of health, safety and welfare that can occur when manufactured homes are replaced and the older manufactured homes are left to deteriorate onsite and/or are not properly and safely reset on the lot or moved.

When manufactured homes are to be replaced with a new home, the old manufactured home must be removed from the lot within *one hundred eighty (180) days of the date of replacement, unless the older manufactured home can meet **Article 3-10.1** or **Article 3-10.2**.

3-10.1 Reset for Residential Use. The old manufactured home can be reset on the same lot on record, with an approved zoning and building permit for the placement of the manufactured home on the lot for residential use. Must meet the requirements of **Article 3-7** for access and **Article 3-8** for residential density.

3-10.2 Reset as Accessory Building. Reset as an accessory structure, with written approval by the Building Official that the "change in use" from residential to accessory can be achieved, and with an approved zoning and building permit for the new placement of the manufactured home as an accessory building on the lot.

*When temporary storage of the older manufacture home is planned on site for the 180 day, time period, the home must be set up for proper storage within 30 days of the date of replacement by the new home.

** The Department of Planning & Community Development encourages property owner(s) who are considering the placement of a mobile home built prior to 1976 to contact the Building Department, prior to purchase or acquisition, to ensure that the mobile home can meet local Building Codes.

3-11 Manufactured Home Parks, Recreational Vehicle Parks, Campgrounds. A Special Use Permit is required to establish a Manufactured Home Park, Recreational Vehicle Park and Campground in the Rural Farm or Commercial Districts. The applicant shall consult with the Administrator, Building Department, Virginia Department of Health and Virginia Department of Transportation to establish a site plan and legal framework that can be presented as part of the Special Use Permit Application. See **Article 5 Administration** for more information on Special Use Permits. For the purpose of this ordinance;

Manufactured Home Park means a parcel of land under single or common ownership in which ten (10) or more manufactured homes and affiliated infrastructure are located and occupied continuously by non-family members.

Recreational Vehicle Park means any lot or planned development on which three (3) or more recreational vehicle sites are located. Recreational vehicles shall only be used as temporary recreation or vacation uses.

Campground means any lot or planned development on which three (3) or more campsites are occupied or intended for occupancy by unrelated persons and intended for the accommodation of camping for periods of overnight or longer.

3-12 Health, Safety and Welfare Requirements for Uses. The purpose of this section is to provide general requirements for specified uses in **Article 4 - Zone District**. These standards have been identified as extra measures that are necessary to ensure that the health, safety and welfare of the public can be met while providing low impact services and businesses in the community. The requirements listed below shall be addressed or met prior to the issuance of a zoning permit for a structure or prior to being considered as an allowable use for the Zone District in which the property is located.

- 1) A separation distance of a minimum of fifty (50) feet from business related outdoor activities on the property (except for parking) to all adjacent property lines or the applicant must provide a signed agreement from all adjacent property owners that the proposed use will not create negative impact to their properties.
- 2) Consultation with the Building Department to ensure that the building can meet Building Codes, Erosion & Sediment Control Standards and Storm water Management requirements.
- 3) Consultation with the Virginia Department of Transportation to ensure that safe access to the public road can be achieved.
- 4) Consultation with the Virginia Department of Health to ensure that water and sewer services can be met.

3-13 Signs. In the interest of public safety and the general welfare and character of the community, signs are regulated as listed below;

3-13.1 Permit needed. A Zoning Sign Permit is required for all signs, unless considered exempt in **Article 3-13.4**. When a sign permit is required the applicant shall submit the Zoning Sign Permit Application and receive the Zoning Sign Permit prior to installation of the sign. Building Code requirements are separate and it is the responsibility of the applicant to contact the Building Department for permits.

3-13.2 Relation to Virginia Department of Transportation (VDOT). The Grayson County Zoning Ordinance does not preclude or supersede any regulation from VDOT for use of the VDOT right of way for placement of signs. It is the responsibility of the applicant/property owner to consult with VDOT regarding the area of the VDOT Right of Way and relationship to the proposed sign. Any zoning permit issued for signs in Grayson County will not exempt any requirements from VDOT as it relates to use of the VDOT Right of Way.

3-13.3 Billboard Signs. For the purpose of this ordinance, a Billboard Sign is a sign whose parameters for sign face and/or height exceeds the parameters in **3.13.5-Table A**. Billboard signs are not allowed in Grayson County.

3-13.4 Exempt from Sign Permit. The following signs are exempt from Zoning Sign Permit unless they are deemed a *safety hazard by the Zoning Administrator.

*Signs listed below, which pose a serious threat to traffic safety, as identified by the Zoning Administrator, may be required to be moved if a safety threat is identified at the time of placement or after the time of placement. Any sign listed below has the right to apply for a permit prior to placement to protect their investment and/or to ensure that a safety hazard will not be identified.

Exempt From Permit.

- a. Non-illuminated signs when not visible from any public or private street and/or any adjacent property line.
- b. "Signs by right" - defined as any non-illuminated sign at or under twenty-four (24) square feet in area (measured by the face area of the sign), when placed so that the top portion of the sign is no higher than ten (10) feet above the adjacent grade and when the sign is positioned so that the sign is located at least thirty (30) feet away from the centerline of any public road and sign will not create a safety hazard. When the applicant can prove with written verification from the VDOT representative, that the proposed sign location is not in the VDOT Right of Way, the thirty (30) feet standard can be replaced with the distance specified by VDOT for placement out of the VDOT Right of Way.
- c. Signs that are provided and/or required by a federal, state or county government function or as may be required by law, ordinance government regulation. (For example VDOT traffic signs)

- d. Non-illuminated temporary signs (for a period not to exceed three (3) months) when under thirty two (32) square feet. Examples of this type of sign may include but is not limited to political campaign signs, public event signs, and sale event signs. Without a permit, these signs shall be removed after three (3) months or ninety (90) days of the installation date.
- e. Non-illuminated on premise directional signs when used for public and safety welfare and when placement is at least twenty-five (25) feet from any public street.(Example Public Restroom signs, signage for loading docks, et al.)
- f. Non-illuminated wall mounted, roof mounted or façade mounted signs on buildings when the sign does not exceed the height of the building and can be attached in a safe manner. Murals painted on buildings do not require a permit.
- g. Non- illuminated real estate or construction signs when the sign face is less than twenty four (24) square feet and the signs are temporary in nature.
- h. Signs that are submitted and approved as part of a Zoning Process Site Plan. For example as part of a Special Use Permit or rezone application when submitted and approved by the Board of Supervisors.

3-13.5 Sign Standards for permit. Applicants/Applications for zoning sign permit shall;

- a. Submit a Zoning Sign Permit Application to the Zoning Administrator. Receive Zoning Sign Permit prior to placement.
- b. Ensure that all signs can be properly anchored and supported. Method of attachment must be shown on the Zoning Sign Permit Application. The location and size of the sign shall also be shown on the permit application.
- c. Illuminated signs will require a zoning permit, regardless of size, unless approved as part of a Zoning Process Site Plan. Signs must be self-illuminated or any spot light/directional lighting must be pre-approved to ensure that the light will not interfere with traffic or adjoining properties.
- d. Meet the size parameters and required setback distances listed in **Table A- Standards for Signs that Require Permit by Zone District.**

Table A - Standards for Signs that Require Permit -By Zone District.

Maximum height allowed is measured from the adjacent grade to the top of the sign face. The height cannot be greater than height given.

Maximum Sign face is defined as the area that conveys the message or surface on which the message is conveyed. Area cannot be greater than.

Minimum Distance is the minimum distance that the sign can be located relative to the centerline of the public street. Distance cannot be closer than listed.

Zone District	Maximum Height	Maximum Sign Face Area	Minimum Distance to Centerline of Public Street
Rural Farm	10 feet	32 square feet	Located 25 feet
Rural Residential	10 feet	24 square feet	Located 25 feet
Commercial	35 feet	100 square feet	Outside of VDOT ROW
Industrial	35 feet	100 square feet	Outside of VDOT ROW
Shoreline Rec	10 feet	24 square feet	Located 25 feet
Highland Rec Pub	Under jurisdiction of the public land agency		

3-13.6 Existing Signs. Signs in existence prior to the effective date of this ordinance.

Existing signs can be repaired or replaced to the original standards of the existing footprint, height from grade and sign face size. Must meet current Building Codes for repair or replacement.

Sign repair or replacement that will expand outside of the original footprint (with an increase in sign face size, height or location) must obtain a new sign permit prior to the demolition and replacement of the original sign.

3-13.7 Moving signs. Moving Signs are not allowed in any zone district. Signs with a rotating message are allowed in Commercial Districts or when approved as part of a Zoning Process Site Plan.

3-13.8 Damaged and Derelict Signs. All signs located in the un-incorporated areas of Grayson County, regardless of need for permit, must be maintained in good condition and appearance. Signs must be removed when they are beyond repair or when they are no longer needed. Signs affiliated with a business or service which has not be active for twenty-four (24) months shall be removed.

3-14 Renewable Energy Infrastructure. Includes; Wind Energy Generating Facilities, Hydropower Systems, Solar Energy Generating Facilities , Solar Thermal Systems, and Combustion units.

The purpose of this section is to provide guidance, regulations, and standards as it relates to renewable energy infrastructure in the un-incorporated areas of Grayson County. Renewable Energy Infrastructure is allowed in accordance with the standards set forth in this Section. Unless stated otherwise, structures associated with renewable energy infrastructure require a zoning permit.

3-14.1 Hydropower Systems. Micro-hydro systems for personal use or business use are allowed in all zone districts and will not require a zoning permit. Utility and utility scale hydropower systems will require a Special Use Permit are permitted either by-right or subject to a Special Use Permit as specified within the applicable zoning districts in Article 4. For the purpose of this Ordinance Utility Scale Hydropower are those systems with rated capacity of over 100 KW of electricity. Landowners should reference state and/or federal requirements for use of the waterway when the use of the waterway is regulated by state or federal law.

3-14.2 Combustion Units. Combustion units that are located inside the principal building or those that are an accessory to a home or business are allowed in all

zone districts permitted either by-right or subject to a Special Use Permit as specified within the applicable zoning districts in Article 4 when the fuel source is woody biomass, coal or agricultural in nature. Incineration units where the primary fuel is solid waste and/or other products other than woody biomass or agricultural and/or when the unit is designed for off-site, utility scale electrical generation or when proposed as part of a commercial based solid waste disposal unit, shall require a location in the Industrial District.

3-14.3 Solar Energy Generating Facilities

3-14.3.1 Applicability and Permitting. The requirements set forth in this Section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy generating facilities in the County. Solar facilities are permitted either by-right or subject to a Special Use Permit as specified within the applicable zoning districts in Article 4. Regardless of whether uses are allowed by-right or only with a Special Use Permit, a Zoning Permit is required pursuant to Section 3-5.

