

ORDINANCE OF
SEPT 28, 1942
W/ AMEND. TO JUNE 19, 1954

LOUDOUN COUNTY ZONING ORDINANCE

WHEREAS, by Act of the General Assembly of Virginia approved April 1, 1938, Chapter 415, Acts of 1938, the Board of Supervisors or other governing bodies in counties are authorized to divide the area of counties in the unincorporated portions thereof into one or more districts; to regulate the use of land and of buildings and other structures; to provide the locations of those areas which may be used as places of residence or in which agriculture, forestry, trade, industry, or other specific uses, may be conducted, the height, bulk, and size of buildings or other structures; the percentage of land area which may be occupied, and the minimum sizes of yards, courts or other open spaces; to provide for amendments and changes therein; to require county planning commissions to perform certain duties with reference thereto;

THEREFORE, BE IT ORDAINED by the Board of Supervisors of Loudoun County, Virginia, that the "Zoning Ordinance" adopted September 28, 1942, and thereafter amended from time to time be now further amended and re-enacted at length as follows: (the last amendments being made May 3, 1954.)

Section I

DISTRICTS

For the purpose of this ordinance, the unincorporated territory of the county of Loudoun, Virginia, is hereby divided into five classes of districts, as follows:

- R Districts, Rural Districts
- H-R Districts, Highway Residential Districts
- H-1 Districts, Highway Agricultural Districts
- H-2 Districts, Highway Commercial Districts
- V-1 Districts, Village Residential Districts
- V-2 Districts, Village Commercial Districts

The boundaries and location of said districts are hereby established as set forth on the map entitled Zoning Map of the County of Loudoun, Virginia, 1945, a certified copy of which is on file in the office of the Clerk of said county. Said map, together with all notations and designations, is hereby made fully a part of this ordinance as if the same were fully described herein. District boundary lines are intended to follow highway lines or property lines except where boundary lines are referred to existing highway or property lines by dimensions shown on said map.

Section II

GENERAL REGULATIONS

Except as otherwise provided:

No building, structure or premises shall be used and no building or part thereof or other structure shall be erected, reconstructed, enlarged, or altered except in conformity with the regulations prescribed by this ordinance; excepting that nothing in this ordinance shall affect the height, setback building line, yards, or courts of any building as such exists at the time of the passage of this ordinance.

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Section III

DEFINITIONS

For the purpose of this ordinance, certain terms used herein are defined as follows: All words used in the present tense include the future; all words in the plural number include the singular and all words in the singular include the plural; the word "shall" is mandatory and not directory; the word "building" includes the word "structure". All distances shall be measured horizontally unless otherwise specified.

Abattoir: For purposes of this ordinance, an abattoir shall be considered a heavy industry.

Accessory Building: A subordinate building the use of which is incidental to that of a main building on the same lot.

Apartment House: House designed for occupancy by more than two families.

Accessory Use: A use incidental to the principal use of a lot or a building located on the same lot with the accessory use.

Building: Any structure having a roof supported by columns or by walls.

Dump Heap: Any area of 100 square feet or more lying within 1000 feet of

- (a) a state highway,
 - (b) a residence,
 - (c) a dairy barn, or
 - (d) any food-handling establishment,
- where trash, garbage or other waste or scrap material is dumped or otherwise deposited.

For the purposes of this ordinance, a dump heap shall be considered a heavy industry.

Guest Room: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking and not including dormitories for sleeping purposes.

Hog Farm: The keeping of hogs fed primarily on garbage transported from other places to the farm for feeding purposes.

Home Occupation:

(a) Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

(b) Any use not listed below which is customarily conducted entirely within a farm building and carried out by the operators of said farm

which use is clearly incidental and secondary to the use of the building for farming purposes and does not alter the character thereof.

1. Abattoirs.
2. Restaurants.
3. Stores.
4. Garages.
5. Filling stations.
6. Commercial recreation uses.
7. Service uses such as (but not limited to) barber shops, beauty shops, tailor shops, shoe repair shops, plumbing and electrical shops.

