

CHAPTER 4

ZONING

The provisions of this chapter shall be known as the ZONING ORDINANCE OF HURT, VIRGINIA and may be so cited.

The object of this ordinance is to promote the health, safety, and general welfare of the public and to promote the orderly development of the Town. This entire chapter has been repealed, amended and re-ordained, effective May 2, 1989.

Article I - General Provisions

Sec. 4-1. Definitions.

Article II - Districts

Sec. 4-2. Establishment of Districts.

Sec. 4-3. Official Zoning Map.

Sec. 4-4. Rules for interpretation of district boundaries; Access to a use deemed equivalent of the use.

Article III - Residential District R-1

Sec. 4-5. Statement of Intent.

Sec. 4-6. Use Regulations in R-1.

Sec. 4-7. Area Regulations - With Public Water and Sewage.

Sec. 4-8. Same - With Public Water and Individual Sewage.

Sec. 4-9. Same - With Individual Water and Sewage.

Sec. 4-10. Authority of County Health Official.

Sec. 4-11. Same - Other Than Residential

Sec. 4-12. Setback Regulations.

Sec. 4-13. Frontage Regulations.

Sec. 4-14. Yard Regulations.

Sec. 4-15. Height Regulations.

Sec. 4-16. Special Provisions for Corner Lots.

Replacement Page. (Sec. 4-1 and 4-6 amended 3/24/2021).

Article IV - Residential District R-2

Part 1. General Regulations

Sec. 4-17.	Statement of Intent.
Sec. 4-18.	Use Regulations in R-2.
Sec. 4-19.	Area Regulations - With Public Water and Sewer.
Sec. 4-20.	Same - With Public Water System and Individual Sewer.
Sec. 4-21.	Same - With Individual Water and Sewage.
Sec. 4-22.	Authority of County Health Official.
Sec. 4-23.	Same - Other Than Residential.
Sec. 4-24.	Setback Regulations.
Sec. 4-25.	Frontage Regulations.
Sec. 4-26.	Yard Regulations.
Sec. 4-27.	Lot Coverage.
Sec. 4-28.	Open Space.
Sec. 4-29.	Height Regulations.
Sec. 4-30.	Special Provisions for Corner Lots.

Part 2. Special Provisions for Townhouses

Sec. 4-31.	Special Provisions for Townhouses.
Sec. 4-32.	Required Lot Area.
Sec. 4-33.	Percentage of lot coverage.
Sec. 4-34.	Open Space.
Sec. 4-35.	Separation of structures.
Sec. 4-36.	Setback; Front Yard Required.
Sec. 4-37.	Side Yard Required.
Sec. 4-38.	Rear Yard Required.
Sec. 4-39.	Height Regulations.
Sec. 4-40.	Landscaping and Screening.
Sec. 4-41.	Off-street Parking.
Sec. 4-42.	Density.
Sec. 4-43.	Minimum Acreage Required.
Sec. 4-44.	Limitation on Number of Units.
Sec. 4-45.	Common Areas.
Sec. 4-46.	Frontage on Public Street.
Sec. 4-47.	Utilities.

Replacement Page. (Sec. 4-18 amended 3/24/2021).

**Part 3. Special Provisions For Multifamily
Dwellings Other Than Townhouses**

Sec. 4-48.	Scope.
Sec. 4-49.	Required lot area.
Sec. 4-50.	Percentage of lot coverage.
Sec. 4-51.	Setback; Front Yard Required.
Sec. 4-52.	Side Yard Required.
Sec. 4-53.	Rear Yard Required.
Sec. 4-54.	Height Regulations.
Sec. 4-55.	Limitation on Number of Units.
Sec. 4-56.	Common Areas.
Sec. 4-57.	Density.
Sec. 4-58.	Minimum Acreage Required.
Sec. 4-59.	Off Street Parking.
Sec. 4-60.	Utilities.

Article V - Residential District R-3

Part 1 - General Regulations

Sec. 4-61.	Statement of Intent.
Sec. 4-62.	Use Regulations in R-3.
Sec. 4-63.	Area Regulations - With Public Water and Sewer.
Sec. 4-64.	Same - With Public Water System and Individual Sewer.
Sec. 4-65.	Same - With Individual Water and Sewage.
Sec. 4-66.	Authority of County Health Official.
Sec. 4-67.	Same - Other than Residential.
Sec. 4-68.	Setback Regulations.
Sec. 4-69.	Frontage Regulations.
Sec. 4-70.	Yard Regulations.
Sec. 4-71.	Lot Coverage.
Sec. 4-72.	Open Space.
Sec. 4-73.	Height Regulations.
Sec. 4-74.	Special Provisions for Corner Lots.
Sec. 4-75.	Density.
Sec. 4-76.	Minimum Acreage Required.
Sec. 4-77.	Off Street Parking.
Sec. 4-78.	Utilities.

Replacement Page. (Sec. 4-62 amended 3/24/2021)

**Part 2 - Special Provisions for Mobile
Home Parks and Temporary Trailer Parks**

- Sec. 4-79. General Regulations - Residential Mobile Home Parks.
Sec. 4-80. Temporary Trailer Parks.

Article VI - General Commercial District C-1

- Sec. 4-81. Statement of Intent.
Sec. 4-82. Use Regulations.
Sec. 4-83. Area Regulations.
Sec. 4-84. Setback Regulations.
Sec. 4-85. Frontage and Yard Regulations.
Sec. 4-86. Height Regulations.

Article VII - Limited Industrial I-1

- Sec. 4-87. Statement of Intent.
Sec. 4-88. Use Regulations in I-1 District.
Sec. 4-89. Prior Submission of Plans.
Sec. 4-90. Uses must be enclosed.
Sec. 4-91. Landscaping.
Sec. 4-92. Screening.
Sec. 4-93. Area Regulations.
Sec. 4-94. Setback Regulations.
Sec. 4-95. Frontage and Yard Regulations.
Sec. 4-96. Height Regulations.
Sec. 4-97. Lot Coverage.

Article VIII - Administration

Part 1. Permits and Certificates

- Sec. 4-98. Zoning Permits.
Sec. 4-99. Certificate of Occupancy; Application therefor.

Part 2. Special Exceptions; Uses not provided for

- Sec. 4-100. Special use Permit application therefor.