3-14.3.2.1 Pre-Application Meeting. Prior to submission of a Special Use Permit application, a pre-application meeting shall be held with the Zoning Administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, as well as the potential for a siting agreement, if applicable.

3-14.3.2.2 Third-Party Review. The County is authorized to hire an independent third-party consultant, and may choose to do so at their discretion, to review any Special Use Permit application and all associated documents for completeness and compliance with this section and any other state and federal codes. Any costs associated with the review shall be paid by the applicant. Any payment of such fees would in no way be a substitute of payment for any other application review fees otherwise required by the County.

3-14.3.2.3 Completeness/Compliance Review. Upon submission, the Zoning Administrator and/or a third-party reviewer shall review the application and determine whether it is complete (i.e., that all required application materials have been submitted) and compliant (i.e., that the application and proposed use meet all required regulations and standards). Based upon this review, the Zoning Administrator may determine that an application is incomplete and/or noncompliant and either reject the application or require the applicant to submit additional or revised application materials prior to proceeding to further review.

3-14.3.2.4 Neighborhood Meeting. Following application submission and at least 14 days prior to the review conducted pursuant to subsection 3-14.3.2.5, Comprehensive Plan Review, a public neighborhood meeting shall be held to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed application. The meeting shall adhere to the following requirements:

- a. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least 14 but no more than 21 days, in advance of the meeting date.
- b. The date, time and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 14 but no more than 21 days, in advance of the meeting date.
- c. 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.
- d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
- e. The applicant shall provide the Planning Office/Department with a summary of any input received from members of the public at the meeting and copies of any written submissions from the public.

3-14.3.2.5 Comprehensive Plan Review. Pursuant to §15.2-2232., of the Code of Virginia, the Planning Commission shall consider, at a public meeting, whether the general or approximate location, character, and extent of the proposed solar facility is substantially in accord with the County's Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Board of Supervisors, indicating its approval or disapproval with written reasons therefor. The Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of its membership. Failure of the Planning Commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the Planning Commission to the governing body within 10 days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the Board of Supervisors shall overrule the commission.

In conducting this review, the Planning Commission may perform this review at a meeting separate from and preceding any public hearing on the Special Use Permit application. The Planning Commission may hold a public hearing as part of this review, and shall hold a public hearing if directed to do so by the Board of Supervisors.

3-14.3.2.6 Consideration of Special Use Permit by the Planning Commission and Board of Supervisors. The Planning Commission and Board of Supervisors shall consider, review, and take action on Special Use Permit applications as specified by Section 5-11, Special Use Permit.

3-14.3.2.7 Siting Agreement. For Solar Energy Generating Facilities requiring a Special Use Permit, applicants shall enter into a siting agreement with the County, pursuant to and as authorized by Article 7.3, Siting of Solar Projects and Energy Storage Projects, of the Code of Virginia, unless this requirement is waived by the Board of Supervisors.

3-14.3.3 Application Requirements. In addition to application materials required pursuant to Section 5-11, Special Use Permit, all Special Use Permit applications for solar facilities for which a Special Use Permit is required shall include the following materials and information to be furnished by the applicant with any costs in developing, procuring, or preparing such materials and information to be borne by the applicant:

3-14.3.3.1 Project Narrative. A detailed narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of application, and describing the proposed energy facility, including an overview of the project and its location; the project area and the area to be fenced; the current use of the site; the estimated time for construction, any phasing schedule, location of staging areas or off-site storage facilities, and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of equipment to be constructed, including the maximum number of photovoltaic panels; specifications for proposed equipment, including the manufacturer and model, materials, color and finish, and racking type for solar facilities; ancillary facilities; and how and where the electricity will be transmitted, including the location of the proposed electrical grid interconnection.

3-14.3.3.2 Concept Plan. A concept plan as a visual summary of the project. The concept plan shall be prepared by a professional, state-licensed engineer and shall include the following:

- a. Identification of subject parcels and property lines and/or leased portions of parcels and limits of leased areas, and fenced areas, along with areas in acreage and square feet;
- b. Identification of required setbacks;
- c. Existing and proposed buildings and structures, including identification of buildings, structures, or features to be removed or retained; preliminary locations, total area, and heights of proposed solar panels, ancillary equipment, and other proposed structures; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress;
- d. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers, and existing landforms (i.e., natural berms, hills, rocky outcrops, etc.) intended to be used as a buffer or screening;

- e. Existing and proposed access roads, drives, turnout locations, and parking;
- f. Location of substations, electrical cabling from the facility to substations, ancillary equipment, buildings, and structures, including those within any applicable setback;
- g. Fencing or other methods of ensuring public safety;
- h. Proposed lighting;
- i. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, and the closest distance to all adjacent property lines and buildings, noting their uses; and
- j. Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

3-14.3.3.3 Grading Plan. A draft grading plan that limits grading to the greatest extent practicable. The Plan shall include:

- a. Existing and proposed contours;
- b. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
- c. Percent of the site to be graded;
- d. An earthwork balance achieved on-site with no import or export of soil; and
- e. Indicate natural flow patterns in drainage design and amount of impervious surface.

3-14.3.3.4 Landscape Plan. A draft landscape plan identifying:

- a. The location of existing vegetation and the limits of proposed clearing;
- b. All proposed ground cover, screening and buffering materials, landscaping, and elevations;
- c. Locations of wildlife corridors; and
- d. Landscape maintenance requirements.

3-14.3.3.5 Visual Impact Analysis. An analysis demonstrating project siting and proposed mitigation, if necessary, so that the proposed facility minimizes impacts on the visual character, viewsheds, and/or vistas of the County. At a minimum the visual impact analysis shall include accurate, to scale, photographic simulations showing the relationship of the facility and its associated equipment and development to its surroundings. The photographic simulations shall show such views of the facility from locations such as property lines, roadways, and/or scenic viewsheds/vistas as deemed necessary by the County in order to assess the visual impact of the facility. The total number of simulations and the perspectives from which they are prepared shall be established by the Zoning Administrator after the pre-application meeting. Visual representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the facility. All visual representations will include existing and proposed buildings and tree coverage.

3-14.3.3.6 Community Impact Assessment. An assessment of the impact of the proposed facility on the immediate vicinity as well as the greater County. The assessment shall be prepared by one or more individuals or firms acting within their professional competency, shall be presented in written form, and shall analyze in specific terms the probable impact of the facility on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

- a. Consistency of the proposed facility with applicable policies contained in the County's Comprehensive Plan;
- b. Anticipated direct revenues to the county from real estate and personal property taxes;
- c. An assessment of employment opportunities to be created by the proposed development;
- d. An assessment of the short- and long-term economic impact of the proposed development;
- e. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise;
- f. Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities;
- g. Sewer and stormwater management needs as compared to existing capacities and facilities to address:
 - i. Adequacy of existing utilities, water, sewer, public services, and public facilities in the vicinity of the development;

- ii. Public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements; and
 - iii. Other public and quasi-public facility and service impacts including refuse collection and disposal systems intended to serve the development.
- h. Socioeconomic changes and impacts to result from the proposed development;
 - i. The costs in both capital and operating funds of providing services to the proposed development; and
 - j. What efforts, if any, are proposed to mitigate the service demands or costs to the county.

The Zoning Administrator may waive certain elements of the impact assessment where the nature of the proposed facility makes such elements inapplicable.

3-14.3.3.7 Environmental Impact Assessment. An assessment of the impact of the proposed facility to include the following:

- a. A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within 5 miles of the project parcels.; and
- b. An inventory of wetlands, rivers, streams, and floodplains, to be delineated and mapped, in order to provide baseline data for the evaluation of the current proposal and evaluation of the satisfactory decommissioning as required. The inventory and mapping of floodplain shall not be construed to allow development within regulatory flood plain areas without a flood plain development permit.

3-14.3.3.8 Traffic and Transportation Assessment. An assessment of the impact of the proposed facility, including construction processes, on traffic and transportation infrastructure, to include the following:

- a. The time of day that operations and construction transport activities will occur;
- b. A map showing the desired primary and secondary transportation routes for operations and construction traffic;
- c. Characteristics of operations and construction loaded vehicles, including:
 - i. Length, height, width, curb weight;

- ii. Maximum load capacity;
 - iii. Number of axles, including trailers;
 - iv. Distance between axles and
 - v. Vehicle registration plates
- d. Haul route(s)

After review, the County may require a full traffic study to be accepted by an engineer approved by the County.

3-14.3.3.9 Decommissioning and Reclamation Plan. A draft decommissioning and reclamation plan certified by an engineer with a professional engineering license in the Commonwealth of Virginia, to include the following and demonstrating compliance with the requirements of Section 3-14.3.6.10, Decommissioning and Reclamation:

- a. The anticipated life of the project, along with the basis for determining the anticipated life of the project;
- b. The estimated decommissioning cost in current dollars;
- c. How said estimate was determined;
- d. The method of ensuring that funds will be available for decommissioning and restoration;
- e. The method that the decommissioning cost will be kept current;
- f. The manner in which the facility will be decommissioned and the site restored; and
- g. Anticipated plans for the disposal and/or recycling of project equipment and components, including the identification of disposal and/or recycling sites located in the County.

3-14.3.4 Minimum Development Standards for Solar Energy Generating Facilities.

The following minimum development standards shall apply to solar energy generating facilities, as stipulated:

3-14.3.4.1 Compliance with building codes and standards. Solar facilities shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval. Facilities subject to a Special Use Permit shall be constructed and maintained in substantial compliance with the approved Concept Plan.

3-14.3.4.2 Multiple uses. Small- and large-scale solar facilities may be located on parcels with other active agricultural, residential, commercial, or industrial uses.

3-14.3.4.3 Location, dimensional, and setback standards.

- a. Accessory solar facilities and small-scale solar facilities shall be subject to the applicable setbacks of the zoning district in which the facility is located.
- b. Large-scale solar facilities shall be subject to the following location, dimensional, and setback standards:
 - i. The maximum project area of a solar facility shall be 500 acres.
 - ii. The area of solar panel coverage for any single solar facility project may not exceed 65 percent of the total acreage of the project.
 - iii. Solar facilities shall not be located closer than 1 mile to any town or city boundaries, or from properties in the Rural Residence (RR), Highland/Recreation-Public (HR-P), or Shoreline Recreation (SR) zoning districts. The distance requirement from town or city boundaries may be reduced or waived as part of a Special Use Permit if the Planning Commission and Board of Supervisors receive a written statement from the applicable chief administrative official expressing no objection to the proposed location of a facility closer than 1 mile.
 - iv. No solar facility shall be located within 2 miles of another existing or permitted large-scale solar facility.
 - v. Solar facilities interconnecting to transmission lines shall be located within 2 miles of transmission line corridors.
 - vi. Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below (the more restrictive requirements shall apply).
 - vii. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:
 - a. 150 feet from adjacent property lines.
 - b. 150 feet from all public rights-of-way.
 - c. 250 feet from a dwelling.

