

# Town of Pearisburg

## Zoning Ordinance

Adopted: April 13, 2010

Revised: November 2017

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**ARTICLE 24-1**  
**AUTHORITY AND ENACTMENT**

**24-101-00     Authority to Establish Zoning**  
**24-102-00     Enactment**

### **AUTHORITY TO ESTABLISH ZONING**

- 24-101-00 Whereas, by act of the General Assembly of Virginia as recorded in §15-2-2280, Code of Virginia (1950) as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem suited to carry out the purpose of zoning, and in each district it may regulate the following:
- 24-101-01 The use of land, building, structures and other premises for agricultural, business, industrial, residential, flood plain, and other specific uses;
- 24-101-02 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- 24-101-03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
- 24-101-04 The excavation or mining of soil or other natural resources.

### **24-102-00 ENACTMENT**

Therefore, be it ordained by the Council of the Town of Pearisburg, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of §15-2-2280 of the Code of Virginia (1950) as amended, that the following be adopted as the Zoning Ordinance of the Town of Pearisburg, Virginia.

**ARTICLE 24-2**  
**PURPOSES OF THE REGULATIONS**

**24-201-00**     **Purposes**  
**24-202-00**     **Non-Exclusionary Intent**

24-201-00     **PURPOSES**

The Town of Pearisburg Planning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public, and accomplish the objectives of Section 15-2-2200 of the Code of Virginia (1950) as amended, the purposes of these regulations are:

- 24-201-01     To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- 24-201-02     To reduce or prevent congestion in the public streets;
- 24-201-03     To facilitate the creation of a convenient, attractive, and harmonious community;
- 24-201-04     To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- 24-201-05     To protect against destruction of, or encroachment upon, historic areas;
- 24-201-06     To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
- 24-201-07     To encourage economic development activities that provide desirable employment and enlarge the tax base.

24-202-00     **NON-EXCLUSIONARY INTENT**

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

**ARTICLE 24-3**  
**DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

**24-301-00    General**  
**24-302-00    Specific Definitions**

24-301-00     **GENERAL**

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

24-302-00     **SPECIFIC DEFINITIONS**

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

24-302-01     **Abattoir.** A commercial slaughter house.

24-302-02     **Accessory Use or Building.** See Use, Accessory or Building, Accessory.

24-302-03     **Acreage.** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

24-302-04     **Administrator, The.** The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the Pearisburg Town Council. He may serve with or without compensation as determined by the Town Council.

24-302-05     **Agriculture.** The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, and any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.

24-302-06     **Alley.** A platted service way providing a secondary means of access to abutting properties.

24-302-07     **Alteration.** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

24-302-08     **Animal or Poultry Husbandry.** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than five (5) dogs, cats, or other customary pet animals for non-commercial purposes for more than six (6) months.



- 24-302-09     **Animal Hospital or Clinic.** An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.
- 24-302-10     **Apartment.** A unit in a multi-family dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.
- 24-302-11     **Apartment Development.** A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 24-302-12     **Automobile Graveyard.** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.
- 24-302-13     **Automobile Service Station.** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, routine maintenance to include oil changes, or otherwise servicing automobiles, but excluding painting, major repair, or mechanical automobile washing.
- 24-302-14     **Basement.** A story having part but not less than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises. Any floor in which at least of it is below grade.
- 24-302-15     **Bed and Breakfast.** A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for patrons, unrelated to the owner or operator, and the occupant is considered transient.
- 24-302-16     **Board.** The Board of Zoning Appeals as established under this Ordinance.
- 24-302-17     **Boarding House (Rooming House).** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 24-302-18     **Building.** Any structure designed or intended for the convenience, support, enclosure, shelter, or protection of persons, animals, or property.
- 24-302-19     **Building, Accessory.** A subordinate building or structure located on the same lot as the main building.
- 24-302-20     **Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Town of Pearisburg and as amended.

- 24-302-21 **Building, Height of.** The vertical distance from the main elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the main height level between the eaves and the ridge for gable, hip and gambrel roofs.
- 24-302-22 **Building Inspector.** The building official appointed by the Town Manager to administer and enforce the provisions of the Building Code, or his/her designated representative or agent.
- 24-302-23 **Building, Main.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 24-302-24 **Campground.** Campground shall mean any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for camping; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation. In accordance with Virginia Department of Health Regulations.
- 24-302-25 **Child Care Center.** Any facility other than a Family Day Care Home and Public or Private Educational Facility, providing care, protection, and guidance to a group of children during only part of the day.
- 24-302-26 **Clerk.** The Clerk of the Circuit Court having jurisdiction in Giles County.
- 24-302-27 **RESERVED.**
- 24-302-28 **Commission, The.** The Town of Pearisburg Planning Commission.
- 24-302-29 **Community Center.** Community entertainment, recreation, or meeting place operated by a non-profit organization.
- 24-302-30 **Common Elements.** All portions of a cooperative other than the units.
- 24-302-31 **Conditional Use.** A use which may be allowed for a specific lot in a district if the use is listed as Conditional Use for the district and if the Town Council, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the neighborhood and town, the character of the existing neighborhood, and the effect of the proposed use on existing neighborhood property values. The Town Council may stipulate additional requirements for the use to protect the public interest.
- 24-302-32 **Conditional Use Permit.** A permit which indicates the conditions of use for a specific lot in a district which has been approved for Conditional Use by the Town Council.

- 24-302-33     **Conditional Zoning.** The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Town Council to accept the proffered conditions, the conditions proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.
- 24-302-34     **Condominium.** A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners or a private realty management company.
- 24-302-35     **Convenience Store.** A store designed for ease of access; which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, papers and magazines whose size limits the volume and variety of items sold, and is utilized because single purchases may be made quickly. Gasoline may be offered for sale.
- 24-302-36     **Conversion Building.** A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 24-302-37     **Cooperative.** Real estate owned or leased by a cooperative organization.
- 24-302-38     **Cooperative Interest.** A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 24-302-39     **Cooperative Organization.** Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 24-302-40     **Cooperative Unit.** A physical portion of the cooperative designed for separate tenancy.
- 24-302-41     **Cottage Industry.** A small, non-polluting business or industry which is not located in a residence and which employs fewer than five (5) workers.
- 24-302-42     **Cul-de-Sac.** A circular turning area at the end of a dead-end street.
- 24-302-43     **Curb Grade.** The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 24-302-44     **Dairy.** A commercial establishment for the manufacture and sale of dairy products.
- 24-302-45     **Dairy Farm.** A livestock establishment where the production of milk is its primary purpose.

- 24-302-46     **Developer.** An individual, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by these regulations.
- 24-302-47     **Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single-family or two-family residential dwelling units or buildings which are devoted to multi-family dwelling, commercial, recreational, or industrial use. The term "development" shall not be construed to include any property which will be devoted principally to agricultural production.
- 24-302-48     **District.** A section of the Town of Pearisburg within which the zoning regulations are uniform as referred to in the Code of Virginia, §15-2-2282-
- 24-302-49     **Driveway.** Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.
- 24-302-50     **Dump Heap (Trash Pile).** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 24-302-51     **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.
- 24-302-52     **Dwelling, Family Group Home.** A building designed for, or occupied exclusively by persons not related to one another in a manner similar to a Single Family Dwelling. No more than eight (8) people shall inhabit a Family Group Home.
- 24-302-53     **Dwelling, Multi-Family.** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- 24-302-54     **Dwelling, Single-Family.** A building designed for, or occupied exclusively by, one (1) family.
- 24-302-55     **Dwelling, Two-Family (Duplex).** A building designed for, or occupied exclusively by, two (2) families living independently of each other. A Duplex shall not be created via manufactured housing.
- 24-302-56     **Dwelling Unit.** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 24-302-57     **Easement.** A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.

- 24-302-58     **Engineer, Civil.** An engineer registered by the Commonwealth of Virginia.
- 24-302-59     **Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.
- 24-302-60     **Family Day Care Home.** Any private family home in which three (3) to nine (9) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.
- 24-302-61     **Family, Immediate Member of.** Any person who is a natural or legally defined off-spring, spouse, grand child, grand parent, or parent of the owner.
- 24-302-62     **Floating Zone.** A district classification which is not "anchored" to a particular area on the initial zoning map but which is available through rezoning to any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.
- 24-302-63     **Flood.** A general temporary inundation of lands not normally covered by water that are used or usable by human kind. Concurrent mudslides shall be deemed to be included in this definition.
- 24-302-64     **Flood Hazard Area.** The maximum area of the floodplain which has 1% yearly odds of being flooded or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping as appropriate.
- 24-302-65     **Floodplain.** The land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood and those areas defined by the Department of Housing and Urban Development (HUD), Flood Insurance Rate Map (FIRM), and in Natural Resources Conservation Service (NRCS) Soil Survey maps.
- 24-302-66     **Flood Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.
- 24-302-67     **Floodway.** The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood.

- 24-302-68 **Floor Area.** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement, cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 24-302-69 **Frontage.** The length of the property line of any lot or tract of land measured along a public street, road, or highway against which the land abuts.
- 24-302-70 **Garage Apartment.** A dwelling unit constructed in or above an existing private garage.
- 24-302-71 **Garage, Private.** Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.
- 24-302-72 **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor vehicles.
- 24-302-73 **Gardening.** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 24-302-74 **Golf Course.** Any parcel of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 24-302-75 **Golf Driving Range.** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.
- 24-302-76 **Governing Body.** The Town Council of Pearisburg, Virginia.
- 24-302-77 **Granny Cottage.** A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.
- 24-302-78 **Greenhouse.** A building with translucent sides which is artificially heated for the purpose of growing plants, trees and shrubs indoors.
- 24-302-79 **Group Home.** Any facility providing full time care, maintenance protection, and guidance to more than three (3) children separated from their parents of guardians.

- 24-302-80     **Guest Room.** A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.
- 24-302-81     **Health/Fitness Club.** A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts.
- 24-302-82     **Health Department.** The Giles County Health Department or its designated agent or representative.
- 24-302-83     **Highway Engineer/Resident Administrator.** The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.
- 24-302-84     **Historical Area.** An officially designated area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. Such areas are recognized at the state, national, or local level.
- 24-302-85     **Home for Adults.** Any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.
- 24-302-86     **Home Occupation.** An accessory use carried on by the occupant of a dwelling in connection with which there is no display, other than a than a professional name plate, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.
- 24-302-87     **Hospital.** An institution rendering medical, surgical, obstetrical, or convalescent care on an in-patient basis, including any institution licensed as a hospital by the State Hospital Board.
- 24-302-88     **Hospital, Special Care.** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 24-302-89     **Hotel.** A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel".

24-302-90     **Housing for the Elderly.** A multi-family structure, designed for the elderly or physically handicapped, in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten (10)) are occupied or designed for occupancy by:

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

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

24-302-91     **Junk Yard (Automobile Wrecking Yard).** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.

24-302-92     **Jurisdiction.** The area or territory subject to the legislative control of the Town of Pearisburg.

24-302-93     **Kennel.** Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals for commercial purposes is carried on.

24-302-94     **Land Use Plan.** The Land Use Plan of the Town of Pearisburg, as amended.

24-302-95     **Light Industry.** Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.

24-302-96     **Livestock.** Animals kept or raised for sale, use, or pleasure.

24-302-97     **Livestock Farm.** A farm where Livestock are raised commercially as the principal farm enterprise.

24-302-98     **Livestock Market.** A commercial establishment wherein livestock is collected for sale, sold, or auctioned.



- 24-302-99     **Livestock Pen.** An enclosure for concentrated confinement or housing of Livestock, which conforms to the size requirements of an accessory building.
- 24-302-100    **Loading Space.** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
- 24-302-101    **Lot.** A numbered and measured portion or parcel of land separated from other portions or parcels by description in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 24-302-102    **Lot Area.** The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.
- 24-302-103    **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except as defined for mobile home subdivisions in Section 24-707-06.
- 24-302-104    **Lot Coverage.** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 24-302-105    **Lot, Depth of.** The average horizontal distance between the front and rear lot lines.
- 24-302-106    **Lot, Double Frontage (Through).** An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 24-302-107    **Lot, Interior.** Any lot other than a corner lot or outlot.
- 24-302-108    **Lot, Outlot.** A parcel of land which is shown on a recorded plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this Ordinance. No building permit shall be issued on any land so designated.
- 24-302-109    **Lot of Record.** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of the County of Giles at the time of the adoption of this Ordinance (1979).
- 24-302-110    **Lot, Width.** The horizontal distance between side lot lines measured at the setback line.
- 24-302-111    **Main Use.** The primary purpose for which land or a building is used.

- 24-302-112 **Manufacture and/or Manufacturing.** The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 24-302-113 **Manufactured Home.** A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the travel mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating air-conditioning, and electrical systems contained in the structure.
- 24-302-114 **Manufactured Home Singlewide.** A manufactured home that is approximately fourteen (14) feet in width consisting of only one (1) section.
- 24-302-115 **Manufactured Home Doublewide.** A manufactured home consisting of two sections connected lengthwise making the width double that of a singlewide manufactured home.
- 24-302-116 **Manufactured Home Park.** The division of a lot, tract, or parcel of land into one or more lots, tracts, or parcels for the purpose, whether immediate or future of accommodating one or more mobile/manufactured homes exclusively, and where the stands are rented or leased.
- 24-302-117 **Manufactured Home Stand.** A plot of ground within a mobile/manufactured home park designed to accommodate one manufactured home.
- 24-302-118 **Manufactured Home Subdivision.** A development which has been created in accordance with the Pearisburg Subdivision Ordinance. Each lot is designed to be individually owned and occupied by a mobile/manufactured home.
- 24-302-119 **Medical Office.** Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.
- 24-302-120 **Modular Home.** A manufactured dwelling which is transported in two or more parts, is not built on a permanent chassis, is designed to be placed on a permanent foundation. A double wide manufactured home is not a modular home.
- 24-302-121 **Non-Conforming Lot.** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 24-302-122 **Non-Conforming Structure.** A structure existing at the time of building or a structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or regulations of this Ordinance for the district in which it is

located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

- 24-302-123 **Non-Conforming Use of Structures.** The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 24-302-124 **Non-Conforming Use of Land.** A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 24-302-125 **Nursery.** A wholesale, retail or research facility including greenhouses, in which plants, trees and shrubs are raised for transplanting.
- 24-302-126 **Nursing Home.** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and in-patient care of two or more unrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.
- 24-302-127 **Off-Street Parking Area.** Space provided for vehicular parking outside the dedicated street right-of-way.
- 24-302-128 **One Hundred Year Flood.** A flood that has the likelihood of occurring at a rate of 1% every year.
- 24-302-129 **Outpatient Mental Health and Substance Abuse Center.** Establishments with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders, alcohol, and other substance abuse. These establishments may provide counseling and/or refer patients to more extensive treatment programs, if necessary. Included in this use type are alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers
- 24-302-130 **Parking Space.** An area consisting of a minimum of 10 x 20 feet.
- 24-302-131 **Parks, Playgrounds, and Outdoor Recreation Areas.** Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 24-302-132 **Plat.** A drawing or map which has been reviewed and approved by the Town Council of the Town of Pearisburg which depicts a lot or lots which are the result of the subdivision of land. When used as a verb "plat" is synonymous with "subdivide".

