

Chapter 425

ZONING

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[HISTORY: Adopted by the Town Council of the Town of Mineral 3-30-1978 . Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 150.

Trailers and manufactured homes — See Ch. 397.

Subdivision of land — See Ch. 380.

ARTICLE I
Districts

§ 425-1. Establishment of districts.

For the purpose of this chapter, the incorporated area of Mineral, Virginia, is hereby divided into four districts as follows:

- A. Residential Limited R-L.
- B. Residential General R-G.
- C. Light Commercial LC.
- D. General Commercial GC.

§ 425-2. Location and boundaries.

The location and boundaries of these districts are shown on the Official Zoning Map of Mineral, Virginia.¹

1. Editor's Note: The Zoning Map is on file and available for inspection in the office of the Town Clerk.

ARTICLE II
Residential Limited District (R-L)

§ 425-3. Statement of intent.

This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage an enjoyable environment for family life, and to prohibit activities of a commercial nature. To these ends, development is limited to single-unit dwellings providing homes for the residents plus certain other uses, such as schools, parks, churches, and public facilities that serve the residents of the district.

§ 425-4. Use regulations.

- A. In a Residential Limited District, no building or land shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than one or more of the following uses:
- (1) Single-family dwellings.
 - (2) Public and semipublic uses, such as schools, churches, playgrounds, and parks.
 - (3) Poles, lines, transformers, pipes, meters and/or other facilities necessary for the provision and maintenance of public utilities.
- B. Signs and bulletin boards require a conditional use permit.
- C. Home occupations are permitted, but no advertising thereof is permitted on the premises.
- D. Accessory buildings are permitted as defined; however, private garages or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer than 10 feet to any property line.

§ 425-5. Area regulations.

- A. All dwellings and buildings in this district shall be served by a public or private water system.
- B. For residential lots served by public water and sewage disposal systems, the minimum lot area shall be not less than 20,000 square feet.
- C. For residential lots served by a public water system but having individual sewage disposal, the minimum lot area shall be not less than 20,000 square feet, subject to Health Department approval. For permitted uses, other than residential, utilizing individual sewage disposal systems, the required area for any such use shall be determined by the Louisa County Health Department, but not less than 20,000 square feet.
- D. The lot area shall be at least five times the square footage of the floor area of any such dwelling or other building constructed on said lot, the floor area to be the total floor area of the floor on each story of such dwelling and any other building. **[Added 9-12-1988]**

§ 425-6. Setback regulations.

No building shall be located closer than 40 feet to any street right-of-way. This shall be known as the "setback line," as defined herein.

§ 425-7. Frontage regulations.

The width of any lot at the setback line in this district shall be not less than 100 feet.

§ 425-8. Yard regulations.

- A. Side. The side yard shall be not less than 15 feet.
- B. Rear. Each main building shall have a rear yard of not less than 35 feet.

§ 425-9. 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 the streets.
- B. The side yard on the side facing the side street shall be not less than 30 feet for both the main and accessory buildings.

§ 425-10. Height regulations.

No building shall be erected to contain more than 2 1/2 stories not to exceed 35 feet in height from grade except that:

- A. These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials.
- B. All accessory buildings shall be less than the main building in height.

§ 425-11. Off-street parking.

In accordance with special off-street parking provisions contained herein. See § 425-53.

§ 425-12. Signs.

Refer to Article X.

ARTICLE III
Residential General District (R-G)

§ 425-13. Statement of intent.

This district shall be composed of certain quiet, medium-density residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit activities of a commercial nature.

§ 425-14. Use regulations.

In Residential General District R-G no building or land shall be used, and no building shall be erected which is arranged, intended, or designed to be used, for other than one or more of the following uses:

- A. All uses permitted and in the same manner permitted in Residential Limited District R-L.
- B. Single-family and multifamily dwellings and apartments, provided that multifamily dwellings and apartments must be authorized by a conditional use permit under § 425-57 of this chapter. **[Amended 3-10-2008 by Ord. No. 2008-01]**
- C. Dormitories, boardinghouses, hospitals, nursing homes, funeral homes, funeral chapels and undertaking establishments.
- D. Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the maintenance of public utilities, including water and sewerage facilities and fire and rescue facilities.

§ 425-15. Area regulations.