The Planning Commission may recommend and the Board of Supervisors may require increased setbacks up to 300 feet in situations where the height of structures or the topography affects the visual impact of the facility.

These setback requirements shall not apply to the internal property lines of those parcels on which a solar facility is located.

Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

3-14.3.4.4 Height. For accessory, small-, and large-scale solar facilities, the maximum height of the lowest edge of photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures, and other components of a solar facility shall be 15 feet, which shall be measured from the highest natural grade below each element. This limit shall not apply to utility poles, substations, or the interconnection to the overhead electric utility grid. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

3-14.3.4.5 Density. Absent specific authorization by the Board of Supervisors as part of a Special Use Permit, no more than 3 percent of the land area in any given 5-mile radius shall be approved for use as the fenced area for a large-scale solar facility. Under circumstances deemed appropriate by the Board of Supervisors, the Board may approve a denser development for large-scale solar facilities, and establish the maximum density permitted for the subject solar facility.

3-14.3.4.6 Buffer and Screening. For large-scale solar facilities, such facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of adjacent properties and public streets by a buffer zone at least 100' in width. The buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property. The buffer shall be maintained for the life of the facility. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 75 feet. Screening methods may include:

- a. Existing Screening: Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.

- b. **Vegetative Screening:** In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 5-6 ft. in height at time of planting. A triple row of trees shall be placed on average at 15 feet on center. A list of appropriate plant materials shall be available at the Planning Office. Species listed on DCR's Invasive Plant Species list shall not be used.
- c. **Berming:** Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top with appropriate pollinator-friendly native plants, shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.
- d. **Opaque Architectural Fencing:** Fencing intended for screening shall be at least 50 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.

3-14.3.4.7 Ground Cover. For large-scale solar facilities, ground cover on the site shall be native vegetation and maintained in accordance with the landscaping plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the Special Use Permit and the facility's decommissioning. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

3-14.3.4.8 Security Fencing. For large-scale solar facilities, such facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) at a minimum of 7 feet in height and topped with razor/barbed wire, as appropriate. The height and/or location of the fence may be altered in the conditions for any particular special use permit. Fencing must be installed on the interior of the vegetative buffer. Fencing shall be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility. All fencing shall be constructed so as to substantially lessen the likelihood of entry into a solar facility by unauthorized

individuals. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the discretionary-use Permit and the facility's decommissioning.

3-14.3.4.9 Wildlife Corridors. For large-scale solar facilities, the Applicant shall identify access corridor(s) for wildlife to navigate through and across the solar facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife. Access corridors for wildlife to navigate through the solar facility shall be identified and shown on the Concept Plan submitted to the County.

3-14.3.4.10 Lighting. For large-scale solar facilities, proposed lighting fixtures as approved by the County to minimize off-site glare and shall be the minimum necessary for safety and/or security purposes. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the Zoning Administrator. Lighting on the site shall comply with any Dark Skies Ordinance the Board of Supervisors may adopt or, from time to time, amend.

3-14.3.4.11 Signage. For all solar facilities, no signage of any type may be placed on the facility other than notices, warnings, and identification information required by law. Warning signage shall be placed on solar equipment to the extent appropriate or legally required. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:

- a. manufacturer's or installer's identification;
- b. appropriate warning signs and placards;
- c. signs that may be required by a federal or state agency; and
- d. signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.

3-14.3.4.12 Transmission Lines. Any new electrical transmission lines associated with a solar facility may be located either above or below ground in a manner to be least intrusive and mitigate their impact to surrounding properties.

3-14.3.6 Construction, Operational, and Decommissioning Requirements for Solar Energy Generating Facilities. The following requirements shall be met during the construction phase and/or throughout the operational life of solar facilities subject to a Special Use Permit:

3-14.3.6.1 Noise/Sound. Audible sound from solar facilities shall not exceed sixty (60) decibels, as measured from any adjacent non-participating landowners' property line. This level may be exceeded during short-term exceptional circumstances, such as severe weather. The owner or operator of a solar facility shall measure and document, on a continuing basis, which shall not be less frequent than annually, or upon request by the County, that noise levels comply with the decibel limit established herein; any violation will constitute a zoning violation.

3-14.3.6.2 Groundwater Monitoring. Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of a project, throughout the area of the facility. Ground water monitoring shall take place every five years of the operation of the facility, and upon completion of decommissioning. Results from said monitoring shall be delivered to the County.

3-14.3.6.3 Coordination of Local Emergency Services; Emergency Response Plan. Prior to completion of construction, the owner or operator of a facility shall coordinate with the County's emergency services to provide materials, education, and/or training on how to safely respond to on-site emergencies, and to develop, implement and periodically update, including exercising of, an emergency response plan. Emergency personnel will be given a key or code to access the property in case of an on-site emergency.

3-14.3.6.4 Monitoring and Maintenance. The owner or operator shall maintain the solar facility in good condition. Such monitoring and maintenance shall include, but not be limited to, painting, evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers, as applicable, maintenance of the buffer areas, and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. Failure to maintain the Solar Facility may result in revocation of the Special Use Permit and the facility's decommissioning.

3-14.3.6.5 Liability Insurance. The owner or operator of a facility shall provide written evidence of liability insurance to the Zoning Administrator in an amount acceptable to the purchasing utility provider prior to beginning construction and before the issuance of a zoning permit.

3-14.3.6.6 Damaged Panels; Storage. All physically damaged panels or any portion or debris thereof shall be collected by the facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged; storage of damaged panels or portion or debris thereof shall not exceed thirty (30) days beyond any required period for insurance, warranty claim or in event of force majeure, for which reasonable documentation shall be submitted to and approved by the Zoning Administrator. For the purposes of the foregoing, force majeure shall be defined to include strikes, lockouts or other labor disturbances,

inability to secure labor or materials in the open market, acts of God or other element of nature or accidents, delays or conditions arising from or relating to acts of war, domestic or international terrorism, pandemic, civil disturbances or riots, or any other matter or condition that is beyond the reasonable anticipation and control of the Applicant.

3-14.3.6.7 Compliance with Local, State, and Federal Requirements. During the term of issued Special Use Permits, operation of facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

3-14.3.6.8 Inspections.

- a. The applicant, owner, or operator will allow designated County representatives or employees access to a facility for inspection purposes. The County representative or employee will provide the facility operator with 24-hour notice prior to such inspection when practicable.
- b. The applicant or owner of a facility shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

3-14.3.6.9 Change in Ownership. Notice of any change of ownership of the facility shall be provided to the County within ten (10) working days of any such change.

3-14.3.6.10 Decommissioning and Reclamation.

- a. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- b. The owner or operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
- c. Decommissioning shall be performed in compliance with an approved Decommissioning Plan, which must be submitted for approval by the Board of Supervisors prior to the issuance of a Zoning Permit. The draft Decommissioning Plan and the final Decommissioning Plan must demonstrate compliance with the requirements of this section. The Board

of Supervisors may approve any appropriate amendments to or modifications of the Decommissioning Plan.

- d. Decommissioning shall include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site shall be graded and re-seeded to restore it to as natural a condition as possible, unless the landowner requests in writing that the access roads or other land surface areas not be restored, and this request is approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
- e. The site shall be re-graded and re-seeded to as natural condition as possible within 12 months of removal of facilities. Re-grading and re-seeding shall be initiated within a 6-month period of removal of equipment.
- f. Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request must be approved by the Zoning Administrator.
- g. Hazardous material from the property shall be disposed of in accordance with federal and state law.
- h. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
 - i. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - ii. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 - iii. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value, plus 10%.

- iv. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
- v. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
- vi. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

3-14.4 Wind Energy Generating Facilities. Accessory wind facilities that are accessory to a principal use of a property are permitted either by-right or subject to a Special Use Permit as specified within the applicable zoning districts in Article 4. Utility-scale wind energy systems, or any wind energy generating facility constituting a principal use of property, are prohibited in all zoning districts.

3-15 Communication Tower & Antenna Regulations. The purpose of this section is to establish general guidelines for the siting of communication towers and antennas. The goals of this section include; encouraging the towers in non-residential areas when possible, minimizing the total number of towers by providing adequate service through co-location where possible and to site the towers in ways that minimize negative visual impacts to the community. Proposed towers of greater height (over 100ft) and/or towers that are proposed to be illuminated shall require a Special Use Permit. Permitted towers shall be located at a setback distance from any adjacent property line and any public street, at a distance in feet that equals or exceeds the proposed height of the communications tower plus 25% of this distance.

3-15.1 Applicability. This section shall only apply to towers and antennas that are installed at heights greater than fifty (50) feet. Towers used for wind turbines shall be governed by Article 3-14 and are not subject to and are exempt from this section.

The purpose of this section is for communications towers, albeit when other towers over fifty (50) feet are proposed applicable sections shall apply.

The placement of an antenna on (or in) an existing structure or existing tower or pole shall be allowed by right, when the additional height of the tower on the existing structure does not exceed an additional twenty (20) feet or more and the addition can meet Building Code Requirements.

Any tower structure or addition to a structure that may require FAA lighting will adhere to the requirements in this section.

3-15.2 General Guidelines and Requirements

1) Principal or Accessory Use—For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulation, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lot. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2) Inventory of Existing Sites—Each application for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the locality or within five (5) miles of the border thereof, including specific information about the location, height, and existing use and number of tenants on each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or with other organizations seeking to locate antenna(s) within the jurisdiction of the locality, provided, however that the Zoning Administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

3) Design and Lighting—The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the County of Grayson may waive that the goals of this ordinance are better served thereby and in accordance with the following:

a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color;

b) At a facility site, the design of the building and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structure;

c) If an antenna is installed on a structure other than a tower, the antenna and 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;

d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Zoning Administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views;

e) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure;

f) To permit co-location, the tower shall be designed and constructed to permit extension to two others users and to permit use by the County at no cost to the County as stated in **3-15.11**.

g) Towers shall be designed to collapse within the lot lines or within the leased area in case of structural failure.

3-15.3 Federal Regulations. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal or State Government with the authority to regulate towers and antennas.