- 24-302-133 **Prefabricated Building.** The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at-site construction.
- 24-302-134 **Private Septic System.** A Wastewater system operated on a Lot in which connection to a public system is unavailable. Private Septic Systems shall be in compliance with all Federal State and Local Regulations, and shall not be in disrepair.
- 24-302-135 **Professional.** A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with home occupation, the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.
- 24-302-136 **Professional Office.** An office whose use is characterized by the activities of one or more professionals as defined in 24-302-133 and who serve an average of one client or less per hour.
- 24-302-137 **Property.** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 24-302-138 **Public Art.** Public art is strongly encouraged in the downtown areas in order to create a sense of place for the community and to enhance the gateways into the neighborhood and Town. Public art may include sculptures, murals, fountains, and other similar features. For the purposes of this section, a mural shall not be considered a sign so long as it does not include advertisement for any business, organization, or product.
- 24-302-139 **Public Service Buildings.** Governmental facilities necessary for public health, safety, and welfare.
- 24-302-140 **Public Water System.** A Water distribution system owned and operated by a government organization serving more than one (1) customer, which is in compliance with all permitting requirements and applicable laws and regulations.
- 24-302-141 **Public Sewage System.** A Sewage disposal system owned and operated by a government organization serving more than one (1) customer, which is in compliance with all permitting requirements and applicable laws and regulations. Private Sewage systems are prohibited.

- 24-302-142 **Public Utilities.** Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 24-302-143 **Ramada.** A structure erected over a mobile/manufactured home for the purpose of providing shade or shelter.
- 24-302-144 **Recreational Vehicle.** A mobile unit, whether self-propelled or towed which is designed for temporary human habitation during travel, recreation, or vacation. This term includes motor homes, campers converted buses, and travel trailers.
- 24-302-145 **Recreational Vehicle Park.** Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.
- 24-302-146 **Required Open Space.** Any space required in any front, side, or rear yard.
- 24-302-147 **Residential Use.** Any place, building, or establishment used in whole or in part as a dwelling.
- 24-302-148 **Restaurant.** Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.
- 24-302-149 **Restaurant, Drive-In.** An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.
- 24-302-150 **Retail Stores and Shops.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, newsstand, food store, candy shop, milk dispensary, dry-goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, and beauty and barber shop.
- 24-302-151 **Right-of-Way.** The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.
- 24-302-152 **Right-of-Way Line.** The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way,

- 24-302-153 **Satellite Dish or Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.
- 24-302-154 **Sawmill.** A mill or machine for the processing of timber into lumber.
- 24-302-155 **Setback.** The minimum distance from which any building structure must be separated from the front lot line.
- 24-302-156 **Setback Line.** A line generally parallel with and measured from the front lot line, defining the limits of a yard in which no building or structure may be located.
- 24-302-157 **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 24-302-158 **Site Plan.** A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.
- 24-302-159 **Storage Building.** A small freestanding structure serving for storage of goods, synonymous with shed and is an accessory use for a property.
- 24-302-160 **Storage Warehouse.** A commercial building for the storage of goods.
- 24-302-161 **Story.** That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 24-302-162 **Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- 24-302-163 **Street.** The principal means of access to abutting properties.
- 24-302-164 **Street Centerline.** A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- 24-302-165 **Street, Half.** A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 24-302-166 **Street, Internal.** A private street providing access to lots within a development, but not including driveways.

- 24-302-167 **Street Line.** The dividing line between a street or road right-of-way and the contiguous property.
- 24-302-168 **Street, Major.** A heavily traveled thoroughfare or highway that carries a large volume of through traffic.
- 24-302-169 **Street, Other.** A street that is used primarily as a means of public access to the abutting properties.
- 24-302-170 **Street (Road).** Any public thoroughfare which affords the principal means of access to abutting property.
- 24-302-171 **Street, Service Drive.** A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 24-302-172 **Street Width.** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.
- 24-302-173 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 24-302-174 **Studio.** A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance- exercise studios are included in this definition.
- 24-302-175 **Subdivider.** Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision. Subdivider is synonymous with developer for the purposes of this Ordinance.
- 24-302-176 **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "re-subdivision" and, when appropriate, shall relate to the process of subdividing or to land being subdivided.
- (a) The term "to subdivide" does not include divisions of land into parcels of five acres or more not involving any new street or easement of access.
- (b) The term "to subdivide" does not include the transfer of ownership of a lot, tract or parcel of land to the owner of adjacent land, except that the owner of land so transferred must comply with the provisions of the Town of Pearisburg Ordinance before any improvements are erected on the land so transferred.
- 24-302-177 **Surveyor.** A land surveyor certified by the Commonwealth of Virginia.

- 24-302-178 **Television and/or Radio Stations.** A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 24-302-179 **Temporary Use.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- 24-302-180 **Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge.** Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 24-302-181 **Tourist Home.** A dwelling where only lodging is provided for compensation for up to five (5) persons (in contrast to hotels and boarding houses) and open to transients.
- 24-302-182 **Townhouse Unit.** A single-family dwelling forming one of a group or series of four or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.
- 24-302-183 **Townhouse Development.** One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.
- 24-302-184 **Tree.** A woody perennial plant having a single main stem.
- 24-302-185 **Truck Terminal.** A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.
- 24-302-186 **Truck Stop.** A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.
- 24-302-187 **Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 24-302-188 **Variance.** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 24-302-189 **Wayside Stand, Roadside Stand, Wayside Market.** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.



- 24-302-190 **Wrecked Automobile.** Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven.
- 24-302-191 **Yard.** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 24-302-192 **Yard, Front.** An open, unoccupied space, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front setback line projected to the side lines of the lot. On corner lots, the front shall be considered parallel to the street upon which the lots have its least dimension.
- 24-302-193 **Yard, Rear.** An open space, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear setback line projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.
- 24-302-194 **Yard, Side** An open, unoccupied space, on the same lot with a main building, situated between the side setback and the adjacent side line of the lot extending from the rear line of the front yard to the front line of rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**ARTICLE 24-4**  
**ESTABLISHMENT OF DISTRICTS**

<b>24-401-00</b>	<b>Division of the Town of Pearisburg Into Districts</b>
<b>24-402-00</b>	<b>Incorporation of the Zoning Map</b>
<b>24-403-00</b>	<b>Map Amendment</b>
<b>24-404-00</b>	<b>Replacement of the Official Zoning Map</b>
<b>24-405-00</b>	<b>Rules for Determining Boundaries</b>

24-401-00      **DIVISION OF THE TOWN OF PEARISBURG INTO DISTRICTS**

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

24-402-00      **INCORPORATION OF THE ZONING MAP**

The zoning map entitled the "Official Zoning Districts Map for the Town of Pearisburg, Virginia", dated XX/XX , 2010, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

24-403-00      **MAP AMENDMENT**

If in accordance with the provisions of Article 24-800, herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Town of Pearisburg Town Council together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 30-800, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Town of Pearisburg Town Council. Amendments to this Ordinance, which involve matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Pearisburg Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

24-404-00      **REPLACEMENT OF THE OFFICIAL ZONING MAP**

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

24-405-00     **RULES FOR DETERMINING BOUNDARIES**

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

- 24-405-01     Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.
- 24-405-02     District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or right-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 24-405-03     Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Town Council in accordance with Section 30-802-04 of this Ordinance.
- 24-405-04     Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- 24-405-05     Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- 24-405-06     If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary in accordance with Section 30-806 of this Ordinance.

**ARTICLE 24-5**  
**APPLICATION OF ZONING REGULATIONS**

<b>24-501-00</b>	<b>Uses</b>
<b>24-502-00</b>	<b>Buildings</b>
<b>24-503-00</b>	<b>Lots and Yards</b>
<b>24-504-00</b>	<b>Gardening</b>
<b>24-505-00</b>	<b>Permits Issued Prior to Adoption of Ordinance</b>

## **APPLICATION OF ZONING REGULATIONS**

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

### **24-501-00 USES**

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

### **24-501-01 Permitted Uses.**

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

### **24-501-02 Conditional Use.**

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

### **24-502-00 BUILDINGS**

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

### **24-503-00 LOTS AND YARDS**

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet, and those authorized modifications described in Section 30-701-01.

24-504-00      **GARDENING**

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

24-505-00      **PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE**

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

**ARTICLE 24-6  
USES IN DISTRICTS**

24-601-00	Agricultural/Residential District AR-1
24-602-00	Residential Limited District R-1
24-603-00	Residential District R-3
24-604-00	Medium Density Residential District R-3
24-605-00	Townhouse Development District R-4
24-606-00	Manufactured Home District R-5
24-607-00	Planned Development District R-6
24-608-00	Central Business District B-1
24-609-00	General Business District B-2
24-610-00	Planned Business District B-3
24-611-00	Light Industrial M-1
24-612-00	General Industrial I-1
24-613-00	Flood Hazard District FH-1
24-614-00	Mixed Residential District R-7
24-615-00	Transitional Residential District R-8



24-601-00     **AGRICULTURAL/RESIDENTIAL DISTRICT AR-1**

24-601-01     Intent of the Agricultural/residential district. This district covers portions of the Town which are occupied by various open uses. The district is established for the specific purpose of facilitating existing and future agricultural operations, conservation of natural resources, and to provide for the orderly expansion of urban development.

24-601-02-01 Permitted Uses. Within the Agricultural/Residential District AR-1 the following uses are permitted:

24-601-02-02 Wildlife areas or game refuges;

24-601-02-03 Flood control and watershed structures;

24-601-02-04 Timber production, forests;

24-601-02-05 Fish hatcheries;

24-601-02-06 Nurseries, tree farms and greenhouses;

24-601-02-07 Cemeteries;

24-601-02-08 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-601-02-09 Single-family dwellings excluding residential developments;

24-601-02-010 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot

24-601-02-011 Schools;

24-601-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 30-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-601-03-01 Neighborhood retail stores or services;

24-601-03-02 Private seasonal camp or retreat;

- 24-601-03-03 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Board Health of the Commonwealth of Virginia Governing Campgrounds are met;
- 24-601-03-04 Sawmill or commercial wood yard;
- 24-601-03-05 Quarry, gravel, shale, or sand operation;
- 24-601-03-06 Animal Hospital;
- 24-601-03-07 Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence; except the residence of the owner;
- 24-601-03-08 Lodge or resort;
- 24-601-03-09 Hotel;
- 24-601-03-10 Feed mill or seed and feed store;
- 24-601-03-11 Automobile Service Station;
- 24-601-03-12 An individual manufactured home on a single lot; excluding manufactured home parks and subdivisions;
- 24-601-03-13 Bed and Breakfast
- 24-601-03-14 Agriculture provided that no storage of manure or other odor or dust producing substances shall be permitted. No poultry or livestock shall be penned within two hundred (200) feet of a lot with a residence on it;
- 24-601-03-15 Livestock production;
- 24-601-03-16 Dairy farms;
- 24-601-03-17 Poultry production;
- 24-601-03-18 Hog farms. A hog pen must be located at least five hundred (500) feet from the nearest residence, except that of the owner;
- 24-601-03-19 Public Utilities;
- 24-601-03-20 Public Water Systems;
- 24-601-03-21 Public Sewage Systems;
- 24-601-03-22 Public Service Buildings;

- 24-601-04     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 24-601-04-1     Home Occupation provided that the requirements of Article 24-700 are met;
  - 24-601-04-2     Living quarters in the main structure of persons employed on the premises;
  - 24-601-04-3     Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;
  - 24-601-04-4     Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 24-601-04-5     Signs as provided for in Article 24-700;
  - 24-601-04-6     Parking as provided for in Article 24-700;
  - 24-601-04-7     Storage Building.

24-602-00     **RESIDENTIAL LIMITED DISTRICT R-1**

24-602-01     Intent of the Residential Limited District R-1- The intent of the R-1 residential district is to provide for low density residential development which is characterized by large lots and open space. This district is primarily designed to provide and encourage a safe and suitable environment for family life.

24-602-02     Permitted Uses. Within the Residential Limited District R-1 the following uses are permitted:

24-602-02-01   Single-family dwellings;

24-602-02-02   Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family development. Each living unit shall contain a minimum of 1,200 square feet;

24-602-02-03   Schools;

24-602-02-04   Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot;

24-602-02-05   Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-602-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-602-03-01   Child care centers and family day care homes;

24-602-03-02   Public utilities;

24-602-03-03   Public water and sewage facilities;

24-602-03-04   Public Service buildings;

24-602-03-05   Uses of a similar character to Conditional Uses which would not be detrimental to the neighborhood.

24-602-04     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- 24-602-04-01 Home Occupation provided that the requirements of Article 24-700 are met;
- 24-602-04-02 Living quarters in the main structure of persons employed on the premises;
- 24-602-04-03 Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;
- 24-602-04-04 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 24-602-04-05 Signs as provided for in Article 24-700;
- 24-602-04-06 Parking as provided for in Article 24-700;
- 24-602-04-07 Storage Building.

24-603-00     **RESIDENTIAL DISTRICT R-2**

24-603-01     Intent of Residential District R-2- The intent of the R-2 Residential district is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, and concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences.

24-603-02     Permitted Uses. Within Residential District R-2 the following uses are permitted:

24-603-02-01   Single-family dwellings;

24-603-02-02   Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family development. Each living unit shall contain a minimum of 980 square feet;

24-603-02-03   Schools;

24-603-02-04   Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot;

24-603-02-05   Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-603-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-603-03-01   Child care centers and family day care homes;

24-603-03-02   Public utilities;

24-603-03-03   Public water and sewage facilities;

24-603-03-04   Homes for adults;

24-603-03-05   Bed and Breakfasts;

24-603-03-06   Public Service buildings;

24-603-03-07 Uses of a similar character to Conditional Uses which would not be detrimental to the neighborhood.

24-603-03-08 Multi-family dwellings and apartments.

24-603-03-09 Professionals Offices

24-603-03-10 Medical Office

603-04       **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

603-04-01   Home Occupation provided that the requirements of Article 24-700 are met;

603-04-02   Living quarters in the main structure of persons employed on the premises;

603-04-03   Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;

603-04-04   Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

603-04-05   Signs as provided for in Article 24-700;

603-04-06   Parking as provided for in Article 24-700.

603-04-07   Storage Building.

24-604-00     **MEDIUM DENSITY RESIDENTIAL DISTRICT R-3**

24-604-01     Intent of Medium Density Residential District R-3- The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Town of Pearisburg Comprehensive Plan. The regulations for this district for development which is not completely residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

24-604-02     Permitted Uses. Within Medium Density Residential District R-3 the following uses are permitted:

24-604-02-01   Single-family dwellings;

24-604-02-02   Two-family dwellings;

24-604-02-03   Multi-family dwellings, apartments, townhouses (in accordance with Section 24-709 of this Ordinance), and condominiums;

24-604-02-04   Schools;

24-604-02-05   Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot;

24-604-02-06   Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-604-02-07   Professional Offices in structures similar in character with surrounding properties with signs as provided in Article 24-706;

24-604-02-08   Medical Offices in structures similar in character with surrounding properties with signs as provided in Article 24-706;

24-604-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-604-03-01   Child care centers and family day care homes;

24-604-03-02   Boarding house; tourist homes; Bed and Breakfasts;



- 24-604-03-03 General hospitals;
- 24-604-03-04 Public utilities;
- 24-604-03-05 Commercial operations which:
  - 24-604-03-05-1 Will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use;
  - 24-604-03-05-2 Will not be detrimental to the public welfare or injurious to property or improvements;
  - 24-604-03-05-3 Will not be in conflict with the intent of this district;
  - 24-604-03-05-4 Will comply with all other provisions regulating such uses;
- 24-604-03-06 Foster homes or group homes serving the developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;
- 24-604-03-07 Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;
- 24-604-03-08 Commercial radio towers;
- 24-604-03-09 Uses of a similar character to Conditional Uses which would not be detrimental to the neighborhood.
- 24-604-03-10 Public Water Systems;
- 24-604-03-11 Public Sewage Systems;
- 24-604-03-12 Public Service Buildings;
- 24-604-03-13 Outpatient Mental Health and Substance Abuse Center in structures similar in character with surrounding properties with signs as provided in Article 24-706;
- 24-604-04 **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 24-604-04-01 Home Occupation provided that the requirements of Article 24-700 are met;
  - 24-604-04-02 Living quarters in the main structure of persons employed on the premises;
  - 24-604-04-03 Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;

24-604-04-04 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

24-604-04-05 Signs as provided for in Article 24-700;

24-604-04-06 Parking as provided for in Article 24-700.