Hotel: A building or group of buildings other than a tourist court as defined herein, containing 10 or more guest rooms.

Junk Yard: The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials; the term "Junk Yard" shall include the term "Automobile Graveyard" as defined in Chapter 304, Acts of 1938, of the State of Virginia, but shall not include the storage or keeping of farm machinery or parts thereof in any form. A junk yard shall be deemed to be a heavy industrial use.

Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.

Parking: The stationing of a car in a given location for the time only required for its user for the transaction of business or enjoyment of recreation such as (but not limited to) theater attendance, dancing, swimming, etc.

Restaurant: Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionary shops, or refreshment stands.

Sign: Any display or any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible and for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface or any other thing, including, but not limited to, the ground, and any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

Directional Sign: A directional sign is one (one end of which may be pointed, or on which an arrow may be painted, indicating direction to which attention is called) not more than two square feet in area, giving the name only of the farm, or business responsible for the erection of same. A breed or crop name shall be considered as part of the farm name.

Temporary Sign: A sign applying to a seasonal or other brief activity such as (but not limited to) summer camps, horse shows, auctions, sale of land. Temporary signs shall conform in size and type to directional signs.

Store: A place for the wholesale or retail sale of commodities.

Tourist Court: A building or group of two or more detached or semi-detached buildings containing one or more guest rooms having separate outside entrances for each room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided on the premises.

Tourist Home: A dwelling otherwise permitted in the district in which the same is situated, in which less than ten guest rooms are provided for transient guests.

Trailer Camp: Any premises occupied by or designed for occupancy by two or more families or other groups or by individuals living in trailers, any one of which families, groups or individual remains as long as three consecutive days; or occupied by one or more buses, trailers or other vehicles, whether wheels are dismounted or not, if used for residential or business purposes; or by bunkhouse or barracks type housing for construction or other workers in connection with any building or other project.

Use: Any continuous or continual occupation of or activity taking place upon a parcel of land including (but not limited to) the location of tents, portable huts, trailers, etc.; as the storage of cars, machinery or material; as well as of buildings or other structure intended for permanent location thereon.

Section IV

R DISTRICTS - RURAL DISTRICTS

A. Uses Permitted:

All uses not otherwise prohibited by law shall be permitted, provided, however, that no establishment in an R District shall display more than three signs totaling more than 40 feet in aggregate area, and provided, further, that none of the following uses shall hereafter be established in any R District unless and until a Use Permit therefor shall have been obtained from the Board of Zoning Appeals as provided in Section XIII^D of this ordinance.

1. Restaurants.
2. Tourist courts.
3. Trailer camps.
4. Stores.
5. Commercial recreation uses, such as (but not limited to) bowling alleys, pool rooms, dance halls or any use in which facilities for recreation or amusement are provided for compensation.
6. Signs visible from outside the district.
7. Hog farms.

8. apartment houses.

9. Hotels.

B. For regulations governing location of buildings, see Section X-H.

Section V

H-R DISTRICTS - HIGHWAY RESIDENTIAL

A. Uses Permitted:

1. Dwellings, but not including hotels or tourist courts.

2. Tourist homes.

3. Home occupations.

4. all agricultural uses.

5. Parks, playgrounds, golf courses, and similar recreational uses.

6. Schools, churches, hospital and other public and quasi-public uses.

7. Accessory uses and buildings.

B. Uses Permitted Upon Granting of Use Permits:

1. apartment houses and hotels.