Replacement Page. (Sec. 4-82 and 4-88 amended 3/24/2021).

- Sec. 4-121.4:22. Local government access.
- Sec. 4-121.4:23. Reservation of rights.
- Sec. 4-121.4:24. Severability.

Part 8. Solar Energy Facilities

- Sec. 4-121.5:1. Solar Energy Facilities.
- Sec. 4-121.5:2. Small Solar Energy Facilities.
- Sec. 4-121.5:3. Large-scale Solar Energy Facilities.
- Sec. 4-121.5:4. Utility-Scale Solar Energy Facilities.
- Sec. 4-121.5:5. Permitting requirements for large- and utility-scale solar energy facilities.
- Sec. 4-121.5:6. Decommissioning requirements for Large- and Utility-Scale Solar Energy Facilities.
- Sec. 4-121.5:7. General requirements for large- and utility-scale solar energy facilities.

Article X - Nonconforming Uses

Part 1. Nonconforming Uses

- Sec. 4-122. Vested Rights not impaired; General Policy as to Nonconforming Uses.
- Sec. 4-123. General provisions as to nonconforming lots of record, structures, uses of land, and uses of structures.

Part 2. Miscellaneous Provisions as to Nonconforming Uses

- Sec. 4-124. General rules to nonconforming uses.
- Sec. 4-125. Permits Previously Issued.
- Sec. 4-126. Changes in District.

Article XI - Board of Zoning Appeals

- Sec. 4-127. Board of Zoning Appeals created; membership, organization, etc.
- Sec. 4-127.1. Board of Zoning Appeals, ex parte communications, proceedings.

Replacement Page. (Part 7 Secs. 4-121.4:1 thru 4-121.4:24 added 1/02/01. Sec. 4-127.1 added 12/6/16. Part 8 consisting of Sections 4-121.5:1 thru 4-121.5:7 added 3/24/2021).

- Sec. 4-128. Powers and duties of Board of Zoning Appeals.
 Sec. 4-128.1. Application to Zoning Administrator for modifications from certain requirements; fee.
 Sec. 4-129. Variances - applications for; Procedure; appeals to Board.
 Sec. 4-130. Requirements for granting of variance; powers and duties of Board of Zoning Appeals on appeals from decision of Zoning Administrator as to variances.

Article XII

Part 1. Changes in Zoning; Amendments to Zoning Ordinance

- Sec. 4-131. Requests for change in zoning.

Part 2. Conditional Zoning

- Sec. 4-132. Conditional Zoning.

Part 3. Advertising and Notice Requirements For All Zoning-related Activities

- Sec. 4-133. Advertising and Notice Requirements For All Zoning-related Activities.

Article XIII - Planning and Zoning Commission

- Sec. 4-134. Establishment of Planning and Zoning Commission.
 Sec. 4-135. Number Members, How Appointed; Term of Office, Etc.
 Sec. 4-136. Meetings.
 Sec. 4-137. Quorum; Majority Vote.
 Sec. 4-138. Officers, Employees; Expenditures, Rules and Records; Special Surveys.
 Sec. 4-139. Duties of the Commission.

Article XIV - Flood Control

Part 1. Establishing Flood Plain Districts

- Sec. 4-140. Purpose.

Replacement Page. (Sec. 4-128 amended 12/6/16. Sec. 4-128.1 added 12/6/16. Article XIV repealed and amended effective 9/29/10).

- Sec. 4-141. Applicability.
- Sec. 4-142. Compliance.
- Sec. 4-143. Abrogation and Greater Restrictions.

Part 2. Establishment of Zoning Districts - Flood Plains

- Sec. 4-144. Description of Districts.
- Sec. 4-145. Official Zoning Map.
- Sec. 4-146. District Boundary Changes.
- Sec. 4-147. Interpretation of District Boundaries.

Part 3. District Provisions - Flood Plains

- Sec. 4-148. District Provisions.
- Sec. 4-148.1. General Standards.
- Sec. 4-148.2. Specific Standards.
- Sec. 4-149. Standards for the Floodway District.
- Sec. 4-150. Standards for the Specific Flood Plain District.
- Sec. 4-150.1. Standards for Approximated Flood Plain.
- Sec. 4-150.2. Standards for the Shallow Flooding District.
- Sec. 4-150.3. Standards for Subdivision Proposals.

Part 4. Miscellaneous Provisions

- Sec. 4-151. Special Exceptions and Variances; Additional Factors to be Considered - Flood Plains.
- Sec. 4-152. Existing Structures in Flood Plain Districts.
- Sec. 4-153. Definitions – Flood Plains.
- Sec. 4-154. Design Criteria for Utilities and Facilities in Flood Plain Districts.
- Sec. 4-155. Municipal Liability.
- Sec. 4-155.1. Penalty for violations.
- Sec. 4-155.2. Severability.

Article XV - Enforcement; Penalties; Administrator's authority to collect fees; Severability

- Sec. 4-156. Application of district regulations.
- Sec. 4-157. Enforcement of Ordinance by Injunction and Otherwise.

Replacement Page. (Article XIV repealed and amended effective 9/29/10.)

Sec. 4-158.	Penalties.
Sec. 4-159.	Authority of Zoning Administrator to collect fees.
Sec. 4-160.	Severability.

Article I - General Provisions

Sec. 4-1. Definitions.

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

1. *ACCESSORY USE OR BUILDING*: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building, provided that no such accessory building shall be used for a dwelling.

2. *ADMINISTRATOR, THE*: The official charged with the enforcement of the zoning ordinance. In the absence of appointment of another person the Zoning Administrator shall be the Mayor.

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

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

5. *ALLEY*: A public thoroughfare less than thirty (30) feet wide.

6. *APARTMENT, CONDOMINIUM OR COOPERATIVE COMPLEX*: A parcel of land with 2 or more structures housing individual living units.

7. *APARTMENT HOUSE*: A building used or intended to be used as the residence of two (2) or more families living independently of each other.

8. *AUTOMOBILE SERVICE STATION*: A building used or intended to be used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles to include the space and facilities for the installation of such commodities, and in addition the space for facilities for the storage, minor repair and servicing of said vehicles, but not to include body repair, painting, steam cleaning, rust proofing and refinishing.

9. *AUTOMOBILE WRECKING YARD*: An area where destroyed, abandoned, and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold, and where the remaining automobile bodies and their components are temporarily stored until they can be removed or reduced to scrap metal.