- A. All dwellings and buildings in this district shall be served by a public or private water system.
- B. Residential lots served by public water and sewage disposal systems.
 - (1) For residential lots served by public water and sewage disposal systems, the lot area shall not be less than:
 - (a) One unit: 15,000 square feet.
 - (b) Two units: 17,000 square feet.
 - (c) Three units: 19,000 square feet.
 - (d) For each additional unit above three: 2,000 square feet.
 - (2) All these subject to Health Department approval.
- C. For permitted uses other than residential utilizing individual sewage disposal systems, the required area for any such use shall be determined by the Health Department, but in no case less than 15,000 square feet.
- D. The lot area shall be at least five times the square footage of the floor area of any such dwelling or other building constructed on said lot, the floor area to be the total floor area of the floor on each story of such dwelling and any other building. **[Added 9-12-1988]**

- E. Multifamily dwellings, apartments or other buildings that will house children under the age of 16 years, in addition to the other requirements set forth herein, shall establish a recreational and playground area on the premises consisting of an area of at least 1,000 square feet for each child under the age of 16 years that the Planning Commission and the Town Council determine will likely occupy such buildings, and if such playground or recreational area is in a heavily congested area, the Council of the Town of Mineral may require that such area be fenced or supervised by the owner of such multifamily dwelling or apartment. **[Added 9-12-1988]**

§ 425-16. Setback regulations.

No building shall be located closer than 30 feet to any street. This shall be known as the "setback line," as defined herein.

§ 425-17. Yard regulations.

- A. Side. The side yard shall be not less than 10 feet.
- B. Rear. Each main building shall have a rear yard of not less than 25 feet.

§ 425-18. Frontage regulations.

The lot width at the setback line shall be not less than 75 feet.

§ 425-19. Height regulations.

- A. Height regulations are as follows:
- (1) Single-family residence: 40 feet maximum.
 - (2) Two-family residence: 40 feet maximum.
 - (3) Multifamily and other permitted structures: 60 feet maximum.
- B. No building shall be erected to contain more than three stories.
- C. These limitations shall not apply to church spires, belfries, cupolas, monument, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials.
- D. All accessory buildings shall be less than the main building in height.

§ 425-20. 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 the streets.
- B. The side yard on the side facing the side street shall be not less than 20 feet for both main and accessory buildings.

§ 425-21. Off-street parking.

See § 425-53.

§ 425-22. Signs.

Refer to Article X.

ARTICLE IV
Light Commercial District (LC)

§ 425-23. Statement of intent.

The primary purpose of this district is to establish and protect a limited business district that will serve the surrounding residential districts. Traffic and parking congestion shall be held to a minimum to protect and preserve property values in the surrounding residential districts, and, insofar as possible, all neighborhood business development shall take place in a limited business district. Water and sewer shall be provided.

§ 425-24. Use regulations. [Amended 9-12-1988 ; 6-13-2005 by Ord. No. 2005-01]

Within any Light Commercial District, as indicated on the Zoning Map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose or for any other than the following specified purposes:

- A. All purposes permitted in the aforementioned residential districts, provided that multifamily dwellings and apartments must be authorized by a conditional use permit under § 425-57 of this chapter. **[Amended 3-10-2008 by Ord. No. 2008-01]**
- B. Banks and office buildings.
- C. Greenhouses and nurseries operated on a commercial scale, including sale rooms and offices.
- D. Parking of automobiles, excluding house trailers, freight trucks, and trailers.
- E. Self-service laundries. **[Amended 10-15-2013 by Ord. No. 2013-03]**
- F. Retail businesses, which includes retail stores and service establishments such as bakeries, food shops, drugstores, branch laundries, and dry-cleaning shops (but not dyeing plants), beauty parlors, barbershops, tailor and shoe repair shops, florists, jewelry and watch repair shops, gift and optician shops, hardware stores, building material stores and sales yards in connection therewith, newspaper offices, photographic studios, printing plants, electrical appliance stores, music stores, restaurants, hotels, motels, theaters, or other commercial establishments of like nature, provided that no such retail business shall exceed 10,000 square feet of floor space, and provided further that no manufacturing, wholesaling or jobbing shall be carried on and that in the permitted stores and shops no merchandise shall be carried other than that intended to be sold at retail on the premises. **[Amended 10-15-2013 by Ord. No. 2013-03 ²]**

§ 425-25. Setback regulations.

- A. Minimum of 15 feet on undeveloped streets. The setback shall blend with existing setbacks on developed streets.
- B. The minimum side yard adjoining or adjacent to a residential district shall not be less than 20 feet.

§ 425-26. Off-street parking.

See § 425-53.