C. For regulations governing location of buildings, see Section X-H.

Section VI

H-1 DISTRICTS - HIGHWAY AGRICULTURAL DISTRICTS

A. Uses Permitted:

1. Dwellings, but not including hotels or tourist courts.

2. Tourist homes.

3. Home occupations.

4. All agricultural uses.

5. Parks, playgrounds, golf courses, and similar recreational uses.

6. Schools, churches, hospitals and other public and quasi-public uses.

7. Accessory uses and buildings.

B. Uses Permitted Upon Granting of Use Permit:

1. Filling Stations.

2. Garages.
3. Apartment houses and hotels.
4. Tourist courts.
5. Such business and service establishment as would not be objectionable from the standpoint of noise, odor, vibration or other characteristics and which building or establishment might be in keeping with the general appearance of the community, provided that such business or establishment is within one-half mile of a V-2 District or that it is within one-half mile of the corporate limits of a town and that the incorporated area adjoining is not zoned for residential purposes.
6. Signs subject to specifications in Use Permit.
7. Other uses directly and chiefly associated with and appurtenant to the normal agricultural or forestry operations of the area such as (but not limited to) canneries, saw mills, etc.

C. For regulations governing location of buildings, see Section X-E.

Section VII

H-2 DISTRICTS - HIGHWAY COMMERCIAL DISTRICTS

A. Uses Permitted:

1. All uses permitted in H-1 Districts.
2. Stores.
3. Restaurants.
4. Repair garages and gasoline service stations.
5. Service uses, such as (but not limited to) barber shops, beauty shops, tailor shops and shoe repair shops.
6. Commercial recreation uses.
7. Signs only when appurtenant to the use of the property on which displayed, and provided that no establishment shall display more than three signs, no one of which shall exceed 30 square feet in area and the aggregate of which shall not exceed 60 square feet; and provided, further, that no establishment shall display more neon or other electric illumination than will outline the lettering or device on one sign not more than twenty (20) square feet in area.
8. Any Light Industrial Use.

B. Uses Permitted Upon Granting of Use Permit:

1. Tourist courts.

2. Trailer camps.
3. Sawmills.
4. Canneries.

C. For regulations governing location of buildings, see Section X-H.

Section VIII

V-1 DISTRICTS - VILLAGE RESIDENTIAL DISTRICTS

A. Uses Permitted:

1. Dwellings, for one or more families and tourist homes, but not tourist courts or hotels.
2. Home occupations.
3. Schools, churches, hospitals, parks, playgrounds, and other public and quasi-public uses.
4. Accessory buildings and accessory uses including crop and tree farming and the keeping of horses, cows, chickens, or other livestock solely for the use of the family living on the lot on which such accessory use is established.
5. Office and professional buildings of such size and architecture as not to alter the general character of the District.

B. For regulations governing the location of buildings, see Section X-H.

Section IX

V-2 DISTRICTS - VILLAGE COMMERCIAL DISTRICTS

A. Uses Permitted:

1. All uses permitted in V-1 Districts.
2. Stores for the conduct of retail business.
3. Service uses such as (but not limited to) barber shops, beauty shops, tailor shops, shoe repair shops.
4. Banks and business professional offices.
5. Gasoline service stations and repair garages.
6. Restaurants.
7. Hotels.
8. Carpenter shops, plumbing shops, tinsmith shops, electrical shops and blacksmith shops.

9. Signs only when appurtenant to the use of the property on which displayed, and provided that no establishment shall display more than three signs, the aggregate area of which shall not exceed 60 feet (square) and no one of which shall exceed 30 square feet.

Section X

ADDITIONAL REGULATIONS

A. Nothing herein shall be deemed to prevent the sale or offering for sale by the owner or tenant of any farm, of goods produced on said farm. The construction of any stand, or shelter for this purpose on the highway frontage of any such farm shall be permitted use in any district and the sale of such goods may be advertised by not more than three signs of not over six square feet in area each; one sign may be displayed on the site of the stand, and two of such signs may be located not more than 300 feet distant from such stand, one in each direction along the highway on which the stand faces.

B. A heavy industry may be located in any district, except any H-R and V Districts, upon the securing of a Use Permit therefor from the Board of Zoning Appeals as provided in Section XIII-~~5~~ of this ordinance.

^D
C. Regardless of district regulations, there may be maintained the following signs, provided that not more than one sign of each of the following types may be displayed on any one parcel of land.