24-604-04-07 Storage Building.

24-605-00 **TOWNHOUSE RESIDENTIAL R-4**

24-605-01 Intent of the Townhouse Residential District R-4- The intent of the Townhouse Residential District is to provide for a range of residential development densities in accordance with the Town of Pearisburg Comprehensive Plan.

24-605-02 Permitted Uses. Within the Townhouse Residential District R-4 the following uses are permitted:

24-605-02-01 Single-family dwellings;

24-605-02-02 Two-family dwellings;

24-605-02-03 Townhouse developments as provided for in Article 24-700;

24-605-02-04 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-605-03 **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-605-03-02 Public utilities;

24-605-03-03 Public water and sewage facilities;

24-605-03-04 Child care centers and family day care homes;

24-605-03-05 Homes for adults;

24-605-03-06 Uses of a similar character to Conditional Uses which would not be detrimental to the neighborhood.

24-605-04     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

24-605-04-01 Home Occupation provided that the requirements of Article 24-700 are met;

24-605-04-02 Living quarters in the main structure of persons employed on the premises;

24-605-04-03 Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;

24-605-04-04 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

24-605-04-05 Signs as provided for in Article 24-700;

24-605-04-06 Parking as provided for in Article 24-700;

24-605-04-07 Storage Building.

- 24-606-00     **MANUFACTURED HOME DISTRICT R-5**
- 24-606-01     Intent of the Manufactured Home District R-5- The intent of the Manufactured Home District is to allow residential development in the form of manufactured home parks and manufactured home subdivisions.
- 24-606-02     Zoning Amendment Required for R-5 District Classification. The R-5 District is considered a “floating” zone and classification of a piece of property as R-5 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a manufactured home park or manufactured home subdivision shown in Article 24-700 and the proposed use is compatible with adjacent land uses.
- 24-606-03     Permitted Uses. Within Manufactured Home District R-5 the following uses are permitted:
- 24-606-03-01     Manufactured home parks as provided for in Section 24-707;
- 24-606-03-02     Manufactured home subdivisions as provided for in Section 24-707;
- 24-606-03-03     Permanent buildings associated with manufactured home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:
- 24-606-03-03-01     Parking requirements for such facilities are met;
- 24-606-03-03-02     Such uses are subordinate to the residential use and character of the Manufactured home park or subdivision;
- 24-606-04     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:
- 24-606-04-01     Neighborhood commercial uses, provide they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood;
- 24-606-05     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 24-606-05-01     Living quarters in the main structure of persons employed on the premises;
- 24-606-05-02     Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

24-606-05-03 Signs as provided for in Article 24-700;

24-606-05-04 Parking as provided for in Article 24-700;

24-607-00     **PLANNED DEVELOPMENT DISTRICT R-6**

- 24-607-01     Intent of Planned Development District R-6-The intent of the Planned Development District R-6 is to provide for larger scaled developments, development on difficult sites, clustering of residential dwelling units, to provide for neighborhoods with a variety of housing types and densities, and neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.
- 24-607-02     The R-6 Planned Development District is considered a "floating" zone and classification of a piece of property as R-6 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.
- 24-607-03     Permitted Uses. Within Planned Development District R-6 residential, commercial, and light industrial uses shall be allowed subject to approval of plan as outlined in this section, are permitted.
- 24-607-04     Uses Permitted by Approval. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.
- 24-607-05     Qualifying Requirements. A tract or parcel of land may be considered for R-6 Planned Development District Zoning only if it meets the following conditions:
- 24-607-05-01   Ownership Requirements. The project area Ownership Requirements. The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;
- 24-607-05-02   Availability of Public Utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer systems can be developed as part of the project;
- 24-607-05-03   Land Suitability. Rezoning land to R-4 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, non-conformity to Town development plans, or other public health, welfare or safety objectives.
- 24-607-06     Site Design Requirements. The following are the site design requirements for the R4 Residential District:

- 24-607-06-01 Maximum Density. The gross residential density shall not exceed an average of 10-5 dwelling units per acre;
- 24-607-06-02 Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;
- 24-607-06-03 Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;
- 24-607-06-04 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, preserve existing ridgelines and water courses, be properly related to topography, and provide convenient and safe access.
- 24-607-06-05 Street Design. The street system within the project area shall be designed:
- 24-607-06-05-01 According to functional street purposes and projected traffic flow;
- 24-607-06-05-02 To discourage through traffic;
- 24-607-06-05-03 To assure safe and convenient sight distances;
- 24-607-06-05-04 To complement the natural topography;
- 24-607-06-05-05 In coordination with existing and planned streets; and
- 24-607-06-05-06 To be constructed in accordance with the current applicable Virginia Department of Transportation Subdivision Street Requirements.
- 24-607-07-06 Street Names and Signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;
- 24-607-07-07 Street Lighting. Street lighting may be provided in the development;
- 24-607-07-08 Pedestrian Circulation. Provision may be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;

- 24-607-07-09 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit
- 24-607-07-10 Water and Sewer. All Planned Development Districts shall be served by collective water and sewer system, and the project area water and sewer lines shall be connected to existing public systems.
- 24-607-07-11 Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the Town development plan;
- 24-607-07-12 Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- 24-607-07-13 Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage way traverse the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the development;
- 24-607-07-14 Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other as may increase danger of health, life, property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 24-607-07-15 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;
- 24-607-07-16 Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- 24-607-07-17 Maintenance of Common Property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties. Preservation of open space shall be assured by dedication to a public agency or private foundation, or an alternative mechanism that insures management in perpetuity by a responsible and accountable party. The mechanism must be approved by the Planning Commission.



- 24-607-07-18 Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.
- 24-607-08 Data to Accompany Application. With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:
- 24-607-08-01-01 Mapping of the project at an accurate scale for the proposed development plan;
- 24-607-08-01-02 Proposed land uses including residential types, commercial types, recreation and any other proposed use;
- 24-607-08-01-03 Proposed street system including public and private right-of-way;
- 24-607-08-01-04 Proposed parking areas and parking space delineations;
- 24-607-08-01-05 Proposed plat showing subdivision lot lines;
- 24-607-08-01-06 Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- 24-607-08-01-07 Proposed drainage plan;
- 24-607-08-01-08 Proposed location of buildings, structures, and improvements;
- 24-607-08-01-09 Property lines of proposed common property;
- 24-607-08-01-10 Proposed pedestrian circulation system;
- 24-607-08-01-11 Proposed landscaping plan and proposed treatment of the project perimeter such as screening;
- 24-607-08-01-12 Relationships and tie-ins to adjacent property.
- 24-607-08-01-13 To be in compliance with pavement specifications found in the Pearisburg Subdivision Ordinance.
- 24-607-08-02 Supporting documentation to include the following minimum data:
- 24-607-08-02-01 A legal description of the project boundaries;
- 24-607-08-02-02 A statement of existing and proposed property owners;
- 24-607-08-02-03 Names and addresses of all adjacent property owners;
- 24-607-08-02-04 A statement of project development objectives and character to be achieved;

- 24-607-08-02-05 An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- 24-607-08-02-06 A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- 24-607-08-02-07 Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;
- 24-607-08-02-08 Proposed building types including architectural style, height, and floor area;
- 24-607-08-02-09 Approvals from the Virginia Department of Highways and the Giles County Health Officer;
- 24-607-08-02-10 Proposed agreements, provisions, covenants, or conservation easements which govern the use, maintenance, and continued protection of property to be held in common ownership or conveyed to a qualified non-profit conservation organization or state land conservation agency;
- 24-607-08-02-11 A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
- 24-607-08-02-12 To be in compliance with pavement specifications found in the Pearisburg Subdivision Ordinance
- 24-607-08-03 Application. Ten (10) copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;
- 24-607-08-04 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Pearisburg a check in the amount of two hundred dollars (\$200-00) plus one dollar (\$1-00) per acre for each acre over twenty five (25) acres proposed in the development plan;
- 24-607-08-05 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development;
- 24-607-08-06 Preliminary Plan Approval.

- 24-607-08-06-01 Within sixty (60) days after filing of the preliminary development plan the Planning Commission shall report to Town Council one of the following:
- (A) Recommend approval of the plan as presented, or
  - (B) Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
  - (C) Recommend disapproval;
- 24-607-08-06-02 The Town Council shall give notice under §15.2-2204 of the Code of Virginia of a Public Hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Town Council shall approve or disapprove the preliminary development plan, or shall approve the preliminary development plan with modifications;
- 24-607-08-06-03 If the preliminary development plan is approved, or approved with modifications by Town Council, the Zoning Map shall be amended to show the R-6 Planned Unit Development. If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.
- 24-607-09 Status of Approval. No building permits shall be issued within the project area until the final development plan has been approved by the town under the procedures in the following sections.
- 24-607-10 Final Plan Application. Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator the original and ten (10) copies of a final development plan containing in final form, the information required in the preliminary plan, including but not limited to, final maps and documents specified above. In its discretion and for good cause, the Planning Commission and, upon receipt of a written application, extend for six (6) months the period for filing of the final development plan; if the preliminary development plan lapses under the provisions of this section, the zoning change shall be revoked and the zoning regulations applicable before the preliminary development plan was approved shall then be in effect.
- 24-607-10-01 Phasing Plan. If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase;
- 24-607-10-02 Compliance with Preliminary Plan. The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance provided modification does not involved any of the following and provided further than such modification does not exceed any of the limitations of this Districts regulations:

- 24-607-10-02-01 Variation of the proposed density or intensity of use by more than ten (10) percent;
- 24-607-10-02-02 Reduction of more than ten (10) percent of the area reserved for common open space;
- 24-607-10-02-03 Increase of the floor area proposed for nonresidential use by more than ten percent;
- 24-607-10-02-04 Increase of the total ground area covered by buildings by more than five (5) percent.
- 24-607-10-03 Final Plan Approval. The Planning Commission shall review the final development plan, and shall make a recommendation to the Town Council who shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the Court in whose office deeds are conveyed will record the final development plan in the manner provided for recording plats or subdivisions.
- 24-607-11 Subdivision Plat Requirements. Final subdivision plats shall be submitted and recorded before the granting of buildings permits or before the sale of any lots. Subdivision plats may be submitted for portions of the project area in accordance with the phasing plan. Subdivision plats shall be in compliance with the Town of Pearisburg Subdivision Ordinance.
- 24-607-12 Plans and Specifications. Two (2) blue or black line prints of the plans and specifications of all required physical improvements to be installed shall be prepared by a licensed engineer as certified by the State of Virginia and shall be submitted to the Town Manager for review. The Town Manager shall approve or disapprove of the construction plans within forty-five (45) days of submission. If approved, one (1) copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing;
- 24-607-13 Maintenance of Common Property. The developer shall create a property owners association to be responsible for maintaining all common property. The cost of maintaining a common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties;
- 24-607-14 Advertising and Sale. The developer shall not advertise for sale or sell any tract or lot within the project area until an approved plat has been properly recorded. Prospective property owners shall be informed of the homeowners responsibility, the entire project area development plan, and the amount of officially approved water available to each lot in terms of Gallons Per Day;
- 24-607-15 Changes in Final Development. No changes may be made in the approved final plan during the construction of the Planned Development except upon application to the Town Manager under the procedures provided bellow:

- 24-607-15-01 Minor changes in the location, setting, and character of buildings and structures may be authorized by the Town Manager if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this section may increase the cubic volume of any building or structure by more than ten (10) percent. Changes greater than ten (10) percent shall be referred back to the Planning Commission and the Town Council;
- 24-607-15-02 All other changes in use and rearrangement of lots, blocks and buildings tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan by the developer or any succeeding owner, or agent must be authorized by the Town Council. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.
- 24-607-16 Development Schedule and Review. The construction and provision of all facilities and improvements on common property, which are shown on the final development plan, must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development plan the Zoning Administrator shall review all of the building permits issued for the Planned Development and examine the construction which has taken place on the site. If he or she shall find that the rate at which facilities and improvements on common property have been constructed and provided, is not in accordance with the original development schedule, he or she shall forward this information to the Building Official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided;
- 24-607-17 Failure to Begin Development. If no construction has begun or no use established in the Planned Development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion, and for good cause, the Town Council may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the Clerk of the Court shall file notice of revocation with the recorded subdivision plat. The zoning regulations applicable before the preliminary final development plan was approved shall then be in effect.

24-608-00     **CENTRAL BUSINESS DISTRICT B-1**

- 24-608-01     Intent of the Central Business District B-1 - This district covers the portion of the town located in downtown Pearisburg which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setback. Uses in the District include retail sales, services, banks, restaurants, and other similar businesses. The intent of the District is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures.
- 24-608-02     Parking in Central Business District. The parking requirements as provided in Article 24-700 are not applicable except for residential uses for the B-1 District. On-street parking is allowed and off-street parking is provided in several public parking lots in the district. The provision of additional off-street parking by developers of property in this district is allowed.
- 24-608-03     Permitted Uses. Within the Central Business District B-1 the following uses are permitted:
- 24-608-03-01   Department stores, variety stores, specialty shops, discount shops, and appliance stores;
- 24-608-03-02   Bakeries;
- 24-608-03-03   Laundries, dry cleaning shops, and clothes dyeing establishments;
- 24-608-03-04   One- or two-family dwellings but not including single-family and two-family developments;
- 24-608-03-05   Retail stores and shops;
- 24-608-03-06   Theaters, assembly halls, playhouses and dinner theaters;
- 24-608-03-07   Hotels;
- 24-608-03-08   Banks and loan finance officers, including drive-in types;
- 24-608-03-09   Churches and other places of worship, and church school buildings;
- 24-608-03-10   Libraries;
- 24-608-03-11   Hospitals and Medical Office;
- 24-608-03-12   Funeral home and/or mortuaries;
- 24-608-03-13   Automobile service stations and public garages (with major repair in an enclosed buildings) not to include gas stations;

- 24-608-03-14 Clubs and lodges;
- 24-608-03-15 Automobile sales;
- 24-608-03-16 Lumber and building supply (with storage in an enclosed building);
- 24-608-03-17 Plumbing and electrical supply (with storage in an enclosed building);
- 24-608-03-18 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a, completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential Lot;
- 24-608-03-19 RESERVED.
- 24-608-03-20 RESERVED.
- 24-608-03-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
- 24-608-03-22 Newspaper offices and printing shops;
- 24-608-03-23 Business and Professional Offices;
- 24-608-03-24 Greenhouses;
- 24-608-03-25 Police, fire, and rescue squad stations;
- 24-608-03-26 Post offices;
- 24-608-03-27 Bus stations and taxi stations;
- 24-608-03-28 Radio and television broadcasting studios;
- 24-608-03-29 Public buildings and properties of a cultural, administrative, or service type;
- 24-608-03-30 Parking garages and parking lots;
- 24-608-03-31 Business and vocational schools;
- 24-608-03-32 Signs provided in Article 24-700;
- 24-608-03-33 Museums;
- 24-608-03-34 Picture frame manufacturing and assembling;
- 24-608-03-35 Studios;

- 24-608-03-36 Auction houses;
- 24-608-03-37 Foster homes or group homes serving the developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met.
- 24-608-04 **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:
- 24-608-04-01 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;
- 24-608-04-02 Television and radio transmitting antenna;
- 24-608-04-03 Beverage manufacturing, bottling or distribution stations and food processing packaging, or distribution stations;
- 24-608-04-04 Wholesale business, storage warehouse, or processing not objectionable because of noise, or odors provided that any such use shall be at least fifty (50) feet from any Residential Lot;
- 24-608-04-05 Conversion of a single-family dwelling to a multi-family use;
- 24-608-04-06 Fabricating and welding of metal within a completely enclosed building;
- 24-608-04-07 Open storage of machinery, materials, and supplies;
- 24-608-04-08 Shooting Range or Gallery;
- 24-608-04-09 Public Utilities;
- 24-608-04-10 Public Service Buildings;
- 24-608-04-11 Outpatient Mental Health and Substance Abuse Center.
- 24-608-05 Requirements for Permitted Uses and Conditional Uses in Central Business District B-1-
- 24-608-05-01 Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.



