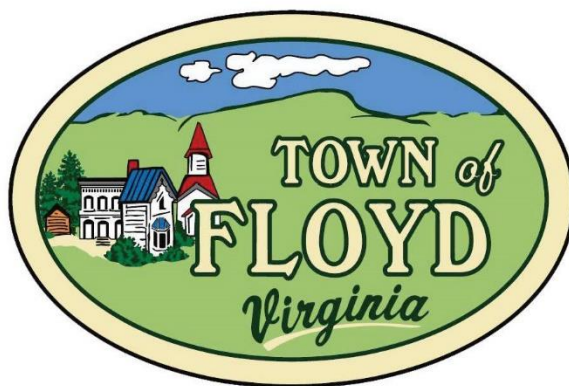




TOWN OF FLOYD

Zoning Ordinance 2020



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Mark Bolt, Floyd County Building Official

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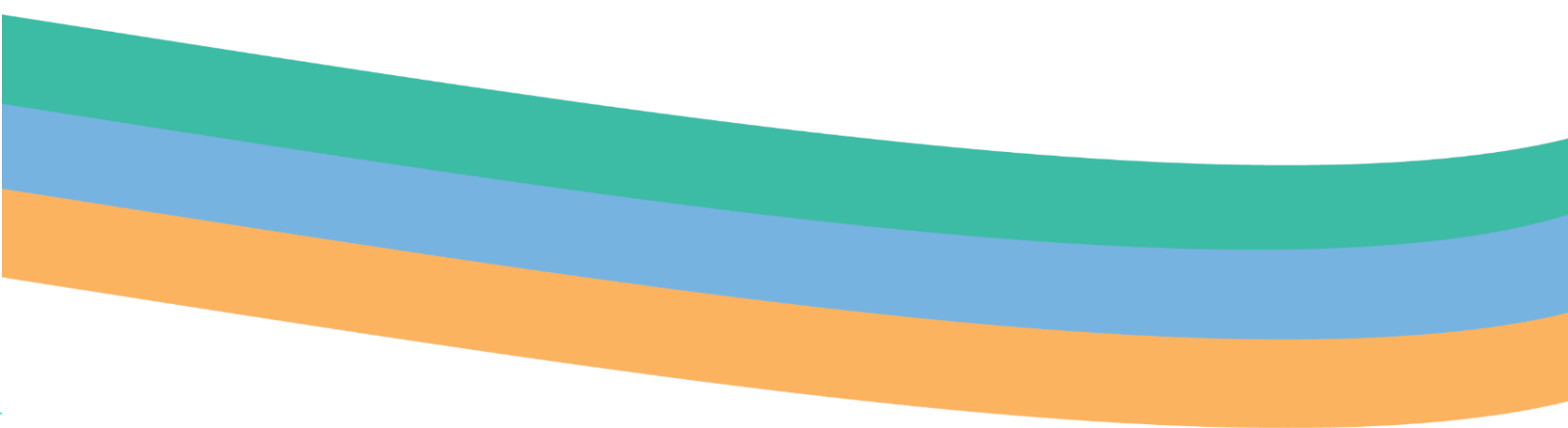


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Article 1. Authority and Enactment

Section 1.1 Authority to Establish Zoning

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Code of Virginia, the governing body of any county or municipality may, by ordinance classify the territory under its jurisdiction into districts and of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

1. The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain and other specific uses.
2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures.
3. 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 in use.
4. The excavation or mining of soil or other natural resources.

Section 1.2 Enactment

Therefore be it ordained by the Council of the Town of Floyd, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, of the Code of Virginia, as amended that the following be adopted as the Town of Floyd Zoning Ordinance, as amended.

Section 1.3 References to State and Federal Regulations

Whenever this document refers to a part of the Code of Virginia or any other federal regulations that are later amended or superseded, these references shall be deemed to correspond to the amended or superseded parts.

Section 1.4 Compliance with Other Laws Required

In addition to the requirements of this ordinance, all uses and development must comply with all other applicable State, and Federal rules and regulations.

ARTICLE 2. PURPOSES OF THE REGULATIONS

Section 2.1 Purposes

The Town of Floyd 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 15.2-2283 of the Code of Virginia by reasonable restrictions on those property rights. Further, to comply with the provisions of Section 15.2-2283, et. seq. the purposes of these regulations are:

1. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
2. To reduce or prevent congestion in the public streets.
3. To facilitate the creation of a convenient, attractive, and harmonious community.
4. To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
5. To protect against destruction of, or encroachment upon, historic areas.
6. 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.
7. To encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 3. DEFINITIONS OF TERMS

Section 3.1 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 "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Section 3.2 Specific Definitions

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

Abattoir. A commercial slaughter house.

Accessory Building. See Building, Accessory

Accessory Use or Building. See Use, Accessory.

Accessory Dwelling Unit. A residential dwelling unit, which is not a manufactured home, located on the same lot as a single-family dwelling unit and which is a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in the zoning ordinance and only in those zoning districts where the use is listed as a conditional use.

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

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

Administrative Services. Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices.

Agriculture. The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, processing of agricultural products. Specifically excluding abattoir and livestock production.

Agritourism. Any agricultural related activity consistent with a bona fide agriculture use which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity

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

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

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; (Private Kennel-add as a special exception)

Animal Hospital or Clinic. A veterinary establishment where treatment is received. Activities conducted outside the main building and kennels are not included.

Antenna. A structure or device that is used for the purpose of receiving and/or transmitting radio frequency signals that carry telecommunication information including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

Apartment. A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family

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.

Artist Studio. A combination working studio and optional dwelling unit for artists.

Automobile Graveyard. Any lot or place which is exposed to the weather upon which more than five (5) vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.

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

Basement. A story having part but not more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations

Bed and Breakfast. A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for two (2) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one week in duration.

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

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 one (1) 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.

Brewpub. A restaurant that manufactures up to 500 barrels of fermented malt beverages per year on premises for either consumption on premises in hand-capped or sealed containers in quantities up to one-half barrel or 15.5 gallons sold directly to the consumer. Wholesaling shall be permitted only where authorized within the zoning code.

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

Building, Accessory. A subordinate detached building or structure, the use of which is incidental to that of the principal building on the same lot or parcel.

Building Code. The Uniform Statewide Building Code under Section 36-97 of the Code of Virginia, as adopted by Floyd County.

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

Building Inspector. The building official for the Town and the County who administers and enforces the provisions of the Building Code, or his designated representative or agent.

Building, Main. A building which is utilized as the main or principal use of the lot on which said building is situated.

Building trades services. This includes construction, plumbing, electrical, heating and air-conditioning, landscaping, well drilling, and similar services. Outdoor storage is not permitted.

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.

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

Co-location. The reuse of the same tower or facility by multiple telecommunications provider which entails placement of antennas and equipment at different vertical or horizontal locations of the tower facility.

Clerk. The Clerk of the Circuit Court having jurisdiction in Floyd County.

Clinic. A building in which services (are) provided by one or more physicians, dentists, or other health care providers (and) take(s) place on an out-patient basis.

Commission, The. The Town of Floyd Planning Commission.

Community Center. Community entertainment, recreation, or meeting place.

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

Conditional Use. A use which may be allowed for a specific lot in a district if the use is listed as a Conditional Use for the district and if the 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 town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

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.

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 Council to accept the proffered conditions, the proposed project 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.

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.

Convenience Store. A store designed for ease of access which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, and magazines, whose size limits the volume and variety of items sold, and is utilized because single purchases may be made quickly. Gasoline, if offered for sale, is a secondary activity.

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. Real estate owned or leased by a cooperative organization.

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

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

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

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

Cul-de-Sac. A circular turning area at the end of a dead-end street.

Cultural Facility. A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences.

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 (utilizing the Virginia Uniform Statewide Building Code).

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

Day Care Center. Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24- hour period.

Developer. An owner of property being subdivided, whether or not represented by an agent.

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.

District. A section of the Town of Floyd within which the zoning regulations are uniform as referred to in the Code of Virginia, § 15.2-2280 et seq.

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.

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.

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.

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.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family (Duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other.

Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

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.

Efficiency Apartment. A unit in a multi-family dwelling that generally consists of one or two rooms with a bathroom. This type of unit is interchangeable with the term Studio Apartment.

Engineer, Civil. An engineer registered by the Commonwealth of Virginia.

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.

Family Day Care Home. Any private family home in which three (3) to twelve (12) 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, legal adoption or marriage to the person who maintains the home.

Family, Immediate Member of. Any person who is a natural or legally defined off-spring, spouse, (sibling, grandchild, grandparent, may add aunts, uncles, nieces, nephews) or parent of the owner.

Farmers Market, 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.

Financial Institutions. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and free-standing automatic teller machines.

Floating Zone. A district classification which is not "anchored" to a particular area on the initial zoning map but is available for any parcel of property with the following qualifications: 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.

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

Flood Hazard Area. The maximum area of the floodplain that has a 1% chance of flooding each year or for which mudslides can be reasonably anticipated. These areas are defined by the Federal Emergency Management Agency (FEMA) 's Flood Insurance Rate Map (FIRM)

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

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community

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 or 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.

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

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

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.

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-driven vehicles.

General Office. Use of a site for business, professional, or administrative offices, excluding medical offices/clinic. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a General Office.

Governing Body. The Town Council of Floyd, Virginia.

Graffiti. Any writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on public or private building, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act. However, it shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings, or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

Unauthorized inscribing, spraying of paint, or making of symbols using chalk, dye, ink, paint, spray paint or similar materials on public or private places, structures, or other surfaces.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but not including basement, attics, interior parking spaces, loading space for motor vehicles, or any space where the floor-to ceiling height is less than six feet.

Group Home. Any facility providing full-time care, maintenance, protection, and guidance to eight (8) or fewer persons. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Developmental Services

Health/Fitness Club. A building or development containing body building (exercise) equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts.

Health Department. The Floyd County Health Department or its designated agent or representative.

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

Historical Area. An officially designated area containing 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 officially designated at the local, state, or national level.

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 or as permitted in Article 7, "Signs" of this ordinance, 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.

Homestay. An accessory use to a dwelling where the host occupant offers their primary residence or a portion thereof to a guest party for short-term occupancy for compensation in accordance with Sec. 11.9.

Primary residence. A person's principal home and domicile. If a person maintains more than one residence, their primary residence, for the purpose of Sec 11.9, "Homestay", shall be the residence where they live for more than half of the calendar year.

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.

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.

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."

Indoor Entertainment. An establishment providing recreation activities conducted within an enclosed building. Typical uses included in this definition shall be bowling, game room, billiards, pool halls, motion picture, theaters roller skating or ice-skating, video arcades and related amusements.

Light Industry. Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt,

vibration, odor, etc. Machine shop, metal fabrication and woodworking is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.

Heavy Industry. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

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.

Jurisdiction. The area or territory subject to the legislative control of the Town of Floyd.

Kennel. Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar domestic animals of five (5) or more for commercial purposes is carried on.

Livestock. Non-domestic animals kept or raised for sale, use, or pleasure.

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.

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.

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.

Lot, Corner or Side 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.

Lot Coverage. The area of a lot covered by a building or buildings, expressed as a percentage to the total area.

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

Lot, Double Frontage (Through). A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

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

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 Floyd County at the time of the adoption of this Ordinance.

Lot, Width. The average horizontal distance between side lot lines.

Main Use. The primary purpose for which land or a building is used. (Only one primary use allowed per lot).

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.

Manufactured Home. A structure subject to federal regulation, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Some manufactured homes are also referred to as mobile homes.

Microbrewery. A facility, which produces more than 500 barrels of beer per year within a space of less than 10,000 square feet. Such facilities may include a tasting room or retail space to sell the products to patrons on site. Such establishment shall be licensed by the State Alcohol Beverage Control Board for activities relating to the sale, consumption and distribution of beverages from the facility.

Microdistillery. A facility that typically produces and distributes alcoholic beverages or spirits as defined within §4.1-100, Code of Virginia distilled where production does not exceed 5,000 gallons per year. Such facilities may include an on-site tasting room or retail space to sell the products to patrons on site.

Manufactured/Mobile 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 two or more mobile homes exclusively, and where the stands are rented or leased.

Manufacture/Mobile Home Stand. A plot of ground within a mobile home park designated to accommodate one mobile home.

Manufacture/Mobile Home Subdivision. A development which has been created in accordance with the Town of Floyd Subdivision Ordinance. Each lot is designed to be individually owned and occupied by a mobile home.

Modular home. A modular home is built to the Commonwealth of Virginia's Uniform Statewide Building Code, just like a site-built home. The state building code is enforced at the factory level because the home is being built there rather than on the building site. While a modular home is built to the same code as a site-built home, it also enjoys all of the building condition advantages that factory construction offers. Modular homes are typically constructed in multiple sections.

Multifamily Dwelling. A dwelling containing three or more units. They can be single or multi storied buildings

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.

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.

Non-Conforming Structure. A structure existing at the time of building or 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.

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.

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

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 non-related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.

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

One Hundred Year Flood. A flood that has a 1% chance of occurrence each year.

Parking Space. An area consisting of a minimum of 9 x 18 feet.

Parking Facility, (Surface or Structure). Use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

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.

Personal Services. A commercial activity serving individual necessities. Such services may include, but are not be limited to: Spas, salons, beauty or barber shops, massage facilities, shoe repair, or other similar use and which may involve the sale of associated retail products as an accessory use.

Plat. A drawing or map which has been reviewed and approved by the Town Council of the Town of Floyd, the Public Service Authority, and the Virginia Department of Transportation which depicts a lot or lots which are the result of the subdivision of land. Appropriate signature blocks shall be attached to all Plats. When used as a verb "plat" is synonymous with "subdivide".

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 service equipment may be either prefabricated or at-site construction.

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, or administrators working with organizations 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, or any use which would create any loud noises or noxious odors.

Professional Office. An office whose use is characterized by the activities of one or more professionals as defined above for the term *Professional*.

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

Public Service Facility. Public or governmental buildings and uses, including schools, police station, fire stations (volunteer or otherwise), parks, parkways and playgrounds.

Public Utility, Minor. Services which are necessary to support existing and future development within the immediate vicinity and involve only minor structures. Including in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are all major utility services owned and/or operated by the Town of Floyd, or any major utility services which were in existence prior to the adoption of this ordinance.

Public Utility, Major. Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.

Public Water and Sewage Systems. Public Water is defined as 15 or more connections and 25 or more customers for 60 or more days per year. Sewerage system means a sewage collection system consisting of pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

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, communications, related services to the general public.

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

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

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

Refuse. Items that are discarded to be collected for the purposes of disposal including but not limited to: Trash, rubbish, recyclables, and garbage. Collection of refuse by the Town of Floyd shall be confined to public streets and roadways. All private streets and roadways shall not be served by the Town in this capacity unless an agreement is approved by Town Council.

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

Repair Services. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment

repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

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

Restaurant. Any building in which the principal use is the preparation and sale of food and beverages, including, among other establishments, cafes, delicatessens, or refreshment stands.

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.

Retail Sales. Sale or rental with incidental service of commonly used goods and merchandise, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. For purposes of illustration, the term "retail sales" shall include the following: drug store; newsstand, food stores and supermarket; candy shops; dry goods; notions and clothing stores; boutiques and gift shops; hardware, home furnishings, and household appliance and electronic stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; tailor shops; beauty and barber shops; and music and radio stores. The sale in bulk of coal, wood, fuel, building materials and lumber, and establishments for the sale of vehicles, farm implements, boats, trailers, machinery and similar items shall be excluded from consideration as retail sales.

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.

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.

Roof-mounted antenna. Any antenna along with supporting equipment attached to a roof or side of a building, or structure that is used for wireless telecommunications service.

Setback. The minimum distance from which any building structure must be separated from the lot line(s).

Setback Line(s). A line generally parallel with and measured from the lot line(s), defining the limits of a yard in which no building or structure may be located above ground.

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.

Shed /Storage Building. An accessory structure built for storage, normally enclosed and lower than the height of the principal use structure.

Solar feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include: a solar greenhouse, solar panels, and solar hot water heater. Solar features may serve as a structural member of the structure.

Storage Container. A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of items, including, but not limited to household goods, furniture, wares, building materials, equipment or merchandise. The term includes both wheeled trailers and container units that can be detached from a trailer. The term shall not include dumpsters or refuse containers.

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.

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 of the floor area is finished off for use.

Street. The principal means of access to abutting properties.

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

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

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

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

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

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

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

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.

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. The width of the right-of way

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.

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. A Studio Apartment is a one room unit with a bathroom.

Sub-divider. 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.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" of lots of record or the vacation of plats. The term shall apply either 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 Floyd Ordinance before any improvements are erected on the land so transferred.

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

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.

Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge. Building or buildings containing individual sleeping 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.

Townhouse. A single-family dwelling forming one of a group or series of three 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.

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

Treatment and Rehabilitation Center: A facility that provides treatment for mental health issues, substance abuse, and alcohol, drug and any other type of addictions. The facility can be either outpatient where meals and lodging are not available, or inpatient where on-site overnight care is provided.

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.

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.

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

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.

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

Wireless telecommunications facility. A wireless telecommunications facility consists of the equipment and structures utilized to transmit and/or receive telecommunication signals to and from any communications source which may also be connected to a mobile and/or stationary unit with land-based facilities including but not limited to antennas, towers and accessory structures. (For more definitions relating to Wireless Telecommunications, please refer to Article 8 - Wireless Telecommunication Facilities)

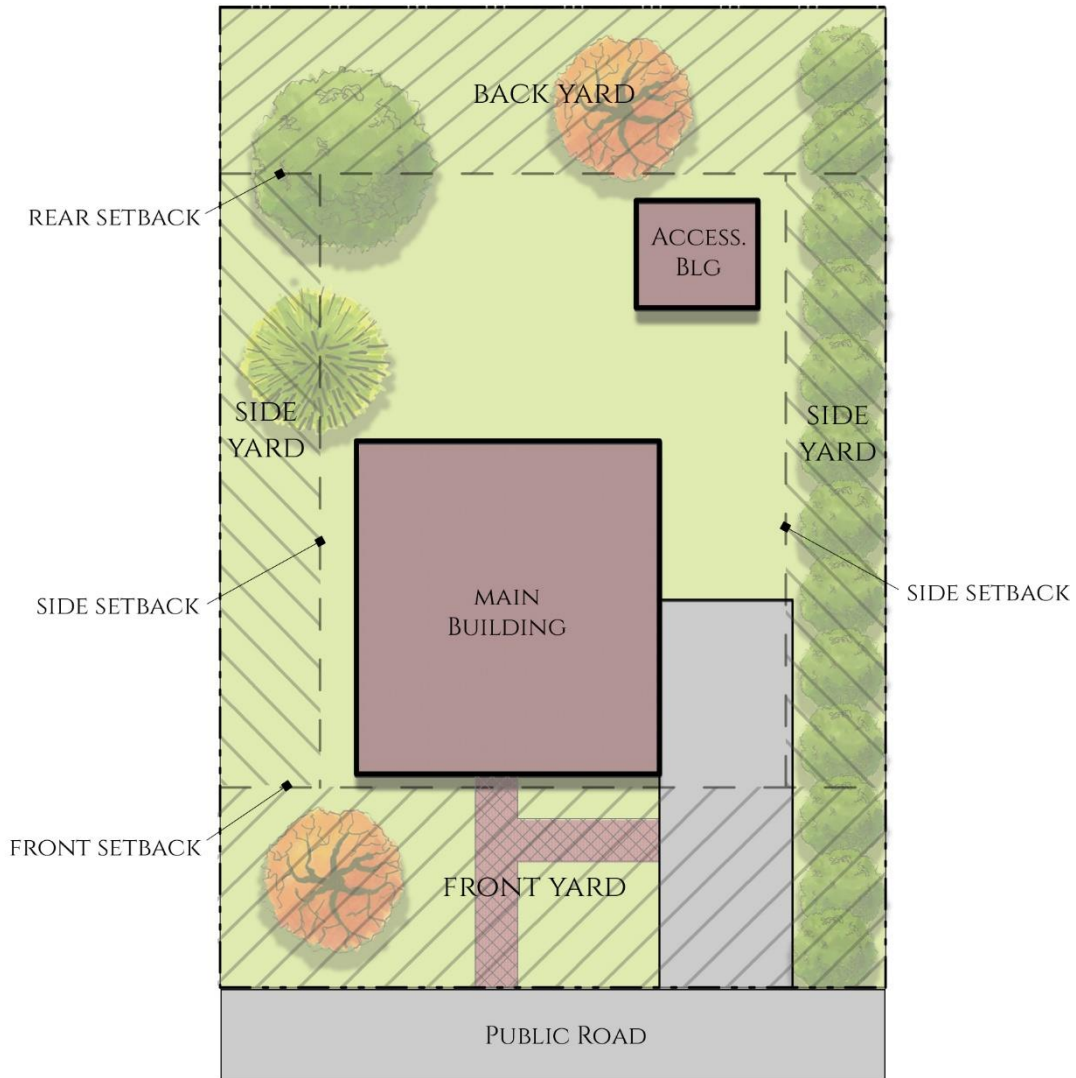
Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

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

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

Yard, Side. An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Figure 1: Illustration of Yards



Article 4. ESTABLISHMENT OF DISTRICTS

Section 4.1 Division of the Town of Floyd Into Districts

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

Section 4.2 Incorporation of the Zoning Map

The zoning map entitled the "Official Zoning Districts Map for the Town of Floyd, Virginia", is hereby established and is officially a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the Town Offices where it shall be accessible to the general public.

Section 4.3 Map Amendment

If in accordance with the provisions of Article 12, 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 Floyd Town Council together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 12, 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 Floyd 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 Floyd 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.

Section 4.4 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:

1. 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.
2. 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.
3. 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 12.2.4 of this Ordinance.
4. 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.
5. 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.
6. 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 which shall determine the boundary in accordance with Section 12.4 of this Ordinance.

ARTICLE 5. APPLICATION OF ZONING REGULATIONS

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

Section 5.1 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.

Section 5.1.1 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.

Section 5.1.2 Conditional Use

A Conditional Use is one which may be allowed when the Floyd 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 the use is conditional, a Zoning Permit will be issued by the Zoning Administrator after such Conditional Use has been approved by the Town Council.

Section 5.2 Buildings

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

Section 5.3 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 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 as described in Article 6.

Section 5.4 Gardening

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

Section 5.5 Permits Issued Prior to Adoption of Ordinance

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

Section 5.6 Final Grading and Site Finishing

Final grading and site finishing shall take place for all new construction.

Section 5.7 Diagrams for Illustrative Purposes Only

The diagrams and graphics in this document provide are for illustrative purposes only and may not represent the complete descriptions of all zoning requirements. All standards and regulations presented within the text of this Ordinance shall be used as controlling requirements.

Article 6. Zoning Districts

Section 6.1 Agricultural/Residential District AR-1

Section 6.1.1 Intent. This district is established for the specific purpose of facilitating existing and future agricultural operations, conservation of natural resources, accommodating single family dwelling on large lots, and to provide for the orderly expansion of urban development.

Section 6.1.2 Permitted Uses. Within the Agricultural/Residential District AR-1 the following uses are permitted:

Agricultural Uses

1. Agriculture
2. Wildlife areas or game refuges
3. Flood control and watershed structures
4. Nurseries, commercial and non-commercial or tree farms
5. Greenhouses

Residential Uses

1. Single-family dwelling
 - a. One principal dwelling per lot of record.
2. Manufactured Home
 - a. One principal dwelling per lot of record.
3. Family day care homes (serving up to five (5) children or adults)
4. Group home (serving up to eight (8) individuals)

Civic and Miscellaneous Uses

1. Cemeteries
2. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be closer than one hundred (100) feet to a lot with a residence
3. Educational Institution

4. Private/Public Parks
5. Public utilities, minor
6. Public Service facility
7. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.1.3 Conditional Uses The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Agritourism
2. Animal hospital
3. Bed and Breakfast
4. Day Camp
5. Feed mill or seed and feed store
6. Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence, except the residence of the owner
7. Lodge or resort
8. Hotel
9. Public water and sewage systems; Public utilities, major
10. Timber Production, forests.
11. Accessory Dwelling Unit, which must meet front setback requirement for principal structure of the AR-1 zoning district and be at least 10 feet from side and rear property line.
12. Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds are met.
13. Private seasonal camp or retreat
14. Retreat center
15. Temporary Sawmill or commercial wood yard
16. Additional accessory storage building (Shed)
17. Wireless Telecommunication Facilities, Towers and/or Antenna which are less than 35 feet. (Refer to Wireless Communication Facilities in Article 8 of the Zoning Ordinance)

Section 6.1.4 Accessory Uses and structures Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met

4. Living quarters in the main structure for persons employed within the premises or development
5. Private swimming pool
6. Produce stand
7. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
8. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
9. Temporary family health care structure as described in Code of Virginia 15.2-2292.1 is (i) for use by a caregiver in providing care for the mentally or physically impaired. (ii) permitted accessory structure on property owned or occupied by the caregiver as his residence in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those required for other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - a. For purposes of Temporary family health care structure, the following definition applies:

Caregiver. means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person. means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Temporary family health care structure. means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- b. Special provisions applicable to temporary family health care structures are as follows:

- i. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
- ii. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- iii. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- iv. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- v. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to Section 6.1.4(9)(i) if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

10. Shed

11. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.

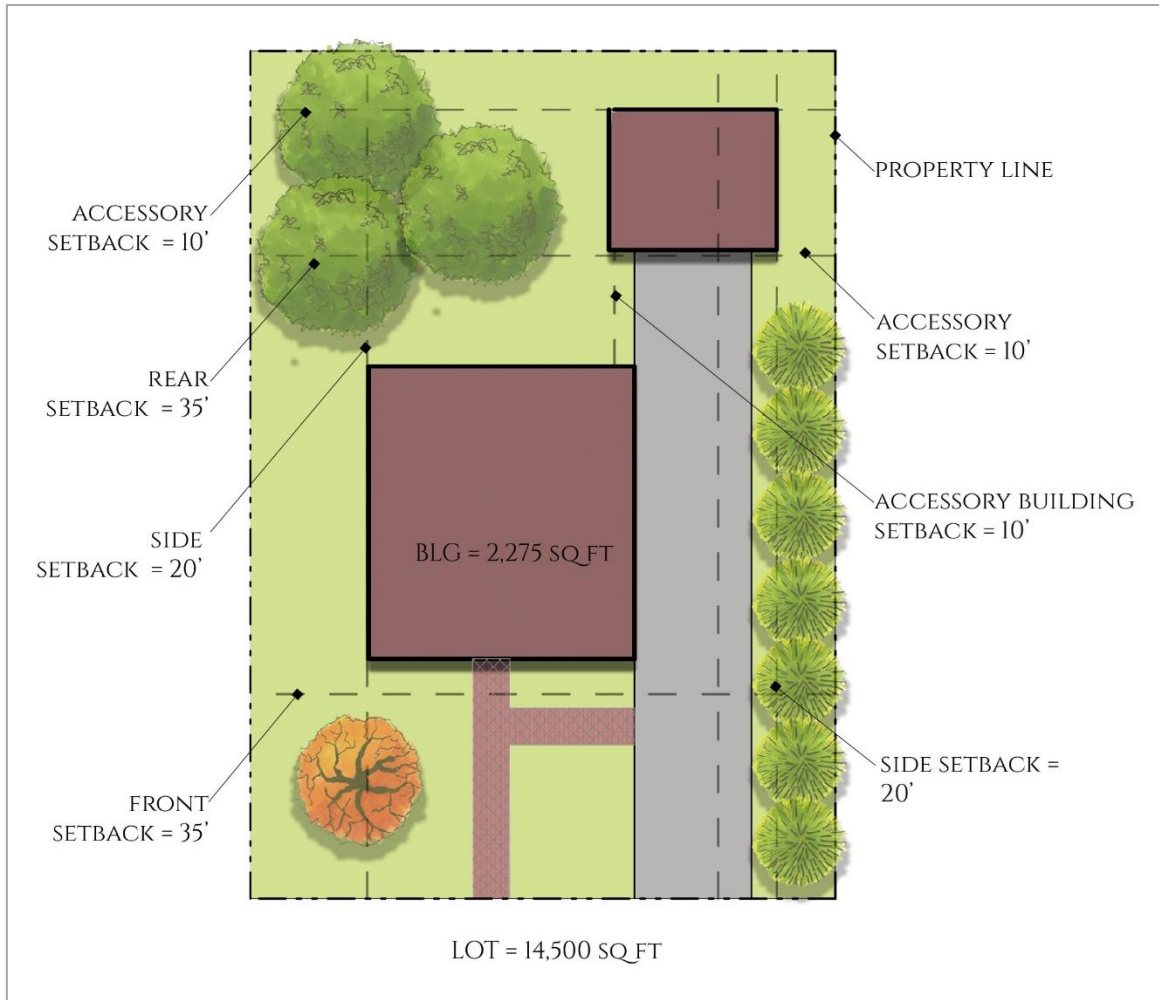
12. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.1.5 Development Standards Requirements for Permitted Uses and Conditional Uses in Agricultural/Residential District AR-1.