Replacement Page. (Sec. 4-1 amended 3/7/17 and 3/24/21).

10. *BASEMENT*: A story having more than one-half (1/2) of its height below grade. A basement shall be counted as a story, for the purpose of height regulations, if it is subdivided and used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

11. *BOARDING HOUSE*: A building where, for compensation, lodging and/or meals are provided for at least five (5) but not exceeding fourteen (14) persons. A boarding house is to be distinguishable from a hotel.

12. *BUILDABLE AREA*: The buildable area of a lot is the space remaining after the minimum yard requirements of this ordinance have been complied with.

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

14. *BUILDING, HEIGHT OF*: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building to the highest point of the roof if a flat roof, to the deck line of a mansard roof; or to the mean height level between the eaves and ridges of a gable, hip or gambrel roof; for buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

15. *BUILDING LINE*: A line established, in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by the ordinance.

16. *BUILDING, MAIN*: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot.

17. *BUILDING OFFICIAL*: The Department of Building Inspection for Pittsylvania County and its agents and employees designated with the responsibility of acting in the capacity of building inspector by said Department.

18. *COMMISSION, THE*: The Town of Hurt Planning and Zoning Commission.

19. *CONDITIONAL ZONING*: As part of classifying land within the Town into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

20. *CONDOMINIUM*: Real property, and any incidents thereto or interests therein, lawfully submitted to the terms of Chapter 4.2, Title 55, Code of Virginia by the recordation of condominium instruments pursuant to the provisions of said Chapter 4.2. No project shall be deemed a condominium within the meaning of said Chapter 4.2 unless the undivided interests in the common elements are vested in the unit owners.

21. *CONDOMINIUM UNIT*: A unit together with the undivided interest in the common elements appertaining to that unit.

22. *COOPERATIVE*: Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit such interest being governed by Chapter 24, Title 55, Code of Virginia.

23. *COURT*: An open space enclosed wholly or partly by buildings or circumscribed by a single building.

24. *DENSITY*: The number of dwelling units on a particular zoning lot, for the purposes of this ordinance the number of dwelling units permitted on one acre of land in the R-1 and R-2 districts.

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

26. *DWELLING, ATTACHED*: A dwelling having any portion of each of two walls in common with adjoining dwellings.

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

28. *DWELLING, TWO-FAMILY*: A dwelling having two dwelling units, one above the other or a dwelling having two units side by side.

29. *DWELLING, MANUFACTURED HOME*: A mobile home used as a residence by a single family, containing one dwelling unit, and not meeting the Virginia Statewide Building Code standards of a single family dwelling (see *MOBILE HOME*). Categories of manufactured home dwellings are as follows:

a. *Class A, conventional multi-sectional* - a traditional multi-sectional manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U. S. Department of Housing and Urban Development.

b. *Class B, conventional single* - a traditional single manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U. S. Department of Housing and Urban Development.

c. *Class C, conventional* - a manufactured home constructed before July 1, 1976, which does not meet the criteria of a Class A or B manufactured home.

30. *DWELLING, MULTIPLE-FAMILY*: A building arranged or designed to be occupied by more than three (3) families.

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

32. *FAMILY*: One or more persons related by blood or marriage occupying a premises as a family unit and living in a single dwelling unit, as distinguished from a group of persons unrelated by blood or marriage occupying a boarding house, lodging house, tourist home, or hotel.

33. *FENCE*: A barrier, usually made of posts and wire or boards, intended to prevent escape or intrusion or to mark a boundary. Trees, shrubbery, or other foliage does not constitute a fence under this definition.

34. *FLOOR AREA*: The floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot measured from the exterior faces of exterior walls. Floor area shall include the area of basements when used for residential, commercial or industrial purposes but not including a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

35. *GARAGE, PRIVATE*: An accessory building used for the storage of vehicles by the occupants of a lot on which such building is located.

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

37. *GOVERNING BODY*: The Town Council of Hurt, Virginia.

38. *HOME OCCUPATION*:

Any occupation within a dwelling in a residential zone as provided for in Article IX, Part 6 of this ordinance.

39. *HOTEL*: A building designed or occupied as the more or less temporary abiding place of fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

40. *JUNK YARD*: An establishment or place of business which is maintained, operated, or used for storing, keeping, housing, or buying junk, or for the maintenance or operation of an "automobile graveyard" which is any lot or place, exposed to the weather, upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

41. *LOT*: A parcel of land, occupied or intended for occupancy by a use permitted by the provisions and requirements of this ordinance, which has a frontage on a street or an officially approved private means of ingress and egress.

42. *LOT, CORNER*: A lot abutting on two or more streets at their intersection.

43. *LOT COVERAGE*: The part or per cent of the lot occupied by buildings or structures, including accessory buildings or structures.

44. *LOT, DEPTH OF*: The average horizontal distance between the front and rear lot lines.

45. *LOT, THROUGH (DOUBLE FRONTAGE)*: A lot, other than a corner lot, which has a frontage on two streets.

46. *LOT, WIDTH OF*: The average horizontal distance between the side lot lines.

Replacement Page. (Definition No. 38 amended 5/6/97. Sec. 4-1 amended 3/7/17 and 3/24/21).

47. *LOT OF RECORD*: A lot which has been recorded in the Office of the Clerk of the Circuit Court of Pittsylvania County.

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

49. *MOBILE HOME*: A structure, transportable in one or more sections which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

50. *MOBILE HOME PARK OR SUBDIVISION*: Premises where mobile homes are parked for living or sleeping purposes, or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

51. *MODULAR HOME*: A dwelling unit constructed on-site in accordance with either the Virginia Statewide Building Code or the Virginia One and Two Family Dwelling Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

52. *NONCONFORMING STRUCTURE*: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use 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.

53. *NONCONFORMING 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 at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

54. *NONCONFORMING ACTIVITY (USE)*: The otherwise legal use of a building, structure, or tract of land 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.

55. *OFF-STREET PARKING SPACE*: Shall mean a space at least ten (10) feet wide and twenty (20) feet in length with a minimum net area of two hundred (200)

Replacement Page. (Sec. 4-1 amended 3/7/17 and 3/24/21).

square feet, excluding area for egress and ingress and maneuverability of vehicles.