24-608-06     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

24-608-06-01   Living quarters in the main structure of persons employed on the premises;

24-608-06-02   Private parking garage;

24-608-06-03   Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

24-608-06-04   Signs as provided for in Article 24-700;

24-608-06-05   Storage Building.

24-609-00     **GENERAL BUSINESS DISTRICT B-2**

24-609-01     Intent of the General Business District B-2- Generally, this district covers that portion of the town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of configuration of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.

24-609-02     Permitted Uses. Within the General Business District B-2 the following uses are permitted:

24-609-02-01   Department stores, variety stores, specialty shops, discount shops, and appliance stores;

24-609-02-02   Bakeries;

24-609-02-03   Laundries, dry cleaning shops, and cloths dyeing establishments;

24-609-02-04   One- or two-family dwellings but not including single-family and two-family developments;

24-609-02-05   Retail stores and shops;

24-609-02-06   Theaters, assembly halls, playhouses and dinner theaters;

24-609-02-07   Hotels;

24-609-02-08   Banks and loan finance officers, including drive-in types;

24-609-02-09   Churches and other places of worship, and church school buildings;

24-609-02-10   Libraries;

24-609-02-11   Hospitals and Medical Offices;

24-609-02-12   Funeral home and/or mortuaries;

24-609-02-13   Automobile service stations and public garages (with major repair in an enclosed buildings);

24-609-02-14   Clubs and lodges;

24-609-02-15   Automobile sales;

24-609-02-16   Lumber and building supply (with storage in an enclosed building);

24-609-02-17   Plumbing and electrical supply (with storage in an enclosed building);

- 24-609-02-18 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a, completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential Lot;
- 24-609-02-19 RESERVED
- 24-609-02-20 RESERVED
- 24-609-02-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
- 24-609-02-22 Newspaper offices and printing shops;
- 24-609-02-23 Business and professional offices;
- 24-609-02-24 Police, fire, and rescue squad stations;
- 24-609-02-25 Post offices;
- 24-609-02-26 Bus stations and taxi stations;
- 24-609-02-27 Radio and television broadcasting studios;
- 24-609-02-28 Public buildings and properties of a cultural, administrative, or service type;
- 24-609-02-29 Parking garages and parking lots;
- 24-609-02-30 Business and vocational schools;
- 24-609-02-31 Signs provided in Article 24-700;
- 24-609-02-32 Off-street parking as required by this Ordinance;
- 24-609-02-33 Museums;
- 24-609-02-34 Picture frame manufacturing and assembling;
- 24-609-02-35 Studios;
- 24-609-02-36 Foster homes or group homes serving the developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met.

- 24-609-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:
- 24-609-03-01   Athletic fields, stadiums, and arenas;
- 24-609-03-02   Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;
- 24-609-03-03   Drive-in theaters provided all parts of such drive-in shall be distanced at least two hundred (200) feet from any Residential Lot and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway;
- 24-609-03-04   Livestock market and sales pavilions;
- 24-609-03-05   Recreations developments including campgrounds and recreational vehicles parks with the minimum requirement that the "Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds" are met;
- 24-609-03-06   Shooting range or gallery;
- 24-609-03-07   Wholesale business, storage, processing or warehouse not objectionable because of noise or odors provided that any such use shall be at least fifty (50) feet from any Residential Lot.
- 24-609-03-08   Conversion of a single-family dwelling into a multi-family use;
- 24-609-03-09   Kennels and animal hospitals provided that any structure or premise used for such purposes shall be located at least one hundred (100) feet from any Residential Lot;
- 24-609-03-10   Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least one hundred (100) feet from any Residential Lot;
- 24-609-03-11   Fabricating and welding of metal within a completely enclosed building;
- 24-609-03-12   Open storage of machinery, materials, and supplies;
- 24-609-03-13   Multi-family dwellings and apartments;
- 24-609-03-14   Greenhouses;

- 24-609-03-15 Public Utilities;
- 24-609-03-16 Public Service Buildings;
- 24-609-03-17 Outpatient Mental Health and Substance Abuse Center;
- 24-609-03-18 Telecommunication Towers and Devices.
- 24-609-04 Requirements for Permitted Uses and Conditional Uses in Central Business District B-1.
- 24-609-04-01 Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.
- 24-609-05 **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 24-609-05-01 Living quarters in the main structure of persons employed on the premises;
  - 24-609-05-02 Private parking garage;
  - 24-609-05-03 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 24-609-05-04 Signs as provided for in Article 24-700;
  - 24-609-05-05 Parking as provided for in Article 24-700;
  - 24-609-05-06 Storage Building.

24-610-00     **PLANNED BUSINESS DISTRICT B-3**

- 24-610-01     Intent of the Planned Business District B-3- The B-3 Planned Business District is intended to permit the development of neighborhood business areas, under one ownership or control in those areas of the town where there are areas of sufficient size in heavily populated sections and where sanitary sewers, street access, and public water supply are adequately provided. Within this district the location of buildings, design of buildings, parking areas, and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general.
- 24-610-02     Permitted Uses. Within the Planned Business District no building, structure, or premises shall be used and no building or structure shall be erected or altered until and unless the same has been approved by the Planning Commission and by Town Council in accordance with the provisions contained in Article 24-800 and until and unless the following conditions have been complied with:
- 24-610-02-01     Uses permitted are the same as those permitted in the B-2 General Business District.
- 24-610-03     **Conditional Uses.** Uses allowed by conditional use permit are the same as those allowed by conditional use permit in the B-2 General Business District.
- 24-610-04     There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
- 24-610-04-01     A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, screening, and other necessary uses;
- 24-610-04-02     Preliminary architectural plans for the proposed building or buildings;
- 24-610-04-03     A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing excessive auto or traffic congestion or problems of noise, glare, odor, fire, or safety hazards, or other factors detrimental to the health, safety, and welfare of the area;
- 24-610-04-04     Engineering or architectural plans for the handling of any of the problems of the type outlined in Section 610-04-03 of the Ordinance, including the handling of storm water and sewers and necessary plans for the controlling of smoke or other nuisances such as those enumerated under Section 610-04-03 of the Ordinance;
- 24-610-04-05     Any other information the Planning Commission or Town Council may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.
- 24-610-05     Area Regulations. In this district the area regulations, maximum lot coverage, height restrictions, and off-street parking shall comply with the requirements of the B-3 Planned Business District:

- 24-610-05-01 There shall be a twenty five (25) foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of quiescent height and density to serve as a screen between the business zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the Planning Commission and by Town Council;
- 24-610-05-02 These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfare or thoroughfares. Entrances to the property will be allowed former the arterial streets only.
- 24-610-06 Signs. Signs are provided for in Article 24-700.

24-611-00     **LIGHT INDUSTRIAL DISTRICT M-1**

- 24-611-01     Intent of Light Industrial District M-1- The intent of the M-1 Industrial District is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M-1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semi-finished products from previously prepared material.
- 24-611-02     Permitted Uses. Within the Light Industrial District the following uses are permitted:
- 24-611-02-01     Assembly of electrical appliances, electronic instruments and devices, and electrical parts.
- 24-611-02-02     Automobile assembling, painting, upholstering, repairing, re-building, reconditioning, body and fender work, truck repairing or overhauling, tire re-treading or recapping or battery manufacture;
- 24-611-02-03     Open storage of wrecked automobiles for reconditioning, body or fender work, repainting or repairing, up to five (5) in number;
- 24-611-02-04     Blacksmith shop, welding or machine shop;
- 24-611-02-05     Laboratories-pharmaceutical and/or medical;
- 24-611-02-06     Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries or food products;
- 24-611-02-07     Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;
- 24-611-02-08     Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- 24-611-02-09     Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 24-611-02-10     Cabinets, furniture and upholstery shops;
- 24-611-02-11     Boat building;
- 24-611-02-12     Monumental stone works;
- 24-611-02-13     Radio transmission tower, provided such tower shall not exceed two hundred twenty-five (225) feet in height, shall not be lighted, and shall conform in design



and coloring to the environment and to plans and specifications approved by the Zoning Administrator and Building Inspector;

24-611-02-14 Animal hospital, kennels;

24-611-02-15 Wholesale businesses, storage warehouses;

24-611-02-16 Computer design, repair, and manufacturing.

24-611-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-611-03-01 Building material sales yards, plumbing supply sales and storage;

24-611-03-02 Coal and wood yards, lumber yards, feed and seed stores;

24-611-03-03 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;

24-611-03-04 Truck terminal;

24-611-03-05 Truck stop;

24-611-03-06 Public Service Buildings;

24-611-03-07 Public Utilities;

24-611-03-08 Public Water Systems;

24-611-03-09 Public Sewage Systems;

24-611-03-10 Telecommunication Towers and Devices.

24-611-04     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

24-611-04-01 Living quarters in the main building;

24-611-04-02 Private parking garage;

24-611-04-03 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

- 24-611-04-04 Signs as provided for in Article 24-700;
- 24-611-04-05 Parking as provided for in Article 24-700;
- 24-611-05 Requirements for Use. In accordance with Article 24-800 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;
- 24-611-05-01 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;
- 24-611-05-02 Sufficient area shall be provided to:
- 24-611-05-02-01 Adequately screen permitted uses from adjacent business and residential districts;
- 24-611-05-02-02 For off-street parking of vehicles incidental to the industry, its employees, and clients;
- 24-611-05-03 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses.

24-612-00     **GENERAL INDUSTRIAL DISTRICT I-1**

24-612-01     Intent of the General Industrial District I-1- The primary purpose of this district is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and the continued use of land for industrial purposes; (b) prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the district; (c) encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; and (d) encourage industrial parks.

24-612-02     Permitted Uses. Within the General Industrial District I-1 the following uses are permitted:

24-612-02-01   Assembly of electrical appliances, electronic instruments and devices, and electrical parts;

24-612-02-02   Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire re-treading or recapping, or battery manufacture;

24-612-02-03   Blacksmith shop, welding or machine shop;

24-612-02-04   Laboratories-pharmaceutical and/or medical;

24-612-02-05   Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries, or food products;

24-612-02-06   Manufacture, compounding, processing, packaging, or treatment of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;

24-612-02-07   Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

24-612-02-08   Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

24-612-02-09   Building material sales yards, plumbing supply sales and storage;

24-612-02-10   Coal and wood yards, lumber yards, feed and seed stores;

- 24-612-02-11 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
- 24-612-02-12 Cabinets, furniture and upholstery shops;
- 24-612-02-13 Boat Building;
- 24-612-02-14 Monumental stone works;
- 24-612-02-15 Wholesale businesses, storage warehouses;
- 24-612-02-16 Sawmills and planking mills;
- 24-612-02-17 Brick manufacture;
- 24-612-02-18 Off-street parking as provided in Article 700;
- 24-612-02-19 Signs as provided in Article 24-700;
- 24-612-02-20 Radio transmission tower, provided such tower shall not exceed two hundred twenty-five (225) feet in height, shall not be lighted, and shall conform in design and coloring to the environment and to plans and specifications approved by the Zoning Administrator and Building Inspector.
- 24-612-03 **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:
  - 24-612-03-01 Manufacture or production of aluminum;
  - 24-612-03-02 Recycling facilities;
  - 24-612-03-04 Truck terminals;
  - 24-612-03-05 Truck stops;
  - 24-612-03-06 Sand, concrete, and gravel operations;
  - 24-612-03-07 Petroleum storage;
  - 24-612-03-08 Junk yards and automobile graveyards in accordance with the provisions of Article 24-700;
  - 24-612-03-09 Manufacture, production, or processing of asphalt;

24-612-03-10 Public Service Buildings;

24-612-03-11 Public Utilities;

24-612-03-12 Public Water Systems;

24-612-03-13 Public Sewer Systems;

24-612-03-14 Telecommunication Towers and Devices.

24-612-04     **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

24-612-04-01 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

24-612-04-02 Signs as provided for in Article 24-700

24-612-05     Requirements for Permitted Uses in General Industrial District I-1.

24-612-05-01 In accordance with Article 24-800 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;

24-612-05-02 Final grading and site finishing are required on parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;

24-612-05-03 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses.

24-612-05-04 Parking as provided for in Article 24-700.

24-613-00      **FLOOD HAZARD DISTRICT FH-1**

- 24-613-01      Purpose of Flood Hazard District. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by: (a) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies; (b) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (c) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- 24-613-02      Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Pearisburg and identified as being flood-prone as stipulated in this Ordinance.
- 24-613-03      Compliance. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provision of this Ordinance, the Town of Pearisburg Floodplain Ordinance, and any other applicable ordinances and regulations which apply to the uses within the jurisdiction of this Ordinance.

24-614-00     **MIXED RESIDENTIAL DISTRICT R-7**

24-614-01     Intent of the Mixed Residential District R-7 The intent of the Mixed Residential District is to provide for a range of development densities and housing types in accordance with the Town of Pearisburg Comprehensive Plan. The regulations for the district provide for development which is not completely residential in character, and as such is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, and large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

24-614-02     Permitted Uses. Within the Mixed Residential District R-7 the following uses are permitted:

24-614-02-01 Single-family dwellings;

24-614-02-02 Two family dwellings;

24-614-02-03 Individual manufactured homes on single lots as provided in Article 24-700;

24-614-02-04 Multi-family dwellings, apartments, townhouses (in accordance with Article 24-700 of this Ordinances, and condominiums);

24-614-02-05 Schools;

24-614-02-06 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot;

24-614-02-07 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activates, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-614-02-08 Professional offices in structures similar in character with surrounding properties with signs as provided in Article 24-706

24-614-02-09 Medical office in structures similar in character with surrounding properties with signs as provided in Article 24-706

24-614-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-614-03-01 Child care centers and family day care homes;

- 24-614-03-02 Boarding house; tourist homes; Bed and Breakfasts;
- 24-614-03-03 General hospitals;
- 24-614-03-04 Public utilities;
- 24-614-03-05 Commercial operations which:
  - 24-614-03-05-01 Will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use;
  - 24-614-03-05-02 Will not be detrimental to the public welfare or injurious to property or improvements;
  - 24-614-03-05-03 Will not be in conflict with the intent of this district;
  - 24-614-03-05-04 Will comply with all other provisions regulating such uses;
- 24-614-03-06 Foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;
- 24-614-03-07 Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;
- 24-614-03-08 Commercial radio towers;
- 24-614-03-09 Public Water Systems;
- 24-614-03-10 Public Sewer Systems;
- 24-614-03-11 Public Service Buildings.
- 24-614-03-12 Outpatient Mental Health and Substance Abuse Center in structures similar in character with surrounding properties with signs as provided in Article 24-706
- 24-614-04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 24-614-04-01 Home Occupation provided that the requirements of 24-700 are met;
  - 24-614-04-01 Living quarters in the main structure of persons employed on the premises;
  - 24-614-04-02 Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;



- 24-614-04-03 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 24-614-04-04 Signs as provided for in Article 24-700;
- 24-614-04-05 Parking as provided for in Article 24-700;

24-615-00     **TRANSITIONAL RESIDENTIAL DISTRICT R-8**

24-615-01     Intent of the Transitional Residential District R-8- The intent of the Transitional Residential District is to allow for the conversion of residential structures to professional office, retail stores, and personal services, and to create a compatible mix of residential and business uses.

24-615-02     Permitted Uses. Within Residential District R-2 the following uses are permitted:

24-615-02-01   Single-family dwellings;

24-615-02-02   Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family development. Each living unit shall contain a minimum of 980 square feet;

24-615-02-03   Schools;

24-615-02-04   Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet to a lot with a residential lot;

24-615-02-05   Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activates, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence.