3-15.4 Building Code. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

3-15.5 Information Requirement

1) Each applicant requesting a special use permit under this ordinance shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, set-backs, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator may require other information to be necessary to assess compliance with this Ordinance. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.

2) An engineering report, certifying that the proposed tower is compatible for co-location with a minimum of three (3) users including the primary user, must be submitted by the applicant. This provision may be waived by the Board of Supervisors in a particular case.

3) The applicant shall provide copies of its co-location policy.

- 4) Antennas and sites for possible co-location are no higher in elevation than necessary.

3-15.6 Factors Considered in Granting Special Use Permits for New Towers

- 1) Height of the proposed tower;
- 2) Proximity of the tower to residential structures and residential district boundaries;
- 3) Nature of the uses on adjacent and nearby properties;
- 4) Surrounding topography;
- 5) Surrounding tree coverage and foliage;
- 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- 7) Proposed ingress and egress;
- 8) Co-location policy;
- 9) Language to facilitate co-location;
- 10) Consistency with the comprehensive plan and the purposes to be served by zoning;
- 11) Availability of suitable existing towers and other structures as discussed below; and
- 12) Proximity to commercial or private airports.

3-15.7 Availability of Suitable Existing Towers of Other Structures. New towers shall not be permitted unless the applicant can demonstrate to the reasonable satisfaction of the Board that existing towers or structures will not suffice for the applicant's proposed antenna. Evidence submitted to demonstrate this may include the following;

- 1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
- 2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- 3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
- 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's antenna;

5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are above industry standards; and

6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

3-15.8 Setbacks. The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Board of Supervisors may reduce the standard setback requirement if the goals of this ordinance would be better served thereby. Those setbacks are:

1) The tower must be set back from any off-site residential structure no less than five hundred (500) feet;

2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for structures.

3-15.9 Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climb device; provided, however, that the Grayson County Board of Supervisors may waive such requirements, as it deems appropriate.

3-15.10 Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, the Grayson County Board of Supervisors may waive such requirements if the goals of this Ordinance would be better served thereby. The following are landscaping requirements:

1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities;

2) In locations in which the Grayson County Board of Supervisors find that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether;

3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Grayson County Board of Supervisors may determine the natural growth around the property perimeter may be sufficient buffer; and

4) Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and guy wires, if applicable, and installation of access for vehicle utilities. The Grayson County Board of Supervisors in a particular case may waive this provision.

3-15.11 Local Government Access. Owners of towers shall provide Grayson County and/or its political subdivision or agent, with space on the tower, at no cost to the county, at an elevation to be determined jointly by the owner of the tower and the county, to accommodate the County. The County may assign this space to an affiliate at no cost to the County.

3-15.12 Removal of Abandoned Antennas and Towers Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from Grayson County notifying the owner of such removal equipment requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables, guy wires and anchors and support buildings. The building and footers may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

3-16 Automobile Graveyard. Automobile Graveyard is defined as; Any lot or place which is exposed to the weather upon which more than five (5) unlicensed and/or inoperable motor vehicles of any kind are placed, located or found.

Unlicensed shall mean that a current license plate tag, from the Department of Motor Vehicles (DMV) is not attached to the vehicle.

Inoperable motor vehicle shall mean any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid DMV license plates; or does not display an inspection decal that is valid. May also include the major element of a vehicle when the entire vehicle is not present, such as the shell and/or frame.

3-16.1 Storage of vehicles. Allowable storage of motor vehicles, shall mean the ability to store up to five (5) unlicensed and/or inoperable motor vehicles, exposed to weather, when listed as an allowed use in the zone district. Indoor storage of vehicles (of any number of vehicles) is allowed, when the visible presence of the storage is not apparent from outside of the structure.

Agricultural Storage of Vehicles. The use of a property for agricultural purposes shall exempt the property from this section when the landowner can prove that 1) the property upon which the vehicle storage occurs is used for agricultural purpose and 2) that a current "Tangible Business Personal Property" tax form was submitted to the Commissioner or Revenue for the agricultural operation and those farm use vehicles that may be considered inoperable and/or not licensed and used for farm purposes.

Automobile and Farm Vehicle Sales & Service. The use of a property for a business related operation (where services are given in exchange for a fee) that is affiliated with Automobile and/or Farm Vehicle Sales & Service operations, may keep a temporary storage of vehicles to be repaired, stored and or processed as part of the primary business operation and shall be exempt from this section when the landowner can show 1) that there is an automobile or farm

vehicle related business associated with the storage or inoperable or unlicensed vehicles 2) that a current "Tangible Building Personal Property" tax form was submitted to the Commissioner of Revenue for the business listed and equipment and inventory used as part of the business.

3-16.2 Operation of Automobile Graveyards. The establishment and/or operation of Automobile Graveyard(s) is allowed in a Zone District when Automobile Graveyard is listed as an allowable use or when listed as a Special Use and a Special Use Permit is granted in accordance with **Article 5.**

Automobile Graveyards in existence prior to the effective date of this ordinance may be considered an existing non-conforming use as determined by the Zoning Administrator in accordance with **Article 3-4.**

3-17 Regulation of Mountain Ridge Construction. The purpose of this section is to regulate the development of property located above 3,500 feet in Grayson County as provided and authorized in Code of Virginia, § 15.2-2295.1, Regulation of mountain ridge construction.

3-17.1 Definitions. The following terms, as used in this section, shall be defined as indicated, unless the context requires a different meaning:

Construction means the building, alteration, repair, or improvement of any building or structure.

Crest means the uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Protected mountain ridge means a ridge with (i) an elevation of 3,500 feet or more and (ii) an elevation of 500 feet or more above the elevation of an adjacent valley floor.

Ridge means the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.

Tall buildings or structures means any building, structure or unit within a multi-unit building with a vertical height of more than 40 feet, as determined by ordinance, measured from the top of the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge to the uppermost point of the building, structure or unit. "Tall buildings or structures" does not include (i) water, radio, telecommunications or television towers or any equipment for the transmission of electricity, telephone or cable television; (ii) structures of a relatively slender nature and minor vertical projections of a parent building, including, but not limited to, chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires or windmills; or (iii) any building or structure designated as a historic landmark, building or structure by the United States or by the Board of Historic Resources; the exclusion of

“equipment for the transmission of electricity” and “windmills” from this definition does not include equipment for the generation of electricity or towers or turbines associated with a wind energy generating facility.

3-17.2 **Applicability.** The provisions and regulations of this section shall apply to any parcel or portions thereof wherein a protected mountain ridge is located.

3-17.3 **Permitting.** Except for single-family dwellings, two-family dwellings, and townhouses, tall buildings and structures proposed to be located on a protected mountain ridge shall require the issuance of a Special Use Permit pursuant to Section 5-11, Special Use Permit, of this Zoning Ordinance; single-family dwellings, two-family dwellings, and townhouses, if considered tall buildings and structures, shall not require a Special Use Permit. In addition to the criteria contained in Section 5-11 to be considered by the Planning Commission and Board of Supervisors in their respective recommendation and action on Special Use Permits, any Special Use Permit under this section shall be denied if the application fails to provide for (i) adequate sewerage, water, and drainage facilities, including, but not limited to, facilities for drinking water and the adequate supply of water for fire protection and (ii) compliance with the Erosion and Sediment Control Law.

3-17.4 **Prohibitions.** The following buildings and structures shall be prohibited entirely and are not eligible to seek a Special Use Permit for location on a protected mountain ridge:

- 1) Towers or turbines associated with a wind energy generating facility.

3-17.5 **Administration.** The Zoning Administrator shall make determinations regarding the height and elevations under this section based upon the best available information and information provided by an applicant.

ARTICLE 4: ZONE DISTRICTS AND OFFICIAL ZONING MAP

- 4-1 **Establishment of Districts.** For the purpose of this ordinance, the unincorporated areas of Grayson County are divided into the following Zone districts:

<u>Zone District</u>	<u>Code</u>	<u>Page</u>
Rural Farm	RF	54
Rural Residence	RR	57
Light Commercial	LC	59
Commercial	C	59
Industrial	IND	63
Highland/Recreation-Public	HR-P	67
Service District	SD	67
Shoreline Recreation	SR	69

- 4-2 **Provisions of Official Zoning Map.** The boundaries and locations of each of these districts are hereby established as shown on the map entitled "Official Zoning Map of the County of Grayson, Virginia." The Zoning Map and all notations, amendments, and other information thereon are hereby made a part of this ordinance, the same as if such information set forth on the map were all fully described and set out herein. The Official Zoning Map is available at the Department of Planning & Community Development and/or available at the online WEBGIS zoning map layer. The Zoning Administrator can assist the public with Zone District determinations.
- 4-3 **Identification or Alteration of the Official Zoning Map.** All changes made in district boundaries or other matters shown on the Zoning Map must be in accordance with the provisions of this ordinance and the Code of Virginia, 1950, as amended, and shall be entered on the official zoning map within seven (7) days after the amendment has been approved by the Board of Supervisors. Any amendments to this ordinance which involves a change on the Official Zoning Map shall become effective immediately upon action of the Grayson County Board of Supervisors. No changes of any kind shall be made on the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change shall be considered a violation of this ordinance and punishable as a misdemeanor.
- 4-4 **Rules for Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
- 1) Boundaries indicated as approximately following the center lines of railroads, streams, streets, roads, or alleys shall be interpreted as following such center lines;

- 2) Boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines and the extension of lot lines in the event that the boundary extends across un-platted tracts;
- 3) Boundaries indicated as approximately following corporate limits shall be interpreted as following such corporate limits;
- 4) Boundaries indicated as approximately following the center lines of streams, river, lakes, or other bodies of water shall be interpreted as following such center lines, and in the event of a change in the course of a body of water, shall be interpreted as moving with the actual center line;
- 5) Boundaries indicated as parallel to or extensions of features indicated above shall be so interpreted. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 6) Where natural or man-made features actually existing differ with those shown on the Official Zoning Map, the Planning Commission shall determine the district boundary; and
- 7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance and a determination is needed for the remainder of the portion, the Planning Commission shall review the need for zoning map clarification and determine the appropriate zone district.

4-5 District Regulations. Each parcel of land in the un-incorporated areas of Grayson County is assigned a zone district classification. Landowners shall reference the Zone District for which the property is assigned, in addition to **Article 3-General Requirements for all Zone Districts.** To determine the zone district classification the tax map number for the parcel will be used as referenced on the Official Zone Map. The definitions in **Article 2** shall apply for uses and special uses, unless otherwise stated in this Ordinance.