56. *OPEN SPACE, USABLE LANDSCAPED*: That space on the same zoning lot and contiguous to the principal building or buildings which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

57. *OVERHANG*: Any projection, either roof, fixed awning, bay window, or similar cantilevered construction, which extends beyond the foundation of a structure.

No such construction shall project into any required yard more than three (3) feet and no such projection shall have a vertical surface whose area is more than twenty-five (25) per cent of the area obtained by multiplying the mean height of the structure by the length of the structure along the yard which is violated.

58. *PERSON*: Individual, firm, corporation or association.

59. *PORCHES*: An open, unenclosed stoop or paved terrace which may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include porches which may be enclosed by removable windows or fixed canopies. A one story bay window may project not more than three (3) feet beyond the front line of the building.

60. *PUBLIC GROUNDS*: Area reserved, by deed or otherwise, for public use only.

61. *RECREATIONAL VEHICLES (travel trailers and motor homes)*: A vehicular, portable structure, either towed or self-propelled, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use factory equipped for the road.

62. *ROOMING HOUSE (LODGING HOUSE)*: A building other than a hotel where lodging is provided for three (3) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

63. *SETBACK*: The distance by which any building or structure must be separated from the front property line.

64. *SIGN, GROSS AREA OF*: The "gross area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign: such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

64.1. *SOLAR ENERGY FACILITY, LARGE-SCALE*. A private solar energy conversion system, whose primary purpose is to produce power, or off-set power use, for on-site commercial, agricultural and industrial applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 40 kilowatts (kW) of electrical power and which has a total site area of five (5) acres or less.

Replacement Page. (Sec. 4-1 amended 3/7/17 and 3/24/21).

64.2. SOLAR ENERGY FACILITY, SMALL SYSTEM. A private solar energy conversion system, whose primary purpose is to produce power, or off-set power use, for residential applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 40 kilowatts (kW) of electrical power.

64.3 SOLAR ENERGY FACILITY, UTILITY-SCALE. An energy conversion system, whose primary purpose is to produce power for consumption by, or under contract to, a utility provider, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has a total site area of more than five (5) acres.

65. *SPECIAL EXCEPTION*: A special use, that is not permitted in a particular district except by a Special Use Permit granted under the provisions of this ordinance.

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

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

68. *STREET, ROAD*: A public thoroughfare which affords principal means of access to abutting property.

69. *STREET LINE*: The dividing line between a street or road and the contiguous property.

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

71. *STRUCTURAL ALTERATION*: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exist, or any substantial change in the roof.

72. *SUBDIVISION AND RESUBDIVISION*: Subdivision is the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale building development expressly excluding development for agricultural purposes, and includes resubdivision; resubdivision is a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

73. *TOURIST HOME*: A dwelling where lodging only is provided for compensation for not exceeding fifteen (15) persons, in contradistinction to hotels and boarding houses, and open to transients.

74. *TOURIST COURT, AUTO COURT, MOTEL, ATEL OR MOTOR LODGE*: A group of buildings containing individual sleeping rooms, designed for or used

temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cook-facilities may be provided for each unit.

75. *TOWNHOUSE*: A series or group of single family dwelling units consisting of four or more units in a structure in which each unit is separated from the others by solid common walls, and each unit served by its individual exterior entrance door, and is designed and intended to be individually owned along with the parcel of land which it occupies thereby served with its own utility service.

76. *TRAVEL TRAILER*: See "Recreational Vehicle".

77. *USE*: The purpose or activity for which land or buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

78. *USE, INTENSITY OF*: The intensity of a use correlates directly with the level of development such use entails. A more intensive use entails a higher level of development with more population density, more traffic congestion, more investment per acre and the requirement of more services such as utilities and police protection. For example, an industrial use is more intensive than a commercial or residential use.

Conversely, a less intensive use entails a lower level of development, less population density, etc. For example, a single family residential district is a less intensive use than a multi-family residential district.

79. *VARIANCE*: In the application of a zoning ordinance, a reasonable deviation from those provisions, regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by conditional zoning.

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

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

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

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

84. *ZONING APPEAL - BOARD OF*: The Board of Zoning Appeals of the Town of Hurt, Virginia.

85. *ZONING PERMIT*: A permit issued by the Zoning Administrator to the applicant before the applicant may proceed with any work affected by any provision of this ordinance.

Article II - Districts

Sec. 4-2. Establishment of Districts.

For the purpose of this ordinance, the incorporation area of Hurt, Virginia is hereby divided into Four (4) districts as follows:

Residential	R-1
Residential	R-2
Residential	R-3
General Commercial	C-1
Limited Industrial	I-1

Sec. 4-3. Official Zoning Map.

A. The town is hereby divided into districts as indicated in Section 4-2 above, and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4-3 of the Code of the Town of Hurt, Virginia" together with the date of the adoption of this ordinance.

C. If, in accordance with the provisions of Chapter 4 of the Code of the Town of Hurt and Title 15.1, Chapter 11 of the Code of Virginia, changes are made in districts boundaries or other matter portrayed on the Official Zoning Map, such changes shall

Supplement Page. (Sec. 4-1 amended 3/7/17 and 3/24/21).

be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council, with an entry on the Official Zoning Map as follows: "On [date], by official action of the Town Council, the following [change] changes were made in the Official Zoning Map: [brief description of nature of change]," which entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in Article XI of this ordinance.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the town Manager shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.

F. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted January 1, 19__ pursuant to Section 4-3 Code of the Town of Hurt, Virginia."

G. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 4-4. Rules for interpretation of district boundaries; Access to a use deemed equivalent of the use.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. 1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following town limits shall be construed as following such town limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1. through 6. above, the Planning Commission shall interpret the district boundaries.

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

B. Where one or more lots or parcels of land (the transit parcel) is used for vehicular or pedestrian access to another lot or parcel (the accessed parcel) the transit parcel shall be deemed the same use as the accessed parcel and must comply with the use regulations in the district in which it is situated.

Article III - Residential District R-1

Sec. 4-5. Statement of Intent.

The R-1 district is composed of quiet, low density residential areas plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, and to prohibit all commercial activities except very limited home occupations as defined in Section 4-1 38. hereof. Development is, therefore, limited to relatively low concentration and permitted uses are limited to single unit dwellings, plus selected additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district.