2. **Editor's Note: This ordinance also provided for the repeal of former Subsections G and H, regarding retail stores not exceeding 4,000 square feet and retail businesses.**

§ 425-27. Height regulations.

No building or structure shall be erected to a height in excess of 50 feet above grade without recommendation of the Planning Commission and approval of the Town Council after the required public hearing(s).

§ 425-28. Signs.

Refer to Article X.

ARTICLE V
General Commercial District (GC)

§ 425-29. Statement of intent.

This district shall include that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. Water and sewer shall be provided.

§ 425-30. Use regulations. [Amended 6-13-2005 by Ord. No. 2005-01]

In a General Commercial District no buildings or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. All uses permitted in the Light Commercial District except dwellings and apartment houses. Note: A residence for a watchman or a caretaker for a business on premises may be permitted.
- B. Gasoline filling stations for servicing automobiles and public garages, storage warehouses and yards, automobile sales, service and rental, and wholesale and jobbing establishments.
- C. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement only when recommended by the Planning Commission and approved by the Council of the Town of Mineral.
- D. Trailer courts in conformity with special provisions contained herein.³
- E. Public utilities. Utility substations, pump houses, distribution lines, and poles and other facilities for the provision and maintenance of public utilities, meters, pipes, fire and rescue, including railroads and their facilities, and water and sewerage works.

§ 425-31. Frontage and yard regulations.

- A. Side yard. Where the district abuts a residential district, the minimum side yard shall be 20 feet.
- B. Setback. Minimum of 15 feet on developed streets and a minimum of 20 feet on undeveloped streets.

§ 425-32. Off-street parking.

See § 425-53.

§ 425-33. Height regulations.

No building (or structure) shall be erected to a height in excess of 60 feet above grade without recommendation of the Planning Commission and approval of the Town Council after the required public hearing(s).

§ 425-34. Signs.

Refer to Article X.

3. Editor's Note: See § 425-54.

§ 425-35. Prohibited uses.

Automobile graveyards and junkyards and sand and gravel yards are prohibited. Note: Automobile graveyards and junkyards in existence at the time of the adoption of this chapter may continue as nonconforming uses, provided that they shall have a period of not exceeding two years after said adoption in which to completely screen on any side viewed from a public road the operation or use by a solid six-foot-high masonry wall or other type of solid fencing or hedge approved by the Zoning Administrator.

ARTICLE VI

**Planned Unit Development District (PUD)
[Added 6-12-2006 by Ord. No. 2006-02]****§ 425-36. Statement of intent.**

- A. Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals of the Town. Through a planned unit development district approach, the provisions of this article are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts.
- B. It is intended that planned unit development districts be established along major corridors and in growth areas. Applicants' planned unit development master plans should demonstrate a unified development with an interconnected system of internal roads, sidewalks, and paths, as well as management of access points along existing roads in order to maximize safety and the efficiency of existing roads. Pavement widths of internal and external roads shall minimize paving requirements while accommodating projected traffic generated from the district. Planned unit developments allow for a higher density of development for a more efficient use of the designated growth areas and for more effective preservation of the open areas of the Town. Other benefits of a planned unit development include less infrastructure costs, more efficient provision of public safety services, less environmental impact and, through the provision of affordable housing, the achievement of significant economic and social integration.

§ 425-37. Character of development.

- A. "Planned unit development" means a development generally in a designated growth area that utilizes a master plan to identify mixed uses with development standards specific to the proposed use. The goal of a planned unit development district is to encourage a development form and character that is different from conventional suburban development by providing the following characteristics:
 - (1) Pedestrian orientation;
 - (2) Neighborhood-friendly streets and paths;
 - (3) Interconnected streets and transportation networks;
 - (4) Parks and open space as amenities;
 - (5) Neighborhood centers;
 - (6) Buildings and spaces of appropriate scale;
 - (7) Relegated parking;
 - (8) Mixture of uses and use types;
 - (9) Mixture of housing types and affordability;
 - (10) Environmentally sensitive design; and
 - (11) Clear boundaries with any surrounding rural areas.
- B. An application is not necessarily required to possess every characteristic of the planned unit development district as delineated in Subsection A in order to be approved. The size of the proposed

district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic.

§ 425-38. Permitted uses generally.

In a planned unit development district, all uses permitted by right in the residential and commercial districts may be permitted. Additional uses specifically enumerated in the applicant's final master plan may be permitted by right at the discretion of the Town Council. Specific uses may also be excluded.

§ 425-39. Permitted uses with conditional use permit.