The Grayson County Zoning Ordinance is considered inclusive. This means that only those uses listed in the ordinance are allowed for the Zone District. Should the need arise for a use classification or to consider the inclusion of a use which is not listed, the applicant should consult with the Administrator and consider applying for a Zone Text Amendment. A Zone Map Amendment or Rezone application is available for those who choose to pursue a map amendment to rezone their property to another zone district. Zone Text and Zone Map Amendment applications are available in the Department of Planning & Community Development and can be applied for in accordance with **Article 5 - Administration.**

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may amend, supplement, or change the regulations, district boundaries, or classifications of property, by motion of the Board itself, or upon motion of the Planning Commission, or by petition as provided, and only after the required public hearings and report by the Planning Commission in accordance with **Code of Virginia, § 15.2-2286.**

Zone Districts

4-6 Rural Farm District (RF). The purpose of this district is to preserve and protect the existing rural character, natural amenities, and the agricultural base of the County. This district is composed of agriculture and forest land, low-density residential uses and services with a mix of light industrial, low impact commercial services and outdoor recreational uses.

4-6.1 Uses Permitted. The following uses are permitted in Rural Farm Zone District.

- a. Accessory uses
- b. Agriculture
- c. Agriculture, High Intensity, as specified in **Article 2-11**
- d. Automobile and Farm Machinery, Sales and Service, in accordance with **Article 3-12**
- e. Bed & Breakfast/Lodges/Inns (six bedrooms or less)
- f. Camping Units/Recreational Vehicles in accordance with **Article 2-111**
- g. Commercial Stables for equine in accordance with **Article 3-12**
- h. Community Center in accordance with **Article 3-12**
- i. Construction and Repair Services in accordance with **Article 3-12**
- j. Construction Sales and Services in accordance with **Article 3-12**
- k. Country stores in accordance with **Article 3-12**
- l. Custom Slaughter as defined in **Article 2-44**
- m. Educational Facilities in accordance with **Article 3-12**
- n. Emergency Services Infrastructure accordance with **Article 3-12**
- o. Flea Markets
- p. General Retail under 15,000 square feet in accordance with **Article 3-12**
- q. Health & Fitness Clubs in accordance with **Article 3-12**
- r. Home occupation(s) in accordance with **Article 2-68**
- s. Human Service facilities in accordance with **Article 2-71**
- t. Hunting, fishing, outdoor recreation
- u. Libraries in accordance with **Article 3-12**
- v. Light Manufacturing in accordance with **Article 3-12**

- w. Medical/Dental Clinics in accordance with Article 3-12
- x. Museums in accordance with Article 3-12
- y. Personal Service in accordance with Article 3-12
- z. Places of Worship in accordance with Article 3-12
- aa. Playgrounds - Private and Public
- bb. Post Office
- cc. Print Shop in accordance with Article 3-12
- dd. Professional Office Services in accordance with Article 3-12
- ee. Recycling Collection Centers
- ff. Renewable Energy Infrastructure in accordance with Article 3-14
- gg. Restaurants in accordance with Article 3-12
- hh. Retreat Center in accordance with Article 3-12
- ii. Sawmills-small scale in accordance with Article 2-121
- jj. Signs, in accordance with Article 3-13
- kk. Single-family dwellings/ manufactured homes
- ll. Storage of Vehicles in accordance with Article 3-16
- mm. Temporary Accessory Manufactured Homes
- nn. Temporary Roadside Markets (less than 120 days)
- oo. Wildlife refuge or conservation area
- pp. Wineries & Microbrewery in accordance with Article 3-12

4-6.2 Special Uses Permitted. Special uses in the Rural Farm (RF) District will be permitted if approval is given in accordance with the Special Use Permit process as identified in Article 5- Administration

- a. Airplane Landing Strips
- b. Animal Clinic
- c. Automobile Graveyard
- d. Bars and Nightclubs
- e. Commercial Breeding Kennel and Commercial Boarding Kennel
- f. Commercial Recreation Attractions and Events

- g. Commercial warehouses and Commercial storage units that will not contain hazardous materials and are not considered High Hazard Group H according to the Virginia Construction Code.
- h. Commercial Slaughterhouse/Meat Processing
- i. Communication Tower & Antennas in accordance with **Article 3-15**
- j. High Volume Kennels
- k. Hospitals
- l. Hotels, Motels, Lodges, Inns, or Bed-and-Breakfast establishments (seven bedrooms or more)
- m. Multi-family residential units.(such as apartments/condominium)
- n. Public recreational facilities such as parks, golf courses, tennis clubs, public swimming pools unless already permitted as part of an approved facility or special use.
- o. Recreation Vehicle Parks, Manufactured Home Parks and/or Campgrounds in accordance with **Article 3-11**
- p. Recycling Processing Facilities
- q. Retreat Center- Overnight
- r. Rock Quarrying, Sand & Gravel Operations when disturbing less than 10 acres in size
- s. Schools
- t. Stockyards

4-6.3 Area of Lot. Minimum lot size shall be 30,000 square feet or .688 acre.

4-6.4 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 feet from the centerline of any public street or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

4-6.5 Yard setback. Structure(s) shall be placed a minimum distance of 10 feet from all adjoining property lines.

4-7 Rural Residential (RR). The purpose of this district is to create residential communities and to maintain the character of those communities by allowing uses with minimal nuisance qualities. Many properties in the Rural Residential Zone Districts were designed as part of approved subdivisions for residential homes and the general nature is residential with limits on commercial activity.

4-7.1 Uses Permitted. The following uses are permitted in Rural Residential Zone.

- a. Accessory uses
- b. Agriculture
- c. Camping Units/ Recreational Vehicles in accordance with **Article 2-111**
- d. Home Occupation(s) - Limited, in accordance with **Article 2-69**
- e. Human Service Facilities in accordance with **Article 2-71**
- f. Hunting, fishing, outdoor recreation
- g. Playgrounds- Private and Public
- h. Recycling Collection Centers
- i. Renewable Energy Infrastructure in accordance with **Article 3-14**
- j. Signs, as regulated in **Article 3-13**
- k. Single-family dwellings/ manufactured homes
- l. Storage of Vehicles in accordance with **Article 3-16**
- m. Temporary Accessory Manufactured Homes

4-7.2 Special Uses Permitted. Special Uses in the Rural Residential (RR) District will be permitted if approval is given in accordance with the Special Use Permit process as identified in **Article 5- Administration.**

- a. Bed & Breakfast/Lodges/Inns (six bedrooms or less)
- b. Communication Tower & Antennas in accordance with **Article 3-15**
- c. Commercial Breeding Kennels and Commercial Boarding Kennels
- d. Community Center
- e. Country stores
- f. Emergency Services Infrastructure
- g. General Retail under 15,000 square feet in area
- h. High-Volume Kennels

- i. Home Occupations when over 5 persons engaged in the activity
- j. Multi-family residential units (such as apartments/condos)
- k. Places of Worship
- l. Public recreational facilities such as parks, golf courses, tennis clubs, public swimming pools unless already permitted as part of an already approved facility or special use.
- m. Restaurants
- n. Schools
- o. Sawmills-small scale in accordance with **Article 2-121**
- p. Temporary roadside markets (less than 120 days)

4-7.3 Area of Lot. Minimum lot size shall be 30,000 square feet or .688 acre.

4-7.4 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 feet from the centerline of any public street or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

4-7.5 Yard Setback. Structure(s) shall be placed a minimum distance of 10 feet from all adjoining property lines.

4-8 Light Commercial District (LC). Light Commercial district was originally designed to distinguish between those businesses that provide low volume commercial activity and the regular commercial district. As part of the 2014 revision the intent is to promote the expansion of business and commercial activity in Grayson County. For the purpose of this ordinance, the standards listed for Commercial District (below) shall apply to all properties zoned Light Commercial.

4-9 Commercial District(C).This district is designed for retail, office and service business. The activities associated with these uses may generate large volumes of traffic and have frequent delivery of goods and services. Commercial properties should be located along primary transportation corridors and within range of population centers. Commercial activities require advanced infrastructure and good access to public roads.

4-9.1 Uses Permitted. The following uses are permitted in Commercial Zone District.

- a. Accessory uses
- b. Agriculture
- c. Agriculture - High Intensity in accordance with **Article 2-11**
- d. Animal Clinic
- e. Automobile and Farm Machinery, Sales and Service
- f. Banks
- g. Camping Units/Recreational Vehicles in accordance with **Article 2-111**
- h. Commercial Recreation Attractions/Events
- i. Commercial Stables
- j. Commercial warehouses and Commercial storage units that will not contain hazardous materials and are not considered High Hazard Group H according to the Virginia Construction Code.
- k. Community Center
- l. Construction and Repair Services
- m. Construction Sales and Services
- n. Country stores
- o. Custom Slaughter
- p. Educational Facilities
- q. Emergency Services Infrastructure
- r. Flea Markets
- s. Funeral homes

- t. General Retail under 15,000 square feet
- u. Home Occupation(s)
- v. Hotels, Motels, Lodges, Inns, or Bed-and-Breakfast establishments
- w. Human Service facilities in Accordance with **Article 2-71**
- x. Hunting, Fishing, Outdoor Recreation
- y. Laundry mats and dry cleaners
- z. Libraries
- aa. Light Manufacturing in accordance with **Article 3-12**
- bb. Medical/Dental Clinics
- cc. Museums
- dd. Multi-family residential units.(such as apartments/condos)
- ee. Personal Service Business
- ff. Places of Worship
- gg. Playgrounds
- hh. Post Office
- ii. Print Shop
- jj. Printing & publishing facilities (high volume)
- kk. Professional Office Services
- ll. Public recreational facilities such as parks, golf courses, tennis clubs, public swimming pools unless already permitted as part of an approved facility or special use
- mm. Recycling Collection Centers
- nn. Recycling Processing Facilities
- oo. Renewable Energy Infrastructure in accordance with **Article 3-14**
- pp. Restaurants
- qq. Retreat Center - Overnight
- rr. Sawmills-small scale in accordance with **Article 2-121**
- ss. Signs, in accordance with **Article 3-13**
- tt. Single-family dwellings/ manufactured homes
- uu. Storage of Vehicles in accordance with **Article 3-16**

- vv. Temporary Accessory Manufactured Homes
- xx. Temporary Roadside Markets (less than 120 days)
- yy. Theatres and Entertainment arenas
- zz. Wineries & Micro-brewery

4-9.2 Special Uses Permitted. Special Uses in the Commercial District will be permitted if approval is given in accordance with the Special Use Permit process identified in **Article 5- Administration.**

- a. Adult entertainment/retail
- b. Automobile Graveyard
- c. Bars and Nightclubs
- d. Commercial Breeding Kennel and Commercial Boarding Kennel
- e. Commercial Slaughterhouse/Meat packing
- f. Communication Tower & Antennas in accordance with **Article 3-15**
- g. High Volume Kennel
- h. Hospitals
- i. Recreation Vehicle Parks, Manufactured Home Parks and Campgrounds in accordance with **Article 3-11**
- j. Retail over 15,000 square feet in size
- k. Rock Quarrying, Sand & Gravel Operations when disturbing less than 10 acres in size.
- l. Schools
- m. Stockyards
- n. Truck stops and/or Wholesale distribution centers

4-9.3 Area of Lot. Minimum lot sizes for commercial district shall be based on the area required to safely and adequately provide the services needed for commercial establishments, will be based on the proposed use and separation distances required to ensure that health, safety and welfare is considered.