Sec. 4-6. Use Regulations in R-1.

Only one building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-1. Structures to be erected or land to be used shall be used as follows:

Replacement Page. (Sec. 4-6 amended 5/6/97 and 3/24/21).

A. *Authorized Uses - No Special Use Permit Required.*

1. Single-family dwellings, including modular homes.
2. Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches and stoops attached to the main building, shall be considered part of the main building.
3. Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.
4. Signs as follows:
 - a. Real estate signs as set forth in Section 4-107 E.
 - b. Church bulletin boards and church identification signs as set forth in Section 4-107 B.
 - c. Temporary signs as set forth in Section 4-107 E.
 - d. Identification signs as set forth in Section 4-107 C.
5. Fences as set forth in Sections 4-112 and 4-113.
6. Home occupations as provided in Article IX, Part 6 of this ordinance.
7. Small Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1 et seq.

B. *Permitted Uses with Special Use Permit.* The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council. The Council shall have the right to reject such permit application.

1. Schools, churches, parks, playgrounds, hospitals and cemeteries.
2. Agricultural uses (excluding manufacturing uses such as packing plants).

C. *Prohibited uses.* The following uses are prohibited:

1. Rooming houses.
2. Class A, B and C Manufactured Home Dwellings (mobile homes).

D. *Off-street Parking.* Off-street parking shall be provided as required in Section 4-106.

E. Travel trailers shall be stored within the minimum yard requirements and shall be prohibited from occupancy.

F. All uses in this district are subject to the provisions of Article XIV, Flood Control.

Sec. 4-7. Area Regulations - With Public Water and Sewage.

For residential lots served by public water and sewage disposal, the minimum lot area shall be not less than ten thousand (10,000) square feet.

Sec. 4-8. Same - With Public Water and Individual Sewage.

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

Replacement Page. (Sec. 4-6 amended 5/6/97 and 3/24/21).

Sec. 4-9. Same - With Individual Water and Sewage.

For residential lots served by individual water and sewage disposal systems, the minimum lot area shall not be less than twenty thousand (20,000) square feet.

Sec. 4-10. Authority of County Health Official.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

Sec. 4-11. Same - Other Than Residential.

For permitted uses, other than residential, utilizing individual sewage disposal systems, the required area for any such use shall be determined by the county health official and schools shall also conform to the requirements of the State Board of Education.

Sec. 4-12. Setback Regulations.

No building shall be located closer than thirty (30) feet to any street right-of-way which is fifty (50) feet or greater in width, or closer than fifty-five (55) feet to the center line of any highway right-of-way less than fifty (50) feet in width. This shall be known as "The Setback Line".

Sec. 4-13. Frontage Regulations.

The minimum width of any lot at the setback line shall be not less than one hundred (100) feet.

Sec. 4-14. Yard Regulations.

Side: The minimum side yard shall be not less than fifteen (15) feet and the total width of the two required side yards shall be not less than thirty-five (35) feet.

Rear: Each main building shall have a rear yard of not less than thirty (30) feet.

Accessory buildings. No accessory building may be closer than five (5) feet to any property line.

Sec. 4-15. Height Regulations.

A. A public or semipublic building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

B. All other buildings shall be erected to contain no more than two and one-half (2 1/2) stories and not to exceed thirty-five (35) feet in height from grade.

C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, utility poles, transmission structures, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

Sec. 4-16. Special Provisions for Corner Lots.

A. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets, unless otherwise specified by the Planning Commission.

B. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory buildings.

C. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

Article IV - Residential District R-2

Part 1. General Regulations

Sec. 4-17. Statement of Intent.

Residential District R-2 encompasses medium-density residential areas, as well as certain compatible public, semi-public and very limited commercial land uses. The following regulations are designed to stabilize, protect and promote this type of development. This district should provide a suitable environment for persons desiring the amenities of apartment living and the convenience of being closest to shopping and employment centers and other community facilities.

Sec. 4-18. Use Regulations in R-2.

Unless in an apartment complex, only one building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-2. Structures to be erected or land to be used shall be used as follows:

A. Authorized uses - no Special Use Permit required.

1. Single family dwellings, including modular homes and Class A multi-sectional Manufactured Home Dwellings.
2. Two-family dwellings.
3. Rooming houses.
4. Tourist Homes.

Replacement Page. (Sec. 4-18 amended 3/24/21)

5. Boarding Houses.
6. Schools.
7. Churches.
8. Playgrounds.
9. Professional Offices.
10. Home Occupations, as provided in Article IX, Part 6 of this ordinance, conducted by the occupant.
11. Accessory buildings permitted as defined, however, garages, or other accessory structures, such as carports, porches, and stoops attached to the main building, shall be considered part of the main building.
12. Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.
13. Signs as follows:
 - a. Real estate signs set forth in Section 4-107 E.
 - b. Church bulletin boards and church identification signs as set forth in Sections 4-107 B.
 - c. Temporary signs as set forth in Section 4-107 E.
 - d. Home occupation signs as set forth in Section 4-107 A.
 - e. Identification signs as set forth in Section 4-107 C.
14. Fences as set forth in Section 4-112 and 4-113.
15. Small Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1 et seq.
16. All Authorized Uses in District R-1.

B. *Permitted Uses with Special Use Permit.* The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council. The Council shall have the right to reject such permit application.

1. Multiple family dwellings, including apartments, condominiums, cooperatives and townhouses. All such multiple unit development shall meet the requirements of Part 2 and Part 3 of this Article IV.

2. Townhouses.
3. Office buildings.
4. Hospitals, nursing homes and adult care homes.

C. *Prohibited Uses.* The following uses are prohibited:

1. Class B and C Manufactured Home Dwellings (single width mobile homes).

D. *Off-street Parking.* Off-street parking shall be provided as required in Section 4-106.

Replacement Page. (Sec. 4-18 amended 5/6/97 and 3/24/21).

E. All uses in this district are subject to the provisions of Article XIV, Flood Control.

Sec. 4-19. Area Regulations - With Public Water and Sewer.

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

One (1) unit	Ten Thousand (10,000) square feet
Two (2) units	Twelve Thousand (12,000) square feet
Three (3) units	Fourteen Thousand (14,000) square feet

Multiple-Family dwellings with four or more units are subject to Part 2 and 3 hereof of this Article IV.