24-615-03     **Conditional Uses.** When, after review of an application and hearing thereon, in accordance with Article 24-800 herein, the Pearisburg Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of the Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pearisburg, the following uses may be permitted with appropriate conditions:

24-615-03-01   Professional offices;

24-615-03-02   Boarding house; tourist homes; Bed and Breakfasts;

24-615-03-03   Foster homes or group homes serving the developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;

24-615-03-04   Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;

24-615-03-05   Retail stores and shops;

- 24-615-03-06 Personal services including but not limited to repair shops, florists, self-service Laundromats, and the like;
- 24-615-03-07 Libraries, museums, and other Public Service buildings;
- 24-615-03-08 Medical Office;
- 24-615-03-09 Outpatient Mental Health and Substance Abuse Center.
- 24-615-04     Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 24-615-04-01 Home Occupation provided that the requirements of Article 24-700 are met;
  - 24-615-04-02 Living quarters in the main structure of persons employed on the premises;
  - 24-615-04-03 Recreational vehicles shall be stored within the required rear or side yard and shall be prohibited from occupancy;
  - 24-615-04-04 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 24-615-04-05 Signs as provided for in Article 24-700;
  - 24-615-04-06 Parking as provided for in Article 24-700;

**ARTICLE 24-7  
USE REGULATIONS**

<b>24-701-00</b>	<b>Area Regulations</b>
<b>24-702-00</b>	<b>Additional Buildings on a Single Lot</b>
<b>24-703-00</b>	<b>Off-Street Parking</b>
<b>24-704-00</b>	<b>Junk Storage and Automobile Graveyards</b>
<b>24-705-00</b>	<b>Home Occupations</b>
<b>24-706-00</b>	<b>Signs</b>
<b>24-707-00</b>	<b>Manufactured Homes</b>
<b>24-708-00</b>	<b>Non-Conforming Lots, Buildings, and Uses</b>
<b>24-709-00</b>	<b>Special Regulations for Townhouses</b>
<b>24-710-00</b>	<b>Fences</b>
<b>24-711-00</b>	<b>Satellite Dish Antennas (Reserved)</b>
<b>24-712-00</b>	<b>Public Service Buildings, Public Water Systems, Public Sewer Systems</b>
<b>24-713-00</b>	<b>Standards for Telecommunication Antennas &amp; Towers</b>

## **AREA REGULATIONS**

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

- 24-701-01 Authorized Modifications of Yard Requirements. The following modifications of the yard requirements are allowed:
- 24-701-01-01 An uncovered or covered porch may project into a required front yard for a distance not exceeding five (5) feet;
- 24-701-01-02 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;
- 24-701-01-03 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots;
- 24-701-01-04 Signs advertising sale or rent of the premises may be erected up to the property line.
- 24-701-02 Special provisions for Corner Lots.
- 24-701-02-01 Of the two (2) sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except in manufactured home subdivisions where the front lot shall be the longer of the two sides;
- 24-701-02-02 The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings;
- 24-701-02-03 For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line which is five (5) feet wider than the required minimum width at the setback line for non-corner lots in each district.
- 24-702-00 **ADDITIONAL BUILDINGS ON A SINGLE LOT**  
Additional single-family structures on a single lot.
- 24-702-01 Garage Apartments. The addition of a single family structure including garage apartments or another such dwelling not to include manufactured homes on a lot within an existing residential or non-residential structure may be permitted by with a Conditional Use Permit under exceptional circumstances and for good cause.

- 24-702-02 Additional Multi-family Structures or Additional Non-Residential Primary Use Structures on a Single Lot. The addition of a multi-family structure to a lot already containing multi-family structure or the addition of another primary use structure to a lot requires that all additional buildings conform to all open space requirements for the district in which the lot or tract is located and further conform to all other requirements, regulations, Town Codes and ordinances.
- 24-702-03 Temporary Buildings. Temporary Buildings may be used in conjunction with construction work only, and may be permitted in any district, but said building shall be removed immediately upon completion or abandonment of construction.
- 24-703-00 **OFF-STREET PARKING**  
Off-street automobile storage or parking space to be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance.
- 24-703-01 General Requirements. For the purpose of this Ordinance, the following general requirements are specified:
- 24-703-01-01 Parking spaces for all dwellings and other uses shall be located on the same lot of the main structures to be served;
- 24-703-01-02 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for the uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such main use;
- 24-703-01-03 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;
- 24-703-01-04 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;
- 24-703-01-05 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing structure or use shall not be reduced to an amount less than hereinafter required for a similar new structure or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.
- 24-703-01-06 Any new use established in an existing building after the effective date of this ordinance shall provide off street parking which conforms to the requirements of this section.
- 24-703-01-07 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing structure shall be done in accordance with the requirements of this section.

- 24-703-02 Site Requirements. All off street parking shall be laid out, constructed, and maintained in accordance with the following requirements:
- 24-703-02-01 All such parking areas, except those serving one and two family dwellings, shall be surfaced with concrete, asphalt, tar and gravel, or other dustproof material. Where concrete or asphalt is used, individual parking spaces shall be so marked. All parking areas shall be maintained in a dust free condition. A good stand of vegetative cover shall be maintained on the remainder of the lot;
- 24-703-02-02 Lighting facilities shall be so arranged that light is reflected away from adjacent properties and should conform to dark sky principals;
- 24-703-02-03 The parking lot shall be adequately drained. Where a creation of a paved , sealed, or gravel parking lot will likely cause storm water run-off due to grade conditions, review and approval by the Town Engineer is necessary before the improvement is to be made.
- 24-703-02-04 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:
- 24-703-02-04-01 Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage.
- 24-703-02-04-02 Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor ten (10) feet to adjoining property lines.
- 24-703-02-04-03 Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right-of-way line.
- 24-703-02-05 On-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty two (22) feet between parking rows back to back shall be clear for maneuvering into and out of parking spaces.
- 24-703-02-06 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, signs, and other permitted uses.

- 24-703-03     Parking Space Requirements for All Districts. In all districts, except the Central Business District B-1, there shall be provided off street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.
- 24-703-03-01   In the Central Business District B-1, off street parking shall be provided for any structure whose primary use is residential.
- 24-703-03-02   Other uses in the Central Business District B-1 are exempt from off street parking requirements.



**Land Use**

**Parking Requirements**

**24-703-03-03 Dwellings:**

- |   |   |
|---|---|
| a. Single, two family, townhouse            | Two (2) spaces for each dwelling unit.  |
| b. Multi-family                             | One and a half (1 1/2) spaces per dwelling unit except for efficiency apartments for which one space per dwelling unit shall be provided. |
| c. Hotels, motels                           | One (1) space for each bedroom, plus one (1) additional space for each two (2) employees.   |
| d. Manufactured home parks and subdivisions | Two (2) spaces per Manufactured home.   |
| e. Recreational vehicle parks               | One (1) space for each travel trailer, motor home, or camper.   |
| f. Boarding and rooming houses              | One and one half (1 1/2) spaces for each bedroom.<br>One (1) space for each two (2) employees.  |

**24-703-03-04 Public Assembly:**

- |   |   |
|---|---|
| a. Newly constructed churches and other places of worship   | One (1) space for each four (4) seats in the main auditorium or sanctuary.  |
| b. Private clubs, lodges and fraternal or social buildings not providing overnight accommodations   | One (1) space for each five (5) members.  |
| c. Theaters, auditoriums, coliseums stadiums, and similar places of places of assembly  | One (1) space for each four (4) seats seats, plus one (1) space per employee.   |
| d. Schools, including kindergartens, play schools, and day care centers   | One (1) space for each employee including teachers and administrators, plus five (5) spaces per classroom for high school and colleges. |
| e. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements | One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.                                    |
| g. Bowling alleys   | Two (2) spaces for each alley, plus one (1) space for each (2) employees.   |
| h. Libraries; museums   | One (1) space for each 500 square feet of floor area.   |

## Land Use

## Parking Requirements

### **24-703-03-05 Health Facilities:**

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|--|--|
| a. Hospitals and similar facilities    | One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one (1) space for each four (4) employees, on the maximum working shift. |
| b. Kennels and animal hospitals        | Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.   |
| c. Medical, dental, and health offices | Three (3) spaces for each examining and clinics room, plus one (1) space for each doctor and staff employee.   |
| d. Homes for adults and similar uses   | One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.   |

### **24-703-03-06 Businesses:**

- |   |  |
|---|--|
| a. Automobile repair establishments   | One (1) space for each 180 square feet, plus one (1) space for each employee.  |
| b. Food stores  | One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the average shift.   |
| c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments      | One (1) space for each four (4) seats provided for patron use, plus one (1) space per employee on the average shift.   |
| d. Office buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics | One (1) space for each 180 square feet of floor area, plus one (1) space for each 500 square feet of upper floor space, plus one (1) space per employee.   |
| e. General business, commercial or personal service establishments catering to the retail trade. employee.                              | One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per   |
| f. Governmental Offices   | One (1) space for each 180 square feet of ground area, plus one (1) space for each 500 square feet of upper floor area and one (1) space for each government vehicle, plus one (1) space per employee. |

**Land Use**  
**24-703-03-06 Businesses Cont.:**

**Parking Requirements**

- |   |   |
|---|---|
| g. Shopping Centers   | One (1) space per 200 square feet of gross leasable area.   |
| h. Furniture Stores   | One (1) space for each 1,000 square feet of gross floor area.   |
| i. Public utilities, such as telephone exchanges and substations radio and TV stations, electric power and gas substations, or other utility. | One (1) space for each employee on the maximum shift, plus three (3) spaces for each TV or radio station..  |
| j. Mortuaries and funeral parlors   | Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each two (2) employees. |

**703-03-7 Industries:**

- |  |  |
|--|--|
| a. Manufacturing and establishments not catering to the retail trade | One (1) space for each two (2) employees on maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.  |
| b. Wholesale establishments  | One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |

- 24-704-00     **Junk Storage and Automobile Graveyards**  
Title 33.1, Chapter 6, Section 33.1-348 of the Code of Virginia (1950) as amended, establish the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Town of Pearisburg Zoning Ordinance incorporates the provisions of the above referenced sections of the State Code. Junk storage or automobile graveyards, meeting the following criteria, may be permitted by Conditional Use Permit as provided for in Article 24-800.
- 24-704-01     Criteria for the Location of Junkyards or Automobile Graveyards. (See Secs. 33-1 348 of the Code of Virginia.) No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1000) feet of the nearest edge of the right-of-way of any roadway, except:
- 24-704-01-01   Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the highway or street, or otherwise removed from sight;
- 24-704-01-02   Junkyards or automobile graveyards which are not visible from the main traveled way of the roadway.
- 24-704-02     Automobile Graveyards or Junkyards in Existence in Permitted Districts at the Time of Adoption. Automobile graveyards or junkyards in existence where they are permitted at the time of adoption of this Ordinance, as amended, are considered as non conforming uses (See Section 24-708-03 ), except that the screening requirements for each district shall apply.
- 24-705-00     **HOME OCCUPATIONS**  
This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Administrator may request advice from the Planning Commission as appropriate.
- 24-705-01     Special Requirements. Home occupation, where permitted, shall meet the following special requirements:
- 24-705-01-01   The applicant shall be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant [or agent];
- 24-705-01-02   The home occupation shall be operated only by the members of the family residing on the premises, and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;
- 24-705-01-03   The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said structure;

- 24-705-01-04 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates;
- 24-705-02 Expiration. A Certificate of Zoning Compliance for home occupations shall expire under the following conditions:
- 24-705-02-01 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until said occupant has been issued a new Certificate of Zoning Compliance for a home occupation after proper application;
- 24-705-02-02 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

#### **24-706-00 - SIGNS**

##### **24-706-01 – Findings, purpose and intent; interpretation.**

- 24-706-01-01-** Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- 24-706-01-02** Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Pearisburg Town Council or Board of Zoning Appeals are forbidden.
- 24-706-01-03** A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection 24-706-01-01(01) of this section.
- 24-706-01-04** These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting

to motorists, and are constructed and maintained in a structurally sound and attractive condition.

**24-706-01-05** These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.

**24-706-01-06** These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

**24-706-01-07** These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

#### **24-706-02 - Definitions.**

**24-706-02-01** *A-Frame sign* means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

**24-706-02-02** *Advertising* means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

**24-706-00-03** *Animated sign* means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign" or "electronic copy sign".

**24-706-02-04** *Awning sign* means a sign placed directly on the surface of an awning.

**24-706-02-05** *Banner* means a temporary sign of flexible material designed to be installed with attachments at each of four corners or be affixed to a framework or flat surface.

**24-706-02-06** *Building frontage* means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

**24-706-02-07** *Business sign* means a sign which directs attention to a product, service or commercial activity available on the premises.

**24-706-02-08** *Canopy sign* means a sign attached to a canopy.

**24-706-02-09** *Chalk-board sign* means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

**24-706-02-10** *Changeable copy sign* means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

**24-706-02-11** *Comprehensive sign plan* means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

**24-706-02-12** *Feather sign*. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

**24-706-02-13** *Flag* means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

**24-706-02-14** *Flashing sign* means a sign that includes lights that flash, blink, or turn on and off intermittently.

**24-706-02-15** *Freestanding sign* means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

**24-706-02-16** *Ground mounted sign* means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

**24-706-02-17** *Height*, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

**24-706-02-18** *Illegal sign* means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

**24-706-02-19** *Illuminated sign* means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

**24-706-02-20** *Marquee* means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**24-706-02-21** *Marquee sign* means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**24-706-02-22** *Minor sign* means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

**24-706-02-23** *Monument sign* means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

**24-706-02-24** *Neon sign* means a sign containing exposed tubes filled with light-emitting gas.

**24-706-02-25** *Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this ordinance and which fails to conform to current standards and restrictions of this ordinance.*

**24-706-02-26** *Off-premises sign* means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

**24-706-02-27** *Pole sign* means a sign that is mounted on one (1) or more freestanding poles.

**24-706-02-28** *Portable sign* means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

**24-706-02-29** *Projecting sign* means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

**24-706-02-30** *Public area* means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

**24-706-02-31** *Roof sign* means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

**24-706-02-32** *Shopping Center* means a grouping of retail business and service uses on a single development site with common parking facilities.

**24-706-02-33** *Sign*. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term "sign" also does not include the display of merchandise for sale on the site of the display.

**24-706-02-34** *Sign face* means the portion of a sign structure bearing the message.

**24-706-02-35** *Sign structure* means any structure bearing a sign face.

**24-706-02-36** *Temporary sign* means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

**24-706-02-37** *Vehicle or trailer sign* means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

**24-706-02-38** *Wall Sign* means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

**24-706-02-39** *Window sign* means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

#### **24-706-03 - Permit required.**

**24-706-03-01** *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 24-706-04 of this Article.

**24-706-03-02** *Application for permit.*

**24-706-03-02-A** An application for a sign permit shall be filed with the Town on forms furnished by the Town. The applicant shall provide sufficient information to determine if the proposed sign is permitted under this ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.



**24-706-03-02-B** The Town Code Enforcement Officer or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

**24-706-03-02-C** If the application is rejected, the Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

**24-706-03-03 *Permit fee.*** A nonrefundable fee as set forth in section 22-32-14 shall accompany all sign permit applications.

**24-706-03-04 *Duration and revocation of permit.*** If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The Town may revoke a sign permit under any of the following circumstances:

**24-706-03-04-A** The Town determines that information in the application was materially false or misleading;

**24-706-03-04-B** The sign as installed does not conform to the sign permit application; or

**24-706-03-04-C** The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

**24-706-03-05 *Overlay district regulations.*** All signs in the B-1 Business Zone require approval of the Planning Commission except when a sign permit is not required as provided in 24-706-04.