One or more uses permitted by conditional use permit in any zoning districts may be permitted in the planned unit development district, if documented in the applicant's master plan, and upon issuance of a conditional use permit by the Town Council. Uses allowed by right in other districts may require a conditional use permit if specifically enumerated in the applicant's final master plan.

§ 425-40. Mixture of uses.

A variety of housing types and nonresidential uses is strongly encouraged. The mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

§ 425-41. Minimum area for planned unit development.

- A. Minimum area required for the establishment of a planned unit development district shall be 10 acres.
- B. Additional area may be added to an established planned unit development district if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the planned unit development district shall be the same as if an original application was filed, and all requirements shall apply except the minimum lot area requirement as set forth above.

§ 425-42. Open space.

Open space promotes attractive and unique developments that are also environmentally conscious. For the purposes of this section, the term "open space" shall not include roads and sidewalks. Planned unit developments shall include the following:

- A. Not less than 30% of total acreage shall be open space, whether dedicated to public use or retained privately.
- B. If 50% or more of the total acreage is open space, then a thirty-percent increase in density shall be permitted. If 75% or more of the total acreage is open space, then a fifty-percent increase in density shall be permitted.
- C. A minimum usable area of 5,000 square feet every 10 acres shall be provided for active or passive recreational activities.
- D. Open space shall be dedicated in a logical relationship to the site and in accordance with any guidance from the Town's Comprehensive Plan regarding significant open space.
- E. Improvements shall be configured to accommodate permitted, accessory and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.

§ 425-43. Densities.

- A. The gross and net residential densities shall be shown on the applicant's approved final master plan by area and for the development as a whole in dwelling units per acre and shall be binding upon its approval. The overall gross density so approved shall be determined by the Town Council with reference to the Town's Comprehensive Plan but shall not exceed 15 dwelling units per acre, unless the density is increased with the provisions of § 425-42B.
- B. Nonresidential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for nonresidential uses, but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

§ 425-44. Setback regulations.

- A. Within the planned unit development district, minimum setback ranges shall be specifically established during the review and approval of the concept plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges or a rezoning will be required. The following guidelines shall be used in establishing the building spacing and setbacks:
 - (1) Areas between buildings used as service yards, storage of trash, or for other utility purposes should be designed so as to be compatible with adjoining buildings;
 - (2) Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units whenever feasible; and
 - (3) Yards located at the perimeter of the planned unit development district shall conform to the setback requirements of the adjoining district or to the setback requirements of the planned district, whichever is greater.
- B. In no case shall setbacks interfere with public safety issues such as sight lines and utilities, including other public infrastructure such as sidewalks, open space, etc.

§ 425-45. Height of buildings.

- A. In the planned unit development district, the height regulations shall be:
 - (1) Single-family residences: 40 feet (maximum).
 - (2) Banks, office buildings and hotels: 60 feet (maximum).
 - (3) Apartments, shopping centers, and other permitted buildings: 60 feet (maximum).
- B. Conditional use permits are required for structures exceeding the maximums listed in this section.
- C. These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials.
- D. All accessory buildings shall generally be less than the main building in height.

§ 425-46. Parking.

Within the planned unit development district, the applicant shall establish parking regulations for

consideration by the Town Council. The proposed regulations should be based on a parking needs study or equivalent data. Such regulations shall reflect the intent of the Town's Comprehensive Plan to decrease impervious cover by reducing parking requirements, considering alternative transportation modes and using pervious surfaces for spillover parking areas. Shared parking areas, especially with nonresidential uses, are encouraged.

§ 425-47. Utilities.

All new utility lines, electric, telephone, cable television lines, etc., shall be placed underground.

§ 425-48. Waivers and modifications.

Where sections of this chapter or the Subdivision Ordinance⁴ are deemed to be in conflict with the goals of the applicant's final master plan, the rezoning application shall be considered a waiver or modification to these sections if specified in the applicant's final master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the applicant's final master plan, demonstrate that the public's health, safety and welfare will not be compromised, and request the specific waivers or modifications to be considered by the Town Council after a public hearing.

§ 425-49. Application for rezoning.

- A. The applicant shall file an application for rezoning with the Town Manager, Town of Mineral. The application shall consist of three primary sections: a narrative, an existing conditions map and a master plan.
 - (1) Narrative.
 - (a) A general statement of objectives to be achieved by the planned district, including a description of the character of the proposed development and the market for which the development is oriented.
 - (b) A list of all adjacent property owners.
 - (c) Site development standards, including but not limited to density, setbacks, maximum heights, and lot coverage.
 - (d) Utilities requirement and implementation plan.
 - (e) Phased implementation plan.
 - (f) Comprehensive sign plan.
 - (g) Statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.
 - (2) Existing conditions map.
 - (a) Topography, including steep slopes (greater than 15%).
 - (b) Water features.