Sec. 4-20. Same - With Public Water System and Individual Sewer.

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

One (1) unit	Fifteen Thousand (15,000) square feet
Two (2) units	Eighteen Thousand (18,000) square feet
Three (3) units	Twenty Thousand (20,000) square feet

Multiple-Family dwellings with four or more units are subject to Part 2 and 3 hereof of this Article IV.

Sec. 4-21. Same - With Individual Water and Sewage.

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

One (1) unit	Twenty Thousand (20,000) square feet
Two (2) units	Twenty-two Thousand (22,000) square feet
Three (3) units	Twenty-four Thousand (24,000) square feet

Multiple-Family dwellings with four or more units are subject to Part 2 and 3 hereof of this Article IV.

Sec. 4-22. Authority of County Health Official.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

Sec. 4-23. Same - Other Than Residential.

For permitted uses other than residential utilizing individual sewage disposal systems, the required area for any such use shall be determined by the county health official and schools shall also conform to the requirements of the State Board of Education.

Sec. 4-24. Setback Regulations.

No building shall be located closer than thirty (30) feet to any street right-of-way which is fifty (50) feet or greater in width, or closer than fifty-five (55) feet to the center line of any highway right-of-way less than fifty (50) feet in width. This shall be known as the "Setback Line".

Sec. 4-25. Frontage Regulations.

The minimum width of any lot at the setback line shall be not less than one hundred (100) feet.

Sec. 4-26. Yard Regulations.

Side: The minimum side yard for structures less than three (3) stories shall be fifteen (15) feet. The minimum side yard for three story structures shall be thirty-five (35) feet.

Rear: Each main building shall have a rear yard of not less than thirty (30) feet.

Accessory buildings. No accessory building may be closer than five (5) feet to any property line.

Sec. 4-27. Lot Coverage.

Any structure, or structures, shall not occupy more than 30 per cent of the area of the lot.

Sec. 43-28. Open Space.

Each multiple family dwelling shall provide 600 square feet of usable open space per dwelling unit. Such space shall be exclusive of areas devoted to streets, alleys and parking.

Sec. 4-29. Height Regulations.

A. A public or semipublic building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

B. All other buildings shall be erected to contain no more than three (3) stories and not to exceed thirty-five (35) feet in height from grade.

C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, utility poles, transmission structures, flagpoles, television antennae and radio aeri^{al}s are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

Article V - Residential District R-3

Part 1. General Regulations

Sec. 4-61. Statement of Intent.

It is planned that this district is to be composed of medium to high-density residential areas and open areas. The regulations for this district are designed to provide an area in which a wide variety of housing alternatives would be available to promote and encourage a suitable environment for family life composed mainly of an adult population with children. Also permitted are limited, low intensity commercial uses of a compatible character. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. All residential types of structures are permitted. To these ends, development is limited to medium to high concentrations of dwellings and permitted uses are basically dwellings and certain additional uses such as schools, parks, clubs, churches and certain public facilities that serve the district.

Sec. 4-62. Use Regulations in R.

Unless in a multiple-family complex, only one building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-3. Structures to be erected or land to be used shall be used as follows:

A. *Authorized uses - no Special Use Permit required.*

1. Single family dwellings, including modular homes and Class A, B and C Manufactured Home Dwellings.
2. Rooming houses.
3. Tourist Homes.
4. Boarding Houses.
5. Schools.
6. Churches.
7. Playgrounds.
8. Professional Offices.
9. Home Occupations, as provided in Article IX, Part 6 of this ordinance, conducted by the occupant.
10. Accessory buildings permitted as defined, however, garages, or other accessory structures, such as carports, porches, and stoops attached to the main building, shall be considered part of the main building.
11. Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.

Replacement Page. (Sec. 4-62 amended 5/6/97 and 3/24/21).

12. Signs as follows:
 - a. Real estate signs set forth in Section 4-107 E.
 - b. Church bulletin boards and church identification signs as set forth in Sections 4-107 B.
 - c. Temporary signs as set forth in Section 4-107 E.
 - d. Home occupation signs as set forth in Section 4-107 A.
 - e. Identification signs as set forth in Section 4-107 C.
13. Fences as set forth in Section 4-112 and 4-113.
14. Small Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1 et seq.
15. All Authorized Uses in District R-1 and R-2.

B. *Permitted Uses with Special Use Permit.* The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council. The Council shall have the right to reject such permit application.

1. Mobile home parks meeting the requirements of Part 2 of this Article V.
2. Multiple family dwellings, including apartments, condominiums, cooperatives and townhouses. All such multiple unit development shall meet the requirements of Part 2 and Part 3 of Article IV of this ordinance.
3. Office buildings.
4. Hospitals, nursing homes and adult care homes.

C. *Off-street Parking.* Off-street parking shall be provided as required in Section 4-106.

D. All uses in this district are subject to the provisions of Article XIV, Flood Control.

Sec. 4-63. Area Regulations - With Public Water and Sewer.

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

- | | |
|-----------------|--|
| One (1) unit | Ten Thousand (10,000) square feet |
| Two (2) units | Twelve Thousand (12,000) square feet |
| Three (3) units | Fourteen Thousand (14,000) square feet |
- Multiple-Family dwellings with four or more units are subject to Part 2 and 3 hereof of Article IV.

Sec. 4-64. Same - With Public Water System and Individual Sewer.

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

- | | |
|-----------------|--|
| One (1) unit | Fifteen Thousand (15,000) square feet |
| Two (2) units | Eighteen Thousand (18,000) square feet |
| Three (3) units | Twenty Thousand (20,000) square feet |
- Multiple-Family dwellings with four or more units are subject to Part 2 and 3 hereof of Article IV of this Ordinance.

Sec. 4-82. Use Regulations.