**24-706-03-06 *Special Exceptions.*** Comprehensive sign plans may be approved as part of the approved plan in Planned Unit Development (PUD) districts. Comprehensive sign plans may be approved as part of the Permit requirements in Residential Districts for uses allowed by Conditional Use Permits. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

**24-706-04 - Permit not required.**

A sign permit is not required for:

**24-706-04-01** Signs erected by a governmental body or required by law.

**24-706-04-02** Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.

**24-706-04-03** The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with 24-706-09-05.

**24-706-04-04** Temporary signs as follows:

**24-706-04-04-A** One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

**24-706-04-04-B** On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.

**24-706-04-04-C** Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

**24-706-04-04-D** On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet.

**24-706-04-04-E** On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.

**24-706-04-04-F** Banners, not to exceed 24 sq ft erected no more than fifteen (15) days prior to the advertised event and removed no more than five (5) days after the advertised event.

**24-706-04-05** Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.

**24-706-04-06** A-frame signs more than fifty (50) feet from the nearest public right of way.

**24-706-04-07** Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

**24-706-04-08** permanent window signs, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

**24-706-05 – Prohibited signs**

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

**24-706-05-01 General prohibitions.**

**24-706-05-01-A** Signs that violate any law of the Commonwealth relating to outdoor advertising.

**24-706-05-01-B** Signs attached to natural vegetation.

**24-706-05-01-C** Signs simulating, or which are likely to be confused with, a traffic control signs or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.

**24-706-05-01-D** Vehicle or trailer signs.

**24-706-05-01-E** Freestanding signs more than 25 feet in height.

**24-706-05-01-F** Signs hanging from supports, except against the face of a building.

**24-706-05-01-G** Any sign displayed without complying with all applicable regulations of this chapter.

**24-706-05-02 Prohibitions based on materials.**

**24-706-05-02-A** Signs painted directly on a building, except where expressly permitted by this chapter.

**24-706-05-02-B** Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every seven seconds.

**24-706-05-02-C** Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

**24-706-05-02-D** Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.

**24-706-05-02-E** Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

**24-706-05-02-F** Signs that emit sound.

**24-706-05-02-G** Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.

**24-706-05-02-H** Strings of flags visible from, and within 50 feet of, any public right-of-way.

**24-706-05-02-I** Pole signs less than 6 feet in height.

**24-706-05-03 Prohibitions based on location.**

**24-706-05-03-A** Off-premises signs, unless specifically permitted by this chapter.

**24-706-05-03-B** Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

**24-706-05-03-C** Signs on the roof surface or extending above the roofline of a building or its parapet wall.

**24-706-05-03-D** Neon signs, except in windows.

**24-706-05-03-E** A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

**24-706-05-03-F** Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

**24-706-06 - Measurements of sign area and height.**

**24-706-06-01** Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.

**24-706-06-02** In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

**24-706-06-03 *Sign area.***

**24-706-06-03-01** Sign area is calculated under the following principles:

24-706-06-03-01-A With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

**24-706-06-03-01-B** The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

**24-706-06-03-01-C** For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

**24-706-06-03-02** The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.

**24-706-06-04 *Maximum height.*** The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

**24-706-07 - Maintenance and removal.**

**24-706-07-01** All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.

**24-706-07-02** All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

**24-706-07-03** The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 22 of this Code.

**24-706-07-04** The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

**24-706-07-05 *Sign condition, safety hazard, nuisance abatement, and abandonment.***

**24-706-07-05-A** Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

**24-706-07-05-B** Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

**24-706-08 – General requirements.**

**24-706-08-01 *Placement.*** Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.

**24-706-08-02 *Illumination.*** All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

**24-706-08-02-A** In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

**24-706-08-02-B** Internal illumination shall be limited to the illumination standards for parking lot lighting as defined by the Illuminating Engineering Society of North America (IESNA) . No sign shall be permitted to have an illumination spread of more than .05-foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by IESNA, and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

**24-706-08-03 *Landscaping.*** All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

**24-706-09 - Nonconforming signs.**

**24-706-09-01** Signs lawfully existing on the effective date of this ordinance or prior ordinances, which do not conform to the provisions of this ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the code enforcement officer, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

- 24-706-09-02** No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- 24-706-09-03** Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- 24-706-09-04** No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- 24-706-09-05** A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- 24-706-09-06** A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- 24-706-09-07** A nonconforming sign structure shall be subject to the removal provisions of section 24-708-00. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the code enforcement officer or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the code enforcement officer or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

#### **24-706-10 – Non-commercial signs.**

- 24-706-10-01** *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.
- 24-706-10-02** *Off-site Signs for Noncommercial Use of Limited Duration.* With a permit, a noncommercial organization may erect up to two off-premises temporary signs on properties in commercial and industrial zoning districts with the consent of the persons in charge of such properties. Each sign shall be no more than 16 square feet in area and 8 feet in height. The area of the sign counts against the maximum temporary sign area permitted on that lot. No more than one off-premises temporary sign may be displayed per lot. Display of such signs shall be limited to 30 days at a time. Each organization shall be limited to the display of such signs no more than 4 times within any calendar year.

#### **24-706-11 – Shopping Centers.**

- 24-706-11-01** Individual establishments within a shopping center shall each be allowed one façade identification sign which does not exceed ten percent of the area of the wall frontage

dedicated to that establishment and not extend over more than eighty-five percent of the horizontal width of the building front.

**24-706-11-02** In addition to a façade identification sign, individual establishments within a shopping center shall each be allowed one projecting sign which does not exceed ten percent of the area of the structure frontage dedicated to that establishment.

**24-706-11-03** Shopping centers shall be allowed one freestanding identification sign per road frontage, each limited to no more than 150 square feet in size and thirty feet in height.

**24-706-11-04** Out parcels platted as part of the shopping center shall be allowed one façade identification sign per establishment and one freestanding sign per road frontage with no sign greater than sixty square feet.

**24-706-11-05** Directional signs shall not be counted as signs for the purpose of calculating the total number of signs in place.

**24-706-12 – Residential district signs.**

**24-706-12-01** Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f.	12 s.f./12 s.f.	3 s.f./3 s.f.
Maximum Allowed	3 poles / 2 flags each	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole $\leq$ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

**24-706-12-02** Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

TYPE	Flags	Temporary signs	Changeable Message signs	All permanent signs including changing message
Size (each/total)	35 s.f.	32 s.f.	24 s.f.	32 s.f.
Maximum Allowed	3 poles / 2 flags each	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04
Illumination	As required by law	None	Internal/Indirect	Internal/Indirect
Setback	Height of flagpole	None	None	None

Maximum Height	35 ft	4 ft	8 ft	8 ft
Location	Flag pole ≤ 8 in. diameter	Freestanding, portable, wall or window	None	Wall, free standing or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited	unlimited

**24-706-13 – Commercial and Industrial district signs (except shopping centers) (M-1, B-1, B-2, B-3, R-8).**

**24-706-13-01 *Generally.*** Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial and industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

**24-706-13-02 *Window signs.*** Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

**24-706-13-03 *Off-Site Signs for Commercial Use of Limited Duration.*** Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned business. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

**24-706-13-04** Where more than one business activity is located within a single structure on an individual lot and pedestrian access is shared such that the structure has a single entrance and/or exit, maximum copy area is to be divided and distributed by the owner or manager among several business activities within the building. This regulation shall be applicable in districts B-1 and B-2 only.

**24-706-13-05** Where more than one business activity is located within a single structure and where each such business has separate entrance and/or exit to the outside rather than a common, shared pedestrian access, each such business shall be treated as if it were on a separate lot for the purposes of Section 706 only. This regulation shall be applicable in districts B-1 and B-2 only.

**24-706-13-06** Where a lot or structure fronts two different road, the maximum allowable copy area for signage shall be doubled. The additional signage, however, is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both double frontage (through) lots and corner lots.

**24-706-13-07** Each non-residential establishment, except for planned developments, home occupations, and shopping centers, regulated separately in this section, shall be allowed a total of one façade sign attached to a wall or building unit containing the establishment. Such signs shall be limited to not more than 10% of the area of the structure fronting or facing a road or highway, or two hundred square feet, whichever is less.

**24-706-13-08** Each establishment or, in the case of multiple occupancy buildings which are not shopping centers, each building, is allowed one projecting sign which meets the following standards:

- A. Each projecting sign shall not exceed ten percent of the area of the wall fronting or facing a public street or highway, or forty square feet in area, whichever is less.



B. All projecting signs shall be mounted such that the bottom of the sign is at least eight feet above grade.

**24-706-13-09** Canopy or awning signs shall be allowed in addition to the one façade sign or one projecting sign.

**24-706-13-10** Mural art painted building walls, reflecting the nature of the area, are exempted from the above restrictions if they do not contain words. Specifically permitted, by example, are renderings of wildlife, shore scenes, historic town scenes or similar which shall be done in relatively accurate detail and color schemes.

**24-706-13-11** Design standards for freestanding signs on properties used for non-residential purposes.

**24-706-13-11-01** All freestanding signs, except for home occupation signs, shall be monument-type signs, double-post signs, or single-post signs, and shall comply with the following standards:

**24-706-13-11-02** Signs incorporated into a free-standing wall or completely solid structure which is set upon footings shall be entitled to a thirty percent larger face area than otherwise provided for in this Article provided the following conditions are met:

**24-706-13-11-02-A** The width of the base of the sign shall be equal to or greater than the width of the sign face.

**24-706-13-11-02-B** The height of the base of the sign shall be less than or equal to the height of the sign face unless architectural pillars are used.

**24-706-13-11-02-C** The total height of the sign, including the base, shall be less than the width of the base.

**24-706-13-11-02-D** The sign shall be masonry, wood, high density urethane (HDU), composite panel or other suitable materials.

**24-706-13-11-02-E** Shrubs, flowers, or other landscaping materials which do not obscure the sign face shall be incorporated into the sign installation area.

**24-706-13-11-03** Double-post signs.

**24-706-13-11-03-A** Total sign structure height shall not exceed 16 feet.

**24-706-13-11-03-B** Sign shall be wood, HDU, composite panel or other suitable materials.

**24-706-13-11-04** Single-post signs.

**24-706-13-11-04-A** Total sign height shall not exceed 16 feet.

**24-706-13-11-04-B** Sign structure shall be a single, vertical mounting pole and shall be made of wood, HDU, composite panel or other suitable materials.

**24-706-13-11-04-C** Sign face shall not be attached directly to the vertical mounting pole and shall utilize a mounting arm attached perpendicular to the vertical mounting pole.

**24-706-14 thru 24-706-20 Reserved.**

**24-707-00 MANUFACTURED HOMES**

Any manufactured homes placed in the Town of Pearisburg after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

24-707-00-01 All manufactured homes shall meet the plumbing requirements and the electrical wiring and connection, construction blocking, footing, and anchoring requirements as are applicable, in the Virginia Uniform Statewide Building Code and shall display the seal of a testing laboratory approved by the Commonwealth of Virginia.

24-707-00-02 All manufactured homes shall be completely skirted within sixty (60) days of placing such on a lot; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials approved by the Building Official, provided for in the Uniform Statewide Building Code;

24-707-00-03 All manufactured homes shall be supplied with public water and wastewater disposal or such individual service evidenced by permits from the Giles County Health Department;

24-707-00-04 All manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2-0 vehicle spaces (each space containing a minimum of 180 square feet) for each manufactured home. Each off-street parking area shall have unobstructed access to either a public or private street.

24-707-01 Individual Manufactured Home Lot requirements.

24-707-01-01 Lot area and use requirements. Lots on which individual manufactured homes single-family residential dwellings for the specific districts in which manufactured homes are permitted by Conditional Use Permit.

24-707-02 Manufactured Home Parks

24-707-02-01 The location of a manufactured home park shall require a Certificate of Zoning Compliance issued by the Zoning Administrator.

24-707-02-02 Operators of manufactured home parks shall conform to the Virginia Uniform Statewide Building Code.

24-707-02-03 All manufactured home parks for which permits are granted under this section will be subject to periodic inspection. Upon any infraction by the park the Certificate of Zoning Compliance may be revoked by the Town of Pearisburg.

24-707-03 Applicants for manufactured home parks shall submit two (2) copies of a site plan showing the following:

24-707-03-01 A vicinity map showing the location and area of the proposed park;

- 24-707-03-02 The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;
- 24-707-03-03 The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties;
- 24-707-03-04 The location and dimensions of all existing streets and street right way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park;
- 24-707-03-05 The proposed layout, including internal streets with dimensions and such typical street cross sections and center line profiles as may be required in evaluating the street layout, water, sewer, drainage and utility lines, facilities and connections, with dimensions shown; location and dimensions of all manufactured homes standard parking spaces, management facilities, laundry facilities, recreation buildings and other permanent structures; location and nature of fire fighting facilities, including hydrants; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, fencing and screening, and natural features to be retained.
- 24-707-04 Manufactured Home Park Design Requirements. All manufactured home parks shall meet the following requirements:
- 24-707-04-01 Area Requirements. For each manufactured home in a manufactured home park, a manufactured home stand shall be provided which is 3,400 square feet of area or more which shall front on an existing road, street, or internal street.
- 24-707-04-02 Width and Length Requirements. Each manufactured home stand shall have a width of forty (40) feet or more and a length of eighty-five (85) feet or more. On all stands larger than the minimum, the ration of length to width shall not exceed 2-2 to 1-0-
- 24-707-04-03 Distance Between Manufactured Homes. Manufactured homes shall be arranged so as to provide a distance of twenty (20) feet or more between individual units.
- 24-707-04-04 Setback requirements. The setback from the right way of internal streets shall be fifteen (15) feet and from the rear stand line ten (10) feet.
- 24-707-04-05 Sanitation Facilities. It shall be the responsibility of the manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. In the areas where the Town of Pearisburg provides refuse collection service and the owner desires to utilize the same, the Town of Pearisburg will require and must approve a centralized collection arrangement to facilitate collection for the manufactured home park. Town of Pearisburg refuse trucks will not travel on internal streets.
- 24-707-04-06 Electrical Connections. Each manufactured home shall be provided with electrical outlets installed in accordance with the Virginia Uniform Statewide Building Code.

- 24-707-04-07 Internal Streets. An internal street shall be an all-weather surface roadway which is twenty (20) feet wide and established within a right-of-way thirty-six (36) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn around. These streets shall be maintained solely at the owner's expense, and will not be accepted by Town of Pearisburg as public streets.
- 24-707-05 Manufactured Home Accessory Structures. All manufactured accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:
- 24-707-05-01 All manufactured home accessory structures must meet the plumbing, electrical, wiring, construction and other applicable requirements of the Virginia Uniform Statewide Building Code;
- 24-707-05-02 Except in the case of an awning, ramada, or other shade structure, where a manufactured home accessory structure is attached to a manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the manufactured home unit, or such accessory structure shall be attached to the manufactured home unit in a substantial manner by means of a roof. All manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a manufactured home;
- 24-707-05-03 No manufactured home accessory structures, except ramadas, shall exceed the height of the manufactured home;
- 24-707-05-04 No manufactured home accessory structure shall be erected or constructed on any manufactured home lot or stand except as an accessory to a manufactured home.
- 24-707-05-05 The rear yard of each manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of manufactured home accessory structures.
- 24-707-06 Manufactured Home Subdivision Requirements.
- 24-707-06-01 Manufactured home subdivisions shall conform to the requirements of the Town of Pearisburg Subdivision Ordinance.
- 24-707-06-02 Minimum lot width for manufactured home subdivision lots is ninety (90) feet and minimum lot depth is sixty-six (66) feet.
- 24-707-06-03 The orientation of a manufactured home on a lot in a manufactured home subdivision shall have the side of the manufactured home with the longest dimension parallel to the street.