1. Signs not exceeding one square foot in area displaying the name only of the land or building on which displayed, or of the owner or tenant thereof.

*as amended
June 19, 1954*

2. Signs not exceeding 6 square feet in area pertaining only to the offering for sale or lease of the land or building on which displayed, provided that said sign shall not devote more than 1/3 rd of its total sign area to displaying the name or names, address and telephone number of any agent, agent or owner.
3. Signs not exceeding 4 square feet in area announcing tourist home accommodations only when located on the lot on which such tourist home is situated.

4. Signs not exceeding 4 square feet in area designating home occupations to be located on the property where such occupation is conducted.

5. Directional signs as defined in Section III, provided no more than two point to any one establishment.

^D
D. Passenger or freight stations for bus or rail lines, and necessary service buildings in connection with a public utility may be maintained in any district subject to the securing of a Use Permit therefor, as specified in Section XIII-~~5~~ of this ordinance. This paragraph shall apply also to shelters erected in connection with school bus routes.

E. 1. No airport, landing field, flight strip or other area designed for the arrival, departure and/or parking of aircraft, or any other operation connected with aviation, shall be established, enlarged or remodeled, in any district without a Use Permit from the Board of Zoning Appeals as specified in Section XIII-~~5~~ of this ordinance.

^D

2. This paragraph shall not apply to the use of fields on home farms or strictly residential property by persons living on the farm or property; or by persons calling on those who live there. Hangars for aircraft belonging to the families resident on the property shall be considered as if they were garages for housing cars owned by these families.

F. Upon obtaining a Use Permit as provided in Section XIII-^D~~E~~, functions sponsored and operated by local groups for purposes of raising funds for civic programs, such as (but not limited to) firemen's carnivals, local arts and crafts displays and sales, etc., may be permitted in all districts. This paragraph shall not apply to functions lasting seventeen days or less which may operate without a Permit.

G. No commercial building or land use shall be established on any primary or secondary highway unless off the road parking and loading and unloading space is provided for the largest number of cars likely to be used by it or to patronize it; and provided, further, that such parking and loading and unloading space shall be at least 25 feet from the road bed of said highway.

H. Setback Requirements as to Building Lines:

1. In any Highway Residential (H-R), Highway Agricultural (H-1), or Highway Commercial (H-2) Districts, no building or use shall be located closer to the center line of any primary state highway than a distance of 125 feet or closer to the center line of any secondary state highway than a distance of 50 feet; in any Rural (R) District, no building or use shall be located closer to the center line of a secondary state highway than a distance of 50 feet, provided such secondary highway is at least 30 feet in width of right of way; provided, however, that no building or use shall be required to be set back more than the average setback observed by buildings existing at the time of the passage of this ordinance within a distance of 1000 feet from the corporate line of any incorporated town or city; or within the same distance from a Village Residential or Village Commercial District; or within any area in any H-1 District where any average setback has been established by at least three buildings on at least one side of the highway the nearest of which is within 1/4 mile of the location of the proposed building or use and the farthest of which is not more than 3/4 mile from said proposed location.
2. In Village Residential Districts, where 25% or more of the frontage of any block is, at the time of the passage of this ordinance, improved with buildings which vary in their location with reference to the right of way line of the street on which they face to any extent not greater than 10 feet, any building built hereafter in such block shall maintain a distance from such right of way line of the street of not less than the average of the distances which such existing buildings maintain.

In any other block, no building shall be located closer to the right of way line of the street on which such block faces than a distance of 25 feet.

No one-story building shall be built closer to the side lot line of the lot on which it is situated than a distance of 10 feet; no two-story or more building shall be built closer to the side lot line of the lot on which it is situated than a distance of 15 feet.

I. No establishment shall display for sale any cars, trucks, farm or other machinery, automotive or stationery, or store then pending or during repair work thereon, within 25 feet from the road bed of the highway on which such establishment is located.