Dimensional Standards

1. Minimum Lot Requirements
 - a. Minimum Area: 14,520 sq. ft.
 - b. Road Frontage: 100 ft.
 - c. Lot Width: 100 ft.
 - d. Lot Depth: 100 ft.
2. Minimum Yard Requirements.
 - a. Principal Structure:
 - i. Minimum Front Yard Setback: 35ft
 - ii. Minimum Side Yard Setback: 20 ft.
 - iii. Minimum Rear Yard Setback: 35ft
 - a. Accessory Structures:
 - i. Minimum Distance from Principal Structure: 10 feet
 - ii. Maximum Height: 20 ft
 - iii. Minimum Side Yard Setback: 10 ft
 - iv. Minimum Rear Yard Setback: 10 ft
 - v. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
 - vi. The maximum number of accessory storage structures (shed) allowed on a single lot is two (2)
3. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
4. Maximum Lot Coverage: 40%
5. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Figure 2. Agricultural/Residential (AR) Zoning District - Single Family Dwelling Example



Section 6.2. Residential Limited District R-1

Section 6.2.1 Intent. This district is established to provide for low density single family detached structure types. These structures help preserve spacious residential character of the neighborhood and the Town.

Section 6.2.2 Permitted Uses. Within the Residential Limited District R-1 the following uses are permitted:

Residential Uses

1. Single-family detached dwellings
2. Family day care homes (serving up to five (5) children or adults)
3. Group home (serving up to eight (8) individuals)

Civic and Miscellaneous Uses

1. Schools
2. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any residential lot
3. Public/Private Parks
4. Public utilities, minor
5. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.2. 3 Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Public utilities, major
2. Public Service facility
3. Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities.
4. Accessory Dwelling Unit, which must meet front setback requirement for principal structure of the R-1 zoning district and be at least 10 feet from side and rear property line.
5. Family day care homes (serving six (6) to twelve (12) children or adults)
6. Additional accessory storage building (shed)
7. Wireless Telecommunication Facilities, Towers and/or Antenna which are less than 35 feet. (Refer to Wireless Communication Facilities in Article 8 of the Zoning Ordinance)

Section 6.2.4 Accessory Uses and structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and

structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home Occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met
4. Living quarters in the main structure for persons employed within the premises or development
5. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
6. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
7. Temporary family health care structure as described in Code of Virginia 15.2-2292.1 is (i) for use by a caregiver in providing care for the mentally or physically impaired. (ii) permitted accessory structure on property owned or occupied by the caregiver as his residence in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those required for other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - a. For purposes of Temporary family health care structure, the following definition applies:

Caregiver. means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person. means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Temporary family health care structure. means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

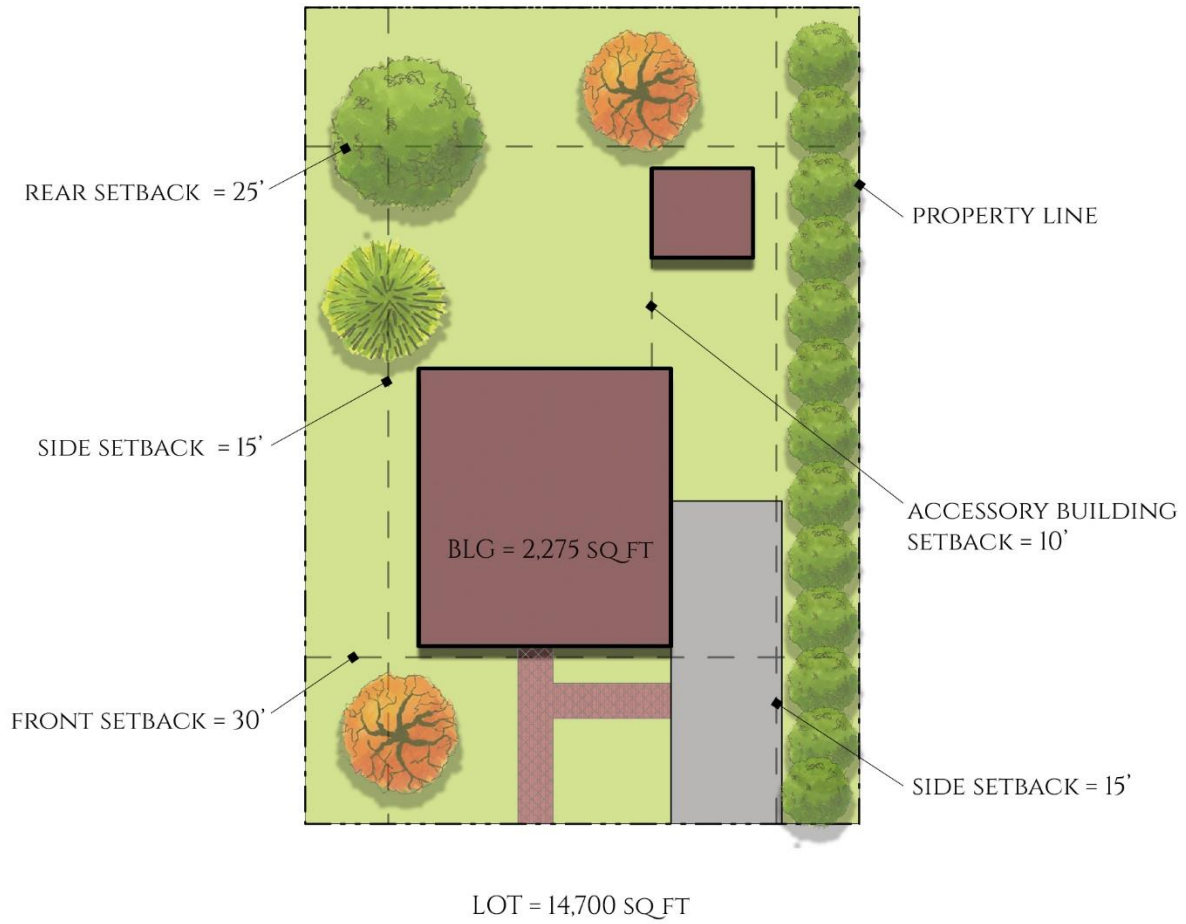
- b. Special provisions applicable to temporary family health care structures are as follows:
 - i. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
 - ii. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - iii. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
 - iv. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
 - v. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to Section 6.2.4(7)(i) if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.
- 8. Private swimming pool
- 9. Shed
- 10. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.
- 11. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.2.5 Development Standards. Requirements for Permitted uses and Conditional Uses in Residential District R-1:

Dimensional Standards

1. Minimum Lot Requirements
 - a. Minimum Area: 10,890 sq. ft or 0.25 acre
 - b. Public Road Frontage: 100 ft.
 - c. Minimum Lot Width: 100
2. Minimum Yard Requirements.
 - a. Principal Structure:
 - i. Minimum Front Yard Setback: 30 ft.
 - ii. Minimum Side Yard Setback: 15 ft.
 - iii. Minimum Rear Yard Setback: 25 ft.
 - b. Accessory Structures:
 - i. Minimum Distance from Principal Structure: 20 ft.
 - ii. Minimum Side Yard Setback: 10 ft.
 - iii. Minimum Rear Yard Setback: 10 ft.
 - iv. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
 - v. The maximum number of accessory storage structures (shed) allowed on a single lot is two (2)
3. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
 - c. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.
6. Maximum Lot Coverage: 40%.
7. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Figure 3: Residential Limited (R-1) District - Single Family Residential Dwelling Example



Section 6.3 Residential District R-2

Section 6.3.1 Intent. The intent of the R-2 residential district is to provide for a variety of housing options in low or medium density residential developments.

Section 6.3.2 Permitted Uses. Within Residential District R-2 the following uses are permitted:

Residential Uses

1. Single-family detached dwellings
2. Two Family Dwelling (for example Duplex)
3. Triplex and Quadruplex
4. Townhouse
5. Family day care homes (serving up to five (5) children or adults)
6. Group home (serving up to eight (8) individuals)

Civic and Miscellaneous Uses

1. Schools
2. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any residential lot
3. Public/Private Parks
4. Public utilities, minor
5. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.3.3. Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Bed and Breakfasts
2. Public Service facility
3. Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities.
4. Accessory Dwelling Unit, which must meet front setback requirement for principal structure of the R-2 zoning district and be at least 10 feet from side and rear property line.
5. Additional accessory storage building (shed)
6. Family day care homes (serving six (6) to twelve (12) children or adults)
7. Wireless Telecommunication Facilities, Towers and/or Antenna which are over 35 feet. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.3.4 Accessory Uses and structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home Occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met
4. Living quarters in the main structure for persons employed within the premises or development
5. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
6. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
7. Temporary family health care structure as described in Code of Virginia 15.2-2292.1 is
 - (i) for use by a caregiver in providing care for the mentally or physically impaired. (ii) permitted accessory structure on property owned or occupied by the caregiver as his residence in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those required for other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - a. For purposes of Temporary family health care structure, the following definition applies:

Caregiver. means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person. means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Temporary family health care structure. means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the

Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- b. Special provisions applicable to temporary family health care structures are as follows:
 - i. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
 - ii. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - iii. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
 - iv. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
 - v. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to Section 6.3.4(7)(i) if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.
8. Private swimming pool
9. Shed
10. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.
11. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory

structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.3.5 Development Standards. Requirements for Permitted uses and Conditional Uses in Residential District R-2:

Dimensional Standards

1. Minimum Yard Requirements.
 - a. Single Family
 - i. Minimum Front Yard Setback: 25 ft.
 - ii. Minimum Side Yard Setback: 10 ft.
 - iii. Minimum Rear Setback: 20 ft.
 - d. Duplex, triplex, and quadruplex
 - i. Minimum Front Yard Setback: 25 feet.
 - ii. Minimum Side Yard Setback: 10 feet.
 - iii. Minimum Side Corner Yard Setback: 20 feet.
 - iv. Minimum Rear Yard Setback: 25 feet.
 - e. Townhouses
 - i. Minimum Front Yard Setback: 25 feet from any public street or road right of way. Twenty-five (25) feet from adjacent property lines bordering the Townhouse development.
 - ii. Minimum Distance between groupings of Townhouse units: 10 feet.
2. Minimum lot size.
 - a. Single-Family – 8,712 square feet (0.21 acre)
 - b. Duplex – 10,000 square feet (0.23 acre)
 - c. Triplex and quadruplex – 12,000 square feet (0.28 acre)
 - d. Townhouses – 12,000 square feet
3. Minimum lot width.
 - a. Single-Family – 65 feet
 - b. Townhouses - 75 feet.
 - c. Duplex, triplex, quadruplex and other multifamily units- 75 feet
4. Minimum living area.
 - a. Townhouses--Eight hundred (800) square feet.
 - b. Duplex, triplex, quadruplex and other multifamily units.
 - i. Efficiency/studio--six hundred (600) square feet.
 - ii. One bedroom--seven hundred (700) square feet.
 - iii. Two bedroom--eight hundred (800) square feet.
 - iv. Three bedroom--nine hundred (900) square feet.
5. Minimum Road frontage and Lot Width
 - a. Public Road Frontage: 60 ft.
 - b. Lot Width: 60 ft

6. Minimum Yard Requirements for Other Uses.

a. Principal Structure:

- i. Minimum Front Yard Setback: 25 ft.
- ii. Minimum Side Yard Setback: 10 ft.
- iii. Minimum Rear Yard Setback: 20 ft.

7. Accessory Structures:

- i. Minimum Distance from Principal Structure: 10 ft.
- ii. Minimum Side Yard Setback: 10 ft.
- iii. Minimum Rear Yard Setback: 10 ft.
- iv. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
- v. The maximum number of accessory storage structures (shed) allowed on a single lot is two (2)

Figure 4: Residential (R-2) Zoning District – Two-family Dwelling (Duplex) Example



8. Maximum Height of Structures.

a. Principal Structures: 35 ft.

- b. Accessory Structures: 20 ft.
 - c. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.
9. Maximum Lot Coverage: 50%
10. General Standards for Townhouses Development.
- a. There shall be at least three (3), but no more than four (4), contiguous living units grouped together.
 - b. There shall be no more than ten (10) living units per acre.
 - c. The gross floor area for living units shall not be less than 800 square feet nor greater than 1,800 square feet in area, exclusive of attics, garages, porches, decks, patios, and basements more than fifty (50) percent underground.
 - d. Minimum lot area for individual Townhouse shall be 3000 square feet and minimum individual lot width shall be 24 feet.
 - e. Individual living units of townhouses shall not exceed two-stories excluding basements and attics.
 - f. Each individual living unit shall have individual water and sewer connections.
 - g. Each individual living unit shall provide a driveway for ingress and egress to a public street or road right of way.
 - h. Each individual living unit within a Townhouse development, shall provide sufficient off-street parking. A minimum of two (2) parking spaces with a minimum dimension of 9ft width and 18ft length per living unit shall be required. Parking spaces shall be located in required driveways or parking areas and not on the common areas or public street or road right of ways. The parking area for each living unit shall have a minimum width of 18 feet and minimum length of 18 feet.
 - i. An approved homeowners association (HOA) shall be required of all Townhouse developments, with membership consisting of all the individual living unit owners within the development. The charter of the association, which shall contain minimum property maintenance standards for individual living units, shall be subject to the association's board. Upkeep of all commonly held space shall be the responsibility of the homeowners association. HOA covenants, conditions and restrictions for the management, regulation and control of a development shall be recorded prior to the issuance of the first certificate of occupancy permit.
 - j. Townhouse developments shall be designed and constructed to include firewall resistance, and shall conform to the Virginia Statewide Building Code, as adopted and amended by Floyd County.
11. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 6.4 Medium Density Residential District R-3

Section 6.4.1 Intent. This district is intended to accommodate a variety of residential development. Some nonresidential uses compatible with the character of the district are also permitted as conditional uses.

Section 6.4.2 Permitted Uses. Within Medium Density Residential District R-3 the following uses are permitted:

Residential Uses

1. Single-family dwellings
2. Two-family dwellings (for example Duplex)
3. Multi-family dwellings (for example apartments, townhouses, and condominiums)
4. Family day care homes (serving up to five (5) children or adults)
5. Group home (serving up to eight (8) individuals)

Civic and Miscellaneous Uses

1. Schools
2. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than fifty (50) feet from any residential lot
3. Public/Private Parks
4. Public utilities, minor
5. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.4.3 Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Boarding houses
2. Bed and Breakfasts
3. Family day care homes (serving six (6) to twelve (12) children or adults)
4. General hospitals
5. Medical clinics
6. Public utilities, major
7. Public Service facility
8. Private Clubs provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot

9. Additional accessory storage building (Shed)
10. Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities.
11. Professional offices
12. Wireless Telecommunication Facilities, Towers and/or Antenna which are over 35 feet. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.4.4 Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home Occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met
4. Living quarters in the main structure for persons employed within the premises or development
5. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
6. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
7. Temporary family health care structure as described in Code of Virginia 15.2-2292.1 is (i) for use by a caregiver in providing care for the mentally or physically impaired. (ii) permitted accessory structure on property owned or occupied by the caregiver as his residence in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those required for other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - a. For purposes of Temporary family health care structure, the following definition applies:

Caregiver. means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person. means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in §

63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Temporary family health care structure. means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- b. Special provisions applicable to temporary family health care structures are as follows:
 - i. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
 - ii. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - iii. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
 - iv. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
 - v. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to Section 6.4.4(7)(i) if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

8. Private swimming pool
9. Shed
10. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.
11. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.4.5 Development Standards. Requirements for Permitted uses and Conditional Uses in Residential District R-3

Dimensional Standards

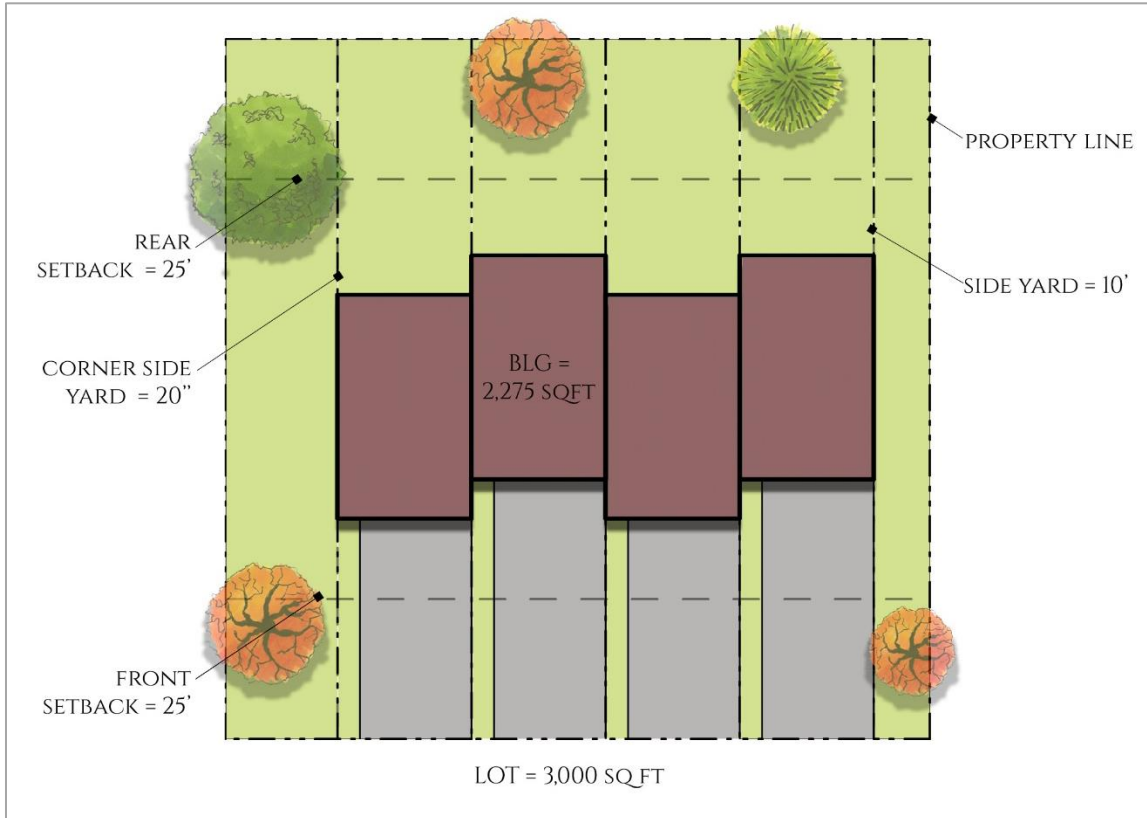
1. Minimum Yard Requirements.
 - a. Single Family
 - i. Minimum Front Yard Setback: 25 ft.
 - ii. Minimum Side Yard Setback: 10 ft.
 - iii. Minimum Rear Yard Setback: 20 ft.
 - b. Townhouses:
 - i. Minimum Front Yard Setback: 25 feet.
 - ii. Minimum Side Yard Setback: 10 ft.
 - iii. Minimum Side Corner Yard: 20 feet.
 - iv. Minimum Rear Yard Setback: 25 feet
 - v. Distance between groupings of Townhouse units - ten (10) feet.
 - c. Duplex, triplex, quadruplex, and other forms of multifamily units:
 - i. Minimum Front Yard Setback: 25 feet.
 - ii. Minimum Side Yard Setback: 10 feet.
 - iii. Minimum Side Corner Yard Setback: 20 feet.
 - iv. Minimum Rear Yard Setback: 25 feet.
2. Minimum lot size.
 - a. Single-Family: 6,500 square feet
 - b. Townhouses: 8,500 acres.
 - c. Duplex: 8,500 square feet
 - d. Triplex and multifamily: 10,000 square feet
3. Minimum lot width.
 - a. Single-Family: 65 feet
 - b. Townhouses: 75 feet.
 - c. Duplex, triplex, quadruplex, and other multifamily units- 75 feet
4. Minimum Road frontage

- a. Public Road Frontage: 60 ft.
5. Minimum living area.
 - a. Townhouses--Eight hundred (800) square feet.
 - b. Duplex, triplex, quadruplex and other multifamily units.
 - i. Efficiency/studio: six hundred (600) square feet.
 - ii. One bedroom: seven hundred (700) square feet.
 - iii. Two bedrooms: eight hundred (800) square feet.
 - iv. Three bedrooms: nine hundred (900) square feet.
 6. Accessory Structures:
 - a. Minimum Distance from Principal Structure: 10 ft.
 - b. Minimum Side Setback: 10 ft.
 - c. Minimum Rear Setback: 10 ft.
 - d. Minimum Front Setback: Accessory structures must be located behind the front building line.
 - e. The maximum number of accessory storage structures (Shed) allowed on a single lot is two (2)
 7. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
 - c. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided an additional one (1) foot of all setbacks is provided for each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.
 - d. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.
 - e. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.
 8. Maximum Lot Coverage: 60%
 9. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.
 10. General Standards for Townhouses Development.
 - f. There shall be at least three (3), but no more than six (6), contiguous living units grouped together.
 - g. There shall be no more than ten (10) living units per acre.
 - h. The gross floor area for living units shall not be less than 800 square feet nor greater than 1,800 square feet in area, exclusive of attics, garages, porches, decks, patios, and basements more than fifty (50) percent underground.

- i. Minimum lot area for individual Townhouse shall be 3000 square feet and minimum individual lot width shall be 24 feet.
- j. Individual living units of townhouses shall not exceed three-stories.
- k. Each individual living unit shall have individual water and sewer connections.
- l. Each individual living unit shall provide a driveway for ingress and egress to a public street or road right of way.
- m. Each individual living unit within a Townhouse development, shall provide sufficient off-street parking. A minimum of two (2) parking spaces with a minimum dimension of 9ft width and 18ft length per living unit shall be required. Parking spaces shall be located in required driveways or parking areas and not on the common areas or public street or road right of ways. The parking area for each living unit shall have a minimum width of 18 feet and minimum length of 18 feet.
- n. An approved homeowners association (HOA) shall be required of all Townhouse developments, with membership consisting of all the individual living unit owners within the development. The charter of the association, which shall contain minimum property maintenance standards for individual living units, shall be subject to the association's board. Upkeep of all commonly held space shall be the responsibility of the homeowners association. HOA covenants, conditions and restrictions for the management, regulation and control of a development shall be recorded prior to the issuance of the first certificate of occupancy permit.

- o. Town home developments shall be designed and constructed to include firewall resistance, and shall conform to the Virginia Statewide Building Code, as adopted and amended by the Town of Floyd.

Figure 5: Medium Density Residential (R-3) Zoning District - Multi-family Dwelling (Townhouses) Example



Section 6.5 Manufactured Home District R-4

Section 6.5.1 Intent. The intent of the Manufactured Home District R-4 is to allow suitable development of manufactured homes and manufactured homes subdivisions.

Section 6.5.2 Permitted Uses. Within Manufactured Home District R-4 the following uses are permitted, and a site plan is required:

Residential Uses

1. Single-family manufactured homes dwelling units
2. Family day care homes (serving up to (5) children or adults)
3. Group home (serving up to eight (8) individuals)

Civic and Miscellaneous Uses

1. Parks and playgrounds.
2. Public utilities, minor
3. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.

Section 6.5.3 Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Additional accessory storage building (shed)
2. Family day care homes (serving six (6) to twelve (12) children or adults)
3. Indoor recreational facilities, outdoor recreational activities, or other service facilities associated with manufactured home subdivision, provided that:
 - a. Parking requirements for such facilities are met.
 - b. Such uses are subordinate to the residential use and character of the subdivision
1. Public Service facility
2. Public utilities, major
3. Wireless Telecommunication Facilities, Towers and/or Antenna which are less than 35 feet. (Refer to Wireless Communication Facilities in Article 8 of the Zoning Ordinance)

Section 6.5.4 Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home Occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met

4. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
5. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
6. Private swimming pool
7. Shed
8. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.5.5 Development Standards. Requirements for Permitted uses and Conditional Uses in Manufactured Home District R-4:

Dimensional Standards

1. Minimum Lot Requirements
 - a. Minimum Area: 6,900 sq. ft
 - b. Public Road Frontage: The lot is required to front on an existing road, street, or internal street.
 - c. Minimum Lot Width: 60 feet
 - d. Minimum Lot Depth: 115 feet
 - e. Road Frontage: 50 ft
2. Minimum Yard Requirements
 - a. Principal Structure:
 - i. Minimum Front Yard Setback: 25 ft.
 - ii. Minimum Side Yard Setback: 10 ft.
 - iii. Minimum Side Corner Yard Setback: 15 feet
 - iv. Minimum Rear Setback: 20 ft.
3. Accessory Structures. All manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:
 - a. All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the Uniform Statewide Building Code. All Utilities shall be underground.
 - i. 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 ten (10) feet to a manufactured home.

- ii. Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home.
 - iii. Minimum Distance from Manufactured Home: 10 ft.
 - iv. Minimum Side Yard Setback: 10 ft.
 - v. Minimum Rear Yard Setback: 10 ft.
 - vi. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
 - vii. The maximum number of accessory storage structures (Shed) allowed on a single lot is two (2)
4. Maximum Height of Structures.
 - a. Manufactured Home: 25ft.
 - b. Accessory Structures: 15ft. or shall not exceed the height of the manufactured home, whichever is more restrictive.
 5. Maximum Lot Coverage: 50%
 6. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 7.5.6 General Requirements for All Manufactured Homes. Any manufactured homes placed in the Town of Floyd after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

1. All manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all manufactured homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia and all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974
2. All manufactured homes shall be completely skirted within 30 days and shall be maintained such that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the Building Official and Zoning Administrator.
3. All manufactured homes shall be supplied with public water and wastewater disposal.
4. All manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of 180 square feet) for each manufactured home. Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.
5. All manufactured homes shall not have any non-roofing materials on the roof.
6. All manufactured homes older than 10 years from date of construction shall not be moved onto a lot.

Section 7.5.7 General Requirements for Manufactured Home Subdivision

1. Manufactured home subdivisions shall conform to the requirements of the Town of Floyd Subdivision Ordinance.
2. 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 primary thorough fares.

Section 6.6 Manufactured Home Park (R4 -MHP)

Section 6.6.1 Intent. The intent of the Manufactured Home Park District (MHP) is to allow suitable development of manufactured home park.

The MHP zoning district is considered a "floating" zone. Classification of a piece of property as MHP is achieved through the zoning amendment process. This zoning designation may only be considered for a tract or parcel of land if the design meets the requirements for a Manufactured Home Park and the proposed use is compatible with adjacent land uses.

Section 6.6.2 Permitted Uses by Approval. Within Manufactured Home Park (MHP) District the following uses are permitted, and a site plan is required. The application for the development shall be reviewed by the Planning Commission and approved by Town Council:

Residential Uses

1. Manufactured Home Park (two or more manufactured homes)
2. Single Family dwelling (one site-built home is permitted in a manufactured home park)
3. Family day care homes (serving up to (5) children or adults)
4. Group Home (serving up to eight (8) individuals)

Commercial, Civic and Miscellaneous Uses

1. Permanent buildings associated with manufactured home parks such as indoor recreational facilities, outdoor recreational activities, or other service facilities are permitted, provided that:
 - a. Parking requirements for such facilities are met.
 - b. Such uses are subordinate to the residential use and character of the Park.
2. Parks and playgrounds.
3. Public utilities, minor
4. Additional accessory storage building (Shed)
5. Family day care homes (serving six (6) to twelve (12) children or adults)
6. Public Service facility
7. Public utilities, major
8. Small Cell Facilities. Standards and restrictions apply. Please refer to Television and radio transmitting antennae

Section 6.6.3 Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage.
2. Home Occupations provided that the requirements of Section 11.7 are met.

3. Homestay provided the requirements of Section 11.9 are met.
4. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
5. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
6. Private swimming pool.
7. Shed.
8. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.6.4 Development Standards. Requirements for Permitted uses and Conditional Uses in Manufactured Home District R-4:

Dimensional Standards

1. Minimum Requirements for Manufactured Home Park
 - a. Perimeter Area: 2 acres.
 - b. Public Road Frontage: 50 ft.
 - c. Perimeter Lot Width: 150 ft.
 - d. Perimeter Lot Depth: 250 ft.
1. Density – 5 units per acre
2. Minimum Manufactured Park Yard Requirements.
 - a. Manufactured Home Park Yard Setback: 50 feet from a public street or road
 - b. Front Yard Setback: 35 feet.
 - c. Side Yard Setback: 25 feet.
 - d. Rear Yard Setback: 25 feet.
3. Minimum Yard Requirements for each Manufactured Home.
 - a. Minimum Front Yard Setback from right-of-way of internal streets: 15 feet
 - b. Minimum Side Yard Setback: 20 feet.
 - c. Minimum Rear Yard Setback: 10 feet.
4. Minimum Yard Requirements for Single Family site-built dwelling
 - a. Minimum Front Yard Setback: 25 ft.
 - b. Minimum Side Yard Setback: 10 ft.
 - c. Minimum Rear Yard Setback: 20 ft.
5. Accessory Structures: All manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

- a. All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the Uniform Statewide Building Code.
 - b. 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 ten (10) feet to a manufactured home.
 - c. Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home.
 - d. Minimum Distance from Principal Structure: 20 ft.
 - e. Minimum Side setback: 10 ft.
 - f. Minimum Rear setback: 10 ft.
 - g. Minimum Front Setback: Accessory structures must be located behind the front building line.
 - h. The maximum number of accessory storage structures (Shed) allowed on a single lot is two (2)
6. Maximum Height of Structures.
- a. Manufactured Home: 25ft.
 - b. Accessory Structures: 15ft. or shall not exceed the height of the manufactured home, whichever is more restrictive.
7. Maximum Lot Coverage: 60%
8. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 6.6.5 General Requirements for All Manufactured Homes: Any manufactured homes placed in the Town of Floyd after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

1. All manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all manufactured homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia and all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. All manufactured homes shall be completely skirted within 30 days and shall be maintained such that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the Building Official and Zoning Administrator.
3. All manufactured homes shall be supplied with public water and wastewater disposal.
4. All Manufactured Home Parks shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of

180 square feet) for each manufactured home. The parking area shall be paved or graveled and have unobstructed access to either a public or private street. (Refer Parking Chapter for details on Parking Requirements).