24-708-00     **NON-CONFORMING LOTS, BUILDINGS, AND USES**

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non conformities to continue, but not to encourage their expansion, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

- 24-708-01     Lots of Record. Where a lot of record at the time of enactment of this Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:
- 24-708-01-01     A single nonconforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board of Zoning Appeals, as outlined in Section 24-807 herein.
- 24-708-01-02     In the event that a non-conforming lot of record is adjacent to one or more unimproved lots, owned by the same owner, such owner shall be required to combine the non-conforming lots so as to create a conforming lot to the greatest extent possible. Such combination of lots shall be noted on the Certificate of Zoning Compliance. Such certificate of Zoning Compliance shall be recorded in the Office of the Clerk of the Circuit Court of Giles County, Virginia, and evidence of such recording shall be exhibited to the Building Official prior to issuance of a building permit. Prior to the issuance of a Certificate of Zoning Compliance for a non-conforming lot of record, the Zoning Administrator shall make reasonable inquiries to determine the applicability of this subsection.
- 24-708-01-03     The combination of one or more lots to create one lot for building purposes is expressly permitted. Such combination shall be noted on the Certificate of Zoning Compliance, and such Certificate shall be recorded in the Office of the Clerk of the Circuit Court of Giles County, Virginia. Evidence of such recording shall be exhibited to the Building Official prior to the issuance of a building permit. In the event that the lots are combined, compliance with applicable area, yard and setback requirements shall be determined based upon the outside boundaries of the combined lots.

- 24-708-02 Nonconforming Structures. Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 24-708-02-01 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy five (75) percent of its replacement cost at the time of the Building Official declaration;
- 24-708-02-02 No nonconforming structure may be enlarged or altered in any way which increases its non conformity; and any structure or portion thereof may be altered to decrease its non conformity;
- 24-708-02-03 Notwithstanding the provisions of Section 708-02-02 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line;
- 24-708-02-04 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;
- 24-708-02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.
- 24-708-03 Nonconforming Uses of Land. Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 24-708-03-01 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;
- 24-708-03-02 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;
- 24-708-03-03 In the event that such use ceases for reasons other than destruction for a period of

more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

24-708-03-04 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

24-708-04 Nonconforming Uses of Structure. Where a lawful use involving an individual structure or structures in combination, exists at the time of enactment or amendment of this Ordinance, that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions;

24-708-04-01 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;

24-708-04-02 Should a structure or portion thereof containing a nonconforming use be destroyed by any means, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.

24-708-04-03 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy five (75) percent of its replacement cost at the time of the Building Official declaration;

24-708-04-04 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;

24-708-04-05 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

24-708-05 Replacement of Obsolete Structure.

Any non-conforming mobile home which lawfully existed on January 1, 1992 as either a non-conforming structure or a non-conforming use of land may at any time be replaced with a larger mobile home, provided that at the time of such replacement the owner of the lot shall provide evidence satisfactory to the zoning administrator that a mobile home of the same size as the existing mobile home is no longer being manufactured, and further provided that sanitary (septic or sewer) requirements can be met for the larger structure and that the setback regulations for the zoning district are met with the replacement mobile home. This section shall not apply if a variance to the applicable setback regulations would be required to place the larger structure on the lot.

**24-709-00 SPECIAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS**

Townhouse developments shall conform to the following regulations:

- 24-709-01 There shall be at least four (4) but no more than ten (10) townhouse units continuously connected.
- 24-709-02 The minimum lot area for any townhouse unit shall be 2,250 square feet.
- 24-709-03 The minimum lot width for interior lots shall be twenty (20) feet; for corner lots, forty-five (45) feet; and for end lots within the interior of a block, thirty (30) feet.
- 24-709-04 The minimum gross floor area for townhouses shall be 900 square feet, exclusive of attics, garages, porches, decks, patios and basements more than fifty (50) percent underground.
- 24-709-05 For every townhouse unit within a development, a minimum of two (2) parking spaces shall be provided; however, the parking spaces must be located within one hundred (100) feet of the townhouse unit.
- 24-709-06 The facade of townhouses in a group shall be varied by changed front yards or variations in materials or design. Units abutting each other should have a complementary but not identical facade or treatment of materials. No more than two abutting units shall have the same or essentially the same architectural treatment of facades and roof lines.
- 24-709-07 An approved homeowner's association shall be required of all townhouse developments, with membership consisting of all the individual dwelling unit owners of the townhouse development. The charter of the association shall be subject to the approval of the Town Council.
- 24-709-08 The following setback and yards shall be kept:
  - 24-709-08-01 The front setback shall be a minimum of twenty five (25) feet; however, not more than two abutting units shall have the same front setback, with the setback variation to be a minimum of three (3) and not more than eight (8) feet. An entrance porch may extend five (5) feet from the front of the building into the front yard.



- 24-709-08-02 The rear yard shall be a minimum of thirty five (35) feet.
- 24-709-08-03 The side yards shall be a minimum of twenty five (25) feet, except for end lots within the interior of a block shall be a minimum of ten (10) feet. All townhouse units other than end dwellings shall occupy the full width of the lot.
- 24-709-08-04 Accessory buildings in Townhouse developments shall maintain a distance of ten (10) feet from the rear lot line; ten (10) feet from the side lot lines; and a forty (40) foot front setback.
- 24-709-09 Townhouse and Condominium design and construction including fire wall resistance, shall conform to the Virginia Statewide Building Code as adopted and amended by the Town of Pearisburg.
- 24-710-00 **FENCES**
- 24-710-01 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;
- 24-710-02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
- 24-711-00 **RESERVED (FORMALLY SATELITTE DISH ANTENNA REQUIREMENTS)**
- 24-712-00 **PUBLIC SERVICE BUILDINGS, PUBLIC WATER SYSTEMS, PUBLIC SEWER SYSTEMS.**
- 24-712-01 In considering applications for Conditional Use Permits Public Service Buildings, Public Water Systems, Public Sewage Systems and Public Utilities uses, the Planning Commission and Town Council shall consider the following:
1. The justification for the location of the proposed use and any alternative locations that may be available.
  2. The size and physical characteristics of the proposed use.
  3. The minimum lot size in the district.
  4. The existence of other public and similar uses the area.
  5. The height limitations in the district.
  6. Outdoor storage of materials and equipment, except during construction of the public facility, shall be prohibited, unless specifically requested and approved as part of the conditional use permit.
  7. Buildings and facilities shall be designed and constructed to be compatible with the surrounding area, so that these facilities or structures will not adversely affect nearby properties.
  8. Screening and buffering shall be required.

9. Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the Comprehensive Plan.

24.713.00     **STANDARDS FOR TELECOMMUNICATION ANTENNAS & TOWERS**

24.713.01     **DEFINITIONS**

**Alternative tower structure:** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna:** Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**FAA:** The Federal Aviation Administration.

**FCC:** The Federal Communications Commission.

**Height:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

24.713.02     **USE REGULATIONS**

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the Town,
- Encourage strongly the joint use of new and existing tower sites,
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- To provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town.

**This ordinance is intended to comply with all federal and state regulations.**

### 24.713.03 APPLICABILITY

#### 24.713.03-1 District Height Limitations.

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, fifty (50) feet in height.

#### 24.713.03-2 Amateur Radio and Receive-Only Antennas.

This ordinance shall not apply to and no permit shall be required for any tower or the installation of any antenna, that is (1) under 50 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive only antennas for amateur radio station operation.

#### 24.713.03-3 Existing Structures and Towers.

The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other freestanding structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Co-location of antennas on existing tower structures which add height to the existing tower shall require a special exception permit if the total height of the tower after addition of the antenna exceeds one hundred feet. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

### 24.713.04 GENERAL GUIDELINES AND REQUIREMENTS

#### 24.713.04-1 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 regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. 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.

#### 24.713.04-2 Inventory of Existing Sites.

Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the Town or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town, 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.

#### 24.713.04-3 Design; 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 Planning Commission and Town Council may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- 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 with no logos.
- At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission and Town Council may review the available lighting alternatives and require the design that would cause the least disturbance to the surrounding views.
- No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 150 feet unless engineering justification is provided to document the additional height request.
- Towers shall be designed to collapse within the lot lines or leased area in case of structural failure.

#### 24.713.05 FEDERAL REQUIREMENTS

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

#### 24.713.06 BUILDING CODES

To ensure the structural integrity of towers, the owner of a tower shall ensure that it complies with standards contained in applicable federal, state and local building codes and regulations.

#### 24.713.07 INFORMATION REQUIRED

Each applicant requesting a special use permit under this ordinance shall submit a scaled plan, 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, setbacks, means of access, parking, fencing, landscaping and adjacent uses. The Planning Commission and Town Council may require other information to be necessary to assess compliance with this ordinance, including frequencies of transmission, in watts, and a copy of the antenna pattern. 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.

- 24.713.07-1 All proposed towers must be compatible for co-location with a minimum of three (3) users including the primary user. The applicant must submit an engineering study certifying such multiple use is feasible. A governing body in a particular case may waive this provision for good cause shown.
- 24.713.07-2 The applicant shall provide copies of its co-location policy.
- 24.713.07-3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

#### 24.713.08 FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS FOR NEW TOWERS

The applicant shall obtain a special exception permit from the Pearisburg Planning Commission and Town Council before erecting towers or antennas covered by this article. The Planning Commission and Town Council shall consider the following factors in determining whether to issue a special exception permit, although the Planning Commission and Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission and Town Council concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy;
- i. Language of the lease agreement dealing with co-location; Consistency with the comprehensive plan and the purposes to be served by zoning;
- j. Availability of suitable existing towers and other structures as discussed below; and
- k. Proximity to commercial or private airports.

24.713.09      AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates by clear and convincing evidence that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a.      No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b.      Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c.      Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d.      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 proposed antenna.
- e.      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 unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
- f.      The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

24.713.10      SETBACKS

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission and Town Council may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

- a.      The tower must be located so as to be a minimum of four hundred (400) feet from any off-site residential structure.
- b.      Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

24.713.11      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-climbing device; provided, however, that the Planning Commission and Town Council may waive such requirements, if it deems appropriate.

#### 24.713.12 LANDSCAPING

The following requirements shall govern the landscaping surrounding towers for which special use permit is required; provided, however, that the Planning Commission and Town Council may waive such requirements if the goals of this ordinance would be better served thereby.

- a. Tower facilities shall be landscaped prior to use of the facilities with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. In locations in which Planning Commission and Town Council finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- c. 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 Planning Commission and Town Council may determine that the natural growth around the property perimeter constitutes a sufficient buffer.
- d. 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 installation of access for vehicle utilities. In a particular case, this provision may be waived by a governing body.

#### 24.713.13 LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services, provided it does not conflict with the co-location requirement of section 713.07-1.

#### 24.713.14 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) 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 the Town of Pearisburg, notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. Any buildings constructed in connection with an antenna or tower may remain on the site provided that the owner of the site consents. 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. Notices given pursuant to this provision shall be given to the owner of the land upon which the tower or antenna is located and to the owner of such tower or antenna and shall be sent by certified mail, return receipt requested to the address listed on the Town of Pearisburg tax records for the landowner and to the address listed in the annual report required pursuant to Section 713.15 for the owner of the tower or antenna.

If no response is made by the owner within the ninety (90) day period following notice, the Town of Pearisburg may cause the antenna or tower to be removed. The cost of removal shall be assessed to the landowner and/or antenna or tower owner as a lien equal to a tax lien. Prior to undertaking removal at the expense of the landowner, such owner shall be given an additional notice of thirty (30) days, in the same manner as set forth above, advising such owner that the tower or antenna has been abandoned and that the failure to remove same within thirty (30) days will result in removal by the Town at the expense of the landowner.

24.713.15      REQUIRED YEARLY REPORT

The owner of each such antenna or tower shall submit a report to the Town of Pearisburg Zoning Administrator, once a year, no later than July 1. The report shall state the current user status of the tower. Notification to the Town is required of substantive changes at least fifteen (15) days prior to commencement.

24.713.16      REVIEW FEES

See Schedule of Fees

Any out of pocket costs incurred for review by a licensed engineer of any of the information required above shall be paid by the applicant.



**ARTICLE 24-8**  
**ADMINISTRATION**

<b>24-801-00</b>	<b>Zoning Administrator</b>
<b>24-802-00</b>	<b>Zoning Compliance Permit Procedures</b>
<b>24-803-00</b>	<b>Certificate of Occupancy</b>
<b>24-804-00</b>	<b>Board of Zoning Appeals</b>
<b>24-805-00</b>	<b>Rules of Procedure</b>
<b>24-806-00</b>	<b>Powers and Duties of the Board of Zoning Appeals</b>
<b>24-807-00</b>	<b>Application for Variances</b>
<b>24-808-00</b>	<b>Procedures for Requesting a Hearing Before the Board of Zoning Appeals</b>
<b>24-809-00</b>	<b>Decision of Board of Zoning Appeals</b>

**24-801-00                      ZONING ADMINISTRATOR**

24-801-01     **Appointment.** The Zoning Administrator shall be the Town Manager. The Town Manager may delegate the zoning administrative duties to another individual who is employed by the Town.

24-801-02     **Powers and Duties Relating to Zoning.** The Zoning Administrator is authorized and empowered on behalf of and in the name of the Pearisburg Town Council to administer and enforce the provisions set forth herein. These powers include receiving applications for permits issued pursuant to this Ordinance; inspecting premises; and issuing Zoning Permits, Certificates of Occupancy, and all other permits and licenses referenced in this Ordinance, in cases in which such application shows that the proposed activity is in compliance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Pearisburg Town Council to administer and enforce this Ordinance, including the ordering, in writing, the remedy for any condition found in violation of this Ordinance, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Ordinance.

The Zoning Administrator does not have the authority to take final action on applications or matters for which final action is reserved to the Board of Zoning Appeals or Pearisburg Town Council.

24-801-03     **Zoning Administration Process.**  
Figure 1, Appendix C outlines the administrative process to be followed under various provisions of this Ordinance. Specific provisions for administering these provisions is contained in the text of this Ordinance.

**24-802-00                      CERTIFICATE OF ZONING COMPLIANCE PROCEDURES**

24-802-01     **Issuance and Display.** The Zoning Administrator shall issue a Certificate of Zoning Compliance for any permitted use or any structural alteration, provided such proposed use of land or structure, or structural alteration; is in conformance with the provisions set forth herein. The Certificate of Zoning Compliance shall indicate whether the use is a permitted use, a Conditional Use, or a variance. If the Certificate is issued pursuant to a project involving construction or reconstruction of a structure, the Certificate shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

24-802-02     **Application Procedure for Permitted Use.** Applications for a Certificate of Zoning Compliance shall be submitted to the Zoning Administrator according to the following provisions:

24-802-02-01     An application for a Certificate of Zoning Compliance for a permitted use shall be submitted at the time of application for a building permit; or, in cases where no building permit is required, at the time of a request for utility service. The

application shall be accompanied by two (2) copies of a site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator to determine compliance with this Ordinance. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;

24-802-02-02 Each application for a Certificate of Zoning Compliance shall be accompanied by payment of the specified fee;

24-802-02-03 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

24-802-02-04 If the proposed use or construction described in the application required by Section 24-802-02-01 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Pearisburg, including but not limited to the required:

- (1) Health Department approval of individual sewage disposal system;
- (2) Highway Department Entrance Permit;
- (3) Flood Insurance - Floodplain Ordinance;
- (4) Erosion and Sediment Control Ordinance Plan;
- (5) Virginia Statewide Uniform Building Code;

then the Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue the Certificate of Zoning Compliance. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

24-802-02-05 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Certificate of Zoning Compliance, but shall return one (1) copy of the site plan to the applicant along with a written and signed refusal. Such refusal shall state the reasons for refusal and shall cite the portions of this Ordinance with which the submitted plan does not comply. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal.