4-9.4 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 feet from the centerline of any public street or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

4-9.5 Yard setback. Structure(s) shall be placed a minimum distance of 10 feet from all adjoining property lines or when adjoining properties are in agreement zero lot lines may be allowed with prior approval from the Building Official.

4-10 Industrial (I) District (IND). The purpose of the Industrial District is to delineate those areas of the county that are suitable for industrial development. These properties shall be located in areas capable of providing separation distances that are necessary to minimize any nuisance to adjacent commercial and residential areas. Properties shall be located along primary transportation corridors to accommodate the increased traffic flows and the delivery of services that result from industrial uses. Industrial properties may require advanced water and wastewater and/or electrical infrastructure. Industrial uses include manufacturing and assembly of products, in addition to those uses that are capable of creating smells, noise, nuisance or significant impact to the land, air and/or water resources.

*For operations that can be considered Light Manufacturing (as defined in **Article 2**) some industrial type uses may be allowed in Rural Farm District and Commercial Zone District.

4-10.1 Uses Permitted. The following uses are allowed in the Industrial District.

- a. Accessory Uses
- b. Agriculture and Agriculture High-Intensity
- c. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also, the manufacture of small parts such as coils, condensers, transformers, and crystal holders
- d. Automobile, Farm machinery, other transportation units. Assembling, painting, upholstering, repairing, rebuilding reconditioning, body and fender work, truck repairing or overhauling, welding or machine shop
- e. Automobile and Farm Machinery Sales and Service
- f. Automobile Graveyard
- g. Automobile Salvage Yards & Processing of scrap metals and/or other types of salvage when non-hazardous materials are stored or processed
- h. Boat building
- i. Call Centers and Data Processing/Storage Facilities
- k. Commercial Breeding Kennel & Commercial Boarding Kennel
- l. Commercial Slaughterhouse/Meat Processing
- f. Commercial Storage Units
- g. Commercial Warehouse
- h. Computer and Electronics, assembling, repair, disassembly and associated uses
- i. Construction and Repair Services
- j. Construction Sales and Service

- k. Contractors equipment storage yards or plants, or rental of equipment commonly used by contractors
- l. Electrical Equipment, Appliance and Component Manufacturing
- m. Emergency Service Infrastructure
- n. Fabrication of Metal/Metal Products and associated infrastructure
- o. Fitness Equipment assembly and manufacturing
- p. Furniture and assembled wood manufacturing and related infrastructure
- q. High-Volume Kennel
- r. Laboratories and the manufacturing or packaging pharmaceutical or medical supplies
- s. Machinery Manufacturing and Machining of products
- t. Manufacture and assembling of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, rubber, shell, straw, textiles, tobacco, wood, yarn, and paint
- u. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns only by electricity or gas
- v. Manufacture, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, perfumed toilet soap, toiletries, food products, clothing, textiles
- w. Monumental stone works
- x. Printing & publishing facilities (high volume)
- y. Recycling Collection Centers
- z. Recycling Processing Facility
- aa. Sawmill -Small Scale & Large Scale
- bb. Signs, in accordance with **Article 3-13**
- cc. Single-family dwellings/Manufactured Home existing on date of ordinance
- dd. Stockyard
- ee. Storage of Vehicles in accordance with **Article 3-16**
- ff. Temporary Roadside Markets (less than 120 days)

- hh. Industry involved with Textile, Knitting Mills, Apparel Specialty fibers and associated infrastructure
- ii. Truck terminals and or truck stops
- jj. Wholesale businesses

4-10.2 Special Uses Permitted. Special Uses in the Industrial District will be permitted if approval is given in accordance with the Special Use Permit process in **Article 5- Administration.**

- a. Asphalt Plants and Production of Asphalt
- b. Chemical and Allied products manufacturing
- c. Mines and mining related facilities
- d. Public Airports
- e. Communications towers and antennas pursuant to and subject to the conditions under **Article 3-15.**
- f. Hazardous waste treatment, storage, or disposal facilities
- h. Incineration facilities
- i. Landfill-Municipal
- j. Metal mining
- k. Oil & Gas extracting and refining
- l. Pulp mills and/or industrial paper and allied products manufacturing
- m. Rock Quarries, sand, gravel, or crushed stone operations
- n. Wood preserving and/or chemical treatment for products to be used off site or sold to offsite operations
- o. Utility scale generation of power (over 100 kw)

4-10.3 Area of Lot. Minimum lot sizes for Industrial district shall be based on the area required to safely and adequately provide the services and separation distances needed for industrial uses. To rezone to Industrial Zone a site plan, list of industrial uses, processes and potentially hazardous materials shall be submitted to the Planning Commission who shall determine if the lot is of sufficient size. For those areas already zoned Industrial, the existing lot size shall suffice, unless the Building Official determines that hazardous materials will require additional setbacks that would require a larger lot size.

4-10.4 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 feet from the centerline of any public street

or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

4-10.5 Yard setback - Structures that store or use hazardous materials considered High Hazard Group H according to the Virginia Construction Code must be located at the minimum allowable setback distance as directed by the Building Official. All other structures must be located at least 100 feet from any adjoining property line unless the adjacent property line also belongs to Industrial Zone District.

4-11 Highland/Recreation-Public (HR-P). This district delineates those lands in Grayson County that are publicly owned and managed by public entities. It is understood that the land use regulations in this district lies under the authority and jurisdiction of the public entity in ownership of this land. The Grayson County Zoning Ordinance does not have jurisdiction over properties within this district.

4-12 Service District (SD). This district contains public service utilities and infrastructure. The industrial nature of these activities require adequate lot sizes, separation distances and the proximity to the end user is considered.

4-12.1 Uses Permitted. The following uses are allowed in the Service District.

- a. Accessory uses
- b. Emergency Service Infrastructure
- c. Sewage treatment facility
- d. Signs in accordance with **Article 3-13**
- e. Transmission towers and/or other infrastructure for electric, radio, telephone and other necessary public services.
- f. Utility Buildings
- g. Water Extraction or Treatment facility

4-12.2 Special Uses Permitted. Special Uses in the Service District will be permitted if approval is given in accordance with the Special Use Permit process in **Article 5- Administration**

- a. Electric power generation, transmission, booster and relay stations
- b. Incineration facility
- c. Recycling Processing Facility

4-12.3 Area of Lot. Minimum lot sizes for Service district shall be based on the area required to safely and adequately provide the services and separation distances needed for applicable uses. To rezone to Service District Zone a site plan, list of industrial uses, processes and potentially hazardous materials shall be submitted to the Planning Commission who shall determine if the lot is of sufficient size.

4-12.4 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 from the centerline of any public street or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

4-12.5 Yard setback. Structure(s) shall be placed a minimum distance of 10 feet from all adjoining property lines.

4-12.6 Other Requirements. Permitted uses shall be conducted wholly within a completely enclosed building or with an area enclosed on all sides by a solid masonry wall, uniformly painted solid board fence, chain link fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation can apply for exemption to this provision.

4-13 Shoreline Recreation District (SR). The Shoreline Recreation Zone District is composed of small lots along the New River. These lots were created by a series of Shoreline Recreation Subdivisions and designed for recreational use of the river. The small lot sizes (.1 to 1+ acre tracts) in dense areas, combined with the location of these lots in the FEMA Special Flood Hazard Area (SFHA), create unique development challenges. The purpose of the zone district is to guide development so that the public's enjoyment of the New River can coexist with flood hazard mitigation required by the National Flood Insurance Program and the Federal Emergency Management Agency (FEMA). Most of the land area in the Shoreline Recreation Zone District is in the FEMA designated Special Flood Hazard Area (commonly referred to as floodplain). In this floodplain, federal requirements determine what type of development can occur. The development standards are based on FEMA requirements for floodplains, the **Grayson County Floodplain Ordinance** and Building Codes for flood prone construction. Protecting the capacity of the floodplain to carry flood waters, preserving the New River view shed and design for community health, safety and welfare are priorities for this Zone District.

4-13.1 Uses Permitted. The following uses are permitted in Shoreline Recreation Zone District.

- a. Camping provided adequate water and sewerage facilities are provided and recreational vehicle(s) operate in accordance with **Article 2-111**
- b. Parking of personal vehicle(s), towable trailer(s) and recreational vehicle(s) in accordance with **Article 2-111**. Recreational vehicles & trailers must be highway ready. Highway ready is defined as; having wheels & tires, a functional towing mechanism or the ability to be self-propelled, not attached to other structures and quick disconnect type utilities.
- c. Outdoor Recreation
- d. Non-residential building structure(s) as allowed in **Article 4-13.3** and in accordance with the design requirements of this Article.

4-13.2 Permits Required. Permits are required for all structures in the Shoreline Recreation Zone District. Grading, fill and other types of development may be regulated by the **Grayson County Floodplain Ordinance**, **Grayson County Erosion & Sediment Control Ordinance** or **Grayson County Stormwater Ordinance**.

4-13.3 Allowed Structure(s). The structures listed below are allowed in Shoreline Recreation Zone District and may be permitted when installed/constructed to the design standards of this Article.

- 1) **Storage Shed(s).** Storage shed(s) with up to four (4) walls are allowed and may be permitted when;
 - a. site is not located in the FEMA Special Flood Hazard Area/Floodplain as determined by licensed professional.
 - b. the size is under 180 sq. ft. in area.

- c. structure used for storage of equipment. Cannot be used for living areas, bathrooms or other uses.
- d. structure is properly anchored at the design location to resist movement or floatation in accordance with the Grayson County Building Code.

2) **Open Air or One-Walled Structure(s)**. Structure(s) with no walls (open air) or structure(s) that have one (1) solid wall or part of one (1) wall located on the structure. Any wall must be installed parallel to the river flow (cannot impede direction of river flow). In addition to the one (1) solid wall, these structures can utilize an open air system, deck railings, railing type half walls, fully screened or partially screened structures with up to one screen door. Screens must be installed to break away in flood events. Structure types that are allowed with open-air or one-wall system include the following types:

- a. Gazebo(s)
- b. Picnic shelter(s)
- c. Carport(s) and similar structures used to cover recreational vehicle(s) in accordance with **Article 4-13.13**
- d. Free standing deck (no roof and not attached to other structures)
- e. Deck in conjunction with other allowed structure (structurally tied or fastened together)
- f. Covered deck (a deck with a roof)

4-13.4 Parking Areas. Concrete, asphalt or gravel parking areas, are allowed, when the proposed height is equal to or less than the existing grade.