4. Editor's Note: See Ch. 380, Subdivision of Land.

- (c) Roadways.
 - (d) Structures.
 - (e) Tree lines.
 - (f) Major utilities.
 - (g) Significant environmental features.
 - (h) Existing and proposed ownership of the site along with all adjacent property owners.
- (3) Master plan. The preliminary master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed planned unit development district. At a minimum, the preliminary master plan shall include the following:
- (a) Proposed layout of the planned unit development district, including the general location of uses, types of uses, and density range of uses;
 - (b) Methods of access from existing state-maintained roads to proposed areas of development;
 - (c) General road alignments;
 - (d) General alignments of sidewalks and bicycle and pedestrian facilities;
 - (e) A general water layout plan indicating the intended size and location of primary lines and the general location of fire hydrants (e.g., one ever two blocks, etc.);
 - (f) A general sanitary sewer layout indicating the size and location of primary lines and the location of pump stations; and
 - (g) A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas.
- B. Additionally, an environmental impact study by a disinterested party and a traffic study by the Virginia Department of Transportation are required to be submitted as part of the application package.
- C. The Town Attorney shall review any property owner's or other association's charter and regulations prior to final site plan approval.
- D. The Planning Commission shall review the applicant's preliminary master plan for the proposed planned unit development district, consider it at a scheduled public hearing, and forward its recommendation along with the preliminary master plan to the Town Council for consideration. The Town Council shall hold a public hearing thereon, pursuant to public notice as required by Virginia Code § 15.2-2204, after which the Town Council may make appropriate changes or corrections in the ordinance or proposed amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Virginia Code § 15.2-2204. Such ordinances shall be enacted in the same manner as other zoning ordinances. The plan approved by the Town Council shall constitute the final master plan for the planned unit development district.
- E. Once the Town Council has approved the final master plan, all accepted conditions and elements of the plan shall constitute proffers, enforceable by the Zoning Administrator.
- F. The plan shall be in substantial conformance with the approved final master plan. The Zoning

Administrator shall approve or disapprove a final site development plan within 60 days from the receipt of such plan. Such final site development plan may include one or more sections of the overall planned unit development district and shall meet all applicable federal, state, county and Town regulations and shall contain specific details of information required generally in the preliminary plan.

ARTICLE VII
Nonconforming Uses

§ 425-50. Continuation; extension.⁵

If, at the time of enactment or amendment of this chapter, any lot, building or structure is being used in a manner or for a purpose which does not conform to the provisions of this chapter and which is not prohibited by some other ordinance, such manner of use or purpose may be continued, and any renewal or change of title of possession, or right to possession, or lease of any such lot, building or structure shall not be construed to prevent the continued nonconforming use of such lot, building or structure, as herein provided.

- A. Any such nonconforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure, if indoors, or lot, if outdoors, which was manifestly arranged or designed for such use at the time of enactment or amendment of this chapter, provided that the yard, setback and height regulations of the district in which the use is located are observed. No building or structure containing a nonconforming use shall be hereafter extended or enlarged except in conformance with the provisions of this chapter.
- B. No building or structure in which active nonconforming use is discontinued for a period exceeding two years subsequent to the enactment or amendment of this chapter shall again be devoted to any prohibited use.
- C. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless such use would conform to zoning for the area.

§ 425-51. Abandonment; damaged or destroyed buildings; existing permits; district changes.⁶

- A. Whenever a nonconforming use of a building has been abandoned or when such a use has been discontinued for more than two years, any reuse of the building shall conform to this chapter. Whenever a nonconforming use of an open area or tract has been discontinued for more than two years, any reuse of the property shall conform to this chapter. However, this subsection shall not be interpreted to interfere with temporary seasonal nonconforming uses that have been in continual operation for a period of two or more years prior to the effective date of this chapter.
- B. Any building damaged by fire or other causes to the extent of 75% or more of its assessed valuation may be rebuilt only in accordance with this chapter. If any building which has contained a nonconforming use is moved or removed, the subsequent use of the property shall conform to this chapter. However, if a nonconforming structure is a single-family dwelling, or an historic area as defined in § 15.2-2201, Code of Virginia, it may be restored or replaced regardless of the percentage of destruction.
- C. Permits previously issued. The use of a nonconforming building or land area for which a permit was issued legally prior to the adoption or amendment of this chapter may proceed, provided that such building is completed within one year or such use of land is established within 30 days after the effective date of this chapter or the amendment.
- D. Changes in district. Whenever the boundaries of a district are changed, any uses of land or buildings

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

which become nonconforming as a result of such change shall become subject to the provisions of this chapter.