5. All manufactured homes shall not have any non-roofing materials on the roof.
6. All manufactured homes older than 10 years from date of construction shall not be moved onto a lot.

Section 6.6.6 General Requirements for Manufactured Home Parks

1. Manufactured home parks shall be under single ownership and must be used as the location for two or more manufactured homes that are, or are intended to be, occupied as dwellings on lots which are not conveyable.
2. The location of a manufactured home park shall require a Certificate of Zoning Compliance issued by the Zoning Administrator.
3. Operators of manufactured home parks shall conform to the Uniform Statewide Building Code. The placement of individual manufactured homes shall require the issuance of a building permit.
4. 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 permit may be revoked by The Town of Floyd.
5. Manufactured Home Parks shall have adequate ingress and egress for emergency vehicles
6. Minimum Drive aisle width within the Manufactured Home Park shall be 13 feet for one-way traffic and 24 feet for two-way traffic.
7. A minimum of 50% open space is maintained and could include patios, and other similar improvements including swimming pools and other active and passive recreational areas.
8. 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 primary thorough fares.

Section 6.6.7 Application for Manufactured Home Parks: All applicants shall submit two copies of a site plan showing the following:

1. A vicinity map showing the location and area of the proposed park.
2. The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown.
3. The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties.
4. The location and dimensions of all existing streets and street right-of-way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park.

5. The proposed layout, including streets inside the manufactured home park, with street dimensions, cross sections and center line profiles.
6. Location and dimensions of all manufactured homes, parking spaces, management facilities, laundry facilities, recreation buildings and other permanent structures.
7. Location and nature of firefighting 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.

Figure 6: Manufactured Home Park (R-4-MHP) Zoning District - Manufactured Home Park Example



Section 6.7 Planned Development District R-5

Section 6.7.1 Intent. The intent of the Planned Development District R-5 is to provide for larger scaled development and clustering of single-family or multi-family residential dwelling units through design innovation and to provide for neighborhoods with a variety of housing types and densities. Some commercial uses may be allowed in these areas at neighborhood scale.

The R-5 Planned Development District is a district assigned by the governing body and is considered a floating zone authorized for future use but not mapped on the zoning map. The classification of a piece of property as R-5 is achieved through the zoning amendment process. The classification may only be considered for properties whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

Section 6.7.2 Permitted Uses by Approval. Within Planned Development District (R-5) all uses must be specified in the application. The application for the development shall be reviewed by the Planning Commission and approved by Town Council.

Residential Uses:

1. Single-Family detached dwelling
2. Two Family dwelling or Duplex
3. Multifamily dwelling, apartments, townhouses, and condominiums
4. Mixed Use Building - Upper story single and/or multi-family in a mixed-use environment with ground floor commercial
5. Live/Work Unit
6. Family day care homes (serving up to five (5) children or adults)
7. Group Home (serving up to eight (8) individuals)

Commercial Uses

1. Art Galleries
2. Artist Studios
3. Bed and Breakfast
4. Business and Professional offices
5. Clubs and lodges
6. Day Care Centers
7. Educational Institution
8. Financial Institution
9. General Office
10. Grocery and Bakeries
11. Health Club

12. Libraries
13. Medical Office
14. Museums
15. Personal services
16. Private Club and Lodges
17. Restaurants
18. Retail Sales

Civic and Miscellaneous Uses:

1. Administrative Services
2. Churches and other places of worship, and church school buildings
3. Community Center
4. Libraries and Museums /Cultural Facility/Community Center
5. Public utilities; Minor
6. Public Service Facility
7. Private/ Public Parks
8. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.
9. In addition to the above-mentioned uses, other commercial or non-commercial service uses may be permitted provided evidence is shown to further the interest of the Town of Floyd. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan

Section 6.7.2-1. Commercial, civic or miscellaneous uses may be permitted provided:

1. that such uses are intended primarily to serve the needs of the project area residents.
2. that such uses are designed and located for the convenience of project area residents and to protect the character of the district.
3. that all subsequent changes in use shall be approved by the Town Council or its agent.
4. that all commercial uses may be up to 10% of the gross building footprint square footage with a conditional use permit.
5. that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units of the total planned development have been completed.

Section 6.7.3 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Detached private garage
2. Home Occupations provided that the requirements of Section 11.7 are met
3. Homestay provided the requirements of Section 11.9 are met

4. Living quarters in the main structure for persons employed within the premises or development
5. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
6. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
7. Private swimming pool
8. Shed
9. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.
10. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.7.6 Site Design Requirements. A tract or parcel of land may be considered for R-5 Planned Residential District Zoning only if it meets the following conditions and complies with following site design requirements:

1. Minimum Area: 2 acres
2. Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre.
3. Maximum Height of Structures:
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
4. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided an additional one (1) foot of all setbacks is provided for each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.
5. Maximum Lot coverage: 70%
6. Ownership Requirements. For the purposes of the application, ownership of land is satisfied if one of the following conditions is met:
 - a. The entire project area is under one ownership
 - b. Application is jointly filed by all owners of all properties in the project area
 - c. Application is filed by a holder of a legal agreement to purchase all 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.

7. Public Utilities. The project area must be located where public water and sewer systems are available or where community water and sewer systems can be developed as part of

the project; must include stormwater management; and all utilities must be below ground.

8. Land Suitability. Rezoning land to R-5 Planned Development District may be denied if from investigation conducted by public agencies, it has been determined that the land is not suitable for development because of inadequate road infrastructure, inadequate utilities and community facilities, non-conformity to town development plans, or other public health, welfare or safety objectives.
9. Common Open Space. Minimum open space shall not be less than thirty (30) percent of the total parcel area and could include patios, and other similar improvements including swimming pools and other passive recreational areas.
10. 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, refuse collection, etc.
11. Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access.
12. Street Design. The street system within the project area shall be designed:
 - a. According to functional street purposes and projected traffic flow
 - b. To assure safe and convenient sight distances
 - c. To complement the natural topography
 - d. In coordination with existing and planned streets; and
 - e. To be constructed in accordance with the street requirements as found in Section 18-3.
13. 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 and shall be coordinated with the County's Emergency Management Director. Street signs shall be provided at all intersections.
14. Street Lighting. Adequate street lighting shall be provided on all streets in the development.
15. Pedestrian Circulation. Provision shall 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 system.
16. 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. Please refer to Article 9 of the Zoning Ordinance for details on Off-Street Parking requirements.

17. Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection as recommended by the Fire Department.
18. Storm water Management. The site development plan shall include a plan for adequate management of storm water including drainage. The street and lot plan shall be designed to incorporate low-impact development techniques and avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage ways traverses 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 watershed. All lands and storm water management facilities shall be available for inspection and are subject to maintenance requirements.
19. Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger of health, life, property damage, or aggravate erosion or flood hazard. Such land within the project area shall not have any use, activity and/or development which would adversely impact the periodic or occasional inundation, or produce conditions contrary to public welfare.
20. Easements. Easements shall be provided in all setbacks for utilities, the respective utility departments, agencies or companies shall have the right to comment on the proposed project.
21. 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 by good design.
22. Natural Amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities.
23. Landscaping plans shall be prepared, signed, and sealed by a landscape architect and shall include:
 - a. Protected trees indicated by type and size and the proposed preservation or removal of these trees pursuant to the city's tree ordinance.
 - b. Plant material to be used listed with botanical names according to genus, species, variety, common name, size, spacing, and quantity.
 - c. Hardscape elements such as walls, patios, walks, and vehicle use areas and location of utility equipment.
 - d. Turf and high-, moderate-, and low-water use zones; and
 - e. A chart showing all calculations and required/supplied plantings.
24. Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total parcel area and could include patios, and other similar improvements including swimming pools and other passive recreational areas.
25. Roadway design has to provide for safe and convenient access for fire protection and emergency vehicles.

26. Adequate provisions for vehicles ingress and egress.
27. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 6.7.7 Data to Accompany Application. With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:

1. A site plan at an accurate scale for the proposed development showing:
 - a. The location, size, and design of all structures.
 - b. Preliminary architectural and elevation plans for the proposed building or buildings.
 - c. Existing and proposed land uses including residential types, commercial types, recreation and any other proposed use.
 - d. Engineering or architectural plans which shall include items such as traffic circulation, water, and sewers, and for the control of nuisances such as odor, smoke and sound.
 - e. A plan of erosion and sedimentation control measures to be taken and a plan for the permanent storm water management structures required to comply with state regulations.
 - f. Existing and proposed street system including public and private right-of-way.
 - g. Existing and proposed parking areas and parking space delineations.
 - h. Existing and proposed plat showing subdivision lot lines if applicable.
 - i. Existing and proposed utility rights-of-way or easements including water, sewer, gas, power, and telecommunications.
 - j. Existing and proposed storm water management plan.
 - k. Existing and proposed location of buildings, structures, and improvements.
 - l. Existing and proposed property lines of proposed common property.
 - m. Existing and proposed pedestrian circulation system.
 - n. Existing and proposed landscaping plan and proposed treatment of the project perimeter such as screening.
 - o. Existing and proposed relationships and tie-ins to adjacent property.
 - p. Existing and proposed refuse collection methods.
 - q. Traffic impact analysis if applicable.
 - r. All plans must be signed and sealed by an engineer.
 - s. 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.
2. Supporting documentation to include the following minimum data:
 - a. A legal description of the project boundaries.
 - b. A statement of existing and proposed property owners.
 - c. Names and addresses of all adjacent property owners.

- d. A statement of project development objectives and character to be achieved
 - e. An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate.
 - f. A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.
 - g. Quantitative data including the number and type of dwelling units, parcel sizes, gross and net residential densities, and total amount and percentage of open space, residential, commercial, and other permitted use types.
 - h. Proposed building types including architectural style, height, and floor area.
 - i. Approvals from the Virginia Department of Transportation and the Floyd County Health Officer.
 - j. Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership.
 - k. A plan of erosion and sedimentation control measures to be taken and a plan for the permanent storm water management structures required to comply with state regulations.
 - l. If required, a traffic impact analysis complying with regulations and reviewed by the Virginia Department of Transportation.
3. Application. Ten copies of the application, which includes the application for rezoning request and aforementioned requirements and attachments, 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 comprehensive 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 any other factors relating to the harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the particular suitability of the proposed uses.

Section 6.7.8 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Floyd a check in the amount prescribed by the Town of Floyd Fee Schedule.

Section 6.7.8 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development.

Section 6.7.9 Preliminary Plan Approval.

1. Within one hundred (100) days after the filing of a **complete** development plan, the Planning Commission shall hold a public hearing and 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.
2. The Town Council shall give notice of public hearing as per Section 15.2-2204 of the Code of Virginia and then proceed to reviewing the plan. Action such as approval, disapproval, or amendment on the plan, or part of the plan, must be taken by the Town Council within ninety (90) days of receiving the Planning Commission's report. It is the applicant's responsibility to insure that the Zoning Administrator will have ample opportunity to review any changes to the plan by submitting any revisions to the plan at least fourteen (14) days prior to the scheduled Town Council Public Hearing. In the event the applicant has not submitted revisions within fourteen (14) days prior to the Town Council Public Hearing the Town Council shall act upon the plan as presented to the Planning Commission, unless the applicant is granted a time extension prior to the scheduled Town Council Public Hearing. The Town Council may grant time extensions to the applicant in a maximum of ninety (90) day increments for a period of no longer than one (1) year after the date of receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan or approves the preliminary development plan with modifications.
3. If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the R-5 Planned Development District. 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.

Section 6.7.10 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.

Section 6.7.11 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 plus 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 may, 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 has lapsed 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.

1. **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.
2. **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 any modification does not involve any of the following while also satisfying all other requirements of this district:
 - a. Variation of the proposed residential density or intensity of use by more than ten (10) percent.
 - b. Reduction of more than ten (10) percent of the area reserved for common open space.
 - c. Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
 - d. Increase of the total ground area covered by buildings by more than five (5) percent.
3. **Final Plan Approval.** The Planning Commission shall review the final development plan and make recommendations to the Town Council who will approve the final development plan if it is in substantial compliance with the preliminary development plan. The final development plan shall be recorded in the Floyd County Clerk of Courts office.

Section 6.7.12 Subdivision Plat Requirements. Subdivision Plats shall comply with the Subdivision requirements found in Section 18-3 of the Code of Ordinance

Section 6.7.12 Amendment to the Final Development Plan.

1. No substantial modification to the approved plan of development shall be made unless submitted to the Town Council and approved by the Town Council
2. Administrative changes to the original Final Plan may be done by town staff in cases where the following changes are proposed:
 - a. Decrease of square footage of proposed buildings and/or density of the project
 - b. Increasing of buffer and landscaping area
 - c. Adding of accessory structures or uses determine by the administrator as minor such as a shed, air conditioning unit, detached garage and home occupation.
3. Request for administrative change shall be in writing and shall include overall approved plans, location of proposed changes, detailed listing of existing and proposed uses, and detailed documentation of acreage to ensure that the proposed change will not violate approved uses and area restrictions. Staff shall have the ability to impose conditions on administrative change requests.

Section 6.8 Central Business District B-1

Section 6.8.1 Intent. This district covers the portion of the town located in downtown Floyd 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 setbacks. The uses allowed in this 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.

Section 6.8.2 Permitted Uses. Within the Central Business District B-1 the following uses are permitted:

Residential Uses

1. Single Family (Detached) on Lot of record
2. Two Family Dwelling (example Duplex) on Lot of record
3. Mixed Use Building - Upper story single and/or multi-family in a mixed-use environment with ground floor commercial.
4. Live/Work Unit

Commercial Uses

1. Art Galleries
2. Artist Studios
3. Bakeries
4. Bars
5. Brewpub
6. Bed and Breakfast
7. Bicycle sales and repair shop
8. Building Trade Services (such use shall be conducted within a completely enclosed building and outdoor storage is prohibited)
9. Clubs and lodges
10. Day Care Centers
 - a. All day care centers shall be licensed by the Commonwealth of Virginia and comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
 - b. Parking areas and access driveways at all day care centers shall be designed to allow for the easy and safe drop off and pick up of center attendees.
 - c. No day care center shall be allowed that causes congestion, or the disruption of traffic flow on adjacent or nearby streets
 - d. A conditional use permit is required for any day care center that is unable to meet the standards established in Section 6.8.2(10)(b or c).

11. Delicatessens and Ice Cream parlors
12. Educational Institution
13. Farmer's Market
14. Financial Institution
15. General offices
16. Grocery
17. Hospitals
18. Hotels, Motels and Inn
19. Laundries and dry-cleaning shops
20. Lumber and building supply (with storage in an enclosed building)
21. Medical office
22. Micro-Brewery
23. Micro-Distillery
24. Newspaper offices and printing shops
25. Parking Facility (structure and surface)
26. Personal services
27. Pet Grooming, all activities will be contained indoors.
28. Professional Offices/ General Offices
29. Radio and television broadcasting studios
30. Retail sales under 10,000 square feet
31. Restaurants and drive-in restaurants
32. Seasonal sales
33. Theaters, assembly halls/reception facility, playhouses and dinner theaters
34. Veterinary Clinic, all activities will be contained indoors

Civic and Miscellaneous Uses

1. Administrative Services
2. Churches and other places of worship, and church school buildings
3. Funeral home and/or mortuaries
4. Health club /gym
5. Indoor Entertainment
6. Libraries and Museums /Cultural Facility/Community Center
7. Public utilities; Minor
8. Public Service Facility
9. Private/ Public Parks
10. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.
11. Wireless Telecommunication Facilities, Towers and/or Antenna which are less than 35 feet. (Refer to Wireless Communication Facilities in Article 8 of the Zoning Ordinance)

Section 6.8.3 Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Adult entertainment not within 500 feet of a public land use/space or religious institution.
2. Indoor Entertainment
3. Light industrial, makers space
4. Retail sales over 10,000 square feet
5. Wireless Telecommunication Facilities, Towers and/or Antenna which are over 35 feet. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details
6. Wholesale business, storage warehouse, or processing. No outdoor storage
7. Any legitimate retail use or services not prohibited in this zone but not falling within the permitted uses and which by evidence is shown to further the interest of the Town of Floyd. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan.

Section 6.8.4 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact:

1. Mobile Vendor authorized with a Town license and where vehicular circulation is not impeded
2. Private parking garage
3. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
4. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
5. Outdoor sales, provided following requirements are met:
 - a. Outdoor sale displays which are mobile in nature and are stored inside the store during non-business hours.
 - b. Location of outdoor display shall not interfere with normal pedestrian or vehicular traffic.
 - c. Location of outdoor sales shall be within the same property as the permanent commercial use that it is in conjunction with.
6. Outdoor Seating areas
7. Electric Vehicles Charging Station
8. Solar Panels attached to the roof of the building shall not exceed the building height limit. It may be exempted from the maximum height of the building if its height is not more than 5 feet above the highest point of the roof.

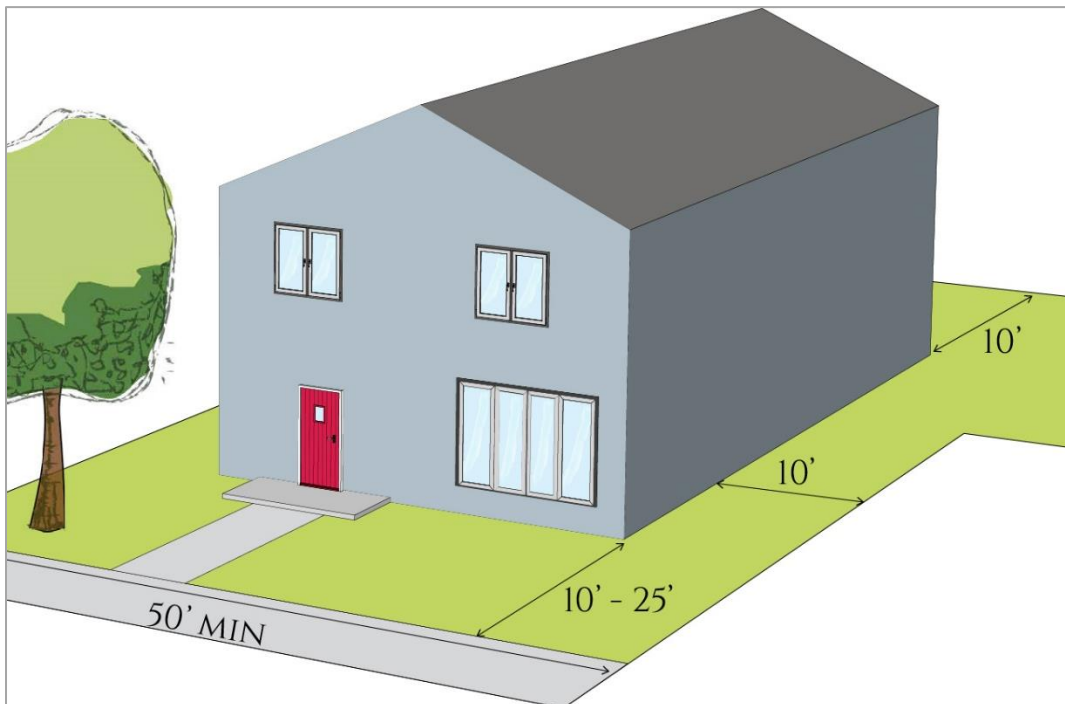
9. Ground mounted Solar Panels shall be required to meet the principal building setbacks except when the accessory structure is not located in a yard adjacent to a public right-of-way, and is twelve (12) feet or less in height, and is two hundred (200) square feet or less in area. When the requirements for the exceptions are met, the minimum setbacks of accessory structures are applicable.

Section 6.8.5 Development Standards. Requirements for Permitted Uses and Conditional Uses in Central Business District B-1.

Dimensional Standards

1. Minimum Lot Requirements
 - a. Minimum Area: 6,000 sq. ft.
 - b. Public Road Frontage: 50 ft.
 - c. Lot Width: 60 ft.
 - d. Lot Depth: 100 ft.
2. Minimum Yard Requirements.
 - a. Principal Structure:
 - i. Residential dwelling units
 - a) Front Yard Setback: Minimum 10 ft., 25ft maximum
 - b) Side Yard Setback: 10 ft.
 - c) Rear Yard Setback: 10 ft.

Figure 7: Central Business (B-1) Zoning District - Single Family Dwelling Example





- ii. Commercial, Civic and Miscellaneous Uses
 - a) Front Yard Setback: Minimum 0 ft. and 25ft maximum
 - b) Side Yard Setback: 0 ft.
 - c) Rear Yard Setback: 0 ft.

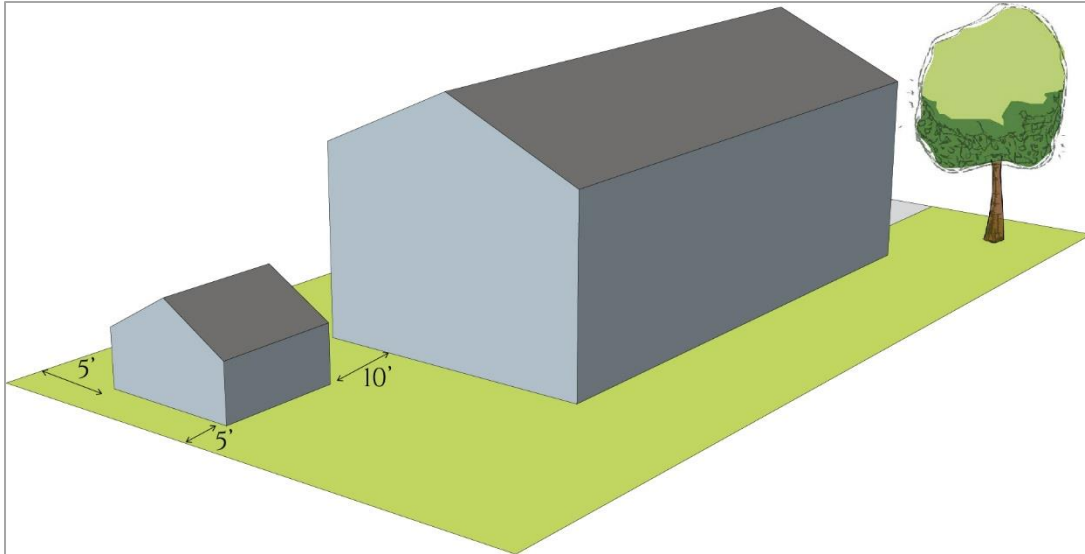
Figure 8: Central Business (B-1) Zoning District - Commercial Use Example

Accessory Structures:

- i. Minimum Distance from Principal Structure: 10 feet
- ii. Minimum Rear Yard Setback: 5 ft
- iii. Minimum Side Yard Setback: 5 ft

- iv. The maximum number of accessory structures allowed on a single lot is two (2)

Figure 9: Central Business (B-1) Zoning District, Accessory Structure Example



- v. The cumulative area for all accessory buildings or structures shall be no more than 40 % of the total square footage of the footprint of the principal structure.
 - vi. Side setback for corner lots shall meet the principal structure setbacks
 - vii. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building.
 - viii. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement.
3. Parking spaces must be setback 5 feet from front property line
 4. Property Located in a business district which adjoins any residential district shall have a ten (10) foot side yard on the adjoining or adjacent to the residential district.
 5. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
 - c. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided an additional one (1) foot of all setbacks is provided for each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.
 - d. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.
 - e. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.

6. Maximum Lot Coverage: 100%
7. New development or Redevelopment shall install all utilities underground.
8. 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.
9. Lighting Standards: New lighting fixtures and replacement should adhere to the requirements listed below in Section 9 (a) to Section 9 (d). Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance shall be permitted.
 - a. Freestanding Light Fixtures. (i) All freestanding and building mounted light fixtures should generally be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution. (ii) No lighting fixture shall create more than two (2) foot-candles of light density at the property line. (iii) No freestanding light fixture shall be higher than forty (40) feet. (iv) Off-street parking areas shall be illuminated to a minimum of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.
 - b. Building Mounted: Building mounted lighting should not extend lower than 8' above grade and project no more than 24" from the facade.
 - c. Parking areas adjacent to residential uses shall have approved glare shields to prevent glare.
 - d. Parking lots adjacent to residential uses shall have their lights be switched off between 10:00pm, or two hours after close of business, whichever is later, and 6:00am or two hours before business opens, whichever is earlier.
10. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 6.9 General Business District B-2

Section 6.9.1 Intent. This district is intended for general business with medium intensity commercial uses that does not utilize constant heavy trucking other than stocking and delivery of light retail goods and does not have nuisance factors other than incidental light and noise from people and vehicles.

Section 6.9.2 Permitted Uses. Within the General Business District B-2 the following uses are permitted:

Residential Uses

1. Single Family (Detached) on Lot of record
2. Two Family Dwelling (example Duplex) on Lot of record
3. Mixed Use Building - Upper story single and/or multi-family in a mixed-use environment with ground floor commercial.
4. Live/Work Unit

Commercial Uses

1. Art Galleries
2. Artist Studios
3. Automobile sales
4. Bars
5. Brewpub
6. Bed and Breakfast
7. Building Trade Services provided that such use shall be conducted within a completely enclosed building and cannot be located within one hundred (100) feet of any Residential District
8. Bus stations/stops
9. Business and Professional offices
10. Clubs and lodges
11. Day Care Centers
 - a. All day care centers shall be licensed by the Commonwealth of Virginia and comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
 - b. Parking areas and access driveways at all day care centers shall be designed to allow for the easy and safe drop off and pick up of center attendees.
 - c. No day care center shall be allowed that causes congestion, or the disruption of traffic flow on adjacent or nearby streets

- d. A conditional use permit is required for any day care center that is unable to meet the standards established in Section 6.9.2(11)(b or c).

12. Educational Institution

13. Farmer's Market

14. Financial Institution

15. Gas stations: Gas stations shall comply with the following standards

- a. Storage of inflammable liquid is required to be underground.
- b. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.
- c. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off-street loading areas from customer parking areas and access drives and aisles.

16. General Office

17. Grocery and Bakeries

18. Greenhouses

19. Health club

20. Hospitals

21. Hotels, Motel, and Inns

22. Laundries, dry cleaning shops, and clothes dyeing establishments

23. Lumber and building supply (with storage in an enclosed building)

24. Medical Office

25. Micro Distillery

26. Micro-Winery

27. Micro- Brewery

28. Newspaper offices and printing shops

29. Parking Facility (structure and surface)

30. Personal services

31. Pet Grooming, all activities will be contained indoors

32. Repair Services

33. Radio and television broadcasting studios

34. Restaurants and drive-in restaurants

35. Theaters, assembly halls, playhouses and dinner theaters

36. Private Club and Lodges

37. Veterinary Clinic, all activities will be contained indoors

38. Retail Sales less than 10,000 square feet

Civic and Miscellaneous Uses

1. Administrative Services

2. Churches and other places of worship, and church school buildings
3. Funeral homes and/or mortuaries
4. Libraries and Museums /Cultural Facility/Community Center
5. Public utilities; Minor
6. Public Service Facility
7. Private/ Public Parks
8. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details.
9. Wireless Telecommunication Facilities, Towers and/or Antenna which are less than 35 feet. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details

Section 6.9.3 Conditional Uses. The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

1. Adult entertainment not within 500 feet of a public land use/space or religious institution
2. Apartments and/or Townhouse
3. Athletic fields, stadiums, and arenas
4. Automobile services and garages (with major repair in an enclosed building)
5. Drive-in theaters provided all parts of such drive-in shall be distant at least two hundred (200) feet from any Residential District and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway;
6. Heavy Industry, such use shall be at least fifty (50) feet from any residential district and/or residential uses.
7. Indoor Entertainment
8. Kennels and animal hospitals
9. Light Industry
10. Open storage of machinery, materials, and supplies
11. Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the "Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds" are met
12. Public Utilities, Major
13. Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility
14. Television and radio transmitting antennae
15. Retail Sales more than 10,000 square feet
16. Wireless Telecommunication Facilities, Towers and/or Antenna which are over 35 feet. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details

17. Seasonal Sales
18. Treatment and Rehabilitation Centers
19. Any legitimate retail use or services not prohibited in this zone but not falling within the permitted uses and which by evidence is shown to further the interest of the Town of Floyd. Significant consideration shall be given to the health, comfort, well-being, and quality of life of the citizens and must be found consistent with the Comprehensive Plan

Section 6.9.4 Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, and other uses and structures that the zoning administrator finds similar in scope, size and impact:

1. Mobile Vendor authorized with a Town license and where vehicular circulation is not impeded
2. Private parking garage
3. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
4. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
5. Outdoor sales, provided following requirements are met:
 - a. Outdoor sale displays which are mobile in nature and are stored inside the store during non-business hours.
 - b. Location of outdoor display shall not interfere with normal pedestrian or vehicular traffic.
 - c. Location of outdoor sales shall be within the same property as the permanent commercial use that it is in conjunction with.
6. Outdoor Seating areas
7. Electric Vehicles Charging Station
8. Solar Panels attached to the roof of the building shall not exceed the building height limit. It may be exempted from the maximum height of the building if its height is not more than 5 feet above the highest point of the roof.
9. Ground mounted Solar Panels shall be required to meet the principal building setbacks except when the accessory structure is not located in a yard adjacent to a public right-of-way, and is twelve (12) feet or less in height, and is two hundred (200) square feet or less in area. When the requirements for the exceptions are met, the minimum setbacks of accessory structures are applicable.