J. Tourist Courts.

1. No tourist court unit area shall be less than 25 feet by 35 feet.
2. Minimum lanes or driveways between tourist cabins shall be 18 feet in width.
3. No tourist cabins or any housing described in the definition of trailer camps shall be placed within 10 feet of one another, nor within 100 feet of any gasoline or oil storage tank.
4. Tourist cabins constructed in a tourist camp shall comply with the requirements of trailers.

II. Trailer Camps

1. No trailer camp unit area shall be less than 25 feet by 35 feet.
2. Minimum lanes or driveways between rows of trailers or camp facilities shall be 18 feet in width.
3. No trailers or any housing units described in the definition of trailer camps shall be placed within 10 feet of one another, nor within 100 feet of any gasoline oil storage tank.
4. Bunkhouse, barracks-type or similar type housing for construction workers or others shall conform to the requirements for Trailer Camps.
5. Trailers, buses or other vehicles, whether wheels have been removed or not, shall when used for business or residential purposes conform to the requirements for Trailer Camps.

K. Laboratories or other installations of a technical or scientific nature, or any structure erected for such purpose or purposes, such as, but not limited to, radar and radio stations and towers, plants for testing chemicals or any activity established for a technological purpose may be maintained in any district subject to the securing of a Use Permit therefor, as specified in Section XIII-~~A~~_D of this ordinance.

L. Animal hospitals, kennels, snake pits, cages, zoos or any structure erected for the display of animals, reptiles or birds except such animals or fowls as may be displayed for human consumption, riding or other transportation in sport or business may be maintained in any district subject to the securing of a Use Permit therefor, as specified in Section XIII-~~B~~_D of this ordinance.

M. No permit shall be issued for any junkyard or dump heap not screened from view from highways and adjacent property.

N. Any by-pass constructed in the County shall be zoned as Highway Agricultural.

0. Shopping Centers may be located in any district subject to the granting of a Use Permit from the Board of Zoning Appeals.

Section XI

NON-CONFORMING USES

1. Existing or Former Use:

Any lot, building or structure which, at the time of passage of this ordinance, was being used in any manner contrary to the provisions of this ordinance may continue to be used in said manner and such lot, building or structure may be repaired in the interest of safety and/or appearance. Any such lot, building or structure which is vacant for a period not exceeding one year may be continued in such non-conforming use; provided, however, that if such use has been superseded by an approved use such lot, building or structure shall be deemed to come under the provisions of this ordinance as affecting the various districts. A list of non-conforming uses existing as such at the time of the passage of this ordinance shall be considered a part of this ordinance and filed with the "Zoning Map" in the Clerk of the Court's Office.

2. Damaged Buildings:

Any building or structure in use for a non-conforming purpose which shall sustain a major damage may be repaired, reconstructed, or rebuilt subject to the securing of a Use Permit as specified in Section XIII-D of this ordinance.

Section XII

INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirement for the promotion of the public health, safety, convenience and general welfare. It is not the intention of this ordinance to interfere with or abrogate any covenant or other agreement between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings, or requires larger open spaces or greater building setback lines than are required by other ordinances, rules, regulations or blind covenants or agreements, the provisions of this ordinance shall govern.

Section XIII

PERMITS

- A. Zoning Permits:

- A. No building or use of and other than an agricultural use or building shall hereafter be commenced, reconstructed, enlarged, or altered unless and until a zoning permit thereof is obtained from the Zoning Administrator. Each applicant for a Zoning Permit shall submit to the Zoning Administrator three copies of a scale drawing showing the size and shape of the parcel of land on which the proposed building or use is to be conducted: the nature of the proposed use of the building or

land; and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land, and any other information which the Zoning Administrator may deem necessary for an intelligent consideration of the application. If it appears that the proposed building or use is in conformity with the provisions of this ordinance, a zoning permit shall be issued to the applicant by the Zoning Administrator; and one copy of the drawing shall be returned to the applicant with said permit, provided, however, that the applicant for a zoning permit for any office, professional or commercial building in any H-2 District or for an office or professional building in a V-1 District, shall submit in addition to the information otherwise required herein, three copies of a scale drawing, showing the front, side, and rear elevation of the proposed building; and also a statement of the construction material, roof material, thickness of walls, color of paint, type of foundation and whatever other data will aid the Commission in visualizing the proposed structure; which scale drawings and statement shall be submitted to the chairman of the Planning Commission, and the Zoning Administrator shall issue no zoning permit until he shall have received from the Planning Commission written certification of the completion of such consultation; and the failure of the Planning Commission to certify within 15 days from the date of filing of said application shall be construed as its giving such certification thereto.