ARTICLE VIII
Building Permits

§ 425-52. Permit required; application procedure.

- A. No building or structure shall be started, reconstructed, enlarged, or altered until a building permit shall be obtained from the Zoning Administrator.
- B. The Town Council or Planning Commission may request a review of the building permit approved by the Zoning Administrator in order to determine whether the contemplated use is in accordance with the zoning in which the construction lies.
- C. Each application for a building permit shall be accompanied by two copies of a drawing showing the size and shape of the parcel of land on which the proposed building is to be constructed; 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.
- D. If it appears that the proposed building or use is in conformity with the provisions of this chapter, a 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.
- E. Permits previously issued. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted before this chapter becomes effective.

ARTICLE IX
Special Provisions

§ 425-53. Minimum off-street parking.

There shall be provided at the time of erection of any main building minimum off-street parking space with adequate provision for ingress and egress by standard-sized automobiles, as follows:

- A. Residential Limited District. Two spaces for single-family dwellings. See below for provisions on other permitted uses.
- B. Residential General District. **[Amended 9-12-1988]**
 - (1) There shall be provided, either in a private garage or on the lot, space for parking of one automobile for each dwelling unit in a new dwelling, apartment building or other building housing people, or for any unit added to any dwelling, apartment building or other building in case of the enlargement of an existing building.
 - (2) Each person in addition to a family occupying a separate room in dormitories, boardinghouses or any other building housing people shall be considered a separate unit in such building or dwelling.
- C. Tourist homes and motels shall provide on the lot parking space for one automobile for each accommodation.
- D. Any commercial building hereafter erected or converted shall provide one parking space for each 300 square feet of business floor space in the building. Any restaurant or establishment hereafter erected that serves meals, lunches or drinks to patrons either in their cars or in the building shall provide one parking space for each 200 square feet of business floor space in the building; provided, however, that two or more establishments may provide necessary parking space upon a single parcel of land.
- E. Any church, theater, auditorium, stadium, funeral home or chapel, or any other structure involving the assembling of persons, shall provide on the same lot or within 1,000 feet thereof, together with means of ingress and egress thereto, one parking space for each eight seats provided in the structure.
- F. Any hospital or sanitarium shall provide on the same lot or in the immediate vicinity, together with ingress and egress thereto, space for the standing of cars used by patients or their guests at the scale of one space for each three beds.
- G. Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.
- H. Industrial establishments shall provide, on the lot, parking space for one automobile for each four employees.

§ 425-54. Trailer courts.⁷

- A. Trailer courts shall be subject to an annual license for which a fee established by the Town Council shall be assessed, and no trailer court shall continue its operations without such annual license having been obtained.⁸

7. Editor's Note: See also Ch. 397, Trailers and Manufactured Homes.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- B. Area requirements. For each trailer space within a trailer court designated to accommodate one trailer there shall be provided not less than 2,700 square feet of area which shall front on an internal trailer court street, road, or right-of-way.
- C. Width. Each trailer space shall have a minimum width of not less than 35 feet.
- D. Distance between trailers. Parking spaces for trailers shall be so arranged as to provide a distance of not less than 20 feet between adjacent trailers.
- E. Sanitary facilities. Each trailer space shall be provided with individual water and sewer connections.
- F. Electrical connections. Each trailer space shall be provided with electrical outlets installed in accordance with the National Electrical Code.
- G. Outside toilets forbidden. No trailer court shall have outside toilet or toilet facilities which are not connected to a sewage disposal system.

§ 425-55. Widening of highways and streets.⁹

Whenever there shall be plans in existence, approved by either the State Department of Transportation or by the Town Council, for the widening of any street or highway within the Town, the Planning Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the rights-of-way for such proposed street or highway widening.

§ 425-56. Uses not provided for.

Whenever in any district established under this chapter a use is not specifically permitted or denied and an application is made to the Zoning Administrator for such use, the Zoning Administrator shall refer the application to the Planning Commission, which shall make its recommendations to the Council within 30 days. The Council may then approve or deny the application in accordance with the provisions of this chapter and § 15.2-2204, Code of Virginia, as amended.