In General Commercial District C-1, structures to be erected or land to be used, shall be used as follows:

A. Authorized uses - No Special Use Permit Required.

1. Retail food stores.
2. Bakeries.
3. Drycleaners.
4. Laundries, and Laundromats.
5. Florist shops.
6. Wearing apparel stores.
7. Jewelry stores.
8. Drug stores.
9. Fabric shops.
10. Barber and beauty shops.
11. Auto and home appliance services.
12. Theaters, assembly halls.
13. Banks.
14. Music shops.
15. Restaurants.
16. Furniture stores.
17. Hotels, motels, tourist homes, boarding houses, rooming houses.
18. Office buildings.
19. Office supply stores.
20. Churches.
21. Libraries.
22. Hardware stores.
23. Funeral homes or mortuaries.
24. Clubs and lodges.
25. Auto sales and service.
26. Public utilities.
27. Signs as follows:
 - a. Business signs as set forth in Section 4-108.
 - b. Temporary signs as set forth in Section 4-107 E.
 - c. Church bulletin boards and identification signs as set forth in Sections 4-107 B.
28. Fences as set forth in Section 4-112 and 4-113.
29. All Authorized Uses in Districts R-1 and R-2.
30. As to R-1 and R-2 type uses, Small Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1 et seq.

Replacement Page. (Sec. 4-82 amended 7/5/16, 12/6/16 and 3/24/21)

31. Exhibitions and Special Events with permit issued by Town Council. Any owner of property in the C-1 District planning an exhibition or special event shall file an application with the Town Clerk for a permit for such event not less than seven (7) days prior to a meeting of Town Council scheduled before the event. Such notice shall include the following information: 1. Description of event. 2. Date and time of the event. 3. Provisions for crowd control, traffic control and parking. 4. Provisions for fire protection and emergency medical services. 5. Provisions for bathroom facilities. 6. If any part of the event is to be held after dark a description of lighting to be provided. 7. Whether a request to sell alcoholic beverages will be made and if so, by whom; location of sales on the grounds and plan for isolating alcohol sales area from minors; ABC permits and plan for policing. Council reserves the right to impose restrictions on the said alcohol sales or to deny such sales entirely. 8. Whether concessions will be sold and by whom. 9. Provisions for litter removal.

The Town Council will review the application at its first meeting after the date the application is filed and either approve the event as planned or direct reasonable changes to the plan which changes shall be implemented by applicant prior to the event.

B. *Special Use Permit.* The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council. The Council shall have the right to reject such permit application.

1. Automobile service stations.
2. Billiard parlors and poolrooms.
3. Bowling alleys.
4. Dance Halls.
5. Video game parlors.
6. Hospitals, nursing homes and adult care homes.
7. Arenas.
8. Large Scale Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1 et seq.

C. *Off-street Parking.* Off-street parking shall be provided as required by Section 4-106.

D. All uses in this district are subject to the provisions of Article XIV, Flood Control.

Replacement Page. (Sec. 4-82 amended 7/5/16, 12/6/16 and 3/24/21).

No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

Article VII - Limited Industrial I-1

Sec. 4-87. Statement of Intent.

The purpose of this district is to provide an area where the principal use of the land is for industrial and heavy commercial operations which may create some nuisance effects but will not be detrimental to the existing and adjacent neighborhood. The specific intent is to:

A. Encourage the construction of and the continued use of the land for industrial and commercial purposes;

B. Prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district.

Sec. 4-88. Use Regulations.

In Industrial District I-1, structures to be erected or land to be used, shall be used as follows such uses being subject to the provisions of Section 4-71:

A. *Authorized uses - no Special Use Permit required.*

1. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.

2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.

3. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.

4. Laboratories - pharmaceutical and/or medical.

5. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap and toiletries.

6. Manufacture of textiles.

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

Replacement Page. (Sec. 4-88 amended 4/7/15, 3/7/17 and 3/24/21).

8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
9. Building material sales yards, plumbing supplies storage.
10. Coal and wood yards, lumber yards, feed and seed stores.
11. Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors.
12. Cabinets, furniture and upholstery shops.
13. Boat building.
14. Monumental stone works.
15. Veterinary or dog or cat hospitals, kennels.
16. Wholesale businesses, storage warehouses.
17. Public utility booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
18. Automobile service stations.
19. Signs as follows:
 - a. Business signs as set forth in Section 4-108.
 - b. Temporary signs as set forth in Section 4-107 E.
20. Fences as set forth in Sections 4-112 and 4-113.
21. All Authorized Uses in Districts R-1, R-2 and C-1 except residential.

B. *Permitted Uses with Special Use Permit.* The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council. The Council shall have the right to reject such permit application.

1. Large Scale Solar Energy Facilities and Utility Scale Solar Energy Facilities as provided in Article IX, Part 8, Sections 4-121.5:1, et seq.
2. Packing plants and food processing plants and manufacture of products from the waste thereof.
3. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stone, shell, straw, tobacco, wood, yard, and paint.
4. Public utility generating stations.
5. Manufacture of Animal Feed.
6. Any use not mentioned in Subparagraphs A or B shall require a Special Use Permit.

Replacement Page. (Sec. 4-88 amended 4/7/15, 3/7/17 and 3/24/21).

Sec. 4-121.4:22 Local government access.

Owners of towers shall provide to the Town co-location opportunities without compensation as a community benefit to improve radio communication for Town departments and emergency services, provided such co-location does not conflict with other provisions of the ordinance.

Sec. 4-121.4:23. Reservation of rights.

The Town reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or facilities, and/or to impose any other reasonable conditions on the issuance of a special use permit for placement construction, or modification of a tower or facilities.

Sec. 4-121.4:24. Severability.

If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 8. Solar Energy Facilities

Sec. 4-121.5:1. Solar Energy Facilities.

The following guidelines are intended to promote and regulate the development of solar energy facilities in the Town of Hurt while protecting the public health, safety and general welfare of the community.

Sec. 4-121.5:2. Small Solar Energy Facilities.

Small solar energy facilities shall be a Permitted Use in all zoning districts:

1. Roof-mounted small solar energy facilities may be mounted on a principal building or an accessory building but shall not exceed the maximum building height requirements for the zoning district in which they are located and shall not be more than three (3) feet higher than the finished roof to which it is mounted. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall not extend beyond the exterior perimeter of the structure roof.

Replacement Page. (Secs. 4-121.4:22, 4-121.4:23 and 4-121.4:24 added 1/02/01.
Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7
added 3/24/21)

2. Ground-mounted small solar energy facilities shall meet the minimum setbacks for principal or accessory structures in the zoning districts which they are located. The maximum height of these facilities shall be 15 feet as measured from the grade or base of the facility to its highest point.

3. All small solar energy facilities shall be configured to avoid glare and heat transference to adjacent properties.

4. All small solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

Sec. 4-121.5:3. Large-scale Solar Energy Facilities.