- B. The Zoning Administrator shall issue no permit for a building or land use to be located in a subdivision until the preliminary plats for said subdivision have been approved by the Planning Commission as provided in Section VI of the Subdivision Control Ordinance.
- C. No zoning permit shall be valid for more than one year from its date of issue. One renewal of the permit (for not more than six months) may be granted without charge on application to the Zoning Administrator as provided in paragraphs 1, 2 and 4 of this section provided that no change need be made in any part of the application in order to conform to the Zoning Ordinance at the time of renewal. For further renewals, the charge shall be the same as for the original permit.
- D. Use Permits:

The procedure governing the application for and granting of Use Permits for uses for which such permits are required by this ordinance shall be as follows:

1. The applicant, who shall be record owner, or contract owner with written approval of owner of land involved, (if contract owner, copy of said contract shall be filed with and made a part of application) shall make application for the Use Permit to the Zoning Administrator on the form provided for the purpose, giving all information required by such form, including such other information the Zoning Administrator may deem necessary for an intelligent consideration of the project for which permit is desired. The application shall be accompanied by three copies of scale drawings showing:

- (a) The size and shape of the parcel of land on which the proposed building or use is to be located.

- (b) The nature of the proposed building or use of land.
- (c) The location of such building or use with respect to all existing buildings, or to any public highways adjoining said parcel of land, and to all dwellings within 500 feet of the proposed building or use for which permit is required.
- (d) The front, side and rear elevations and floor plans of the proposed building.

In addition to the information required above, the applicant shall file a statement with his application giving approximate specifications as to type of construction, cost estimate, etc. of proposed building, or buildings, and in case of tourist courts and trailer camps, a statement detailing the facilities for sewage and trash disposal and for drinking water facilities.

2. The Zoning Administrator shall thereupon submit the application and all copies of the scale drawings to the Board of Zoning Appeals. The Board of Zoning Appeals shall advertise in a county paper for two successive issues notice of a hearing to be held by the Board of Zoning Appeals, called to consider said application, and the purpose and intent of said application, at which meeting any person or persons may present statement concerning said application.

3. The Board of Zoning Appeals may grant or deny the application as the Board sees fit, being guided in its decision by its opinion as to whether or not the proposed use would be desirable or advantageous to the neighborhood or the community or the county at large. No use permit may be valid for more than one year from its date of issue. One renewal of the permit may be granted without charge on application to the Board of Zoning Appeals as provided in paragraphs 1, 2 and 4 of this section provided that no change need be made in any part of the application in order to conform to the Zoning Ordinance at the time of renewal. For further renewals, the charge shall be the same as the original permit.

4. Upon the granting of a Use Permit, one copy of the scale drawing, upon which have been indicated the changes or restrictions, if any, required by the Board of Zoning Appeals, and which has been certified by the Zoning Administrator, shall be returned to the permittee, who may thereafter conduct the operations for which the permit has been granted only in such manner and for such a time as the permit and the certified drawing shall specify. A Use Permit shall be valid for only the specific use it covers in the specific location designated.

5. In the event that a Use Permit is denied, a second application may not be made earlier than six months from the date of denial.

E. Temporary Sign Permits:

1. The applicant shall make application for the temporary sign to the Zoning Administrator on the form provided for the purpose, giving all information required by such form including such additional information as the Zoning Administrator may deem necessary for an intelligent consideration of the application.