§ 425-57. Conditional use permit.

Where specified in this chapter the governing body shall require the issuance of a conditional use permit (in addition to other required permits). These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this chapter. No such conditional use permit shall be issued except after public notice and hearing as provided for in § 15.2-2204, Code of Virginia, as amended.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

ARTICLE X
Signs

§ 425-58. District regulations.

Regulations for signs in the various zoning districts shall be as follows:

- A. Residential Limited and Residential General. All signs and outdoor advertising shall conform to the Code of Virginia, and where not in conflict with more restrictive provisions of the Code of Virginia, the following signs are permitted within the size limitation shown:
 - (1) Home occupation: two square feet.
 - (2) Church bulletin boards: 12 square feet in total area.
 - (3) Directional signs: six square feet in total area.
 - (4) Sale or rental of premises upon which erected: six square feet.
- B. Light Commercial and General Commercial Districts. All signs and outdoor advertising shall conform to the Code of Virginia, except that only one sign for each street upon which a lot abuts shall be permitted to advertise the business on such lot, and when any sign is lighted, such lights shall be so shaded that they will not interfere with the vision of motorists or residential property owners in the vicinity, and provided further that all flashing (on and off) signs shall be prohibited.

ARTICLE XI
Administration and Enforcement

§ 425-59. Enforcement officer.

This chapter shall be enforced by the Zoning Administrator who shall be appointed by the Town Council and who, as well as his successors, shall serve at the pleasure of the Town Council and whose compensation as such shall be fixed by resolution of the Town Council.

§ 425-60. Issuance of permits and licenses.

All departments, officials and public employees of the Town of Mineral which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no such permit or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter. Any such permit or license, if issued in conflict with the provisions of this chapter, shall be null and void.

§ 425-61. Violations and penalties.¹⁰

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$10 nor more than \$1,000. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

ARTICLE XII
Appeals

§ 425-62. Establishment of Board of Zoning Appeals.

- A. There shall be a Town of Mineral Board of Zoning Appeals consisting of five members appointed in accordance with the provisions of § 15.2-2308, Code of Virginia, as amended. One member of the Board shall be an active member of the Planning Commission of the Town of Mineral, Virginia.
- B. The Board shall elect from its own membership its officers who shall serve such terms and keep such records as provided for in § 15.2-2308, Code of Virginia, as amended.

§ 425-63. Powers and duties of Board of Zoning Appeals.

The Board of Zoning Appeals shall have the powers and duties provided for in § 15.2-2309, Code of Virginia, as amended. In accordance with the referenced section it shall have the power and it shall be its duty to:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
- B. Grant variances in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the effective date of this chapter or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of this chapter would actually prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.

§ 425-64. Application and appeal procedure for aggrieved parties.

- A. An appeal to the Board of Zoning Appeals may be made by any party aggrieved by any decision of the Zoning Administrator. Such appeal shall be made in accordance with the procedure called for in § 15.2-2312, Code of Virginia, as amended.
- B. The Board shall fix a time for hearing such appeals after giving public notice in accordance with § 15.2-2204, Code of Virginia, as amended.
- C. The Board may reverse or affirm or may modify the order or requirement appealed from.
- D. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter.
- E. Any variance or other change made by any ruling of the Board of Zoning Appeals or any other body having control or supervision of the provision of this chapter shall be subject to such conditional use permit providing conditions for such use as may be established by the Town Council. **[Added 9-12-1988]**

ARTICLE XIII
Interpretation

§ 425-65. Effect on existing permits and plans.

Nothing contained herein shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted or for which plans were on file with the Town Council before this chapter becomes effective and the construction of which from such plans shall have been started within 30 days after this chapter becomes effective, except that if the building operation in question is discontinued for a period of not less than six months, any further construction shall be in conformity with the provisions of this chapter.

§ 425-66. Conflict with statutes, ordinances or regulations.

Where the provisions of this chapter are in conflict with existing statutes, local ordinances, or regulations; the most restrictive provisions of any of the above shall govern. (Refer to § 15.2-2315, Code of Virginia, as amended.)

ARTICLE XIV
Amendments

§ 425-67. Amendment procedure.