1. Roof-mounted large-scale solar energy facilities shall be a Permitted Use in all zoning districts when affixed to the roof of an existing or properly permitted commercial, governmental, industrial, agricultural or institutional building. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall meet all design requirements specified for small solar energy facilities.

2. Ground-mounted large-scale solar energy facilities shall be by Special Use Permit in the I-1 Industrial District.

Sec. 4-121.5:4. Utility-Scale Solar Energy Facility

1. Utility-scale solar energy facilities shall be permitted in the I-1 Industrial District. A Special Use Permit shall be required.

2. Utility-scale solar energy facilities shall be located no more than 2 miles from an existing electrical transmission line.

3. Density of panel coverage over the entire site area shall be no more than seventy (70) percent.

Sec. 4-121.5:5. Permitting requirements for large- and utility-scale solar energy facilities.

In addition to the requirements for Site Development Plans and, where applicable requirements for Special Use Permits in this Chapter 4, Town of Hurt Zoning Ordinance, the following documents and information must be provided for review and approval of large- and utility-scale solar energy facilities:

Supplement Page. (Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7 added 3/24/21)

1. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable:

2. Project site development and landscape plans demonstrating that the solar project minimizes impacts on the visual character of an existing public right-of-way (ROW) or historic properties listed on the Virginia Landmarks Register, or the National Register of Historic Places.

3. In addition to the site plan requirements of this Code, the following additional information and details shall be included:

a. Property lines and setbacks as set out below, unless required setbacks are increased by the Town Council as a condition of approval for a Special Use Permit.

- All aspects and components associated with a solar energy facility shall be no less than one hundred fifty (150) feet from any property line. No setbacks are required between the property lines of parcels that are adjacent to each other and within the project area of a single project.

- The project area shall be no less than two hundred (200) feet from the property line of any residential use located outside of the project area.

b. Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.

c. Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.

d. Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).

e. Fencing, or other methods of ensuring public safety as required by the Town Council as a condition of approval for a Special Use Permit.

Supplement Page. (Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7 added 3/24/21)

f. Reasonable buffering based on the visual impacts of the project may be required by the Town Council as a condition of approval for a Special Use Permit.

g. Additional information may be required, as determined by the Town Council, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary for the Town Council to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

4. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

5. Document that the panels are of the kind containing at least one anti-reflective layer and are located and installed so that the concentration of any glare is directed away from adjoining properties or public rights of way.

6. The applicant shall provide proof of adequate liability insurance for a large- and utility-scale solar facility prior to issuance of a zoning or building permit.

Sec. 4-121-5:6. Decommissioning requirements for Large- and Utility-Scale Solar Energy Facilities.

The owner or operator of a large- or utility-scale solar energy facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months. This period may be extended by the Town Council if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures to a depth of at least 36 inches and stabilization of the site. A decommissioning plan shall be submitted, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including a salvage or recyclable material value used to offset the decommissioning cost, provided in an itemized format by a Virginia Licensed Professional Engineer (PE); (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned.

Supplement Page. (Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7 added 3/24/21)

As a condition of approval of the site plan as provided in the permitting requirements contained in Sec. 4-121.5:5, the owner, lessee, or developer of real property subject to this section shall enter into a written agreement with the Town to decommission solar energy equipment, facilities, or devices upon the terms and conditions stated in Virginia Code Sec. 15.2-2241.2 in effect at the time of such application.

The Town Council shall require a bond with surety or other approved security to ensure compliance with conditions imposed in a Special Use Permit and the terms of the aforesaid agreement.

The surety instrument shall meet one of the following requirements:

A. Cash or certified check from a federally insured financial institution, with a credit rating of Superior, or equivalent, from a recognized credit rating company, licensed to do business in the Commonwealth of Virginia, to be held in escrow by the Town Treasurer, deposited in an interest-bearing bank account; or

B. An Irrevocable Letter of Credit from a federally insured financial institution, with a credit rating of Superior, or equivalent, from a recognized credit rating company, licensed to do business in the Commonwealth of Virginia and payable to the County in part or in full upon demand and receipt of a notice of forfeiture. Letter of credit shall be irrevocable unless replaced with cash or other form of security acceptable to the Town; or

C. A survey or performance bond that renews automatically from a company registered and licensed to operate in the Commonwealth of Virginia, with a credit rating of Superior, or equivalent, from a nationally recognized rating company, and on the U. S. Department of Treasury's Listing of Certified Companies (Department of the Treasury Circular 570, as revised). Performance Bond must be payable to the Town and maintained until decommissioning requirements are met. There must be a requirement and mechanism for the surety company to give prompt notice to the Town of: (1) any action alleging bankruptcy or insolvency of the surety or violation that would result in suspension or revocation of the license of the surety; (2) any attempt at cancellation by the owner; and (3) any pending cancellation by the surety; or

D. An insurance policy that provides the Town with acceptable rights as a beneficiary and is issued by an insurance carrier that has the authority to issue

Supplement Page. (Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7 added 3/24/21)

insurance policies in the County, and whose insurance operations are regulated and examined by a Federal or State Agency.

Sec. 4-121.5:7. General requirements for large- and utility-scale solar energy facilities.

1. The height of roof mounted large- and utility-scale solar energy facilities shall not exceed the maximum height of other structures as permitted in the zoning district, and the maximum height of ground mounted facilities shall be 15 feet, as measured from the grade or base of the facility to its highest point.

2. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and the benefits of renewable energy may be allowed.

3. All large- and utility-scale solar energy facilities shall utilize components which has a UL listing or equivalent and fully comply with all applicable building and electrical codes and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

4. All large- and utility-scale solar energy facilities shall comply with all applicable state and federal permitting and regulatory requirements.

5. All large- and utility-scale solar energy facilities must comply with the Town of Hurt Noise Ordinance, but the requirement shall be no more stringent than for other development in the underlying zoning district.

Article X - Nonconforming Uses

Part 1. Nonconforming Uses

Sec. 4-122. Vested Rights Not Impaired; General Policy as to Nonconforming Uses.

Nothing in this ordinance shall be construed to authorize the impairment of any

Supplement Page. (Part 8. Solar Energy Facilities Secs. 4-121.5:1 thru 4-121.5:7 added 3/24/21)