Proposed parking areas or earth fill, proposed at a height more than the existing grade will require a floodplain encroachment review by the Zoning Administrator prior to placement.

Placement of fill, stone or other materials in the FEMA Floodplain is not allowed without a Floodplain Development Permit in accordance with the **Floodplain Ordinance**.

4-13.5 Free movement. Structure(s) shall be placed/ constructed to allow the free movement of recreational vehicle(s) on the lot(s). Structure(s) cannot be physically attached to recreational vehicle(s). Recreational Vehicles must be highway-ready and shall not be anchored or permanently attached to the ground.

4.13.6 Density Requirement. The density requirement replaced the one-structure per lot rule. The density requirement achieves two goals: 1) To preserve the open space and scenic quality of the New River shoreline 2) To limit the square footage of manmade structures that can impede flood waters and obstruct the dissipation of flood waters/flood debris during flood events.

Proposed structures with a roof/overhead surface must demonstrate that the structure can meet the density requirement prior to issuance of permit. To meet the density requirement, the density threshold cannot be exceeded for any lot on record.

Density Threshold =When the area of all combined roofed structures on any lot, exceeds 10% of the total lot size/land area (sq. ft.).

Combined roofed structures is the total (sum of) square footage of all (existing and proposed) roofed structures on the lot.

The lot size is determined by the lot size on record in the county land records. When recorded in acreage units, lot sizes will be converted to square footage to determine the density requirement. One (1) acre is 43,560 sq. ft.

The roof area of existing and proposed structures will be evaluated prior to new permits/replacement of existing structures. If the lot has sufficient area to meet the density requirement, a permit to construct a roofed structure will be considered.

Example= The Jones Family owns a 1/2 acre (.5 acre) lot. A ½ acre lot is 21,780 square feet.

They plan to build a carport with a roof dimension of 20 ft. wide x 30 ft. in length = 600 sq. ft. roof area

10% of the lot size = 2178 sq. ft. (.10 x 21,780 sq. ft. = 2178 sq. ft.)

(2178 sq. ft. is the max. sq. ft. of roofed structure(s) allowed on the lot, this would include the proposed 600 sq. ft. structure and any existing structures already on the lot)

Because the proposed carport roof is 600 sq. ft. and it is under the 2178 sq. ft. threshold. The density requirement can be met. They can also permit other structures until they meet that density threshold.

4-13.7 Structure Height. In the Shoreline Recreation Zone District, the height requirement is necessary to protect the common view shed of the New River. The maximum height allowed for any carport type structure shall be twenty-five (25') feet high. For all other types of allowed structures, the maximum height allowed shall be twenty (20') feet high. Height shall be measured from the tallest point of the structure/roof and measured to the base of the structure at ground level. Where uneven ground surfaces are involved, the highest adjacent grade shall be used for the base of the structure.

4-13.8 Floodprone Construction. All structures, electrical, plumbing, mechanical grading, fill, and any other development proposed for areas located within the FEMA designated Special Flood Hazard Area must meet the requirements of the **Grayson County Floodplain Ordinance** and applicable Building Codes for flood prone construction. In coordination with the FEMA Floodplain overlay at the Grayson County WebGIS site, the Administrator may require a FEMA Flood Elevation Certificate or Floodplain Determination by a licensed professional, when

site specific data is needed to determine the base flood elevation on the site and whether or not proposed development is inside the Special Flood Hazard Area.

4-13.9 River Setback. It has been determined through minor flooding events, that the river periodically (recorded on an annual basis) overflows the banks at a distance of at least 50 feet from the riverbank edge. New structures, placed after February 11, 2016 must be located a minimum distance of fifty (50) feet from the river bank edge at the time of permitting.

4-13.10 Septic System/On-site Sewage Disposal. Allowed with valid permit from the Virginia Department of Health.

4-13.11 Minimum Lot Size. Parcels created as part of an approved Shoreline Recreation Subdivision already meet the minimum lot size requirement with the lot size shown on the site plan/survey for the approved subdivision at the time of development. For example if the lot was created in 1989- the lot size on the original subdivision plat is the minimum lot size, unless any lot line revisions are proposed by the owner, in which case the .50 acre minimum lot size will apply.

The minimum lot size is either 1) the lot size determined at the time of the approved subdivision or 2) .50 acre for any parcel line revision.

The combination of lots and/or lot line revisions can be achieved in accordance with the **Grayson County Subdivision Ordinance**. To combine Shoreline Recreation lots, the landowner should reference the Subdivision Ordinance or contact the Subdivision Agent for appropriate guidance on parcel changes.

Parcels that increase in size, by the legal combination of lots, is encouraged in the Shoreline Recreation Zone District.

4-13.12 Street Setback. Structure(s) or the outermost portion of a structure, shall be placed a minimum distance of 35 feet from the centerline of any public street or road. When the structure fronts a street cul de sac, the distance shall be a minimum of 15 feet from the design radius of the cul de sac.

Where easements and private streets are involved, it is the responsibility of the property owner to ensure that they do not infringe on easement areas.

4-13.13 Mobility Requirement. Carport type structure (s) and any similar structure, where the intent is to cover recreational vehicle(s), must meet the mobility requirement. Permits will not be issued for carports who cannot meet the mobility requirement.

The purpose of the mobility requirement is to ensure that recreational vehicle(s) placed under carports can be moved in the event of flooding conditions. Mobility can be achieved by use of the same property and/or through another property with legal easement and/or by the use of a right of way to a public road.

Carport(s) which are proposed to be located, where the path of travel is towards an adjacent property line must meet the mobility setback. The mobility setback distance shall be used to demonstrate that the recreational vehicle can be properly moved. For these structures, the mobility setback distance for carport type structures will be calculated by using the length of the proposed structure. A distance twice (2x) the length of the proposed structure, to the property line at that side, shall be the mobility setback. This mobility setback shall be measured from

the proposed structure edge on the side of the proposed towing mechanism or path of travel to the adjacent property line.

Mobility Requirement by Legal Easement or Right of Way. When it can be shown, with legal recorded easement, that the recreational vehicle can be moved onto another property/parcel on record, with a legal access easement or a right of way (direction of the towing mechanism or path of travel) from the subject property, and out and under from the proposed carport type structure, the proof of a legally recorded access easement and/or public right of way can fulfill the mobility requirement.

ARTICLE 5 - ADMINISTRATION OF ZONING ORDINANCE

5-1 **Preface.** The purpose of this article is to introduce the landowner to the varied processes related to the administration of the Zoning Ordinance for the un-incorporated areas of Grayson County. Additional information and permit applications can be found at the Grayson County Government website or at The Department of Planning & Community Development at the Grayson County Courthouse.

5-2 **Zoning Administrator.** The Office of Zoning Administrator is hereby established to administer and enforce this ordinance. The Zoning Administrator shall be designated by the Board of Supervisors and shall have all necessary authority granted by the Board of Supervisors to carry out their duties. The enabling authority for the locality to administer zoning can be found in §15.2-2286 (and related articles) as listed in the Code of Virginia. Duties of the Zoning Administrator (and/or any other person assigned by the Board of Supervisors to assist the Administrator) shall include but shall not be limited to:

1) Interpretation. The Zoning Administrator shall be the final authority as to the interpretation of the provisions of this ordinance, unless the decision is appealed and otherwise determined by the Board of Zoning Appeals in accordance with **Article 5**.

2) Review and Approval of Applications and Issuance of Zoning Permits. The Administrator shall prepare and provide the zoning permit applications, review the applications for zoning permits and issue zoning permits in compliance with this Ordinance.

3) Clerk to the Board of Zoning Appeals and Planning Commission. In those situations where a Special Use Permit, Zoning Text Amendment, Zone Map Amendment (Rezone), Variance or Appeal is applied for; the application will proceed to the Planning Commission and/or the Board of Zoning Appeals. The Administrator who serves as a clerk to these boards, when these applications are filed, will assist the applicant with the preparation and processing of these applications and permits in accordance with **Article 5** of this Ordinance.

4) Records. The Zoning Administrator shall maintain records of the official actions taken with respect to the administration and enforcement of the Zoning Ordinance and these records shall be kept in the office of the Administrator and/or county storage unless specified otherwise.

5) Inspections/Violations. The Zoning Administrator is authorized to conduct inspections in the enforcement of the ordinance and is authorized to issue Notice of Violation(s) to ensure compliance with the Ordinance.

When evidence indicates that a permit has not been obtained prior to placement of a structure, illegal use of a property, or any other zoning violation has occurred and corrective action may be available to prevent a Notice of Violation, the Zoning Administrator is enabled to notify the property owner of the potential violation and pursue corrective actions with the cooperation of the property owner prior to Notice of Violation.

In those situations in which the property owner refuses to cooperate with the Administrator to remedy a potential violation within the timeframe given by the Administrator, a notice of violation shall be issued.

When it has been determined by the Administrator, that immediate action is needed in the interest of health, safety, welfare a Notice of Violation shall be issued.

Upon receipt of the Notice of Violation, the landowner and/or responsible party shall remedy the cause of the violation or file an appeal within 30 days of receipt of the notice, in accordance with **Article 5-8**.

At such time, that the 30 day time period for the landowner to take corrective action, has expired and when an application for appeal was not filed, the Administrator shall contact the county attorney and/or legal representative to pursue a misdemeanor charge and when required other corrective action in accordance with Code of Virginia, § 15.2-2286.

5-3 Board of Zoning Appeals. The Board of Zoning Appeals (BZA) shall operate in accordance with the parameters enabled by § 15.2-2308 - § 15.2-2314 Code of Virginia and the Organizational Documents approved by the membership to carry out their roles and responsibilities. The purpose of the Board of Zoning Appeals is:

- a. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the ordinance or of any ordinance adopted pursuant thereto.
- b. To consider variance application requests by any property owner, tenant, government official, department, board or bureau in accordance with this Ordinance.
- c. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.

The Zoning Administrator serves as the Clerk to the Board of Zoning Appeals and information about the Board of Zoning Appeals can be found at the Grayson County Department of Planning & Community Development, Grayson County Courthouse.