The regulations, restrictions, and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by the governing body pursuant to § 15.2-2285, Code of Virginia, as follows:

- A. The Planning Commission shall hold at least one public hearing on such proposed amendment after notice as required by § 15.2-2204, Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Planning Commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials.
- B. Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.2-2204, Code of Virginia, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by § 15.2-2204, Code of Virginia. An affirmative vote of at least a majority of the members of the governing body shall be required to amend this chapter.
- C. In the event that the governing body shall deny the petition of any property owner or other petitioner to amend this chapter, substantially the same petition shall not be reconsidered for a period of one year from the date of the original denial by the governing body.

§ 425-67.1. Temporary zoning of annexed areas. [Added 4-11-2011 by Ord. No. 2011-01]

Any property coming into the territorial jurisdiction of the Town of Mineral, by annexation or otherwise, shall be temporarily assigned the same zoning classification as the area of the Town that it abuts pending the orderly amendment of the Zoning Ordinance and Zoning Map.

ARTICLE XV
Definitions

§ 425-68. Word usage and definitions.

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

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 housekeeping purposes.

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

ALLEY — A public thoroughfare less than 30 feet wide.

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

APARTMENT HOUSE — A building used or intended to be used as the residence of three or more families living independently of each other.

BASEMENT — A story having part but not more than 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.

BOARDINGHOUSE — A building where, for compensation, lodging and/or meals are provided for at least five but not exceeding 14 persons.

BUILDING — Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.¹¹

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. 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.

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.¹²

CELLAR — A story having more than 1/2 of its height below grade.

DWELLING — Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, and trailers.

DWELLING, MULTIFAMILY — A building arranged or designed to be occupied by more than one family. **[Amended 9-12-1988]**

DWELLING, SINGLE-FAMILY — A building arranged or designed to be occupied by one family,

11. Editor's Note: The definition of "building, accessory" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III). See the definition of "accessory use or building."

12. Editor's Note: The definition of "building official" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

the structure having only one dwelling unit.

DWELLING UNIT — One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen.

FAMILY — One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home, or hotel.

GARAGE, PRIVATE — An accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multifamily dwelling, the private garage may be designed and used for the storage of 1 1/2 times as many automobiles as there are dwelling units in the multifamily dwelling.¹³

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.

HOME OCCUPATION — An occupation carried on by the occupant of a dwelling in a residential zone as a secondary use in connection with which there is no exterior display and not more than one person is employed, other than members of the family residing on the premises, including but not limited to such occupations as hairdressers, dressmaking and alteration, preparation of foodstuffs and confectionery, and renting of private rooms to nontransients, such as students, school teachers, and the like.

HOTEL — A building designed or occupied as the more or less temporary abiding place of 15 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.

LOT — A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER — A lot abutting on two or more streets at their intersection.

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

LOT OF RECORD — A lot which has been recorded in the Clerk's office of the Circuit Court of Louisa County, Virginia.

LOT, WIDTH OF — The average horizontal distance between the side lot lines.

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.

NONCONFORMING USE — The use of any building or premises, which use was legal prior to the adoption or amendment of this chapter, contrary to the use regulations of this chapter for the zone in which the building or premises is located.¹⁴

OFF-STREET PARKING AREA — Space provided for vehicular parking outside the dedicated street right-of-way.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

PLANNING COMMISSION — The Town of Mineral Planning Commission.¹⁵

PUBLIC GROUNDS — Area reserved, by deed or otherwise, for public use only.

SETBACK — The distance by which any building or structure must be separated from the front lot line.

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 is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than 2/3 of the floor area is finished off for use.

STREET LINE — The dividing line between a street or road and the contiguous property.

STREET; ROAD — A public thoroughfare which affords principal means of access to abutting property.

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.

TOURIST COURT, AUTO COURT, MOTEL, ATEL or MOTEL LODGE — A building or 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. Cooking facilities may be provided for each unit.

TOURIST HOME — A dwelling where lodging only is provided for compensation for not exceeding 14 persons, in contradistinction to hotels and boardinghouses, and open to transients.

TRAILER, AUTOMOBILE — A vehicle, with or without motive power, designed to be used for human habitation.

TRAILER COURT — Any area or tract of land used or designed to accommodate one or more automobile trailers.¹⁶

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

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

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.

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.

ZONING ADMINISTRATOR — The official charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the

15. Editor's Note: Throughout this chapter, references to the "Commission" were amended to "Planning Commission" at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

16. Editor's Note: The definition of "use, accessory" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III). See the definition of "accessory use or building."

Town Council. He may serve with or without compensation as determined by the Council.¹⁷

17. Editor's Note: Throughout this chapter, references to the "Administrator" were amended to "Zoning Administrator" at time of adoption of Code (see Ch. 1, General Provisions, Art. III).