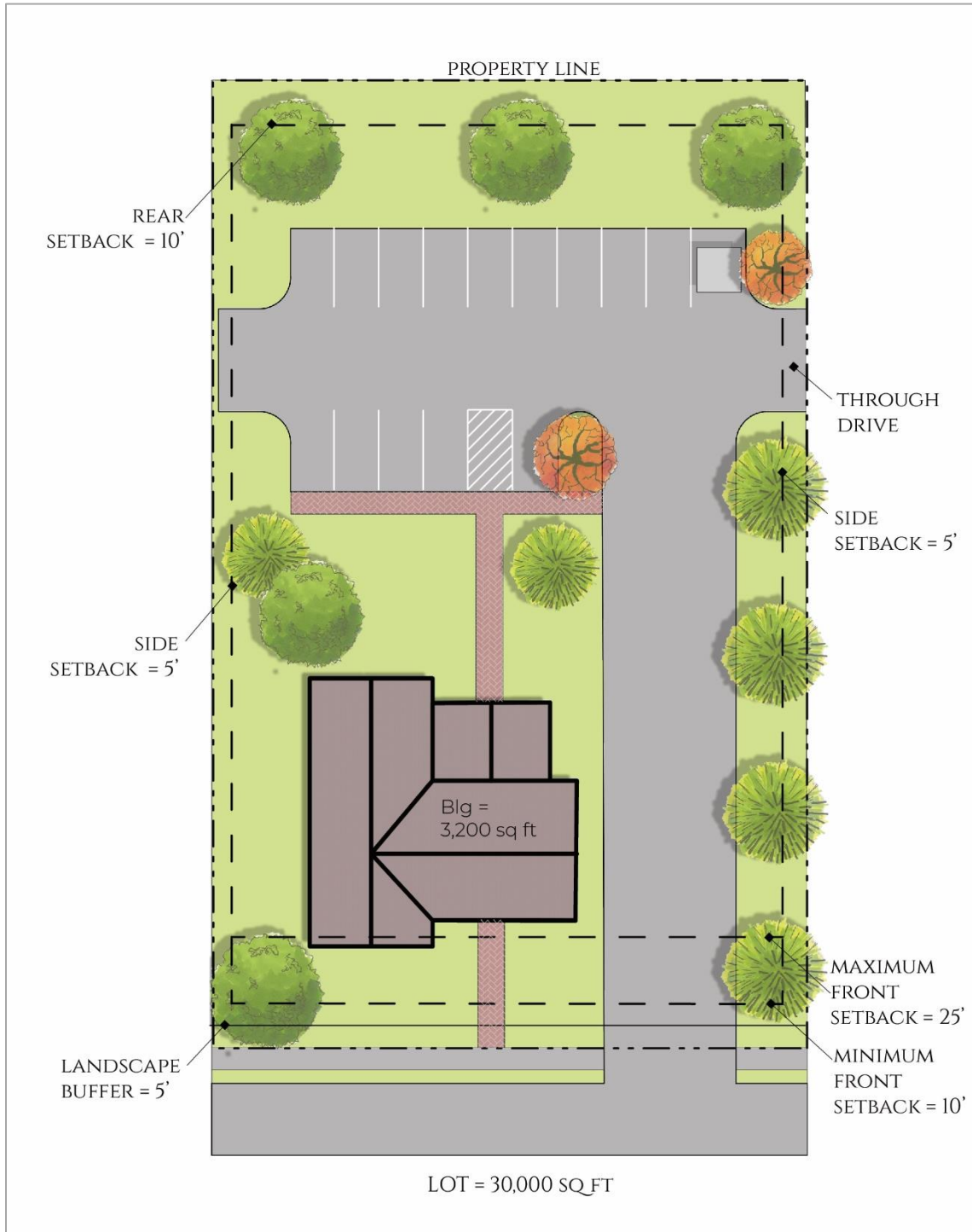
Section 6.9.5 Development Standards. Requirements for Permitted Uses and Conditional Uses in Central Business District B-2.

Dimensional Standards

1. Minimum Lot Requirements

- a. Minimum Area: 6,000 sq. ft.
 - b. Public Road Frontage: 60 ft.
 - c. Minimum Lot Width: 60 ft.
 - d. Minimum Lot Depth: 100 ft.
2. Minimum Yard Requirements.
 - a. Principal Structure:
 - i. Front Yard Setback: 10 ft. and 25ft maximum
 - ii. Side Yard Setback: 5 ft. or 10 feet if abuts residential zoning district
 - iii. Rear Yard Setback: 10 feet
 - b. Accessory Structures:
 - i. Minimum Distance from Principal Structure: 10 ft.
 - ii. Minimum Side Yard Setback: 5 ft.
 - iii. Minimum Rear Yard Setback: 10 ft.
 - iv. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
 3. The maximum number of accessory storage structures (shed) allowed on a single lot is two (2)
 4. The cumulative area for all accessory buildings or structures shall be no more than 40 % of the total square footage of the principal structure .
 5. Side yard setback of accessory structures for corner lots shall meet the principal structure setbacks.
 6. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement.

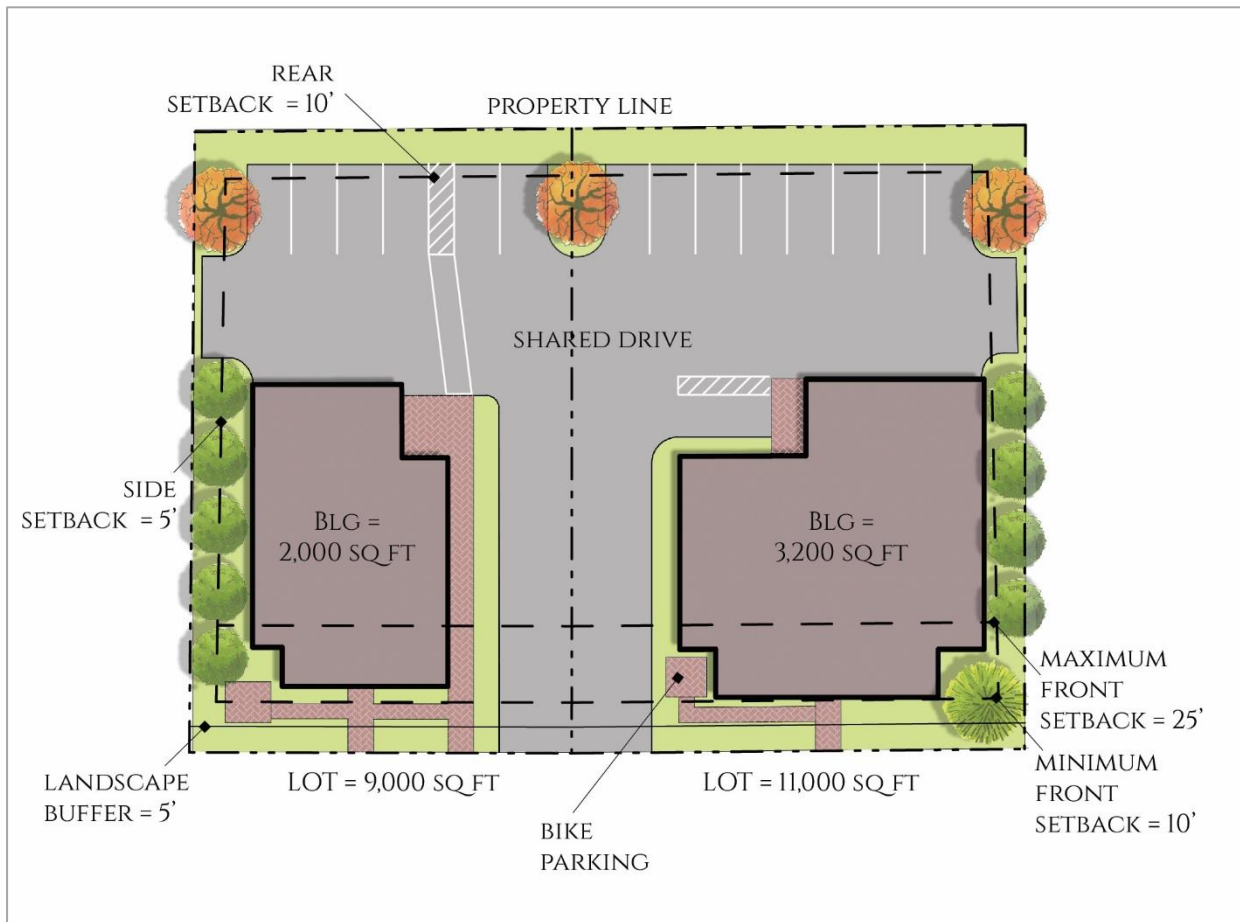
Figure 10: General Business (B-2) Zoning District - Commercial Use Example



7. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.

- c. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided additional one (1) foot of all setbacks is provided for each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.
 - d. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.
 - e. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest. All height increases over thirty-five (35) feet shall require a Conditional Use Permit.
8. Maximum Lot Coverage: 80 %
9. Access Management requirement
- a. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.
 - b. No person shall construct or modify any access connection to any public roadway without a permit from the Town and/or the Virginia Department of Transportation (VDOT).
 - c. Joint-use driveways. Wherever feasible, the Town Manager, or designee, may require the creation of a joint-use driveway serving two (2) or more abutting properties. If a proposed development abuts an existing development that contains an existing joint access driveway, the vehicular circulation of the proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts an existing undeveloped property, the vehicular circulation of the proposed development may contain a joint-access driveway designed to connect to the abutting property at a later date.
 - d. When feasible, adjacent commercial properties shall provide a cross access drive and pedestrian access way to allow circulation between sites. This requirement shall also apply to building sites that abut an existing developed property unless the Town Council finds that this would be impractical. Property owners shall:
 - i. Record an easement in the public records of Floyd County allowing cross access to and from the adjacent properties.
 - ii. Agree that any pre-existing driveways provided for access in the interim shall be closed and eliminated after construction of the joint use driveway; and
 - iii. Record a joint maintenance agreement in the public records of Floyd County Courts defining maintenance responsibilities of property owners that share the joint use driveway and cross access system.

Figure 11: General Business (B-2) Zoning District - Shared Driveway and Cross Access Example



10. Proper and adequate access for fire protection and emergency vehicles
11. Access to service areas for garbage and waste collection
12. New development or Redevelopment shall install all utilities underground
13. New Developments must comply with the following requirements
 - a. To improve safety, proper and convenient access for firefighting purposes and emergency vehicles has to be provided.
 - b. Refuse Collection:
 - i. Refuse facilities shall be located in the side yards or rear yards.
 - ii. Such facilities must be constructed on no less than 4 inches of concrete and screened from view.
 - iii. The parking lot and driveway areas should be constructed of concrete to withstand the collection vehicle's weight of 64,000 lbs.
 - iv. Placement of dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to dumpster and the unobstructed opening of the gates during the emptying process.

14. 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.
15. Lighting Standards: New lighting fixtures and replacement should adhere to the requirements listed below in Section 15 (a) to Section 15 (d). Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance shall be permitted
 - a. Freestanding Light Fixtures. (a) All freestanding and building mounted light fixtures should generally be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution. (b) No lighting fixture shall create more than two (2) foot-candles of light density at the property line. (c) No freestanding light fixture shall be higher than forty (40) feet. (d) Off-street parking areas shall be illuminated to a minimum of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.
 - b. Building Mounted: Building mounted lighting should not extend lower than 8' above grade and project no more than 24" from the facade.
 - c. Parking areas adjacent to residential uses shall have approved glare shields to prevent glare
 - d. Parking lots adjacent to residential uses shall have their lights be switched off between 10:00pm, or two hours after close of business, whichever is later, and 6:00am or two hours before business opens, whichever is earlier.
16. Landscaping Standards
 - e. Provide a 10-foot wide buffer between residential zoned lot and commercial zoned lot.
 - f. A minimum of 5-foot landscaped planting strip shall be provided along the property lines abutting public or private streets. Landscaping is permitted within the building setback area.

Section 6.10 Planned Business District B-3

Section 6.10.1 Intent. The purpose of the B-3 Planned Business Zone is to promote innovative and creative designs that integrate a variety of commercial uses where there is adequate infrastructure.

Section 6.10.2 Permitted Uses by Approval. Within the Planned Business District (B-3) all uses must be specified in the application. The application for the development shall be reviewed by the Planning Commission and approved by Town Council.

Residential Uses:

1. Single Family (Detached)
2. Two Family Dwelling (example Duplex)
3. Multifamily
4. Mixed Use Building - Upper story single and/or multi-family in a mixed-use environment with ground floor commercial
5. Live/Work Unit

Commercial Uses:

1. Art Galleries
2. Artist Studios
3. Automobile sales
4. Bars
5. Brewpub
6. Bed and Breakfast
7. Building Trade Services provided that such use shall be conducted within a completely enclosed building, which cannot be located within one hundred (100) feet of any residential district.
8. Bus stations/stops
9. Clubs and lodges
10. Day Care Centers
11. Educational Institution
12. Financial Institution
13. General Office
14. Greenhouses
15. Grocery and Bakeries
16. Health Club
17. Hospitals
18. Hotels, Motel, and Inns
19. Indoor Entertainment
20. Laundries, dry cleaning shops, and clothes dyeing establishments

21. Medical Office
22. Micro Distillery
23. Micro-Winery
24. Micro- Brewery
25. Museums
26. Newspaper offices and printing shops
27. Parking Facility (structure and surface).
28. Personal services.
29. Pet Grooming, all activities will be contained indoors
30. Private Club and Lodges
31. Repair Services
32. Restaurants
33. Retail Sales
34. Seasonal Sales
35. Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least two hundred (200) feet from any residential lot
36. Theaters, assembly halls, playhouses and dinner theaters.
37. Veterinary Clinic, all activities will be contained indoors

Industrial Uses:

1. Light Industry
2. Heavy Industry, such use shall be at least fifty (50) feet from any Residential District

Civic and Miscellaneous Uses:

1. Administrative Services
2. Athletic fields, stadiums, and arenas
3. Churches and other places of worship, and church school buildings
4. Funeral homes and/or mortuaries
5. Libraries and Museums /Cultural Facility/Community Center
6. Public utilities; Minor
7. Public Service Facility
8. Public utilities, Major
9. Public Service Facility
10. Private/ Public Parks
11. Television and radio transmitting antennae
12. Wireless Telecommunication Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details
13. Small Cell Facilities. Standards and restrictions apply. Please refer to Article 8 of the Zoning Ordinance for details

14. In addition to the above-mentioned uses, other commercial or non-commercial service uses may be permitted provided evidence is shown to further the interest of the Town of Floyd. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan

Section 6.10.3 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, which includes those that the zoning administrator finds similar in scope, size and impact::

1. Private parking garages
2. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work
3. Electric Vehicle Charging Station
4. Mobile Vendor authorized with a Town license and where vehicular circulation is not impeded
5. Temporary placement of storage containers shall be permitted only upon issuance of a zoning permit and in accordance with the provisions in Section 11.4 of the Zoning Ordinance.
6. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
7. Outdoor Seating areas
8. Solar Panels attached to the roof of the building shall not exceed the building height limit. It may be exempted from the maximum height of the building if its height is not more than 5 feet above the highest point of the roof.
9. Ground mounted Solar Panels shall be required to meet the principal building setbacks except when the accessory structure is not located in a yard adjacent to a public right-of-way, and is twelve (12) feet or less in height, and is two hundred (200) square feet or less in area. When the requirements for the exceptions are met, the minimum setbacks of accessory structures are applicable.
10. In addition to the above-mentioned accessory uses, other customary accessory uses such as sheds, garages, carports, play structures etc. may be permitted.

Section 6.10.4 Minimum Site Requirements/ Qualifying Requirements. A tract or parcel of land may be considered for Planned Business District (B-3) only if it meets the following conditions:

1. Area: 2 acres
2. Maximum Height of Structures:
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
3. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided additional one (1) foot of all setbacks is provided for

each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.

4. Maximum Lot coverage: 70%
5. Property shall have frontage on high classification roadways such as arterial, minor arterial and major collector roadways.
6. 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.
7. 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; must include stormwater management; and all utilities must be below ground.
8. Land Suitability. Rezoning land to B-3 Planned Business District may be denied if from investigation conducted by public agencies, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, non-conformity to town development plans, or other public health, welfare or safety objectives.

Section 6.10.5 Site Design Requirements. The following are the site design requirements for the B-3:

1. Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre.
2. 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, refuse collection, etc.
3. Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access.
4. Street Design. The street system within the project area shall be designed:
 - a. According to functional street purposes and projected traffic flow
 - b. To assure safe and convenient sight distances
 - c. To complement the natural topography
 - d. In coordination with existing and planned streets; and
 - e. To be constructed in accordance with the street requirements as found in Section 18-3 of the Code of Ordinance
5. 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 and shall be coordinated with the County's Emergency Management Coordinator. Street signs shall be provided at all intersections.

6. Street Lighting. Adequate street lighting shall be provided on all streets in the development.
7. Pedestrian Circulation. Provision shall 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.
8. 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. Please refer to Article 9 of the Zoning Ordinance for details on Off-Street Parking requirements
9. Water and Sewer. All Planned Development Districts shall be served by public water and sewer systems.
10. Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development.
11. Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection.
12. Storm water Management The site development plan shall include a plan for adequate management of storm water including drainage. The street and lot plan shall be designed to incorporate low-impact development techniques and avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage ways traverses 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 watershed. All lands and storm water management facilities shall be available for inspection and are subject to maintenance requirements.
13. Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger of health, life, property damage, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.
14. Easements. Easements shall be provided in all setbacks for utilities, the respective utility departments, agencies, or companies shall have the right to comment on the proposed project.
15. 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 by good design.

16. Natural Amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities.
17. Landscaping plans shall be prepared, signed, and sealed by a landscape architect and shall include:
 - a. Protected trees indicated by type and size and the proposed preservation or removal of these trees pursuant to the Town's tree ordinance.
 - b. Plant material to be used listed with botanical names according to genus, species, variety, common name, size, spacing, and quantity.
 - c. Hardscape elements such as walls, patios, walks, and vehicle use areas and location of utility equipment.
 - d. Turf and high-, moderate-, and low-water use zones; and
 - e. A chart showing all calculations and required/supplied plantings.
18. Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total parcel area and could include patios, and other similar improvements including swimming pools and other active and passive recreational areas.
19. Roadway design has to provide for safe and convenient access for fire protection and emergency vehicles.
20. Adequate provisions for vehicles ingress and egress.
21. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.

Section 6.10.6 Data to Accompany Application. With the B-3 District there shall be submitted a tentative, overall development plan which shall include:

1. A site plan at an accurate scale for the proposed development showing:
 - a. The location, size, and design of all structures.
 - b. Preliminary architectural and elevation plans for the proposed building or buildings.
 - c. 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;
 - d. Existing and proposed land uses including residential types, commercial types, recreation and any other proposed use.
 - e. Engineering or architectural plans which shall include items such as traffic circulation, water, sewers, and for the control of nuisances such as odor, smoke and sound.
 - f. A plan of erosion and sedimentation control measures to be taken and a plan for the permanent storm water management structures required to comply with state regulations.

- g. Existing and proposed street system including public and private right-of-way.
 - h. Existing and proposed parking areas and parking space delineations.
 - i. Existing and proposed plat showing subdivision lot lines if applicable.
 - j. Existing and proposed utility rights-of-way or easements including water, sewer, gas, power, and telecommunications.
 - k. Existing and proposed storm water management plan.
 - l. Existing and proposed location of buildings, structures, and improvements.
 - m. Existing and proposed property lines of proposed common property.
 - n. Existing and proposed pedestrian circulation system.
 - o. Existing and proposed landscaping plan and proposed treatment of the project perimeter such as screening.
 - p. Existing and proposed relationships and tie-ins to adjacent property.
 - q. Existing and proposed refuse collection methods.
 - r. Traffic impact analysis if applicable.
 - s. Plans must be signed and sealed by an engineer
 - t. 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.
2. Supporting documentation to include the following minimum data:
 - a. A legal description of the project boundaries.
 - b. A statement of existing and proposed property owners.
 - c. Names and addresses of all adjacent property owners.
 - d. A statement of project development objectives and character to be achieved.
 - e. An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate.
 - f. A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.
 - g. Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types.
 - h. Proposed building types including architectural style, height, and floor area.
 - i. Approvals from the Virginia Department of Transportation and the Floyd County Health Officer.
 - j. Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership.
 - k. A plan of erosion and sedimentation control measures to be taken and a plan for the permanent storm water management structures required to comply with state regulations.
 3. Application: Ten copies of the application package, which includes the application for rezoning request and aforementioned requirements and attachments, shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application

package to the Planning Commission for their review and recommendations. The Planning Commission shall consider the following in their review and recommendations: general plan for the community; location, arrangement and size of lots; amenities and reservations for open space; location, width and grade of streets; location and arrangement of parking spaces; location, arrangement and height of buildings; location, arrangement and design of neighborhood business areas and accessory parking spaces; gross densities proposed for the area; character of adjoining neighborhoods and the particular suitability of the proposed uses; and any other factors and features that impact the harmonious development of the area.

4. Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Floyd a check in the amount prescribed by the Town of Floyd Fee Schedule.
5. Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development.

Section 6.10.6 Preliminary Plan Approval.

1. Within one hundred (100) days after the filing of a complete development plan, the Planning Commission shall hold a public hearing and 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. Commission and the developer, or
 - d. Recommend disapproval
2. The Town Council shall give notice under Section 15.2-2204 of the Code of Virginia of a public hearing to be held not more than ninety (90) days after the receipt of the Planning Commission's report. It is the applicant's responsibility to ensure that the Zoning Administrator will have ample opportunity to review any changes to the plan by submitting any revisions to the plan at least fourteen (14) days prior to the scheduled Town Council Public Hearing. In the event the applicant has not submitted revisions within fourteen (14) days prior to the Town Council Public Hearing the Town Council shall act upon the plan as presented to the Planning Commission, unless the applicant is granted a time extension prior to the scheduled Town Council Public Hearing. The Town Council may grant time extensions to the applicant in a maximum of ninety (90) day increments for a period of no longer than one (1) year after the date of receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan or approves the preliminary development plan with modifications.

3. If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the B-3 Planned Development District. 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.

Section 6.10.7 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.

Section 6.10.8 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 plus 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 may, 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.

1. 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
2. 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 providing modification does not involve any of the following and provided further than such modification does not exceed the limitations of this District's regulations:
 - a. Variation of the proposed residential density or intensity of use by more than ten (10) percent
 - b. Reduction of more than ten (10) percent of the area reserved for common open space
 - c. Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
 - d. Increase of the total ground area covered by buildings by more than five (5) percent.
3. Final Plan Approval. The Planning Commission shall review the final development plan and make recommendations to the Town Council who will approve the final development plan if it is in substantial compliance with the preliminary development plan. The Floyd County Clerk of Courts office in whose office deeds are conveyed will

record the final development plan in the manner provided for recoding plats or subdivisions.

Section 6.10.9 Subdivision Plat Requirements. Subdivision Plats shall comply with the Subdivision requirements found in Chapter 18-1

Section 6.10.10 Stormwater. Development must comply with stormwater management requirements of Article 18-3 of the Code of Ordinances

Section 6.10.11 Signs. Development must comply to sign regulations in Article 7

Section 6.10.12 Amendment to the Final Development Plan.

1. No substantial modification to the approved plan of development shall be made unless submitted to the Town Council and approved by the Town Council
2. Administrative changes to the original Final Plan may be done by town staff in cases where the following changes are proposed:
 - a. Decrease of square footage of proposed buildings and/or density of the project
 - b. Increasing of buffer and landscaping area
 - c. Adding of accessory structures or uses determine by the administrator as minor such as a shed, air conditioning unit, detached garage and home occupation.
 - d. Request for administrative change shall be in writing and shall include overall approved plans, location of proposed changes, detailed listing of existing and proposed uses, and detailed documentation of acreage to ensure that the proposed change will not violate approved uses and area restrictions. Staff shall have the ability to impose conditions on administrative change requests.

Section 6.11 Industrial District I-1

Section 6.11.1 Intent. The intent of the I-1 District is to allow wholesale, warehouse, industrial and heavy commercial activities. The activities associated with these uses must be conducted within completely enclosed buildings or within screened areas and must have minimal or no environmental impacts from smoke, odor, noise, and toxic and hazardous waste.

Section 6.11.2 Permitted Uses

Commercial and Civic Uses

1. Art Galleries
2. Artist Studios
3. Automobile sales
4. Automobile service
5. Business and Professional offices
6. Building Trade Services
7. Car Wash
8. Commercial Kitchens
9. Clubs and lodges
10. Farmer's Market
11. Financial Institution
12. Gas Station: Gas stations shall comply with the following standards:
 - a. Storage of inflammable liquid is required to be underground.
 - b. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.
 - c. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off-street loading areas from customer parking areas and access drives and aisles.
13. General Office
14. Grocery and Bakeries
15. Health Club
16. Indoor Entertainment
17. Laboratories.
18. Laundries, dry cleaning shops, and clothes dyeing establishments
19. Lumber and building supply (with storage in an enclosed building)
20. Micro Distillery
21. Micro-Winery
22. Micro- Brewery
23. Newspaper offices and printing shops

24. Parking Facility (structure and surface)
25. Public parks and recreation areas
26. Personal services
27. Pet Grooming, all activities will be contained indoors
28. Private Club and Lodges
29. Radio and television broadcasting studios
30. Repair Services
31. Restaurants and drive-in restaurants
32. Retail sales
33. Shared Workspaces
34. Theaters, assembly halls, playhouses and dinner theaters
35. Vet Clinic, all activities will be contained indoors

Industrial Uses

1. Cottage Industry.
2. Construction Yard.
3. Custom Manufacturing.
4. Greenhouse or nursery, commercial, wholesale or retail
5. Light Industry
6. Micro-producers.
7. Packaging.
8. Warehousing and distribution.

Miscellaneous Uses.

1. Public maintenance and service Facilities
2. Public Service Facility
3. Public utilities, Minor

Section 6.11.3 Conditional Uses.

The following uses may be permitted with appropriate conditions after review by the Planning Commission and approval of the Floyd Town Council in accordance with Article 12:

Industrial Uses.

1. Heavy Industry
2. Junkyards and automobile graveyards

General Standards:

- a. Title 33.1, Chapter 6, Section 344 through 348 of the Code of Virginia (1950) s amended, establish the Criteria for the Location of Junkyards or Automobile Graveyards.
- b. 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

interstate or primary highway, or within five hundred (500) feet of the nearest edge of the right of way of any other highway or street, except:

- c. 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;
 - d. Junkyards or automobile graveyards which are not visible from the main traveled way of the highway or street.
3. Public utilities, Major
4. Personal Storage/Mini- Warehouse. This use shall comply with the following standards:
- a. The minimum lot size shall be one acre.
 - b. The minimum front yard setback shall be 30 feet.
 - c. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any Required buffer.
 - d. All interior driveways shall be at least 26 feet wide when cubicles open only onto one side and at least 35 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a 30 foot long single unit truck or moving van. All driveways shall be paved.
 - e. No door openings for any cubicle shall be constructed facing any residentially zoned property.
 - f. The following uses shall be prohibited:
 - i. Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
 - ii. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
 - iii. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - iv. The establishment of a transfer and storage business.
 - v. The storage of flammable, highly combustible, explosive or hazardous materials.
 - i. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a 20-foot landscape buffer. Accommodations for a live-in manager shall be permitted.
5. Any legitimate industrial use not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Floyd. Significant consideration shall be given to the health, comfort, well-being and quality of life for the citizens and must be found consistent with the Comprehensive Plan.