(a) The Zoning Administrator shall grant no temporary sign permit for a period to exceed six weeks.

(b) The Zoning Administrator shall grant no temporary sign permit except on agreement by the applicant to cause the sign to be removed on

termination of the time specified in the permit.

Section XIV

EFFECT OF INVALIDITY OF ONE SECTION

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

Section XV

AMENDMENTS

The Board of Supervisors may, from time to time as they see fit, amend any provision of this ordinance as provided by law.

Section XVI

BOARD OF ZONING APPEALS

A. General Provisions:

1. A Board of Zoning Appeals shall be appointed by the chairman of the Board of Supervisors, which shall consist of five members whose terms of office shall be for three years, respectively, beginning with date of their first appointments; and for three year terms thereafter as new members are appointed and old ones reappointed. Said Board of Zoning Appeals shall elect a chairman and secretary from its members, hold meetings when necessary and provide for the keeping of its official proceedings.
2. The chairman or a member designated by the chairman of the County Planning Commission shall attend all hearings of the Board of Zoning Appeals for the purpose of assisting said Board in questions of zoning regulations for the county. Said chairman or member of the Planning Commission shall have no vote.
3. Any person, firm or corporation aggrieved by any decision or any interpretation of said Ordinance made by the Zoning Administrator may present to the Board of Zoning Appeals, by filing with the chairman or secretary of said Board for the consideration of the Board, a petition setting forth the grounds on which such person, firm or corporation is aggrieved; said Board shall give notice and hold hearings under like terms and conditions as are provided under Section XIII-B-2 of this ordinance and shall render its decision thereon in keeping with the general and specific purpose of this ordinance within 30 days from date of receipt of such petition.
4. The Board of Zoning Appeals shall have such other duties as are set forth in Section XIII-F, Use Permits.

B. Variances:

1. The Board of Zoning Appeals may, in appropriate cases and subject to

the terms of this ordinance in harmony with its general purpose and intent, in accordance with specific rules contained therein.

2. Written application for a Variance shall accompany an application for a building permit. Said application shall be accompanied by plans, elevations and approximate specifications of the type required under application for Use Permit in Section XIII-~~3~~²-1 of this Ordinance.
3. The Board of Zoning Appeals shall inform the applicant, not later than one week before the public hearing, of any information other than the drawings and approximate specifications required under Section XVI, paragraph 2 above, which the Board may wish presented at the hearing. The Board of Zoning Appeals shall not grant a Variance unless it finds that:
 - (a) There are special circumstances or conditions applying to the land, building, or use referred to in the application.
 - (b) The granting of the application is necessary for the preservation and enjoyment of substantial property rights.
 - (c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will be advantageous to the public welfare.
 - (d) To exercise such other powers of variation as are, or may be vested in the Board of Zoning Appeals by law.
4. Every such variation made by the Board of Zoning Appeals after a duly advertised hearing shall be accompanied by a finding of fact specifying the reasons for making such variation.
5. In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application of which the Variance is granted, as to light, air, character of the neighborhood, and, generally, the public health, safety, comfort, convenience, and general welfare.

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Fees:

Each application for an appeal to the Board of Zoning Appeals from any decision of the Zoning Administrator, or for, or including, a Variance or Use Permit as provided under this section shall be accompanied by a fee of Five Dollars (\$5.00). All other applications for permits shall be accompanied by a fee of ~~Two~~ Dollars (\$2.00). All such fees shall be paid to the County Treasurer for deposit in the general fund. A temporary sign permit may be renewed only once in any year without charge.

Section XVII

ENFORCEMENT, VIOLATIONS AND PENALTIES

1. This ordinance shall be enforced by an officer to be known as the Zoning Administrator who shall be appointed by the Board of Supervisors and who, as well as his successors, shall serve at the pleasure of the Board of Supervisors, and whose compensation as such shall be fixed by resolution of the Board of Supervisors.
2. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five and not more than two hundred and fifty dollars; and ten dollars for each day after the first day that such violation shall continue after notification that it shall cease.