5-4 Planning Commission relation to Zoning Ordinance. The Planning Commission operates in accordance with the powers enabled by the Code of Virginia and the Organizational Documents approved by the membership to carry out their roles and responsibilities as it relates to zoning, subdivision and land use planning. The Planning Commission is an advisory board to the Board of Supervisors and will review and give advisory guidance about the following zoning applications and processes prior to the review by the Board of Supervisors;

- a. Zone Text Amendments as it relates to the Zoning Ordinance
- b. Zone Map Amendments (commonly referred to as Rezone applications)
- c. Review of Special Use Permit Applications

Other functions relate to the Planning Commission as part of the Subdivision Ordinance and Comprehensive Planning Process. Information about the Planning Commission is available at the Department of Planning & Community Development.

5-5 Board of Supervisors relation to Zoning Ordinance. The Board of Supervisors has been enabled by the Code of Virginia to serve as the legislative and local authority as it relates to the following zoning applications;

- a. Zone Text Amendments as it relates to the Zoning Ordinance
- b. Zone Map Amendments (commonly referred to as rezone applications)
- c. Review of Special Use Permit Applications.

After review and recommendation from the Planning Commission, the applications listed above proceed to the Board of Supervisors for review and approval. The decision of the Board of Supervisors is final, unless appealed in accordance with **Article 5-13**. Information about the Board of Supervisors is available at the County Administrator's Office, Grayson County Courthouse.

5-6 Public Notice Requirements. Public notice requirements are mandated by the Code of Virginia, and are required to notify the public about public hearings for pending zoning applications. The Clerk to the Planning Commission and the Board of Zoning Appeals shall mail public notice at least 5 days prior to the Public Hearing. The newspaper requirements are once a week for two consecutive weeks prior to each Public Hearing. Additional information about public notice as it relates to Public Hearings can be found at the Department of Planning & Community Development.

Table B Public Notice. Summarizes the type of notice to be given for each type of application.

Zoning Proposal	Published Notice Local newspaper	Notice to Owner and/or applicant	Notice Adjoining property owners	Other
Zoning Text Amendments	PC and BOS Public Hearings (once for two weeks each)	No	No	
Zoning Map Amendments or Rezones	PC and BOS Public Hearings (once for two weeks each)	Yes by Certified mail to property tax address on file	Yes, by Certified mail to property tax address on file.	The PC will have a Public Hearing followed by BOS Public Hearing
Special Use Permit applications	PC and BOS Public Hearings (once for two weeks each)	Yes by Certified mail to property tax address on file	Yes, by Certified mail to property tax address on file.	The PC will have a Public Hearing followed by BOS Public Hearing
Variances	BZA Public Hearing- once for two weeks	Yes by Certified mail to property tax address on file	Yes by Certified mail to property tax address on file	The BZA only has one Public Hearing
Appeals	BZA Public Hearing -once for two weeks	Yes by Certified mail to property tax address on file	Yes by Certified mail to property tax address on file	Appeals to the Circuit Court separate process

5-7 Application for Variance. The Board of Zoning Appeals has been given the authority to review and grant variances in accordance with Code of Virginia, § 15.2-2309 & § 15.2-2310. A variance application is used to seek reasonable deviation from certain provision(s) of the Zoning Ordinance. A variance cannot be used to seek a "change in use" when the proposed use does not align with the zone district. In applying for the variance the applicant must meet the criteria for a variance as defined in **Article 2** of this Ordinance. To apply for a Zoning Variance;

- 1) The application must be completed and submitted to the Zoning Administrator located at the Department of Planning & Community Development.
- 2) A date and time for the Public Hearing and meeting of the BZA will be determined and scheduled for the next available meeting that can reasonably

accommodate the Public Hearing notice requirements. All relevant materials will be given to the BZA at least one week prior to the meeting and public hearing.

- 3) The BZA shall hear the case and notify the property owner of the findings. If aggrieved by the decision of the BZA, the property owner has the right to file an appeal of the BZA in accordance with Code of Virginia, § 15.2-2314.

5-8 Appeal of the Zoning Administrator. The Board of Zoning Appeals has been enabled with the authority to hear the appeals of “determinations made in the administration or enforcement of zoning” in accordance with § 15.2-2311 and § 15.2-2312 of the Code of Virginia. To apply for an Appeal of the Zoning Administrator (or other official),

- 1) The appeal application or a written notice of the appeal that “clearly states the basis for the appeal” must be submitted to the Zoning Administrator within 30 days of the determination.
- 2) A date and time for the Public Hearing and meeting of the BZA will be determined and scheduled for the next available meeting that can reasonably accommodate the Public Hearing notice requirements. All relevant materials will be given to the BZA at least one week prior to the meeting and public hearing.
- 3) The BZA shall hear the case and notify the property owner of the findings. If aggrieved by the decision of the BZA, the property owner has the right to file an appeal of the BZA in accordance with Code of Virginia, § 15.2-2314.

5-9 Zoning Text Amendment. A zoning text amendment changes the zoning language in the Zoning Ordinance. Text Amendments can be initiated in accordance with § 15.2-2286 (7) of the Code of Virginia. To apply for a Zoning Text Amendment;

- 1) Consult with the Zoning Administrator for submittal of the application and fees.
- 2) A date and time for the next available Planning Commission meeting will be scheduled to ensure that the public hearing notice requirements can be met.
- 3) The Planning Commission will review the application, hold a public hearing and make a recommendation to the Board of Supervisors.
- 4) The Board of Supervisors will review the application, hold a public hearing and issue a determination regarding the zoning text amendment application.

5-10 Zoning Map Amendment (Rezone) A zoning map amendment or rezone application can change the zoning district classification for a parcel(s) as shown on the Official Zoning Map. Zone map amendments can be initiated in accordance with § 15.2-2286 (7), § 15.2-2284 and applicable sections of the Code of Virginia. To apply for a Zoning Map Amendment;

- 1) Consult with the Zoning Administrator for submittal of the application and fees.
- 2) A date and time for the next available Planning Commission meeting will be scheduled to ensure that the public hearing notice requirements can be met.
- 3) The Planning Commission will review the application, hold a public hearing and make a recommendation to the Board of Supervisors.
- 4) The Board of Supervisors will review the application, hold a public hearing and issue a determination regarding the zoning map amendment (rezone) application.

It is the role of the Planning Commission and the Board of Supervisors to ensure that the proposed zone map amendment will align with the zone district, community character, and the future goals identified in the Comprehensive Plan. The Code of Virginia, §15.2-2284 outlines the parameters reviewed as part of a rezone application.

5-11 Special Use Permit. Special Use Permit. (sometimes referred to as conditional use permits). The Zoning District regulations (**See Article 4- Zone District**) delineate a number of uses that are allowed by right. Those uses that require another level of review to ensure that the health, safety and welfare of the public can be met, are listed as Special Uses for the Zone District. When a Special Use is listed for the zone district a Special Use Permit application can be submitted. To apply for a Special Use Permit;

- 1) Consult with the Zoning Administrator for submittal of the application and fees, including any use-specific application requirements.
- 2) A date and time for the next available Planning Commission meeting will be scheduled to ensure that the public hearing notice requirements can be met.
- 3) The Planning Commission will review the application, hold a public hearing and make a recommendation to the Board of Supervisors.
- 4) The Board of Supervisors will review the application, hold a public hearing and issue a determination regarding the Special Use Permit application.

The Planning Commission, in considering its recommendation, and the Board of Supervisors, in considering its action, will take into account whether the proposed Special Use Permit, as submitted or as modified, is detrimental to or has undue adverse impacts on the public's general health, safety, and welfare, and is consistent with the County's Comprehensive Plan or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes and standards of the Zoning Ordinance. Conditions may be imposed upon individual Special Use Permits to mitigate potential or anticipated negative impacts and/or to ensure consistency with the Comprehensive Plan or specific elements thereof, and the purposes and standards for the Zoning Ordinance.

The Special Use Permit, when granted by the Board of Supervisors, will be based on the site plan and application materials submitted by the applicant and subject to any conditions imposed thereon. Should the applicant choose to amend or change any aspect of the original application, or site plan, or conditions, the applicant can apply for an amendment to the Special Use Permit by following the procedure listed above.

Special Use Permits are granted to the tax map number(s) identified in the original application, and approval will remain with the land as long as the use (use listed with the original application) is valid, regardless of property ownership.

5-12 Appeal of the Board of Supervisors. An appeal of the Board of Supervisors decision as it relates to zoning applications must be filed within 30 days of the Board's decision and the appeal shall be filed with the Circuit Court having jurisdiction of the land affected by the decision, in accordance with the Code of Virginia § 15.2-2285 (F).

5-13 Fees. The fees for zoning applications shall be submitted at the time of application.

Zoning Permit Application	\$15.00
Zoning Text Amendment	\$55.00
Zone Map Amendment or Rezone	\$55.00 + *certified letter fee
Special Use Permit Application**	\$55.00 + *certified letter fee
Variance Application	\$55.00 + *certified letter fee
Appeal Application	\$100.00

*The Code of Virginia requires that certified letters be sent to the owner and adjoining landowners to meet the Public Hearing notice requirements. The application fee will be assessed based on (cost of certified letters) x (the number of property(s) that will be sent the certified letter). To determine the adjoining properties, the Grayson County WebGIS system and tax map numbers listed on the WebGIS will be used with addresses from the county data base in the Commissioner of Revenue Office.

The Grayson County Zoning Ordinance was first approved and recorded on December 8, 1998. Amendments occurred on August 17, 1999; February 13, 2001; October 09, 2001; February 09, 2004; April 17, 2007; October 09, 2008; January 08, 2009; February 12, 2009; June 10, 2010; September 14, 2011; January 09, 2014; May 8th, 2014; February 11, 2016; December 17, 2018; June 13, 2024 and September 12, 2024.

This revision was prepared by the Grayson County Planning Commission and approved by the Grayson County Board of Supervisors on September 12, 2024.

This ordinance shall be effective immediately. The Zoning Code of Grayson County, Virginia, shall be revised as set forth herein, subject to Article, Section, and Subsection titles and numbers amendment by the Editor as necessary for consistency. Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Zoning Ordinance of Grayson County.

Voting:

R. Brantley Ivey, Chair	<u>Aye</u>
Michael S. Hash, Vice Chair	<u>Aye</u>
Mary E. Dickenson -Tomlinson	<u>Aye</u>
Mitchell D. Cornett	<u>Aye</u>
Tracy A. Anderson	<u>Aye</u>

I hereby certify that the foregoing is a true and correct copy of the Ordinance approved at the **September 12, 2024**, meeting of the Grayson County Board of Supervisors, Grayson County, Virginia.

A Copy Teste:



Stephen A. Boyer, County Administrator

9/22/24
Date