Section 6.11.4 Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses, and structures are authorized. The accessory uses and structures are limited to the following list, and other uses and structures that the zoning administrator finds similar in scope, size and impact:

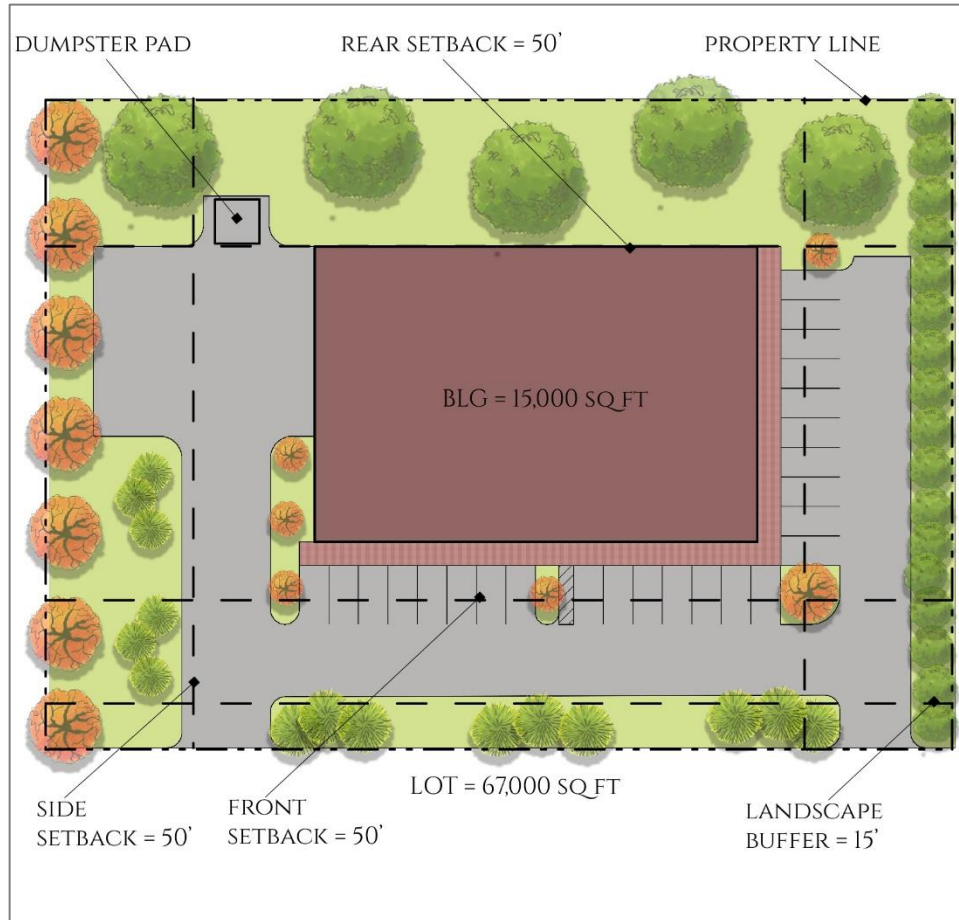
1. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
2. Shed
3. Mobile Vendor authorized with a Town license and where vehicular circulation is not impeded
4. Private parking garage
5. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work.
6. Recreational vehicles and trailers shall be stored behind the front building line and shall be prohibited from occupancy.
7. Outdoor sales, provided following requirements are met:
 - d. Outdoor sale displays which are mobile in nature and are stored inside the store during non-business hours.
 - e. Location of outdoor display shall not interfere with normal pedestrian or vehicular traffic.
8. Outdoor Seating areas
9. Electric Vehicles Charging Station
10. Roof-mounted solar panels. The height of solar panels attached to the roof of the principal or accessory building shall not exceed 5 feet above the highest point of the roof of the building on which it is installed.
11. Ground-mounted solar panels. Ground Mounted Solar Panels must meet the principal building setback requirements. However, if the ground mounted solar panel is not located in a yard next to a public right-of-way, then structure can meet the accessory structure setback requirements, provided that the structure is less than 15 feet in height and less than 200 feet in area.

Section 6.11.5 Development Standards. Requirements for Permitted Uses and Conditional Uses in Central Business District I-1. The following are general development standards for the Light Industrial District(I-1).

1. Minimum Lot Requirements.
 - a. Minimum Area: 10,000 Square feet
 - b. Public Road Frontage: 100 feet
2. Minimum Yard Requirements.
 - a. Principal Structure:
 - i. Minimum Front Yard Setback: 25 feet
 - ii. Minimum Side Yard Setback: 15 feet

- iii. Minimum Side Corner Yard Setback: 20 feet
- iv. Rear Yard Setback: 25 feet
- v. Where this zoning district abuts a residential zoning district, there shall be a fifty (50) foot setback beginning at the district boundary line.

Figure 12: Industrial (I) Zoning District- Industrial Use Example



b. Accessory Structures:

- i. Minimum Distance from Principal Structure: 10 feet
- ii. Minimum Side Yard Setback: 5 feet
- iii. Minimum Rear Yard Setback: 10 feet
- iv. Minimum Front Yard Setback: Accessory structures must be located behind the front building line.
- v. Minimum Side Corner Yard Setback: Side setback of accessory structures for corner lots shall meet the principal structure setbacks
- vi. Maximum number of accessory storage structures (shed) allowed on a single lot is three (3).
- vii. Maximum square footage of all accessory storage structures (sheds) on a single lot shall not exceed 2,000 square feet

- viii. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement.
3. Maximum Height of Structures.
 - a. Principal Structures: 35 ft.
 - b. Accessory Structures: 20 ft.
 - c. The maximum height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided an additional one (1) foot of all setbacks is provided for each foot of building height over thirty-five (35) feet in addition to the setback requirements of this section.
 - d. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.
 - e. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest. All height increases over thirty-five (35) feet shall require a Conditional Use Permit.
4. Maximum Lot Coverage: 80%
5. New development or Redevelopment shall install all utilities underground.
6. 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.
7. Developments will be evaluated to verify compliance with VDOT Access Management Regulations (24VAC30-73) and to ensure that development does not negatively impact safety, efficiency, or aesthetics of the major roadways it abuts.
8. Lighting Standards: New lighting fixtures and replacement should adhere to the requirements listed below in Section 7 (a) to Section 7 (d). Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance shall be permitted
 - a. Freestanding Light Fixtures. (a)All freestanding and building mounted light fixtures should generally be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution. (b) No lighting fixture shall create more than two (2) foot-candles of light density at the property line. (c) No freestanding light fixture shall be higher than forty (40) feet. (d) Off-street parking areas shall be illuminated to a minimum of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.
 - b. Building Mounted: Building mounted lighting should not extend lower than 8' above grade and project no more than 24" from the facade.
 - c. Parking areas adjacent to residential uses shall have approved glare shields to prevent glare

- d. Parking lots adjacent to residential uses shall have their lights be switched off between 10:00pm, or two hours after close of business, whichever is later, and 6:00am or two hours before business opens, whichever is earlier.
9. Landscaping Standards
- a. Provide a 10-foot wide buffer between residential use and industrial districts
 - b. A minimum of 15 feet wide landscaped planting strip shall be provided along the property lines abutting public or private streets. Landscaping is permitted within the building setback area.

Section 6.12 Flood Hazard District FH-1 Reserved.

Section 6.13 Historic Districts and Town of Floyd Historic District H-1 Reserved.

Article 7. Signs

Section 7.1 General Provisions

Section 7.1.1 Purpose and intent; interpretation.

1. This article provides regulations related to signage with purpose of promoting and protecting the public health, welfare, and safety of residents, protecting property values, creating an attractive economic and business climate, and enhancing and protecting the aesthetics and character of the town. These regulations 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, other provisions within the articles shall continue to remain in effect.
2. Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. This article regulates size, color, illuminations, movement, material, location, height, number of signs, alterations, removal, and conditions 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, and protection against destruction of or encroachment upon historic areas.
3. Signs not expressly permitted by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town of Floyd or Board of Zoning Appeals are forbidden.
4. 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 (a) of this section.
5. These regulations are intended to promote signs that:
 - a. are compatible with the use of the property to which they are appurtenant
 - b. are compatible with the landscape and architecture of surrounding buildings

- c. are legible and appropriate to the activity to which they pertain
 - d. are not distracting to motorists
 - e. are constructed and maintained in a structurally sound and attractive condition.
6. 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.
7. 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.

Section 7.1.2 Definitions.

“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, and not secured or attached to the ground or surface upon which it is located. These are also referred to as “sandwich board” signs. They are included in the definition “portable sign.”

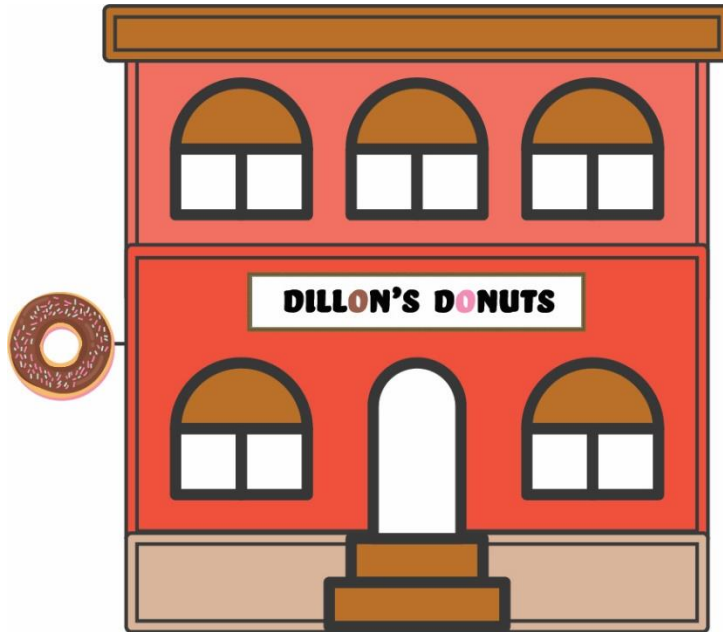
“Advertising” means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

“Alteration, Sign” means any change in the use, adaptability, or external appearance of an existing sign area, and/or structure.

“Animated Sign” means a sign or part of a sign that is designed to rotate, move or appear to rotate or move by any means, including fluttering, rotating or otherwise moving, or set in motion by movement of the atmosphere. Such a sign is sometimes referred to as a “moving sign.”

“Architectural Additions” means an item attached to a structure for the purpose of attracting attention to a business. Typically an architectural additional is not a sign with letters, although their purpose is similar to that of a sign.

Figure 13: Architectural Addition Example



“Awning/Canopy” means a roof-like cover that projects from the wall of a building or are freestanding for the purpose of shielding from the elements, such as a covering over a service station island.

“Awning/Canopy Sign” means a sign painted on or attached directly on the surface of an awning or canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edges.

“Banner” means a temporary sign of flexible material to include cloth, paper, fabric, or other lightweight material. A banner may be attached at each end to a structure or hanging from the top of a structure such as a porch, awning, etc.

“Banner over the Public Right of Way” means a temporary sign generally made of fabric or vinyl but not of paper or cardboard, etc. attached by grommets or ties to a wire or rope suspended above and across a street or Public Right of Way.

“Bench Sign” A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.

“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.

“Chalk-board/White-board Sign” means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

“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 structure and may be illuminated either internally or externally.

1. **Changeable Copy, Electronic Sign** A sign whose message can be changed electronically through the use of lights.
2. **Changeable Copy, Manual Sign** A sign designed so that the characters or letters can be changed or rearranged manually without altering the underlying face or size of the sign.

“Comprehensive Sign Plan” means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities or a single tenant property that might require multiple signs such as a drive thru. . Drive-Throughs is an example of a single tenant property requiring Comprehensive Sign Plan. The plan specifies standards for sign area, letter style, letter height and sign colors.

“Dark Sky Principles” means lighting that is designed to reduce light and glare pollution onto neighboring properties and roadways so as not to cause any degradation of the nighttime visual environment and the night sky. Provide protection for drivers and pedestrians from the glare of non-vehicular light sources; Provide protection from lighting for neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; while protecting the natural environment from the damaging effects of night lighting.

“Double-Faced Sign” means a freestanding sign having two faces or sides designed for use. This includes V-shaped signs with the internal angle between its two faces of no more than 45 degrees.

Entrance Sign A permanent sign located at the entrance of a subdivision, housing development, farm, estate, or an office or industrial park.

Feather Sign” is 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.

“Flag” means a piece of cloth or similar material, typically rectangular, oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants, which are long, tapering, usually triangular flag.

“Flashing Sign” means a sign that includes lights that flash, blink, or turn on and off intermittently.

“Freestanding/Ground Mounted Sign” means a sign not attached to nor printed on a building, but which is supported by one or more upright structural members, braces, a masonry base, or

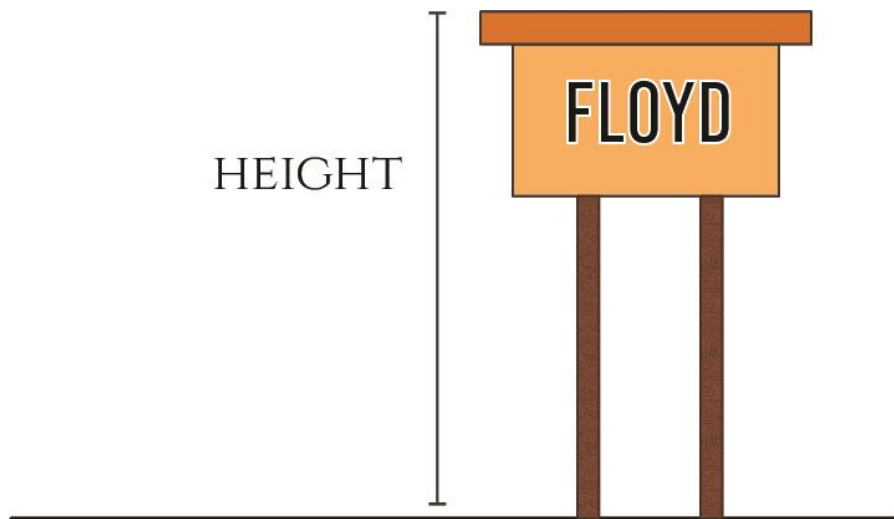
a monument(s) placed on or in the ground, fastened to a secure and permanent foundation and not attached to a building. Ground signs include monument signs, pole, and pylon signs.

“Frontage” is the length of the property line of any lot, lots, or tract of land measured along a public street, road or highway against which that land abuts.

“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.

Figure 14: Measurement of Height Example



“Historic Sign” means a sign of any age, type, location or use, having historic value or attached to a building having historic value, as determined by the governing body.

“Historic Markers” means a marker bearing text or image to commemorate one or more persons, events or former uses of the place. No advertising is allowed on the sign and the sign must conform to all the requirements in this ordinance. A permit is required for a historical marker, no fee is required.

“Holiday Displays” mean displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

“Illegal Sign” means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

“Illuminated Sign” means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

“Inflatable Sign” means any display capable of being expanded by air or other gas and used on a temporary basis to advertise a product or event.

“Lot” is a numbered and measure portion or parcel of land separated from other portions or parcels by descriptions in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, transfer of ownership, or of development or separate use. The term applies to units of land whether standalone, in a subdivision or development.
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“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.

“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.

“Menu Board Sign” means a permanent sign at the entrance lane of a drive-through or located at curb service establishment for the purpose of placing an order to be picked up at the drive-through window or delivered via curb service. Also includes a permanent sign at the entrance of an eatery that displays menus, pricing, specials, etc.

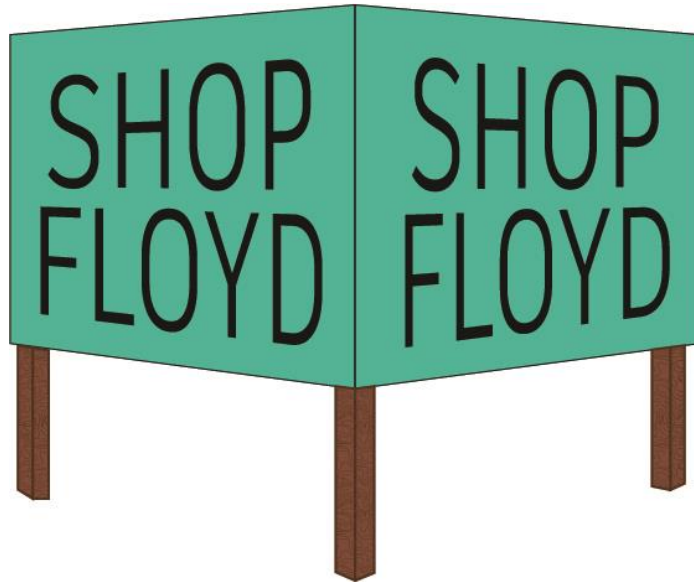
“Minor Sign” means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated for the purposes of facilitating safe passage and efficient circulation including, but not limited to: security, ingress/egress, open/close messaging, hours of operation, and wayfinding.

“Monument Sign” means a sign affixed to a structure built on grade, mounted on the ground, in which the sign and the structure are an integral part of one another.

“Murals” are any piece of artwork painted or applied directly on a wall or other areas. Murals may be artistic in nature only and not used as an advertisement of any type.

“Multi-Frontage Signs” means a V-shaped sign, designed in such a way, as to be viewed from more than one side or direction of the property on which the sign is located. This definition shall apply to both corner lots and double frontage (through) lots. The internal angle between the two faces of the sign shall be greater than 45 degrees.

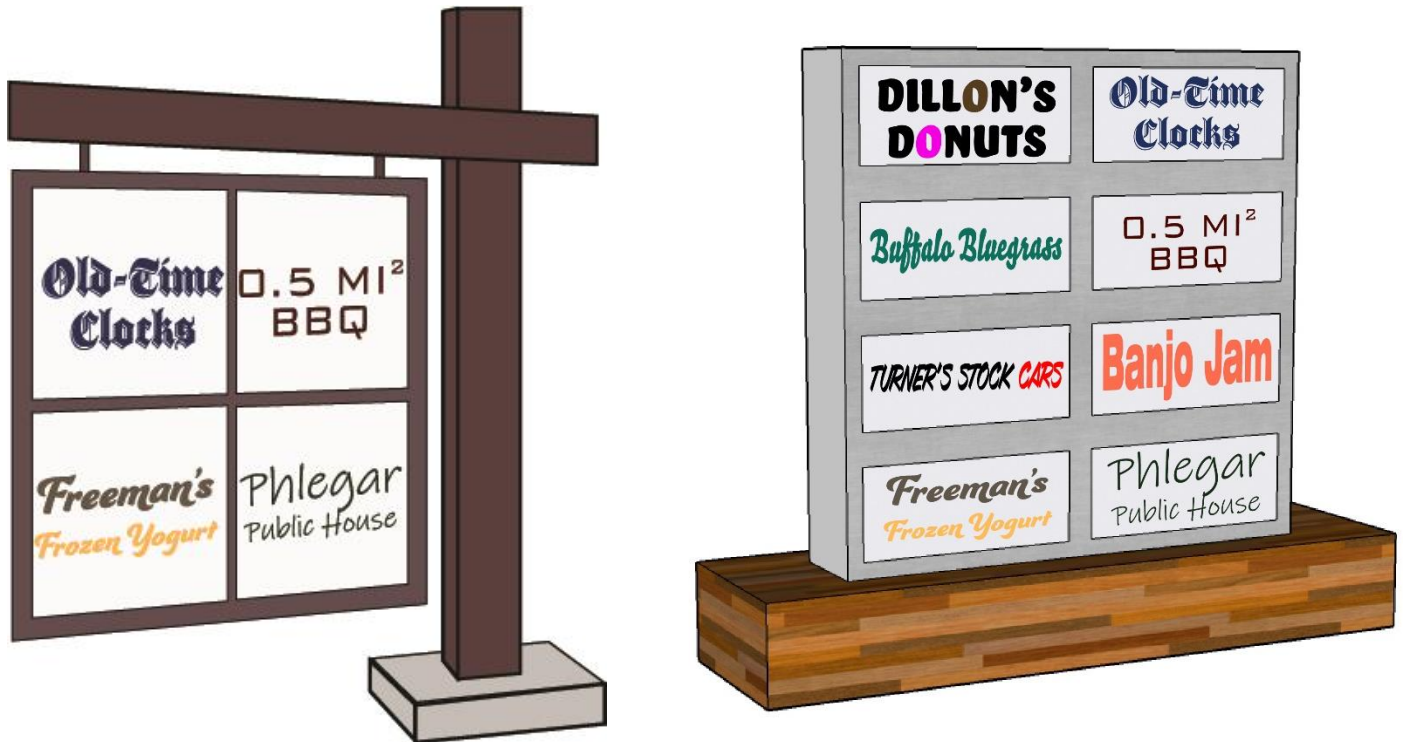
Figure 15: Multi-Frontage Sign Example



“Multi-tenant Business” refers to more than one business on a single lot.

“Multi-tenant Business Sign” means a sign, unified in design, whether freestanding or attached to the building, listing the names and/or logos of the businesses or offices located within the Multi-tenant business. Individual business nameplates as part of the multi-tenant business sign may include the name and type of the business and logo of the business but no other

Figure 16: Multi-Tenants Sign Example



advertising.

“Neon Sign” means a sign containing exposed tubes filled with light-emitting gas.

“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 article of the zoning ordinance and which fails to conform to current standards and restrictions of this article.

“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.

“Pennant” means a triangular or an irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

“Plaque” means an ornamental tablet, typically of metal, porcelain, or wood, that is fixed to a wall or other surface.

“Pole Sign” means a freestanding sign that is mounted on one (1) or more freestanding poles with clearance from the bottom of the sign to the ground below that exceeds thirty (30) inches.

“Portable Sandwich Board” is a sign designed to be transported with ease or designed to be transportable such as to permit its easy installation and removal. Such signs include but are not limited to A- or T-frame signs.

“Portable Sign” means any sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

“Projecting Sign” means any sign, other than a wall, awning or marquee sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

“Public Area” means any public place, public right-of-way, any parking area or right-of-way open to use by the general public.

“Public Art” means items expressing creative skill or imagination in a visual form, such as painting, or sculpture, or functional objects such as fountains, landscape architecture etc., which are designed by artist which and are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm. It can be temporary or permanent.

“Right-of-Way” is the public 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.

“Right-of-Way Line” means the legal dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

“Roof line” means the highest point of a flat roof and mansard roof and the lowest point of a pitched roof.

“Roof Sign” means a sign which is attached, erected, applied or incorporated into a roof, or constructed and maintained from the roof of a building. Roof signs are not allowed in residential zoning districts. Roof signs may only be permitted on property that is zoned commercial and that is unable to place a Freestanding or Wall Sign due to nature of the building or site.

Figure 18:Roof Sign Example

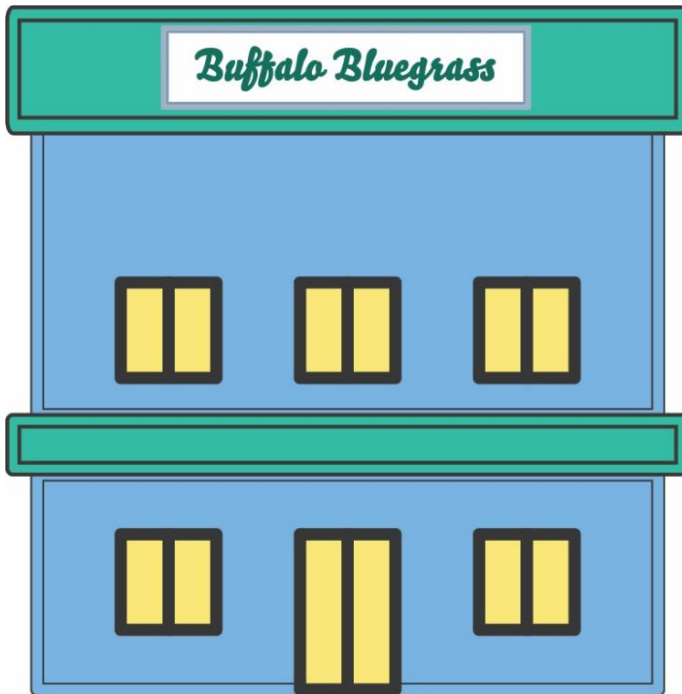


Figure 17: Roof Sign Example



“Setback” is the minimum distance from which any building structure must be separated from the lot line(s) or other structures.

“Setback Line(s)” means a line generally parallel with and measured from the lot line(s) or other structures, defining the limits of a yard in which no building or structure may be located above ground.

“Sign” Any object, device, display, or structure, or part thereof, visible from a public or private place, a public right-of-way, any parking area or right-of-way open to use by the general public 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 does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term “sign” also does not include the display of merchandise for sale on the site of the display.

“Sign Area” is the visible area of the sign that encompasses the entire advertising area, including architectural trim but not structural supports as defined in Section 7.1.6(4)(b).

“Sign Setback” means the distance from the edge of the road pavement or the outer edge of the sidewalk on the road directly adjoining the property or property line to the sign or the sign structure. Unless otherwise stated this distance is to be five (5) feet.

“Sign Face” means that part of the sign which is or can be used for visual representation or communication. The term includes any background or surrounding material, panel, trim or ornamentation, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which it is placed. The term does not include any portion of the support structure for the sign, provided that no representation or message is placed or displayed on or designed as part of the support structure

“Sign Structure” means any structure bearing a sign face.

"Snipe sign" means a sign made of any material when such sign is tacked, nailed, posted, glued, or otherwise attached to any pole, tree, or other natural feature, fence, fence post, bench, stakes, other sign, or other similar objects located on public or private property.

“Suspended Sign” means a sign, which is suspended parallel from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, chains, or the like.

“Temporary Sign” means a sign that is securely affixed, although not permanently mounted, to a building or into the ground, for a limited period of time. Temporary signs can be, but not limited to, a sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames and attached by rope, string, chain, tape, paste, and similar mechanisms; signs not rigidly attached to a supporting structure; and signs that are pushed, hammered or similarly put into the ground are considered temporary signs.

“Temporary Development Sign” A temporary on premise sign for an ongoing development or newly developed subdivision or housing development or sites in an industrial park.

‘Sign, Types of Copy’

Double Faced Sign a sign with two parallel, or nearly parallel, faces, which are placed back to back and are separated by not more than twenty-four (24) inches.

1. **Multiple Sign** a freestanding sign structure on which more than one single faced or double faced sign may be mounted within an overall frame.
2. **Single Faced Sign** a sign on which a message is displayed on one side only.

“Unusual Display” means a display, whether permanent or temporary, of any type or construction located on the lot of record but not on a building, that advertises in some way, with or without the use of letters, numbers, symbols, etc., the business or structure located on the same lot.

“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 or inspection sticker, 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.

“Wall Sign” means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

“Wayfinding Sign System” is a system of wayfinding signs coordinated within one or more jurisdictions sharing a common theme or branding that may include gateway, sub-gateway, destination directional and wayfinding corridor signing. Wayfinding signage provides visitors a convenient means for locating destinations such as parking, government offices and amenities.

Section 7.1.3 Signs Requiring a Permit.

1. In general. A sign permit and application fee is required prior to the display , installation, use, alteration, relocation, replacement and/or reconstruction of any sign except as provided in Section 7.1.4 of the Zoning Ordinance. Failure to adhere to the requirements of this Ordinance automatically cancels any such Permit which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith per Section 7.1.7 of the Zoning Ordinance.
2. Application for permit, including Temporary Signs, Banners, Banners over the Right-of-Way, General Signs, Special Signs and Conditional Use Permits.
 - a. An application for a sign permit and application fee shall be filed with the Town of Floyd Zoning Administrator on forms furnished by that department. The applicant shall provide plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support to determine if the proposed sign is permitted under the zoning 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. The temporary permit will be valid for the duration it is approved for from the date it was issued.
 - b. Any business applying for a sign permit of any type, must have and maintain a current Town of Floyd Business License, if applicable, and all real estate, personal property, meals, lodging, etc. taxes must be current. All signage located on a lot shall be the responsibility of the property owner, regardless whether the property or building is leased, rented, etc. The application shall require the signature of the owner of the property in question, and of the agent, if there be any agent. All signs,

whether permanent or temporary, shall be located on a lot of record except for off-premise directional signs and vehicle signs. Any sign not located on the lot of record shall require a Conditional Use Permit (CUP) except as otherwise allowed herein.

- c. Temporary sign permit: Application for a temporary sign is required and shall be reviewed and issued by the Zoning Administrator. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - d. The Town of Floyd Zoning Administrator 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 90 days after receipt. Any application that complies with all provisions of this zoning ordinance, the State Building Code, and other applicable laws, regulations, and ordinances shall be approved.
 - e. 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, State Building Code, or other applicable law, regulation, or ordinance.
 - f. Not more than three (3) signs per parcel. Additional signs are permitted in certain districts with a Conditional Use permit.
 - g. An application for a Historical Marker shall be filed with the Town of Floyd Zoning Administrator on forms furnished by the department. No application fee shall be required for Historical Markers.
 - h. Public Art. An approval issued by the zoning administrator is required to install Public Art. A building permit may be required if determined by the Administrator. The following requirements must be met before installation of artwork:
 - i. Public Art submittal shall include design and location on property. If landscaping, lighting and accessories are planned then they should be identified in the site plan.
 - ii. The installation shall meet building code.
 - iii. Signed Agreement by the property owner to properly maintain the artwork.
 - iv. The zoning administrator shall have the authority to require a conditional use permit of a proposed public art installation due to size or unavailability of work samples similar to the ones being installed.
3. 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 14 consecutive days, 5 times a year unless another time is provided in the zoning ordinance. The Town may revoke a sign permit under any of the following circumstances after proper notification to land owner and business owners:

- a. The Town determines that information in the application was materially false or misleading;
- b. The sign as installed does not conform to the sign permit application; or
- c. The sign violates the zoning ordinance, State Building Code, or other applicable law, regulation, or ordinance.