24-802-03     **Application Procedures for Conditional Uses.**

Applications for a Conditional Use Permit for a Conditional Use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for appropriate action as specified in this Section. Applications for Conditional Use Permits shall be submitted in accordance with the following procedures:

- 24-802-03-01 An application shall be accompanied by two (2) copies of a site plan drawn in accordance with applicable provisions of Section 24-802 of this Ordinance, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;
- 24-03-02 Each application for a Conditional Use Permit shall be accompanied by payment of a fee as set forth in the Town of Pearisburg Fee Schedule to help defray the cost of publicizing and conducting the public hearing;
- 802-03-03 The application shall be sent to the Planning Commission for review and recommendation, and said Commission shall have sixty (60) days within which to submit a report recommending approval or denial of the application. If the Commission fails to submit a report within a sixty (60) day period, it shall be deemed to have approved the proposed Conditional Use;
- 24-802-03-04 The Pearisburg Town Council shall consider the proposed Conditional Use after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with § 15-2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed Conditional Use within thirty (30) days from the date of the public hearing. If so desired by mutual agreement between the Planning Commission and the Town Council, a joint public hearing may be held under the provisions of § 15-2-2204 of the Code of Virginia (1950) as amended;
- 24-802-03-05 In evaluating the proposed Conditional Use, the Planning Commission and the Town Council shall consider the following concerns:
- (a) The character of the existing neighborhood and the compatibility of the proposed use on adjacent and nearby properties;
  - (b) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;

- (c) The current and future need for the proposed use in the Town of Pearisburg; and
- (d) The effect of the proposed use on neighborhood property values;
- (e) The relationship of the proposed use to Town of Pearisburg Comprehensive Plan;

24-802-03-06 Conditions set forth in Article 24-802-03-05 for the various Conditional uses are minimum. In approving a proposed Conditional Use the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Town Council;

24-802-03-07 If the Town Council approves the application for a proposed Conditional Use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use;

24-802-03-08 If the Town Council disapproves the application for a proposed Conditional Use, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;

24-802-03-09 A property owner, or so appointed agent, shall not initiate action for a Conditional Use Permit for the same Conditional Use affecting the same parcel of land more often than once every twelve (12) months;

24-802-03-10 A Conditional Use Permit shall be put into effect six (6) months after the date the Permit is issued, or else the Permit shall become void, unless otherwise provided in the permit itself.

24-802-03-11 Renewal of a Conditional Use Permit shall not require a public hearing unless the original conditions in the permit are changed; however notice of the renewal shall be shown on the agenda of the Town Council;

24-802-03-12 Upon change of ownership any Conditional use Permit for the property shall expire.

24-802-04 **Application Procedures for Amendment to Zoning Text or Zoning Map (a Rezoning).** The Town of Pearisburg Town Council may from time to time amend this Ordinance or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state which of the above public purposes therefore.

- 24-802-04-01 Applications for amendments may be initiated by any person, firm, or corporation owning the subject property shall be submitted in writing to the Zoning Administrator and shall be accompanied by two (2) copies of an acceptable site plan, where applicable, of the proposed amendment with such reasonable information shown thereon as shall be required by the Zoning Administrator. Where site plans are required, they shall show, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimension and the use of structures; easements (private and public) water courses, fences; street names and street right-of-way lines; and other such other information regarding abutting property as directly affects the application.
- 24-802-04-02 The Commission shall consider the proposed amendment after notice and public hearing in accordance with § 15-2-2204 of the Code of Virginia (1950) as amended. The Commission shall then present the proposed amendment along with site plans and explanatory materials where applicable to the Town Council with its recommendations. If the Commission fails to submit its recommendations within sixty (60) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment;
- 24-802-04-03 The Town of Pearisburg Town Council shall consider the proposed amendment after notice and public hearing in accordance with § 15-2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment within thirty (30) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with § 15-2-2204 of the Code of Virginia;
- 24-802-04-04 Any petition for an amendment may be withdrawn without prejudice prior to action thereon by the Town Council at the discretion of the person, firm, corporation, or public body initiating such a request, upon written notice to the Zoning Administrator;
- 24-802-04-05 No more than one application for the same or substantially the same amendment affecting a specific parcel of land shall be initiated during any twelve (12) month period.
- 24-802-05     **Procedures for Proffering Conditions to Zoning District Regulations.**
- 24-802-05-01 Intent. The intent of this section is to provide for conditional zoning whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.
- 24-802-05-02 Proffer of Conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this Ordinance, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public

hearing before the Town Council. In addition, all of the following conditions shall be met:

- (a) the rezoning itself must give rise to the need for the conditions;
- (b) the conditions proffered shall have a reasonable relation to the rezoning;
- (c) the conditions proffered shall not include a cash contribution to the Town;
- (d) the conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities, not provided for under any concurrent subdivision of the property;
- (e) the conditions shall not include payment for or construction of off-site improvements, other than any which may be required under a concurrent subdivision of the property;
- (f) no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (g) all such conditions shall be in conformity with the Town of Pearisburg Comprehensive Plan.

24-802-05-03 Effect of Proffered Conditions Upon Acceptance. Once proffered and accepted as part of an amendment to the Pearisburg Zoning Ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Pearisburg Zoning Ordinance.

24-802-05-04 Expiration. Any Certificate of Zoning Compliance shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued or if the work so authorized is suspended or discontinued for a period of one (1) year.

24-803-00 **CERTIFICATE OF OCCUPANCY**

Certificates of Occupancy shall be issued by the Building Official in accordance with the following provisions:

24-803-01 **Certificate of Occupancy Required.** A certificate of Occupancy shall be required in advance of occupancy or use of:

24-803-01-01 A building hereafter erected;

- 24-803-01-02 A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;
- 24-803-01-03 A change of type of occupancy or use of any building or premises.
- 24-803-02 **Issuance of Certificate of Occupancy.** The Building Official shall sign and issue a Certificate of Occupancy under the following circumstances: (a) there exists a previously-issued Certificate of Zoning Compliance; and (b) the building, as finally constructed, complies with the sketch or plan submitted.
- 24-803-03 Denial of Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions set forth herein.
- 24-804-00 **BOARD OF ZONING APPEALS -- ORGANIZATION AND PURPOSE**  
The Board of Zoning Appeals shall consist of five (5) members who shall be appointed by the Circuit Court of Giles County.
- 24-804-01 **Terms of Office.** Appointments shall be for five (5) years each. The Secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.
- 24-804-02 **Public Offices Held.** No member shall hold any public office except that one (1) member may be a member of the Planning Commission.
- 24-804-03 **Compensation.** Members of the Board may receive such compensation as may be authorized by the Town Council.
- 24-804-04 **Support.** Within the limits of funds appropriated by the Town Council, the Board of Appeals may employ or contract for secretaries, clerks, legal council, consultants, and other technical and clerical services.
- 24-804-05 **Vacancies.** Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after hearing held after at least fifteen (15) days' notice.
- 24-805-00 **Rules of Procedure.**  
The Board shall observe the following procedures:
- 24-805-01 Said Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other ordinances of the Town of Pearisburg and general laws of the Commonwealth for the conduct of its affairs.
- 24-805-02 Said Board shall elect a Chairman, Vice Chairman, and secretary from its own membership who shall serve annual terms as such and may succeed themselves.



- 24-805-03 Said Board will keep a full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year.
- 24-805-04 All meetings of said Board shall be open to the public.
- 24-805-05 Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has an interest.
- 24-805-06 The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.
- 24-805-07 The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
- 24-805-08 A quorum shall be at least three (3) members.
- 24-805-09 A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which said Board is empowered.
- 24-806-00 **POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS**  
The Board of Zoning Appeals shall have the following duties and powers:
- 24-806-01 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.
- 24-806-02 To authorize upon original application in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done as follows:
- 24-806-02-01 When a property owner can show that this property was acquired in good faith, and that by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this Ordinance, or that by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property; or that the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or

convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance;

24-806-02-02 No Such variance shall be authorized by the Board unless it finds:

24-806-02-02-01 The strict application of the Ordinance would produce undue hardship;

24-806-02-02-02 such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

24-806-02-02-03 That the authorization of such variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance;

24-806-02-03 No such variance shall be authorized except after notice and hearing as required by § 15-2-2204 of the Code of Virginia 1950, as amended;

24-806-02-04 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance;

24-806-02-05 In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

24-807-00 **APPLICATION FOR VARIANCES**

Application for variances from this Ordinance may be made by property owner, tenant, government official, department, board, or bureau.

- 24-807-01      **Application.** Application shall be made to the Zoning Administrator. The application shall be accompanied an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.
- 24-807-02      **Hearing and Action.** The Secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by § 15-2-2204 of the Code of Virginia (1950) as amended. The Board shall decide same within thirty (30) days from the date of such hearing.
- 24-807-03      **Limitation of Hearings.** Limitation of A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.
- 24-807-04      **Withdrawal of Application.** Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.
- 24-807-05      **Fee.** Each application for a variance shall be accompanied by payment of a fee set forth in the Town of Pearisburg Fee Schedule to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

- 24-808-00     **PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS**  
Requests for a hearing before the Board of Zoning Appeals for an administrative review shall observe the following procedures:
- 24-808-01     An appeal to the Board may be filed by any person aggrieved by, or by an officer, department, board, or agency of the Town of Pearisburg affected by, any decision of the Zoning Administrator within thirty (30) days after the decision.
- 24-808-02     Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board. Such applications shall specify the decision being appealed and the grounds for appeal.
- 24-808-03     The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- 24-808-04     An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.
- 24-808-05     The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by § 15-2-2204 of the Code of Virginia (1950) as amended, and decide the same within thirty (30) days from the date of such public hearing.
- 24-808-06     In exercising the powers granted to the Board in this Ordinance, the said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Certificate of Zoning Compliance.
- 24-808-07     Any application for appeal before the Board may be withdrawn prior to action thereon by said Board, at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.

24-808-08 Each application for an appeal shall be accompanied by payment of a fee as set forth in the Town of Pearisburg Fee Schedule to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded minus any expenditures which have been made for publicizing or conducting the public hearing at the time the notice is received.

24-809-00 **DECISION OF BOARD OF ZONING APPEALS**

24-809-01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or agency of the Town of Pearisburg, may present to the Circuit Court of Giles County a petition specifying the grounds on which they are so aggrieved. Such petition shall be filed within thirty (30) days after the filing of the decision in the office of the Board.

24-809-02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the Court.

The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

24-809-03 The Board shall not be required to return the original papers acted upon by it; it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed, and shall be verified.

24-809-04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.

24-809-05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

**ARTICLE 24-9**  
**SCHEDULE OF FEES**

**24-901-00     Schedule of Fees**

24-901.00     **SCHEDULE OF FEES**

- 24-901.01     Each application for a Zoning Permit for a Conditional Use shall be accompanied by a payment of \$150.00.
- 24-901.02     Each application for a hearing before the Board for an administrative review or a variance shall be accompanied by a fee of \$300.00
- 24-901.03     Each application for a Conditional Use Permit for a Telecommunications Tower shall be accompanied by a fee of \$500.00 and in addition the applicant shall reimburse the Town for consultation fees incurred in review of the application and with the reimbursement due prior to final consideration of the application.

**ARTICLE 24-10**  
**VIOLATION, PENALTY, AND RETURN OF FEES**

<b>24-1001-00</b>	<b>Violation</b>
<b>24-1002-00</b>	<b>Complaints Regarding Violations</b>
<b>24-1003-00</b>	<b>Penalties</b>
<b>24-1004-00</b>	<b>Return of Fees</b>



24-1001-00    **VIOLATION**

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

24-1002-00    **COMPLAINTS REGARDING VIOLATIONS**

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

24-1003-00    **PENALTIES**

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to five hundred dollars (\$500-00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

24-1004-00    **RETURN OF FEES**

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

**ARTICLE 30-11**  
**LEGAL STATUS PROVISIONS**

<b>24-1101-00</b>	<b>Conflict with other Laws</b>
<b>24-1102-00</b>	<b>Validity</b>
<b>24-1103-00</b>	<b>Repealed Resolutions and Ordinances</b>
<b>24-1104-00</b>	<b>Effective Date</b>

24-1101-00    **CONFLICT WITH OTHER LAWS**

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

24-1102-00    **VALIDITY**

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

24-1103-00    **REPEALED RESOLUTIONS AND ORDINANCES**

These regulations are a comprehensive enactment of all of the resolutions and ordinances of the Pearisburg Town Council relating to zoning regulations. All prior ordinances affecting zoning and subdivision regulations are hereby repealed.

24-1104-00    **EFFECTIVE DATE**

These regulations shall take effect and be in force on and after \_\_\_\_\_ . A certified copy of the foregoing Zoning Ordinance of the Town of Pearisburg shall be filed in the office of the Administrator and in the office of the Clerk of the Circuit Court, Giles County, Virginia.

## Appendix A

TABLE 1 REGULATIONS BY DISTRICT

District	2 Units	1 Unit	No. Units	Frontage at Setback	Side Yard	Rear Yard	To Main Bldg.	Side Yard	Rear Yard	Height
AR	14,520 s.f.	21,780 s.f.	43,560 s.f.	35'	100'	20'	35'	10'	10'	35'
R-1	10,890 s.f.	14,520 s.f.	21,780 s.f.	35'	100'	15'	35'	10'	10'	35'
R-2	6,000 s.f. +3,000 s.f. for each add. unit	10,000 s.f. a	20,000 s.f. a	30'	60' for SF 75' for Duplex +	15'	20'	10'	10'	35'
R-3	6,000 s.f. SF +3,000 s.f. for each add. unit	10,000 s.f. a	20,000 s.f. a	30'	60' for SF 75' for Duplex +	10'	20'	10'	10'	35'
R-4	6,000 s.f. 9,000 s.f. 2,250 s.f. TH	10,000 s.f. a a	20,000 s.f. a a	25'	60' for SF 75' for Duplex 20' for TH none for Int. lot 25' for corner lots 10' for end lots inside block	10' 10' 20' for Int. lot 25' for corner lots 10' for end lots inside block	20' 20' 35'	10'	10'	35'
R-5	6,000 s.f. MH Subdivision 6,800 s.f. MHP	10,000 s.f. a a	20,000 s.f. a a	20'	15'	10'	20'	10'	10'	20'
R-6	REQUIRES DETAILED PLAN									
R-7	6,000 s.f. 3,000 s.f. for each add. unit	10,000 s.f. a a	20,000 s.f. a a	30'	60' for SF 75' for Duplex +	15'	20'	10'	10'	35'
R-8	6,000 s.f. SF +3,000 s.f. for each add. unit	10,000 s.f. a a	20,000 s.f. a a	30'	60' for SF 75' for Duplex +	10'	20'	10'	10'	35'
B-1	6,000 s.f.	10,000 s.f. SF	20,000 s.f. SF	30'	60'	10'	20'	10'	10'	45'
B-2	6,000 s.f.	a	a	20'	60'	5' b	20'	10'	5'	35'
B-3	43,560 s.f.	a	a	30'	100'	15'	20'	20'	10'	35'
M-1	43,560 s.f.	a	a	30'	100'	15'	25'	20'	10'	45'
L-1	43,560 s.f.	a	a	30'	100'	15'	25'	20'	10'	45'

## TABLE 1 REGULATIONS BY DISTRICT LEGEND

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

- \*\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is twenty (20) feet, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

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

Accessory buildings over one story in height shall be at least ten (10) from any lot line. All accessory building shall not exceed the main building in height. For buildings over forty-five (45) feet in height, approval shall be obtained from the Planning Commission. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.

- a. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator shall require the area considered necessary by the Health Official. All uses within 300' of the public system are required to connect to the system.
- b. Property located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a ten (10) foot side yard on the side or sides adjoining or adjacent to the residential district.

## Appendix C

**ZONING ADMINISTRATION PROCESS  
TOWN OF PEARISBURG**