4. **Conditional Use Sign Permit.** Signs in excess of that which is allowed for the district require a Conditional Use Permit. Conditional Use Sign Permit requests shall require a completed and signed (by the land owner and the agent) Conditional Use Sign Permit Application and fee. Grounds for such approval and issuance of a Conditional Use Permit shall be based on whether the sign is viewed as appropriate to the proposed location in terms of scale, compatibility with surrounding land uses, location, traffic, and safety. The Conditional Use Sign permit shall establish but not be limited to the time, manner, and placement of signs, frequency of message changes, the materials, 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 exceed a height of fifteen (15) feet as measured from the road elevation closest to the sign location, except by Conditional Use Permit (CUP). Following a duly advertised Public Hearing, the Town of Floyd Planning Commission reviews and offers a recommendation to the Town Council for their approval or denial.

- a. Signs Requiring A Conditional Use Permit.
 - i. Signs in excess of 32 square feet, for use by public or government buildings, including public schools
 - ii. Off - Premise Sign: Bench signs, bus benches and bus shelters shall be permitted, subject to the following requirements:
 - I. No person, firm, corporation, club or other entity (hereinafter referred to as the "sponsor") shall place a bus bench, bench sign or bus shelter within any right-of-way in the Town without an agreement with the Town Council authorizing said sponsor to place benches within rights-of-way in the Town.
 - II. Bus shelters and bus benches shall only be permitted at designated bus stops along existing bus routes that are deemed appropriate by the Town
 - III. Bus shelters and bus benches shall not be permitted in locations where, in the opinion of the Town Manager or designee, will adversely affect the safety of motorists, bicyclists or pedestrians.

- iii. Architectural Additions. Only allowed in Business and Industrial District(s). The area of such additions will be included in the total allowable signage per lot and calculated based upon their sign area.
- iv. Electronic Changeable Copy or Animated Signs. These types of signs are not allowed in Residential District(s). In other zoning district these signs need a conditional use permit and can only be used for public emergency type messages (Amber Alerts, weather/traffic warnings, etc.). Such signs cannot contain any advertisement of any kind, and cannot contain or use flashing, scrolling or animation of any type. The square footage of electronic changeable copy signs are limited to 12 square feet.
- v. Multi-Tenant Business. Businesses or Office Complexes with more than five (5) tenants. may elect to submit a comprehensive sign plan with the administrator as an alternative, and in lieu of meeting the requirements of Sec. 7.2.3, “ Signage for Multi -Tenant Business”. At a minimum, the comprehensive sign plan must contain the following:
 - I. An accurate site plan of the lot or lots, drawn to scale, which accurately shows the location of all buildings, structures, parking lots, driveways, fences, and landscaped areas, and the accurate location of all existing and all future proposed signs, excluding incidental and temporary signs.
 - II. Computations of the maximum total combined sign area of all signs, the sign area for all individual signs, the height of all signs and the number of freestanding ground signs on the lot(s).
 - III. Photographs of all existing signage and drawings of all proposed signage, including colors, lettering style, symbols, construction methods and materials, and lighting, along with all sign area computations for all proposed new signs.
 - IV. A comprehensive sign plan can accommodate up to a maximum twenty (20) percent increase in the maximum total combined sign area allowed for each included lot, in accordance with the following restrictions:
 - V. No freestanding sign area may be increased above the maximum allowable area specified in Section 7.2.2 of the Zoning Ordinance
 - VI. No freestanding sign will be allowed to exceed 15 feet in height.
- vi. Murals. Only allowed in Business and Industrial District(s). Mural works must comply with the design approved by the Planning Commission and the conditions of approval will remain in force for as long as the mural exists. Proposed mural application must include the following:
 - I. A written consent from the property owner
 - II. If the mural is in a highly visible area, a letter of support from neighbors is encouraged
 - III. Applicant must submit a draft design of the mural

- IV. Signed agreement by the property owner to assume responsibility of installation and to properly maintain the mural.
 - V. Some criteria that will be used during the review of the application are as follows:
 - a) If the mural is to be on an historic building
 - b) Distance from another mural
 - c) Limited to one façade
 - d) Budget, timeline and experience level of artist
 - e) Relevance, scale and context: appropriateness to Floyd and surroundings (architectural, geographical, socio-cultural, historical etc.)
 - f) Permanence: Mural will last a minimum of five years and is resistance to vandalism and weather. If vandalism to mural occurs, applicant and property owner shall jointly agree to restore mural or paint over.
 - vii. Unusual Display. Only allowed in Business and Industrial District(s).
 - viii. Monument & Illuminated Signs. Such signs in Residential District(s) require a permit.
 - ix. Menu Board. All Menu Board signs regardless of technology and which are greater than allowable area according to the particular zoning district specified in Table S-T, shall require conditional use permit.
5. Historic Signs. Identify the architectural, cultural, and historical significance to the Town and encourage their preservation, enhancement, and maintenance. A sign may be designated historically significant if it was installed fifty (50) years prior to the application and meets at least three or more of the following criteria:
- a. The sign exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or historic heritage of the Town.
 - b. The sign identifies with a person or persons or groups who significantly contributed to the history and development of the Town, regional, state or national culture and history.
 - c. The sign exemplifies one of the best remaining architectural design, detail, materials, or craftsmanship of a particular historic period.
 - d. The sign is in a unique location or singular physical characteristic(s) represents an established and familiar visual feature of the neighborhood, community or the Town.
 - e. The sign has been in existence for more than 50 years and it possesses integrity of the location, design, setting, materials, workmanship, feeling and association.
 - f. The sign has been continually displayed for more than 50 years, with the exception of routine maintenance, repair or restoration;

Proof of the age of the sign and historic significance is the responsibility of the applicant and shall be included with the zoning application. A zoning permit will be required for a historic sign and any historic sign displayed shall comply with all applicable provisions of the Uniform

Statewide Building Code and any amendments thereto. Designation of historic sign(s) shall be subject to approval by the Zoning Administrator. A historic sign shall be maintained in its original condition except for routine maintenance, repair, or restoration. A historic sign shall be allowed in all zoning districts and shall be exempted from being included in the maximum permitted sign area and the maximum number of signs allowed in the designated districts.

Section 7.1.4 Signs Not Requiring a Permit.

The following signs, shall be allowed in all districts except residential, and shall be exempt from permit requirements if:

1. Meets at least one of the following requirements:
 - a. Signs erected for traffic or other official public signs or notices posted or erected by or at the direction of a local, state, or federal governmental agency such as the Virginia Department of Transportation (VDOT), or a public utility company of the Town or County of Floyd;
 - b. Any federal, state, or local governmental flag, provided, that no freestanding pole shall be erected in the public right-of-way nor be within ten (10) feet of a service drive, travel lane or adjoining street or sidewalk, and must be located in a manner not to impede sight distance. The flag cannot contain advertising in any way, and cannot exceed 24 square feet for properties within residential zoning districts and 100 square feet for commercial or industrial zoning districts. The number of flags per lot is limited to three and their heights cannot exceed 15 feet. Roof mounted flags shall not exceed 6 feet and must not project above the peak of a sloped roof or above the parapet wall of a flat roof.
 - c. Professional name plate, which shall be no more than two (2) square foot in area and of which no more than two (2) shall be permitted per lot, indicating the name of the professional, the business, or service provided on the premises. Multiple name plates (more than one) may be arranged into one larger sign, but shall require a sign permit, and will be counted toward the total sign area.
 - d. In commercial or industrial zoning district, one bulletin board per institution or civic association, not exceeding ten (10) square feet in area, indicating the name of an institution or civic association on premises of such facility
 - e. In commercial or industrial zoning district, On-premise signs, including pavement markings, not to exceed four (4) square feet each, displayed for direction or convenience of the public, such as those indicating restrooms, public entrances, freight entrances, parking, ADA access and the like, provided the signs do not convey any type of advertising including the name, logo, hours of operations, etc.; must be located in a manner not to impede sight distance;
 - f. Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding two (2) square feet;

- g. No trespassing signs (or similar notification signs), without limitations on the number or placement, limited in area to two (2) square feet, each provided the signs do not convey any type of advertising including the name, logo, etc. (hours of operation allowed)
- h. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 7.1.9 of the Zoning Ordinance.
- i. Not more than three minor signs per parcel are allowed without a permit. Additional minor signs are permitted in certain districts with a permit.
- j. A permanent window sign.
- k. Any A-frame signs located in areas that is permitted which is eight (8) square feet or less placed within a private property and more than 5 feet away from the nearest public right-of-way.
- l. Wayfinding signs installed by Town of Floyd, County or State governmental agencies. Wayfinding signs are prohibited except if it is part of an approved comprehensive wayfinding sign plan that is initiated, authorized and managed by the Town.
- m. Temporary signs as follows:
 - i. One (1) sign, no more than six (6) square feet in area, located on the property where a building permit is active.
 - ii. On any property or building that is for sale, rent or lease provided that:
 - A. In all business districts, and in Industrial Zoning districts, temporary signs are limited to two (2) signs per property/business and a maximum sign area of six (6) square feet per sign,
 - B. In Residential Zoning districts, temporary signs are limited to three (3) signs with a maximum total area of up to four (4) square feet per property.
 - C. Temporary (for sale/rent/lease) sign shall be removed within ten (10) days following transfer of title of the advertised property.
 - iii. 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.
 - iv. On residential property, not more than three (3) temporary signs with a total area of no more than four (4) square feet each, and which are removed within 30 days after being erected and cannot be displayed more than 90 cumulative days.
 - v. Vertical Flags, pennants and streamers may be displayed provided they do not exceed fifteen (15) square feet each, are limited to three (3) per lot and cannot exceed a height of 15 feet, provided that all such signs shall be

removed no more than ten (10) days after their purpose has been accomplished.

2. Signs that are exempt from requiring a permit shall be placed on a property only with written permission of the property owner.
3. Signs that are exempt from requiring a permit shall not be illuminated by any means.

Section 7.1.5 Signs Prohibited in All Districts

In addition to signs prohibited elsewhere in this Code or by applicable State or Federal law, the following signs are prohibited, except as provided in Section 7.1.3(4):

1. General prohibitions.
 - a. Signs that violate any law of the Commonwealth.
 - b. Any sign erected or painted upon a public right-of-way, trees, and fire escapes, fences or utility poles, except for regulatory signs.
 - c. Signs simulating, or which are likely to be confused with, a traffic control sign 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.
 - d. Vehicle or trailer signs. Examples include but are not limited to: business signage attached to a cargo container on the premises of the business, subdivision advertisement signage attached to work equipment, stationed to attract interest in the subdivision, but not for general work conducted on site. Except for temporary containers used for moving or storage (PODS) provided that the container does not remain on or at the same lot more than 30 days except by Conditional Use Permit (Section 11.4).
 - e. Any signage or advertisement on any inoperable or unlicensed vehicle.
 - f. Freestanding and monument signs that are more than 15 feet in height.
 - g. Any sign displayed without complying with all applicable regulations of this chapter.
 - h. Wayfinding signs are prohibited except if install by state, county or town agencies.
2. Prohibitions based on materials.
 - a. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, which causes glare onto any roadway, building or land other than the building or land on which the sign is necessary, except where such signs are expressly permitted within this article.
 - b. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, or wall edges of any building. This prohibition does not include temporary seasonal decorations not exceeding 90 calendar days per year, and permanent string lights and rope lights meeting the following conditions:
 - i. Such lighting complies with the electrical/building codes.
 - ii. Lighting is used for the purpose of outlining or enhancing landscaping feature, outside dining area, main pedestrian entry.

- iii. Lights that are of low wattage, have correlated color temperature of not more than 2200K and that cause minimal light trespass.
 - iv. Lights shall be turned off at close of business or 10 pm whichever is later.
 - c. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - d. Signs that emit sound.
 - e. Any electronic sign that generates a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit, except for signs used for public emergency messages (Amber Alerts, weather/traffic warnings, etc.). The square footage of electronic emergency signs is limited to 12 square feet.
 - f. Pole signs less than eight (8) feet in height.
 - g. Signs painted directly on a building, except where expressly permitted by this chapter.
 - h. Animated signs. Any sign which is designed to and effectively does distract the attention of passing motorists on any highway by loud and blatant noises, by obstructing vision, or by employing externally visible mechanical movement or rotation; This subsection does not apply to flags expressly permitted under this article or other sign where the message content changes no more than once every seven seconds.
3. Prohibitions based on location.
- a. Off-premises signs, unless specifically permitted by this chapter.
 - b. Signs erected on public land or public rights-of-way, 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.
 - c. Signs extending above the ridgeline of a building or its parapet wall.
 - d. Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard.
 - e. Any sign located in the vision triangle formed by any two (2) intersecting streets.
 - f. Any sign which obstructs any door opening or window used as a means of ingress or egress.
 - g. Any sign which advertises a business location which is no longer in operation at the site in question, except if such sign has been designated as a Historic Sign.

Section 7.1.6 Sign regulations applicable to all signs:

- 1. Placement. Except as otherwise permitted, no part of a freestanding sign shall protrude into the setback area.
- 2. Manual Changeable copy signs:

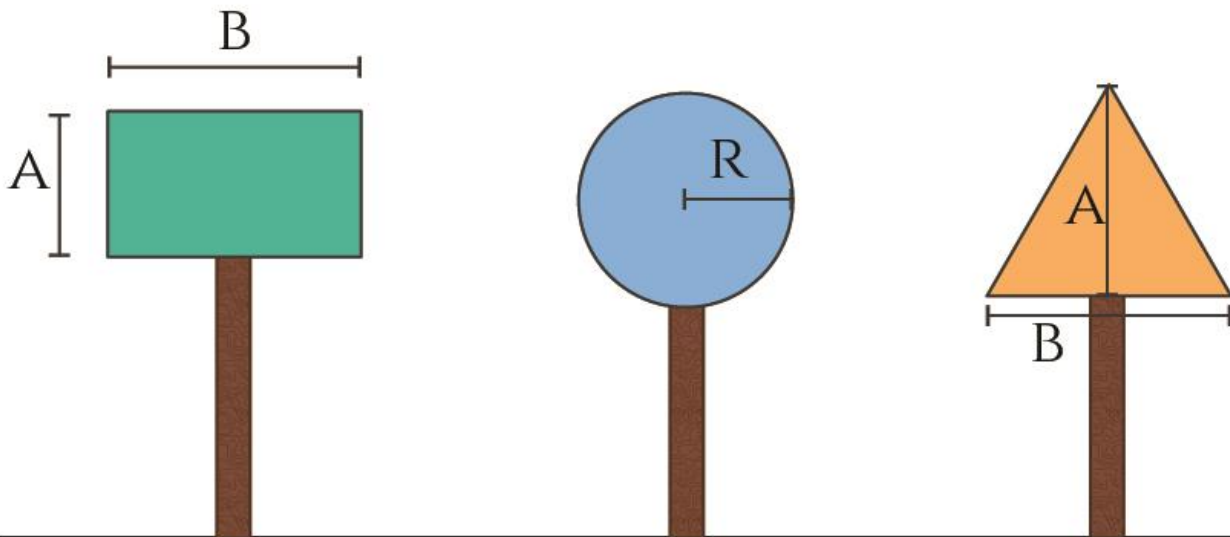
- a. Shall be allowed as freestanding signs, as part of freestanding signs, or as wall signs if:
 - i. they are encased or at a height such as not to be accessible to vandals; and
 - ii. they are securely and permanently anchored to the ground or the structure.
3. Sign Lighting.
 - a. All permitted signs may be backlit, internally lighted, or indirectly lighted from an exterior light, unless such lighting is specifically prohibited in this chapter.
 - b. In the case of indirect or exterior lighting, the source shall be so placed or shielded that it illuminates only the face of the sign so as not to impair the vision of any motor vehicle operator or cause glare into or upon any property other than the property to which the sign may be accessory. However, shingle signs can 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.
 - c. No sign shall be permitted to have an illumination spread that may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. All lighting fixtures used to illuminate a sign shall be full-cutoff, and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and comply with Dark Sky Principles and shall be turned off at the close of business or 10:00 p.m., whichever is later.
4. Sign Area and Height.
 - a. 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.
 - b. Calculation of Allowable Sign Area. 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 the smallest continuous square, rectangle or triangle enclosing the extreme limits of each word, symbol, numeral, group of symbols or group of numerals where the symbols or numerals are meant to be read as an unit.

Figure 19: Measurement of Sign Face Example

$$\text{AREA} = A \times B$$

$$\text{AREA} = \pi R^2$$

$$\text{AREA} = 1/2(A \times B)$$



- i. Distribution of Signage: In instances where there are multiple tenants or users on a property or in a building, maximum allowable sign area for all parties shall be divided and distributed by the owner or manager among the several business activities within the building.
 - ii. Multiple frontages. Where a lot fronts two different roads, a multiple frontage sign may be utilized. For this type of sign the maximum copy area for the primary sign, that which fronts the primary road frontage, is listed in Table S-1. The secondary sign, that which fronts the secondary road frontage, is allowed to have an area up to 50% of the primary sign. This provision shall apply to both corner lots and double frontage (through) lots. A multi-frontage sign is considered one sign. The cumulative area of both faces of the sign will be used for calculating the total sign area.
 - c. Maximum height. The maximum height for any sign shall be fifteen (15) feet is measured from the from the base of the sign at normal grade to the top of the sign or its structure.
5. Freestanding Sign Regulations.
- a. Only one freestanding sign per lot.
 - b. No part of the freestanding sign shall be extended beyond required sign setback.

6. Wall Signs, Suspended Signs and Projecting Signs.

- a. Degree of Projection. In all districts except the B 1 district, no wall, suspended, or projecting sign shall extend more than eighteen (18) inches from the building to which it is attached, except for canopy signs, which may project no more than three inches beyond the edge of the canopy.
- b. Upper Height of Sign. No part of any wall, suspended, or projecting sign shall project above the lowest point of the roof.
- c. Lower Height of Sign. No part of any wall, suspended, or projecting sign shall be less than eight (8) feet above the ground directly beneath the sign.

7. Roof Signs:

- a. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.

8. Marquee Signs

- a. Signs shall be mounted only on the front and sides of a marquee.
- b. Signs shall not project more than six (6") inches from the face of the marquee.
- c. Signs shall not extend above the top or below the bottom of the marquee.

9. Menu Boards.

- a. Menu Board signs shall be allowed only with drive in establishments.
- b. The face of the menu board sign shall be directed away from any adjacent residential properties.
- c. Volumes associated with loudspeakers shall be such that nearby residents are not likely to be disturbed by excessive noise associated with placing orders and order pickup.

10. Use of Multiple Sign Structure.

- a. While not required, it is recommended that a multiple sign structure be used where more than one business is located on a lot. In all cases, only one freestanding sign per lot shall be allowed, regardless of the number of businesses per lot.
- b. Any multiple sign structure shall use a unified design concept, such that signs within the structure shall in the Administrator's judgment have a substantially unified or harmonious appearance in color, style, size, shape, graphics, and illumination.

11. Unified Design Concept for Multi-tenant Business Complex.

- a. A multiple sign structure meeting the requirements of Sec. 7.1.6(10) above shall be used to fulfill the freestanding sign allowance for any business complex, if any freestanding sign is desired.

12. Size, height, location, material, and color of the sign and sign structure shall in the Administrator's judgment strongly relate to building and site design.

Section 7.1.7 Maintenance and removal.

1. All signs and sign structures shall be constructed, mounted, and maintained in compliance with the Virginia Uniform Statewide Building Code.
2. All signs and sign structures shall be kept in good repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Uniform Statewide Building Code.
3. The Town may remove or repair immediately without written notice any sign which, in its 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 this chapter.
4. In the event any sign is to be relocated, or repaired beyond 50% of the replacement value (which is to be determined by a professional in the business of valuing signs), it shall be required that the owner of said sign obtain new permits (sign, building, zoning compliance, etc.)
5. The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the signs or sign structures, which are no longer functional, use or business has ceased operating for 90 days (except for Historical signs as defined herein), shall within thirty (30) days of the cessation of use or business operation, repair, remove, relocate, replace the sign face with a blank face, until such time as a use or business has resumed operating on the property. If after thirty (30) days following notification from the Town the sign is not repaired, removed or relocated as required by the Town, the Town shall remove said sign(s) and the land owner will be charged the cost of the removal.
6. Sign condition, safety hazard, nuisance abatement, and abandonment.
 - 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.
 - 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.
7. Any sign erected on public property 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.

8. Any sign or sign structure installed without a permit, the owner or lessee shall be given thirty (30) days written notice to file an application for a sign permit. If the owner and lessee fails to properly permit the sign, the zoning administrator or designee shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the zoning administrator 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 ordinance. The cost of such removal shall be chargeable to the owner of the property.

Section 7.1.8 Nonconforming signs.

1. Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, 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 zoning administrator, a property owner shall submit verification that sign(s) lawfully existed 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.
2. No nonconforming sign shall be enlarged or altered nor shall any feature of a nonconforming sign, such as illumination, be increased; however, any sign or portion thereof may be altered to decrease its non-conformity.
3. A nonconforming sign located on a parcel of land or building whose occupancy or use has been discontinued for a period of two (2) years shall be considered abandoned and shall not be resumed for use. Such nonconforming sign(s) shall be removed, replaced, or otherwise brought into conformance with the current standards of this Article prior to the reestablishment of occupancy or use of the building or land associated with such sign(s).
4. 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.
5. 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.
6. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area shall be repaired but shall not be enlarged in any manner. Any damage that creates a hazardous condition shall be repaired within 48

hours of notification by the Town or the sign shall be removed. Any damage that does not create a hazardous condition shall be repaired within 30 days of notification by the Town or the sign shall be removed. 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.

7. 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.
8. A nonconforming sign structure shall be subject to the removal under one or all of the following provisions:
 - i. Maintenance of the sign is not performed such that the paper, paint, or other similar media are faded beyond recognition or otherwise rendered in such a state of disrepair that the original message is no longer effective for a continuous period of 2 years; A nonconforming sign structure shall be subject to the removal provisions of Section 7.1.7, Maintenance and Removal.
 - ii. 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 (2) years or more. Such sign structure shall be removed by the owner or lessee of the property.
 - iii. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner thirty (30) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator 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.

Section 7.1.9 Non-Commercial Signs.

1. 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.

Section 7.2. Sign Regulations by Type And Zoning District

Section 7.2.1. Temporary Signs.

<u>Table S-T. Temporary Signs</u>	
Allowed with a Permit in the following Zones by Square Feet: All Zoning Districts in the Town of Floyd	
Duration:	Not to exceed 14 consecutive days, 5 times a year
Number of Signs:	No more than three (3) temporary signs on any single lot.
Illumination:	Permitted signs may be backlit, internally lighted, or indirectly lighted.
Setback:	Unless otherwise stated, this distance is 5 feet from the property line to the sign.
Height:	Not exceed a height of 15 feet or unless stated.
Additional Restrictions for all temporary signage in these districts:	
1. No temporary sign may be placed on any public right-of-way without VDOT and Town of Floyd approved permits.	
2. No temporary sign may be placed upon or attached to any utility poles, meter poles, fire escapes, traffic signal or signage, fences or trees.	
3. No changeable copy of any type	
4. May only be placed on the lot of record or off-premise sign a written consent is required from the property where the sign is to be placed.	

Table S-T.1 Temporary Signs			
Type of Signs	AR-1		
	<i>Agricultural Uses</i>	<i>Residential Uses - Single Family and Two Family Dwellings</i>	<i>Non Residential Uses</i>
A-frame	i. Maximum Sign area: 8 square feet	Not Permitted	i. Maximum Sign area: 8 square feet
	ii. Setback: 5 ft. from property line.		ii. Setback: 5 ft. from property line.
	iii. Maximum Height: 4 feet.		iii. Maximum Height: 4 feet.
Banner	i. Maximum Sign area (per banner): 24 square feet.	i. Maximum Sign area (per banner): 12 square feet.	i. Maximum Sign area (per banner): 24 square feet.
	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
	iii. Maximum Height: 10 ft	iii. Maximum Height: 10 ft	iii. Maximum Height: 10 ft
Banner Over Public ROW	Maximum Sign area: 120 square feet.	Maximum Sign area : 120 square feet.	Maximum Sign area : 120 square feet.
Chalkboard	i. Maximum Sign area: 8 square feet	Not Permitted	i. Maximum Sign area: 8 square feet
	ii. Setback: 5 ft. from property line.		ii. Setback: 5 ft. from property line.
	iii. Maximum Height: 3 feet.		iii. Maximum Height: 4 feet.
Flag	i. Maximum area (per Flag sign): 8 sq. ft.	i. Maximum area (per Flag sign): 8 sq. ft.	i. Maximum area (per Flag sign): 8 sq. ft.
	ii. Maximum Height: 8 feet.	ii. Maximum Height: 8 feet.	ii. Maximum Height: 8 feet.
	iii. Setback: 5 feet from property line	iii. Setback: 5 feet from property line	iii. Setback: 5 feet from property line
Portable Signs (on wheels or temporary stand)	Not Permitted	Not Permitted	Not Permitted
Feather Sign	i. Maximum area (per feather sign): 16 sq. ft.	Not Permitted	i. Maximum area (per feather sign): 16 sq. ft.
	ii. Maximum Height: 8/10 feet.		ii. Maximum Height: 8/10 feet.

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	iii. Setback: 5 feet from property line		iii. Setback: 5 feet from property line
	iii. Maximum Height: 10 feet.		iii. Maximum Height: 10 feet.
Inflatable Sign	i. Maximum area (per inflatable sign): 8 sq. ft. Or 16 sq. ft	Not Permitted	i. Maximum area (per inflatable sign): 8 sq. ft. Or 16 sq. ft
	ii. Maximum Height: 8 feet.		ii. Maximum Height: 8 feet.
	iii. Setback: 5feet from property line		iii. Setback: 5feet from property line
	iv. Maximum Height: 10 feet.		iv. Maximum Height: 10 feet.
Pennants Strands	Not Permitted	Not Permitted	50 linear feet of pennant strands
Yard Signs	i. Maximum area (per yard sign): 8 sq. ft.	i. Maximum area (per yard sign): 8 sq. ft.	i. Maximum area (per yard sign): 8 sq. ft.
	ii. Maximum Height: 3 feet .	ii. Maximum Height: 3 feet .	ii. Maximum Height: 3 feet .
	iii. Setback: 5 feet from front property line.	iii. Setback: 5 feet from front property line.	iii. Setback: 5 feet from front property line.
Temporary Development Sign	i. Maximum Sign area: 24 sq. ft. ii. Maximum number: 1 per lot.	i. Maximum Sign area: 24 sq. ft.	i. Maximum Sign area: 24 sq. ft.
	ii. Maximum Height: 8 feet.	ii. Maximum Height: 8 feet.	ii. Maximum Height: 8 ft.
	iii. Setback: 5 feet from property line.	iii. Setback: 5 feet from property line.	iii. Setback: 5 feet from property line.

Table S-T.2 Temporary Signs			
Type of Signs	R-1, R-2,R-3, R-4, R-4 (MHP) and R-5		
	<u>Residential Uses- Single Family and Two Family Dwellings</u>	<u>Residential Uses- Multifamily Dwellings</u>	<u>Non Residential Uses</u>
A-frame	Not Permitted	Not Permitted	i. Maximum Sign area: 8 square feet. ii. Setback: 5 ft. from property line iii. Maximum Height: 4 feet.
Banner	i. Maximum Sign area (per banner): 12 square feet.	i. Maximum Sign area (per banner): 24 square feet.	i. Maximum Sign area (per banner): 24 square feet.
	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
	iii. Maximum Height: 8 or 10 feet.	iii. Maximum Height: 10 feet.	iii. Maximum Height: 10 feet.
Banner Over Public ROW	Not Permitted	Not Permitted	Maximum Sign area : 120 square feet.
Chalkboard	Not Permitted	Not Permitted	i. Maximum Sign area: 8 square feet
			ii. Setback: 5 ft. from property line.
			iii. Maximum Height: 4 feet.
Flag	i. Maximum area (per Flag sign): 8 sq. ft.	i. Maximum area (per Flag sign): 8 sq. ft.	i. Maximum area (per Flag sign): 8 sq. ft.
	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet
	iii. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	iii. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	iii. Setback: 5 feet from property line For properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
Portable Signs (on	Not Permitted	Not Permitted	i. Maximum Sign area: 16 square feet.

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wheels or temporary stand)			ii. Maximum Height: 10 feet. iii. Setback: 5 ft. from property line.
Feather Sign	Not Permitted	i. Maximum Sign area (per feather sign): 16 square feet.	i. Maximum Sign area (per feather sign): 16 square feet.
		ii. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
		iii. Maximum Height: 10 feet.	iii. Maximum Height: 10 feet.
Inflatable Sign	Not Permitted	Not Permitted	i. Maximum Sign area (per inflatable sign): 8 square feet.
			ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
			iii. Maximum Height: 10 feet.
Pennants Strands	Not Permitted	Not Permitted	50 linear feet of pennant strands
Yard Signs	i. Maximum area (per yard sign): 8 sq. ft..	i. Maximum area (per yard sign): 8 sq. ft. .	i. Maximum area (per yard sign): 8 sq. ft. .
	ii. Maximum Height: 3 feet	ii. Maximum Height: 3 feet .	ii. Maximum Height: 3 feet .
	iii. Setback: 5 feet from front property line.	iii. Setback: 5 feet from front property line	iii. Setback: 5 feet from front property line
Temporary Development Sign	i. Maximum Sign area: 24 sq. ft.	i. Maximum Sign area: 24 sq. ft.	i. Maximum Sign area: 24 sq. ft.
	ii. Maximum number: 1 per lot.	ii. Maximum number: 1 per lot.	ii. Maximum number: 1 per lot.
	iii. Maximum Height: 8 feet.	iii. Maximum Height: 8 feet.	iii. Maximum Height: 8 feet.
	iv. Setback: 10 feet from the property line	iv. Setback: 10 feet from property line	iv. Setback: 10 feet from property line

Table S-T.3 Temporary Signs			
<u>Type of Signs</u>	<u>B-1 Any Uses</u>	<u>B-2 and B-3 Any Uses</u>	<u>I-1 Any Uses</u>
<u>A-frame</u>	i. Maximum Sign area: 8 square feet	i. Maximum Sign area: 8 square feet	i. Maximum Sign area: 8 square feet
	ii. Setback: 5 ft. from property line.	ii. Setback: 5 ft. from property line.	ii. Setback: 5 ft. from property line.
	iii. Maximum Height: 4 feet.	iii. Maximum Height: 4 feet.	iii. Maximum Height: 4 feet.
<u>Banner</u>	i. Maximum Sign area (per banner): 24 square feet.	i. Maximum Sign area (per banner): 24 square feet.	i. Maximum Sign area (per banner): 24 square feet.
	ii. Setback: No setbacks	ii. Setback: 5ft. For properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. For properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
	iii. Maximum Height: 10 feet.	iii. Maximum Height: 10 feet.	iii. Maximum Height: 10 feet.
<u>Banner Over Public ROW</u>	Maximum Sign area: 120 square feet.	Maximum Sign area: 120 square feet.	Maximum Sign area: 120 square feet.
<u>Chalkboard</u>	i. Maximum Sign area: 8 square feet	i. Maximum Sign area: 8 square feet	i. Maximum Sign area: 8 square feet
	ii. Setback: 5 ft. from property line.	ii. Setback: 5 ft. from property line.	ii. Setback: 5 ft. from property line.
	iii. Maximum Height: 4 feet.	iii. Maximum Height: 4 feet.	iii. Maximum Height: 4 feet.
<u>Flag</u>	i. Maximum area (per Flag sign): 24 sq. ft.	i. Maximum area (per Flag sign): 24 sq. ft.	i. Maximum area (per Flag sign): 24 sq. ft.
	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet.
	iii. Setback: 5ft. from property line	iii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	iii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
<u>Portable Signs (on wheels or</u>	i. Maximum Sign area: 16 square feet.	i. Maximum Sign area: 16 square feet.	i. Maximum Sign area: 16 square feet.
	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet.	ii. Maximum Height: 10 feet.

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<u>temporary stand)</u>	ii. Setback: 5ft. from property line	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
<u>Feather Sign</u>	i. Maximum Sign area (per feather sign): 24 square feet.	i. Maximum Sign area (per feather sign): 24 square feet.	i. Maximum Sign area (per feather sign): 24 square feet.
	ii. Setback: 5ft. from property line	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
	iii. Maximum Height: 12 feet.	iii. Maximum Height: 12 feet.	iii. Maximum Height: 12 feet.
<u>Inflatable Sign</u>	i. Maximum Sign area (per inflatable sign): 24 square feet.	i. Maximum Sign area (per inflatable sign): 24 square feet.	i. Maximum Sign area (per inflatable sign): 24 square feet.
	ii. Setback: 5ft. from property line	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	ii. Setback: 5ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.
	iii. Maximum Height: 12 feet.	iii. Maximum Height: 12 feet.	iii. Maximum Height: 12 feet.
<u>Pennants Strands</u>	50 linear feet of pennant strands	50 linear feet of pennant strands	50 linear feet of pennant strands
<u>Yard Signs</u>	i. Maximum Sign area (per yard sign): 24 square ft.	i. Maximum Sign area (per yard sign): 24 square ft.	i. Maximum Sign area (per yard sign): 24 square ft.
	ii. Maximum Height: 6 ft.	ii. Maximum Height: 6 ft.	ii. Maximum Height: 6 ft.
	iii. Setback: 5 ft. from property line	iii. Setback: 5 ft. from property line	iii. Setback: 5 ft. from property line
<u>Temporary Development Sign</u>	i. Maximum Sign area: 32 sq. ft.	i. Maximum Sign area: 32 sq. ft.	i. Maximum Sign area: 32 sq. ft.
	ii. Maximum number: 1 per lot.	ii. Maximum number: 1 per lot.	ii. Maximum number: 1 per lot.

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	iii. Maximum Height: 10 ft.	iii. Maximum Height: 10 ft.	iii. Maximum Height: 10 ft.
	iv. Setback: 5ft. from property lines	iv. Setback: 5ft. from property lines for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	iv. Setback: 5ft. from property lines for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.

Section 7.2.2 Permanent Signs

<u>Table S-1. Permanent Signs.</u>	
<u>Allowed with a Permit in the following Zones by Square Feet: All Zoning Districts in the Town of Floyd.</u>	
<u>Number of Signs:</u>	No more than three (3) signs on any single lot in AR-1, B 1-5, I-1 and two (2) signs on any single lot in R 1-5. Only one (1) freestanding sign per lot.
<u>Illumination:</u>	Permitted signs may be backlit, internally lighted, or indirectly lighted.
<u>Setback:</u>	Unless otherwise stated, this distance is 5 feet from the property line to the sign for signs 6 feet in height or less.
<u>Height:</u>	Not to exceed a height of 15 feet.

Table S-2. Permanent Signs by Zoning District.

Type of Signs	AR-1		
	<u>Agricultural Uses</u>	<u>Residential Uses -Single Family and Two Family Dwellings</u>	<u>Non Residential Uses</u>
Awning/Canopy	Not Permitted	Not Permitted	Maximum Sign area :10% of the total sq ft of the canopy not to exceed 24 sq ft
Changeable Copy - Manual	Maximum Sign area :24 sq. feet	Not Permitted	Maximum Sign area :24 sq. feet
Changeable Copy - Electronic	Not Permitted	Not Permitted	Not Permitted
Entrance Sign	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
	iii. Maximum Height: 8 feet	iii. Maximum Height: 8 feet	iii. Maximum Height: 8 feet
Freestanding/ Ground Mounted/ Monument	CUP	CUP	CUP
Marquee	Maximum Sign area :24 sq feet	Not Permitted	Maximum Sign area :24 sq feet
Menu-Board	i. Maximum Sign area:36 sq. feet	Not Permitted	i. Maximum Sign area:36 sq. feet
	ii. Maximum Height: 6 feet		ii. Maximum Height: 6 feet
Multi-Frontage *Primary Road Frontage Total	i. Maximum Sign area :24 sq. feet	Not Permitted	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line		ii. Setback: 10 ft. from property line
Projecting	Maximum Sign area:16 sq. feet	Not Permitted	
Roof	Not Permitted	Not Permitted	Not Permitted
Wall	Maximum Sign area :24 sq. feet	2 sq ft located near business entrance	Maximum Sign area :24 sq. feet
Maximum Square Footage Allowed per lot	64 sq. ft.	Individual single or two-family dwellings -4 sq. ft.	64 sq. ft.

Type of Signs	R-1, R-2,R-3, R-4, R-4 (MHP) and R-5		
	<u>Residential Uses- Single Family and Two Family Dwellings</u>	<u>Residential Uses- Multifamily Dwelings</u>	<u>Non Residential Uses</u>
Awning/Canopy	Not Permitted	Not Permitted	Maximum Sign area :10% of the total sq ft of the canopy not to exceed 24 sq ft
Changeable Copy - Manual	Not Permitted	Not Permitted	Maximum Sign area :24 sq. feet
Changeable Copy - Electronic	Not Permitted	Not Permitted	Not Permitted
Entrance Sign	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
	iii. Maximum Height: 6 feet	iii. Maximum Height: 6 feet	iii. Maximum Height: 6 feet
Freestanding/ Ground Mounted/ Monument	Not Permitted	Not Permitted	CUP
Marquee	Not Permitted	Not Permitted	Not Permitted
Menu-Board	Not Permitted	Not Permitted	Not Permitted
Multi-Frontage *Primary Road Frontage Total	Not Permitted	Not Permitted	Not Permitted
Projecting	Not Permitted	Not Permitted	Maximum Sign area:16 sq. feet
Roof	Not Permitted	Not Permitted	Not Permitted
Wall	2 sq ft located near business entrance	2 sq ft located near business entrance	Maximum Sign area :16 sq. feet
Maximum Square Footage Allowed per lot	Individual single or two-family dwellings -4 sq. ft.	24 sq. ft.	48sq. ft.

Type of Signs	B-1	B-2 and B-3	I-1
	Any Uses	Any Uses	Any Uses
Awning/Canopy	Maximum Sign area :10% of the total sq ft of the canopy not to exceed 24 sq ft	Maximum Sign area :10% of the total sq ft of the canopy not to exceed 24 sq ft	Maximum Sign area :10% of the total sq ft of the canopy not to exceed 24 sq ft
Changeable Copy - Manual	Maximum Sign area :24	Maximum Sign area :24	Maximum Sign area :24 sq. feet
Changeable Copy - Electronic	Not Permitted	Not Permitted	Not Permitted
Entrance Sign	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Freestanding/ Ground Mounted/ Monument	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :32 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Marquee	Maximum Sign area :24 sq feet	Maximum Sign area :24 sq feet	Maximum Sign area :24 sq feet
Menu-Board	Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	Maximum Sign area:50sq. feet	Maximum Sign area:36sq. feet
Multi-Frontage *Primary Road Frontage Total	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Projecting	Maximum Sign area:16 sq. feet	Maximum Sign area:16 sq. feet	Maximum Sign area: 24 sq. feet
Roof	i. Maximum Sign area: i. 24 sq. feet	i. Maximum Sign area: i. 24 sq. feet	i. Maximum Sign area: i. 32 sq. feet

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	ii. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.	ii. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.	ii. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.
	iii. Roof mounted sign must be below 6 feet or below the peak of the roof, whichever height is less.	iii. Roof mounted sign must be below 6 feet or below the peak of the roof, whichever height is less.	iii. Roof mounted sign must be below 6 feet or below the peak of the roof, whichever height is less.
Wall	Maximum Sign area :24 sq. feet	Maximum Sign area :24 sq. feet	Maximum Sign area :32 sq. feet
<u>Maximum Square Footage Allowed per lot</u>	<u>64 sq. ft.</u>	<u>64 sq. ft.</u>	<u>72 sq. ft.</u>

Section 7.2.3 Signage for Multi-Tenant Businesses

Except as provided otherwise in this Article, the following signs are permitted for multi-tenant businesses with 2-5 tenants in the same building or on the same lot located in business and industrial districts.

<u>Table S-2. Multi-Tenant Office Complex Signs.</u>	
<u>Signs allowed with a Permit for Multi-Tenant Businesses or Office Complexes in All Business and Industrial Zones</u>	
<u>Number of Signs:</u>	Only one (1) freestanding sign per lot; Only two (2) signs per business in addition to a sign on the freestanding sign.
<u>Illumination:</u>	Permitted signs may be backlit, internally lighted, or indirectly lighted.
<u>Setbacks:</u>	Unless otherwise stated, this distance is 5 feet from the property line to the sign for signs 6 feet in height or less.
<u>Note:</u>	
*_Multi-tenant businesses or office complexes with 2-5 tenants requesting signage different from prescribed amount may submit a signage plan for a conditional use permit (See section 7.1.3(4)(a)(v) for procedure and process)	

Table S-3. Multi-Tenant Office Complex Signs.

Type of Signs	B-2, B-3	I-1
Awning/Canopy	Maximum Sign area : 10 sq. ft. per tenant not to exceed a total of 50 sq. ft.	Maximum Sign area :12 sq. ft. per tenant not to exceed a total of 60 sq. ft.
Changeable Copy - Manual	Maximum Sign area :24	Maximum Sign area :24 sq. feet
Changeable Copy - Electronic	Not Permitted	Not Permitted
Entrance Sign	i. Maximum Sign area :24 sq. feet	i. Maximum Sign area :24 sq. feet
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Freestanding/ Ground Mounted/ Monument	i. Maximum Sign area :48 sq. feet . 16 sq. ft. +8 sq. ft. for each additional tenant not to exceed a total of 48 sq. ft.	i. Maximum Sign area :64 sq. ft. 10 sq. ft. for each additional tenant not to exceed a total of 64 sq. ft.
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Marquee	Maximum Sign area :24 sq feet	Maximum Sign area :24 sq feet
Menu-Board	Maximum Sign area:50sq. feet	Maximum Sign area:36sq. feet
Multi-Frontage *Primary Road Frontage Total	i. Maximum Sign area :10 sq. ft. per tenant not to exceed a total of 50 sq. ft.	i. Maximum Sign area :12 sq. ft. per tenant not to exceed a total of 60 sq. ft.
	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.	ii. Setback: 10 ft. from property line or adequate setback for sight distance for properties adjacent to intersections.
Projecting	Maximum Sign area:10 sq. ft. per tenant not to exceed a total of 50 sq. ft.	Maximum Sign area: 24 sq. feet
Roof	i. Maximum Sign area: i. 24 sq. feet	i. Maximum Sign area: i. 32 sq. feet
	ii. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.	ii. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.

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	iii. Roof mounted sign must be below 6 feet or below the peak of the roof, whichever height is less.	iii. Roof mounted sign must be below 6 feet or below the peak of the roof, whichever height is less.
Wall	Maximum Sign area :10 sq. ft. per tenant not to exceed a total of 50 sq. ft.	Maximum Sign area :12 sq. ft. per tenant not to exceed a total of 60 sq. ft.
Maximum Square Footage Allowed per lot	98 sq. ft.	124 sq. ft.

Article 8. Wireless Telecommunication Facilities

Section 8.1 Intent.

This section describes the policies for towers and wireless telecommunications facilities which are intended to ensure that the placement, construction, and modification of telecommunication towers provide desired telecommunication services to the Town residents while ensuring their safety and minimizing adverse visual impacts.

Section 8.2 Definitions

Antenna. A structure or device that is used for the purpose of receiving and/or transmitting radio frequency signals that carry telecommunication information including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

Antenna, Roof-mounted. Any antenna along with supporting equipment attached to a roof or side of a building, or structure that is used for wireless telecommunications service.

Co-location. The reuse of the same tower or facility by multiple telecommunications provider which entails placement of antennas and equipment at different vertical or horizontal locations of the tower facility.

Small cell facility. A type of wireless facility as defined in Sec. 15.2-2316.3 of the Code of Virginia. These facilities increase capacity to a wireless provider's network in high-traffic areas. They are typically comprised of an antenna, enclosed or exposed, and associated wireless equipment.

Substantial modification of wireless support structure. A substantial modification constitutes a substantial change in the physical dimensions of a tower or base station if it meets any of the following criteria:

1. Towers outside public rights-of-way:
 - a. Height. Increases height by more than 20 feet or 10 percent, whichever is greater.

- b. Width. Adds appurtenances that protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
2. Towers in public rights of way and for all base stations:
 - a. Height. Increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater.
 - b. Width. Adds appurtenances that protrudes from the edge of the structure more than 6 feet.
3. Equipment Cabinets:
 - a. Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
 - b. For towers and base stations in the public rights-of-way it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
4. Excavation or Deployment beyond the site:
 - a. Entails any excavation or deployment outside the current boundaries of the leased or owned property surrounding the tower or base station and any access or utility easements currently related to the site.
 - b. For other eligible support structures, it is restricted to the area in proximity to the structure and to other transmission equipment already deployed on the ground.
5. Concealment Elements:
 - a. A change is a substantial modification if it would defeat existing concealment elements of the tower or base station.
6. Conditions on Wireless Telecommunication Facility:
 - a. A change is considered a substantial modification if it does not comply with conditions associated with the prior approval of the tower or base station other than those conditions related to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

FCC still rules that Wireless Telecommunications Facility modifications remain subjected to building, structural and safety codes.

Tower. A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus aboveground for use as a wireless telecommunications facility.

Wireless telecommunications facility. A wireless telecommunications facility consists of the equipment and structures utilized to transmit and/or receive telecommunication signals to and from any communications source which may also be connected to a mobile and/or stationary unit with land-based facilities including but not limited to antennas, towers and accessory structures.

Section 8.3 Zoning Districts and Design Standards

1. A zoning permit is required for installing any Wireless Telecommunication Facilities
2. Site Selection: Whenever feasible, the location of wireless telecommunication facilities should be considered base on the town’s preferred order of priorities, which are listed below from highest to lowest:
 - a. Existing tower or structure, or wireless telecommunication facility without increasing height
 - b. Public or Town owned properties
 - c. Properties zoned Industrial (I-1 zoning district).
 - d. Properties zoned General Business District (B-2)
 - e. Properties zoned Central Business District (B-1)
 - f. Properties zoned Planned Business District (B-3)
 - g. Properties zoned residential (AR-1, R-1, R-2, R-3, R-4 and R-5 zoning district)
3. Commercial Districts (B-1, B-2, B-3):
 - a. In B-1 district, the towers with a height less than 35 feet are allowed as permitted use provided measures such as camouflaging are taken to mitigate negative visual impact. In such cases, the Town Manager or designee, may at his or her discretion, choose to allow setbacks to be less than the ones set forth in the requirements listed below.
 - b. In B-2 and B-3 districts, towers with a height less than 50 feet are allowed as permitted use.
 - c. Towers with height less than 35 feet shall be setback from any property line a distance equal to 80% of the height of the tower or the required yard setback, whichever is greater.
 - d. Towers with height more than 35 feet or which needs setback to be reduced requires a Conditional Use Permit (CUP):
 - i. Maximum height: Condition of CUP.
 - ii. Setbacks: Condition of CUP.

- iii. Buffer and Landscaping: Condition of CUP.
 - iv. Site Specific Conditions. The Town Council may impose such other site-specific conditions as it may determine as required to protect the health, safety, and public welfare.
4. Industrial District (I-1):
- a. Towers with height less than 35 feet are allowed as permitted use.
 - b. Towers with height less than 35 feet shall be setback from any property line a distance equal to 50% of the height of the tower or required yard setback whichever is greater.
 - c. Towers with height more than 35 feet or which needs setback to be reduced requires a conditional use permit:
 - i. Maximum height: Condition of CUP.
 - ii. Setbacks: Condition of CUP.
 - iii. Buffer and Landscaping: Condition of CUP.
5. Residential Districts (AR-1, R-1, R-2, R-3, R-4, R-5):
- a. Towers and roof mounted antennas or structures in all the residential districts: AR-1, R-1, R-2, R-3, R-4, R-5 require a conditional use permit.
6. Roof mounted antenna or structures:
- a. Roof mounted antenna or structures that are up to 10 feet do not require Special Exception but are required to not occupy more than 25% of the roof area.
 - b. Roof mounted antenna or structures higher than 10 feet of the maximum height of the zoning district require Special Exception:
 - i. Maximum allowed height: condition of Special Exception.
 - ii. Allowed area covered by structure: condition of Special Exception.
7. Wireless Telecommunication equipment attached to side of the building are allowed in all zoning district with the following restrictions:
- a. Antenna must be flush mounted and not protrude more than 2 feet from the wall.
 - b. For each wall, the mounted antenna must be contained within an area that is no more than 6 feet in height and 10 feet in width.
 - c. The installation of equipment must be in compliance with all building and construction requirements, including but not limited structural, mechanical and electrical codes, and must be certified in writing by an engineer.
 - d. If external electrical and communication cabling is required from the roof or the ground, they must be fed vertically as a single cluster, and confined to width of not more than 1 feet.

8. All towers, including but not limited to monopole, lattice and guyed towers, must be structurally sound and be in compliance with all building and construction code requirements, and certified in writing by an engineer.
9. Visual Impact: Adverse visual impact shall be avoided whenever feasible. Whenever impacts cannot be avoided, they shall be minimized by:
 - a. Designing structures that blend with the surrounding environment.
 - b. No advertisement.
 - c. No lights or signals or illumination shall be allowed except for safety or security reasons as required by the Federal Aviation Administration or other federal or state authority.
 - d. Paint colors for wireless telecommunication facility shall minimize visual impacts and subject to review and approval of the Town Manager or his/her designee.
 - e. Landscaping:
 - i. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - ii. A landscape plan showing planting in the perimeter and other parts of the property shall be provided, which is subject to review and approval.
10. Security: Wireless Telecommunication Facility shall be fenced or secured to prevent unauthorized access.
11. Signage:
 - a. Signs containing safety warnings, site identification and contact numbers are permitted.
12. Notification. As part of the application, the applicant shall provide evidence that adjoining property owners and other residents of the Town have been contacted to discuss specifics of the proposed project prior to public hearings before the Planning Commission and Town Council.
13. Compliance with Federal Regulations. Documentary evidence that the proposed facility is in compliance with the requirements of the Federal Aviation Administration and the Federal Communications Commission.

Section 8.4 Small Cell Facility

1. Small Cell facility are those wireless facilities that meet both of the following qualifications per 15.2-2316.3 of the Code of Virginia and shall be permitted in all zoning districts:
 - i. Each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the

antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and

- ii. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
2. Wireless facilities that do not meet the qualification of Small Cell facility will be deemed a Wireless Telecommunication Facility and required to meet the relevant sections of this regulation.

Section 8.5 Permit Process

1. Pre-application meeting. Attend a meeting with Town officials before submitting a formal application.
2. Application submittal.
3. Determination of application review and approval deadline per documentation provided by applicant.
4. Depending on the type and location of the wireless telecommunication facility, the application may require a conditional use permit.
5. Prior to building permit issuance all federal, state and county required licenses, registrations and permits must be submitted to the Town.
6. The Town's approval or denial shall be provided to the applicant in writing according to federal and state requirements.
7. The approval process for small cell facility will be in accordance with 15.2-2316.4 of the Code of Virginia, which establishes regulations for small cell telecommunications facilities seeking to co-locate on existing structures on private property or in the public right of way.
8. Small Cell telecommunication facilities that do not meet the definitions of small cell facilities as defined in 15.2-2316.3 of the Code of Virginia shall follow the permit process of other types of wireless telecommunication facility as described in Sec 8.5 (1) to (6).

Section 8.6 Permit application requirements

1. Permit application requirements may vary depending on the type of facility and its location but will generally follow the following requirements:
 - a. Application permit for new wireless telecommunication facilities.
 - i. Location description.
 - ii. Property Owner's information.
 - iii. Property survey.
 - iv. Applicant information.
 - v. Site plan certified by a licensed professional engineer showing proposed wireless telecommunication facilities, access and other necessary details.
 - vi. Elevation drawings certified by a licensed professional engineer.
 - vii. Construction Plans.
 - viii. Visual impact assessment.
 - ix. Landscape plan.
 - x. Signage plan.
 - xi. The applicant shall determine the application's federal requirement for review and approval deadline substantiated with documents.
 - xii. Manufacturer's specification of all equipment.
 - xiii. Notification. As part of the application, the applicant shall provide evidence that adjoining property owners and other residents of the Town have been contacted to discuss specifics of the proposed project prior to public hearings before the Planning Commission and Town Council.
 - xiv. Compliance with Federal Regulations. Documentary evidence that the proposed facility is in compliance with the requirements of the Federal Aviation Administration and the Federal Communications Commission.
 - b. Application permit for co-location facilities shall include following:
 - i. Location description.
 - ii. Property Owner's information.
 - iii. Property survey.
 - iv. Applicant information.

- v. Site plan certified by a licensed professional engineer showing existing and proposed wireless telecommunication facilities for co-location and other necessary details.
 - vi. Elevation drawings certified by a licensed professional engineer.
 - vii. Landscape plan.
 - viii. Signage plan.
 - ix. The applicant shall determine the application's federal requirement for review and approval deadline substantiated with documents.
 - x. Manufacturer's specification of all equipment.
- c. Application for small cell facility shall include:
- i. Location description.
 - ii. Property Owner's information.
 - iii. Applicant information.
 - iv. Site plan certified by a licensed professional engineer showing existing structure and other necessary details.
 - v. Elevation drawings certified by a licensed professional engineer.
 - vi. Manufacturer's specification of all equipment.

Section 8.7 Constructions and Maintenance

The owner of the tower shall ensure that all wireless telecommunication structures are constructed and maintained in compliance with standards and regulations per federal, state and local regulations.

Section 8.8 Removal of Tower:

Any tower and associated structures, which are left abandoned and not maintained for more than 6 months shall be removed by the tower owner, and the site restored to pre-existing conditions. Surety acceptable to the Town must be posted at the time of the tower approval in the event the tower needs removal upon abandonment. This surety shall be in the amount estimated sufficient to remove the tower, cables, fencing, supporting buildings, plus 25% to cover additional costs. The amount of the surety shall be reviewed every five years and may be increased periodically during the life of the tower.

Section 8.9 Nonconforming Wireless Telecommunication Facilities

Wireless Telecommunication Facilities that are in existence and were legally installed at the time of initial construction, which because of change of code are nonconforming maybe replaced, repaired and/or rebuilt subject to the following reasons:

1. To allow the facility to accommodate co-location of Wireless Telecommunication Facilities.
2. To prevent proliferation of wireless telecommunication facilities.
3. To improve the structural integrity of facility to allow co-location of facilities.

Nonconforming Wireless Telecommunication Facilities can be expanded or altered as long as it is not considered to be a substantial modification.

Section 8.10 Expiration of Permit.

Any Conditional Use authorized under this section shall expire if the tower is not constructed and service provided within 180 days of issuance by the Town. However, the Town may grant an additional 180 days for completion of the project with an extension request by the applicant.

Article 9. Off-Street Parking

Section 9.1 Intent.

The parking and loading zones standards are established to ensure that the parking needs are met to promote business, new development and redevelopment, and to encourage visual compatibility with surrounding uses.

Section 9.2 General Requirements.

For the purpose of this Ordinance, the following general requirements are specified:

1. Parking spaces for all residential dwellings and other uses shall be located on the same lot with the main buildings to be served.
2. If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided all the following conditions are satisfied:
 - a. Such space lies within six hundred (600) feet of the property being served
 - b. Show evidence of hardship/circumstances that prevent location of parking spaces on the same lot or property.
 - c. Show evidence of ownership of the property or agreement with the owner of the property where such off-street parking shall be located.
3. When a property/lot is used for a combination of uses, the required number of parking spaces 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.
4. Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified.
5. Any change of use in an existing building or lot after the effective date of this ordinance shall provide off-street parking which conforms to all the requirements of this article.
6. The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

7. Joint Use parking requirement: The administrator may allow property owners to make joint use of parking spaces based on parking analysis provided by the applicant. The analysis shall at a minimum include the following:
 - a. Types of uses
 - b. Location of the uses and distance from shared parking space
 - c. Hours of operation
 - d. Evidence that the uses have different peak parking demands and anticipated peak parking time
 - e. Parking reserved for residential dwelling units cannot be counted for joint use

Section 9.3 Site Requirements.

All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

1. A property owner, applicant or developer is responsible for construction and maintenance of all off-street parking areas within their property.
2. A zoning permit is required for development or redevelopment of any off-street parking areas when not part of an original development plan.
3. All off-street parking areas, except those serving one and two-family dwellings, shall be surfaced with concrete, asphalt, brick, gravel, stone pavers, or similar materials. Where concrete or asphalt is used, individual parking spaces shall be striped. All parking areas shall be maintained in a dust-proof condition.
4. The requirement in Sec 9.3.(3) may be exempted to satisfy other agencies' requirements or regulations such as Virginia Department of Environmental Quality (VDEQ), Virginia Department of Transportation (VDOT), etc.
5. Outdoor Lighting Standards:
 - a. Lighting fixtures shall be arranged so that light is reflected away from adjacent properties.
 - b. Lighting fixtures shall be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution.
 - c. No freestanding light fixture shall be higher than forty (40) feet.
 - d. Off-street parking areas shall be illuminated to a minimum of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.
 - e. Parking areas adjacent to residential uses shall have approved glare shields to prevent glare
 - f. Parking lots adjacent to residential uses shall have their lights be switched off between 10:00pm, or two hours after close of business, whichever is later, and 6:00am or two hours before business opens, whichever is earlier.
6. The parking lot shall be adequately drained. Where a creation or modification of a paved or graveled parking lot will likely cause storm water run-off due to grade

conditions, review and approval by the applicable official are necessary before the improvement is to be made.

7. Access to the parking lot from adjacent streets shall be provided in accordance with VDOT's regulation. VDOT's review and approval is required to ensure that their Access Management Regulations (24VAC30-73) is complied with.
8. Wherever feasible, the administrator may authorize the establishment of a joint-use driveway serving two (2) or more abutting properties.
9. Joint use driveways are encouraged to serve adjoining parcels in order to increase average spacing of access points and reduce the number of access points.
10. Off- street parking arrangement shall not depend on public streets (or public parking lots) in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means.
11. Parking Lot design shall provide for safe and convenient access for fire protection and emergency vehicles.
12. Handicapped Accessible parking: All primary/principle uses shall provide accessible parking for disabled persons that complies with standards of the Virginia Uniform Statewide Building Code and American with Disabilities Act (ADA).

Table P-1. Parking Space Dimensions:

Parking Angle	Parking Space Dimensions		Drive Aisle Dimensions	
	Parking Space Width	Parking Space Length	One Way Traffic	Two Way Traffic
90 degrees	10 feet	20 feet	24 feet	24 feet
90 degrees	9 feet	18 feet	24 feet	24 feet
60 degrees	10 feet	20 feet	18 feet	22 feet
45 degrees	10 feet	20 feet	14 feet	22 feet
0 degrees	10 feet	20 feet	14 feet	22 feet

*Motorcycle space: 5 feet in width and 10 feet in length

13. Landscaping for Parking areas for new development:

1. An interior landscaped island shall be provided for every fifteen (15) consecutive spaces in a row.
2. A minimum of 5 feet wide strip of land shall be provided between any parking spaces and adjacent on-site building to allow for sidewalks, landscaping and plantings. Parking spaces cannot directly abut an exterior of a building.
3. An applicant may apply for an exemption to requirement in 13 (a) and/or (b) if they can demonstrate that deviation is minimal and required to alleviate undue hardship.

Section 9.4 Site Requirements Parking Space Requirements for All Districts.

In all districts, except the Central Business District B-1, the owner and operator of any land, structure or primary use that generate need for parking shall provide off-street 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.

Table P-2. Off- Street Parking Space Requirements.

Use	Minimum Parking Requirements
Residential Uses	
Single-Family	Two (2) spaces for each dwelling unit
Two-family	Two (2) spaces for each dwelling unit
Townhouse	Two (2) spaces for each dwelling unit, plus 1 guest parking space per 4 units
Multi-family	Two (2) spaces per dwelling unit except for efficiency apartments for which one space per dwelling unit shall be provided. For multifamily developments with 2 to 5 units an addition of at least 2 guest parking spaces must be provided. For multifamily developments with 6 to 12 units an additional of minimum 3 guest parking spaces must be provided.
Mobile home parks and subdivisions	Two (2) spaces per mobile home.
Boarding and rooming houses	One (1) space for each bedroom. One (1) space for each two (2) employees.
Commercial, Civic and Public Assembly Uses	
Artist studio or work/live units	3 spaces per 1,000 square feet.
Administrative/Governmental offices	One (1) space for each 180 square feet of ground floor area plus, one (1) space for each 500 square feet of upper floor area and one (1) space for each governmental vehicle, plus one (1) space per employee
Automobile repair establishments	One (1) space for each 180 square feet, plus one (1) space for each employee.
Business services, or General Office or Professional service or Personal Services or Financial Institutions or Medical office	One (1) space for each 300 square feet of gross floor area
Car Wash	One space for every bay
Churches and other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
Day care centers	One (1) for each employee, plus one (1) for each five (5) students
Educational Institution	One (1) space for each classroom, and one (1) space for each 300 square feet of office Gross Floor Area (GFA)
Financial Institution	One (1) space per 300 square feet of gross floor area
Health Club	One (1) space per 300 square feet.
Hotels, motels, beds and breakfasts	One (1) space for each bedroom, plus One (1) additional space for each Two (2) employees.

Hospitals and similar facilities.	One (1) space for each bed
Indoor Entertainment (Public billiard parlors, pool rooms, bowling alleys, skating rinks and video game rooms)	One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.
Kennels, Vet Clinics and animal hospitals	Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
Libraries or Museums	Three (3) spaces per 1, 000 sq. ft.
Mortuaries and funeral homes	One (1) space per 150 square feet
Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations.	One (1) space for each employee on the maximum shift, plus three (3) spaces for each TV or radio station
Retail Sales	One (1) space for each 250 square feet of gross floor area
Furniture stores	One (1) space for each 1,000 square feet of gross floor area
Restaurant	One (1) space per 150 square feet of gross floor area
Parks	One (1) space for 10,000 square feet of land
Industrial Uses	
Cottage Industry or Light Industry or Warehouse and Distribution	One (1) space for each 1,000 square feet. of GFA for first 5,000 square feet and additional One (1) space for each additional 10,000 square feet of GFA
Manufacturing.	One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
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.

4. For any use not listed above, the number of parking spaces may be determined by a parking analysis using ITE parking generation rates, Urban Land Institute Parking Standards and other data.
5. The applicant may provide alternate parking plan with supplemental parking information to justify application of a different parking ratio for a use based upon accepted technical references
6. Within the General Commercial (B-2) zoning district the Town Administrator may authorize a reduction to up to 10% in the total number of parking spaces for all uses except residential uses provided that there is on-street parking adjacent to the property.

Section 9.5 Parking requirements Exceptions in Central Business District (B-1).

It is the intent of this parking requirement to allow for flexibility within the B-1 district to spur redevelopment and revitalization within this district. In B-1 district all uses except for residential uses are exempted from parking requirements.

Table P-3. Off- Street Residential Parking requirements in the B-1 district

<u>Land Use</u>	<u>Parking Requirement</u>
<u>Residential Uses</u>	
Single family	Two (2) spaces for each dwelling unit
Two family	Two (2) spaces for each dwelling unit
Townhouse	Two (2) spaces for each dwelling unit
Multi-family	One (1) spaces per single- bedroom and two-bedrooms unit and one and a half (1 ½) spaces for multi-bedrooms units.

Section 9.5 Loading and unloading spaces.

Loading and unloading requirements shall apply to all new multifamily developments (townhouse and apartments), commercial and mixed-use development. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area given the nature and size of the development. A single loading space shall be based on the type of delivery vehicle(s) and the dimensions shown in table below:

Table P-4. Loading Space Dimensions.

<u>Vehicle Type</u>	<u>Width (feet)</u>	<u>Length (feet)</u>
Semi-Truck	12	55
Box Truck	12	30
Delivery Van	10	20

Section 9.6 Specifications for loading and unloading facilities.

1. Loading and unloading areas shall be located entirely within the property boundaries.
2. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way. Such loading spaces shall be accessible by normal methods and shall not interfere with any required parking space or drive aisle.
3. Required off-street parking spaces shall not be included in the count of required off-street loading spaces.
4. In the case of mixed uses on one lot or parcel, the total requirement for off-street loading facilities shall be the sum of the various uses computed together. More loading spaces may be required in order to allow the site to function properly if it is apparent loading spaces will be in use concurrently.
5. Off-street loading facilities shall comply with all applicable parking area design standards.
6. Loading areas adjacent to residential property. When designated loading areas abut residential zoned or use property, no loading or unloading of vehicles shall occur between the hours of 10:00 p.m. and 6:00 a.m.

Article 10. Non-Conforming Lots, Building and Uses

Section 10.1 Intent

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 survival, 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 regulations established in this Article 10.

Section 10.2 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:

1. A single nonconforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in Section 12.4 herein.

Section 10.3 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:

1. Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not seventy-five (75) percent of its replacement cost at the time of the Building Official declaration. Historic structures, as in Section 6.12, shall be exempt from this provision.
2. No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity.
3. Notwithstanding the provisions of Section 10.3(1) 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.
4. Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.
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.

Section 10.4 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 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:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance.
3. In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

Section 10.5 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:

1. No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on 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;
2. 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 with the regulations of the district in which it is located.
3. Any structure or portion thereof declared unsafe by the Building Inspector may be restored to a safe condition, provided that the requirements of this section are met, and that the cost 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 Inspector declaration.
4. A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure.
5. When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Section 10.6 Nonconforming Manufactured Home structure

The landowner or the homeowner may remove a nonconforming manufactured home unit, and replace it with another comparable manufactured home unit that meets the current HUD manufactured housing code. In a mobile or manufactured home park, a single-section home may replace a single-section home, and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single or multi-section, that meets current HUD standards. The nonconforming status shall be retained.

Article 11. General Provisions

Section 11.1 Authorized Modifications of Yard Requirements.

The following modifications of the yard requirements are allowed:

1. An uncovered or covered porch may project into a front yard setback for a distance not exceeding five (5) feet.
2. A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening.
3. Signs advertising sale or rent of premises may be erected up to the property line.
4. Ten (10) foot easements shall be platted on each side of all lots to be available for public utilities including water, sewer, power, and telecommunications including cable and fiber transmission and service lines.

Section 11.2 Special Provisions for Corner Lots.

1. 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.
2. The side yard (setback) on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings.
3. 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.

Section 11.3 Fences

1. 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.

2. In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

Section 11.4 Storage Containers

A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of items, including, but not limited to household goods, furniture, wares, building materials, equipment or merchandise. The term includes both wheeled trailers and container units that can be detached from a trailer. The term shall not include dumpsters or refuse containers.

1. The provisions of this section shall not apply to containers located on and necessary for an approved construction project.
2. The temporary placement of any container on any lot shall be permitted only upon issuance of a zoning permit, except for a container in an industrial zoning district.
3. Containers shall be permitted only for temporary storage for the lot on which the container is located.
4. Containers shall be permitted only upon the same lot as the principle structure it is accessory to. Containers are prohibited on any lot without a principle structure.
5. Containers shall comply with all district yard setbacks and are prohibited in buffer areas.
6. Containers shall not be connected to utilities
7. Containers shall be located behind the front building line, only in an approved paved area, and shall not block vehicle entrances, visibility triangles, drive aisles, required parking, or fire lanes.
8. Vertical stacking of containers is prohibited.
9. Signs on containers shall be limited to no more than two sign areas having a maximum four square feet per sign. Such signs may only identify the container supplier and telephone number
10. Additional standards for portable storage containers accessory to agricultural, detached single family, attached single family, and two-family dwelling uses:
 - a. A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per year,
 - b. A container may not exceed 16 feet in length, eight feet in width and eight and one-half feet in height when accessory to detached single family use (unless agricultural in use).
 - c. Additional standards for portable storage containers accessory to industrial uses: No more than three containers shall be permitted simultaneously per lot and each for a maximum 14-day period
 - d. Additional standards for containers accessory to other uses not identified above: A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per year

- e. Storage Containers are not to be used as a general storage (e.g. a shed)

11. Conditional Uses.

- a. For time periods exceeding the limits stated in 11.4{(10) (a,b and c)}, containers shall be located in a screened storage yard, behind the front building line and meet all requirements for screened storage and other applicable Zoning Regulations.
- b. The above restrictions notwithstanding, when the principle structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, one or more movable storage containers may be used for on-site storage purposes exceeding fourteen (14) days while the principle building is undergoing reconstruction/repair. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principle structure and shall expire upon issuance of a Certificate of Occupancy for the principle structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

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Section 11.5 Amateur Radio Towers

A freestanding or building mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

General Standards:

1. Allowed as permitted use in all zoning districts
2. Maximum height: 75 feet
3. Tower diameter: 18 inches or 3 feet
4. Setbacks from all principle buildings or structures on adjacent lots shall be a distance equal to the height of the tower or required yard setback whichever is greater
5. Roof mounted tower is not permitted in residential district.
6. Towers cannot be placed less than 8 feet from an overhead power line
7. Towers are not allowed in required side and rear setback.
8. Towers are not allowed in the front yard or in side yard with frontage on public streets.
9. Towers shall be of a natural metal color.
10. Building permit is required when tower is more than 10 feet in height and/or 18 inches in diameter and/ or more than 50 lbs. in weight in residential districts.
11. Towers higher than 75 feet will require a conditional use permit

Section 11.6 Junk Storage and Automobile Graveyards

Title 33.1, Chapter 6, 33.1-348 establishes the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Town of Floyd Zoning Ordinance incorporates the provisions of the above referred 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 Section 6.11.3.

Section 11.6.1 Criteria for the Location of Junkyards or Automobile Graveyards. (See Title 33.1-348 of the Code of Virginia.) No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1,000') feet of the nearest edge of the right-of-way of any interstate or primary highway or within five-hundred (500') feet of the nearest edge of the right-of-way of any other highway, except:

1. Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway, or otherwise removed from sight;
2. Junkyards or automobile graveyards which are not visible from the main-traveled way of the highway.

Section 11.6.2 Automobile Graveyards or Junkyards in Existence in permitted districts at the Time of Adoption. Automobile graveyards or junkyards in existence in the Light

Industrial and General Industrial Districts at the time of the adoption of this Ordinance, as amended, are considered as nonconforming uses (see Section 10.4) except that the requirements for screening in each district shall apply.

Section 11.7 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.

Section 11.7.1 Special Requirements. Home occupation, where permitted, must meet the following special requirements:

1. The applicant must 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;
2. The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;
3. The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;
4. The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in Section 7.1.4(3)(c);
5. The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

Section 11.7.2 Expiration. A Zoning Permit for home occupations shall expire under the following conditions:

1. Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application.
2. Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

Section 11.8 Graffiti

1. No person shall make graffiti of any type on any public or private building, streets, sidewalks, structure or any other real or personal property.

2. Any unapproved mural is considered graffiti.
3. The owner or occupant of any building, structure or object that has been marked by graffiti shall remove said graffiti from the building, structure or object within 30 days of notification by Zoning Administrator.
4. In cases where the owner or the occupant shall neglect or refuse to remove the graffiti within 30 days of official advisement, the Town shall have the right to carry out the removal and charge the costs thereof to the owner of the premises. Such costs shall constitute a lien or charge on said premises until paid or otherwise satisfied or discharged.

Section 11.9 Homestay.

A homestay use where allowed is subject to the following regulations and restrictions:

1. Registration and other requirements
 - a. No host occupant shall operate a homestay or advertise a residential property for homestay use without first registering and obtaining a permit for homestay with the Town.
 - b. The host occupant shall register with the Zoning Administrator to collect and remit the Town's transient lodging tax and other applicable fees and taxes as set forth in Chapter 16, Taxation.
 - c. The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.
2. The dwelling shall be the primary residence of the host occupant.
3. No additional services other than short-term occupancy shall be provided by the host occupant for compensation, including the service of food, beverages, or other event services. This shall not prohibit the host occupant from making food, beverages and other incidental items customarily found within a residence available to the guest party.
4. The use of accessory structures for living accommodations shall be prohibited.
5. The minimum contract rental period for the guest party shall be 24 hours.
6. The dwelling, in whole or in part, shall not be rented more than 90 days in a calendar year.
7. Occupancy by the guest party shall be limited to a family or six occupants, whichever number is greater. There shall never be more occupants than permitted by the Virginia Uniform Statewide Building Code.
8. No outdoor signs in conjunction with the homestay shall be displayed on the property.
9. Parking for the homestay shall be confined to the driveway, garage, or the portion of street right-of-way adjacent to the property.
10. The guest party shall not park buses, commercial vehicles or other vehicles of a similar character on the property.

11. Recreational vehicles (RV) such as motor homes, travel trailers and campers. All RV's must be stored behind the front yard setback and their occupancy is prohibited.
12. The garbage and recycling collection schedule and guidelines shall be posted in a prominent location inside the dwelling.
13. Safety regulations
 - a. There shall be a working fire extinguisher located in the kitchen.
 - b. There shall be a working smoke detector in every room where the guest party sleeps.
 - c. There shall be a working carbon monoxide detector within the dwelling if the dwelling contains a gas heater, gas appliance, or an attached garage.
 - d. The dwelling shall provide ingress/egress as required by the Virginia Uniform Statewide Building Code.
 - e. A safety inspection shall be performed by the building and fire departments prior to issuance of a permit for homestay use.
14. Registration suspension or cancellation. The zoning administrator shall have the authority to suspend or revoke a registration for the following reasons:
 - f. Failure to collect and/or remit the transient occupancy tax or any other fees and taxes as required by Chapter 16, Taxation.
 - g. Three or more substantiated complaints within a twelve-month period for violations of the use regulations and safety regulations outlined in this section.

ARTICLE 12. Administration

These regulations shall be administered in accordance with the provisions below.

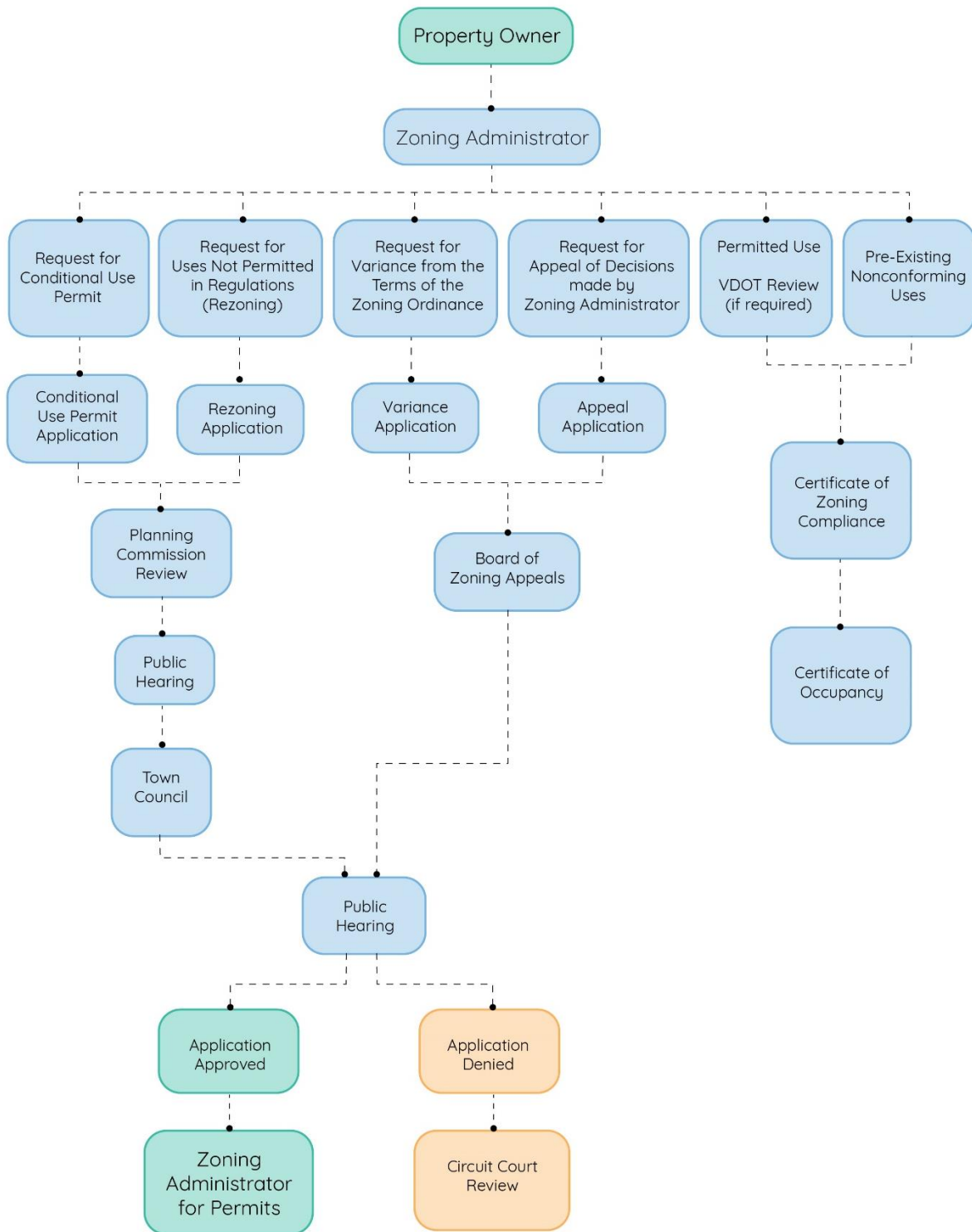
Section 12.1 Zoning Administrator

Section 12.1.1 Appointment. The Zoning Administrator shall be appointed by the Town Council.

Section 12.1.2 Powers and Duties Relating to Zoning. The Zoning Administrator is authorized and empowered on behalf of and in the name of the Floyd Town Council to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing Zoning Permits and co-signs Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Floyd 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 involving variances nor on Conditional Uses on which final action is reserved to the Board of Zoning Appeals or Governing Body.

Section 12.1.3 Zoning Administration Process. Figure 1 outlines the administrative process to be followed under various provisions of this Ordinance.

Figure 20: Town of Floyd Zoning Administration Process



Section 12.2 Zoning and Building Permit Procedures

Zoning Permits shall be issued in accordance with the following provisions and procedures:

Section 12.2.1 Issuance and Display.

The Zoning Administrator shall issue a Zoning Permit for any permitted use or alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The Zoning Permit shall indicate whether the use is a permitted use, a Conditional Use, or a variance and shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

Section 12.2.2 Application Procedure for Permitted Use.

Applications for a Zoning Permit shall be submitted to the Zoning Administrator according to the following provisions:

1. An application for a Zoning Permit for a permitted use shall be accompanied by two (2) copies of an acceptable site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator to determine compliance with the Zoning Ordinance. Such site plan shall include, as a minimum, the following:
 - a. lot dimensions with property line monuments located thereon
 - b. location and size of existing and proposed structures
 - c. yard dimensions and the use of structures; easements (private and public)
 - d. water courses
 - e. fences
 - f. street names and street right-of-way lines
 - g. driveways
 - h. parking areas and such other information regarding abutting property as directly affects the application

Upon submission to, or initiation by, the Town of Floyd a proposed rezoning under Code of Virginia § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department.

1. Each application for a Zoning Permit, upon issuance of the permit, shall be accompanied by payment of a fee
2. The Administrator shall act on any application received within forty-five (45) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a forty-five (45) 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.

3. If the proposed use or construction described in the application required by Section 12.2.2 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Floyd, including but not limited to the required:
 - a. Virginia Statewide Uniform Building Code
 - b. Health Department Approval
 - c. Virginia Department of Transportation Approval
 - d. Flood Insurance - Floodplain Ordinance
 - e. Erosion and Sediment Control Ordinance Plan
 - f. Superintendent of the Public Service Authority

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

4. 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 Zoning Permit, but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. 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 copy of the site plan and one (1) copy of the refusal.

Section 12.2.3 Application Procedures for Conditional Uses.

Applications for a Conditional Use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for a recommendation to the Floyd Town Council. The Town Council will hold a public hearing and make a decision on the application. Applications for Zoning Permits for Conditional Uses must be submitted in accordance with the following procedures:

1. An application shall be accompanied by two (2) copies of an acceptable site plan drawn in accordance with applicable provisions of Section 12.2 of this Ordinance, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses, fences, street names and street right-of-way lines; driveways; parking areas and such other information regarding abutting property as directly affects the application;
2. Each application for a Zoning Permit for a Conditional Use shall be accompanied by payment of a fee as set forth in the Fee Schedule to help defray the cost of publicizing and conducting the public hearing.
3. The application shall be sent to the Commission for review and recommendation and said Commission shall one hundred (100) days within which to submit a report. If the

Commission fails to submit a report within a one hundred (100) day period, it shall be deemed to have approved the proposed Conditional Use.

4. The 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 Section 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;
5. In evaluating the proposed Conditional Use the Town Council shall address the following concerns:
 - a. The effect of the proposed use on existing and projected traffic volumes in the neighborhood.
 - b. The current and future need for the proposed use in the Town of Floyd; and
 - c. The character of the existing neighborhood and the effect of the proposed use on existing property values.
6. Conditions set forth in Article 12.2.3 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
7. If the Town Council approves the application for a Zoning Permit for a proposed Conditional Use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use.
8. If the Town Council disapproves the application for a Zoning Permit 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.
9. A property owner, or his appointed agent, shall not initiate action for a Conditional Use Permit relating to the same Conditional Use affecting the same parcel of land more often than once every twelve (12) months.
10. A Conditional Use Permit must be put into effect within six (6) months after the date the permit is issued, unless otherwise provided in the permit itself.
11. A Conditional Use Permit may be revoked by the Town Council if the Council finds that the holder of the permit has violated the conditions of the permit or one (1) or more of the "additional requirements" in Section 12.2.3(6).
12. Renewal of a conditional use permit does not require a public hearing unless the original conditions in the permit are changed, however notice of the renewal will be shown on the agenda of the Town Council.
13. Upon change of ownership, any conditional use permit for the property shall expire (except for approved permanent structures).

14. Conditional Use Permits shall expire on the last day of the Town of Floyd Fiscal Year, and if renewed shall become effective on the first day of the Town of Floyd Fiscal Year. Renewal fees will not be required, unless the original conditions of the permit are changed, or a renewal fee is specified as a condition of the permit.
15. If the property owner fails to renew the Conditional Use Permit, the Zoning Administrator or his appointed agent shall notify the property owner of violations to the conditional use permit first by personal contact; either by phone or personal appearance. If the violation is not remedied within 14 calendar days, the property owner will receive a certified "Notice of Violation" from the town and given 30 days to comply before legal actions is implemented. If after 30 days the violation is not remedied the matter will be referred to the Town Attorney. Penalty for failure to comply with the Conditional Use Permit shall be fifty dollars (\$50.00) per calendar month beginning the day after the Zoning Administrator has given written notice of the violation.

Section 12.2.4 Application Procedures for Ordinance or Map Amendment. The Floyd Town Council may from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Governing Body or Planning Commission proposing the rezoning shall state the above public purposes therefore.

1. Applications for amendments 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. Site plans are required and 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 such other information regarding abutting property as directly affects the application. Proposals for amendments not initiated by either the Commission or the Town Council shall be accompanied by payment of a fee as set forth in Article __.
2. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 the Code of Virginia, 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 one hundred (100) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment.

3. The Floyd Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within one hundred (100) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia.
4. Any petition for an amendment may be withdrawn prior to action thereon by the Town Council at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Zoning Administrator.
5. No more than one application for any amendment affecting a specific parcel of land may be initiated during any single twelve (12) month period.

Section 12.2.5 Procedures for Proffering Conditions to Zoning District Regulations

1. Intent. The intent of this section is to provide zoning method pursuant to Sections 15.2-2298 through 15.2-2303 of the Code of Virginia, 1950, as amended, to the zoning district regulations or the zoning district map.
2. Proffer of Conditions. An owner may voluntarily proffer reasonable conditions, in addition to the regulations established elsewhere in 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:
 - 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 are in conformity with the comprehensive plan.
 - d. Cash proffers may be accepted for off-site road improvements or any off-site transportation improvement that is included in the Comprehensive Plan and is incorporated into the capital improvements program.
3. Expiration. Any zoning permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the permit has 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.

Section 12.3 Certificate of Occupancy

Certificates of Occupancy shall be co-signed by the Zoning Administrator (and Building Official) in accordance with the following provisions:

1. A Certificate of Occupancy shall be required in advance of occupancy or use of.
2. A building hereafter erected.

3. A building hereafter altered so as to affect height or the side, front, or rear yard dimensions.
4. A change of type of occupancy or use of any building or premises.
5. Issuance of a Certificate of Occupancy
6. The Building Official shall sign and issue a Certificate of Occupancy under the following circumstances: (a) there exists a previously issued Certificate of Zoning Compliance; and (b) the building, as finally constructed, complies with the sketch or plan submitted

Section 12.4 Board of Zoning Appeals

1. **Appointment.** The initial appointment of the Board shall be One (1) member of one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; one (1) member for four (4) years; and one (1) member for five (5) years.
2. **Terms of Office.** Appointments shall be for five 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.
3. **Public Offices Held.** No member shall hold any public office except that one (1) member shall (may) be a member of the (Planning) Commission.
4. **Compensation.** Members of the Board may receive such compensation as may be authorized by the Governing Body.
5. **Support.** Within the limits of funds appropriated by the Governing Body, the Board of Appeals may employ or contract for secretaries, clerks, legal Counsel, consultants, and other technical and clerical services.
6. **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.

Section 12.4.1 Rules of Procedure of The Board Of Zoning Appeal

The Board shall observe the following procedures:

1. Said Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other ordinances of the Floyd and general laws of the Commonwealth for the conduct of its affairs.
2. 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.
3. 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.
4. All meetings of said Board shall be open to the public.

5. 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.
6. 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.
7. The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
8. A quorum shall be at least three (3) members.
9. 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 favor of the applicant on any matter upon which said Board is empowered.

Section 12.4.2 Powers and Duties of The Board Of Zoning Appeals

The Board of Zoning Appeals shall have the following duties and powers:

1. 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.
2. 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:
3. When a property owner can show that this property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where 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 where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance;
4. No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variation;

5. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia 1950, as amended.
6. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the 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;
7. 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.

Section 12.4.3 Application for Variances

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

1. **Application.** Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private public); water courses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects 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 Planning Commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.
2. **Hearing and Action.** The secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Board shall decide same within thirty (30) days from the date of such hearing.
3. **Limitation of Hearings.** 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.
4. **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.
5. **Fee.** Each application for a variance shall be accompanied by payment of a fee set forth in 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.

Section 12.4.4 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:

1. An appeal to the Board may be taken by any person aggrieved by, by an officer, department, board, or bureau of the Town of Floyd affected by, and decision of the Zoning Administrator within thirty (30) days after the decision.
2. Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board, such applications shall specify the grounds for appeal.
3. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
4. 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.
5. The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and decide the same within thirty (30) days from the date of such public hearing.
6. In exercising the powers granted the Board in Section 12.4 of 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 Zoning and Building Permit.
7. Any application for appeal before the Board may be withdrawn prior to action hereon 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.
8. Each application for an appeal shall be accompanied by payment of a fee as set forth in **Fee Schedule** to help defray the cost publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

Section 12.4.5 Decision of Board of Zoning Appeals

1. Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or bureau of the Town of Floyd may present to the Circuit Court of Floyd a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.
2. 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 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.
3. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof 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.
4. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.
5. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

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