

## **CHAPTER 21 - ZONING**

### **Article I. – In General**

#### **Sec. 21-103. Definitions.**

*Abattoir:* A commercial slaughterhouse.

*Accessory use or structure:* A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use of building.

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

*Administrator, the:* The official charged with the enforcement of the Zoning Ordinance. He/she may be any appointed or elected official. He/she may serve with or without compensation as determined by the governing body.

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

*Airport:* A land area specifically designed for the landing, taking off, or storage of aircraft, including accessory uses and structures customary thereto.

*Alley:* A passage or way open to public or private travel affording generally a secondary means of vehicular access to abutting lots or upon which service entrances of buildings abut, and not intended for general traffic circulation.

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

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

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

*Apartment house:* A building used or intended to be used as the residence of three (3) or more families living independently of each other.

*Appliance store:* A place of business where apparatuses, instruments or devices (whether manual or electrical and mechanical) are displayed for sale.

*Assisted Living Facility / Group Home:* of eight or fewer single-family residence: See State Code Section 15.2-2291, as amended.

*Automobile graveyard:* Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

*Automobile sales area:* An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where minor repair work is done.

*Automobile service station:* Any place of business having pumps and storage tanks at which fuels and oils for the use of motor vehicles are dispensed, sold or offered for sale at retail, and where minor repairs (but not tire recapping) and inspections may be carried on incidental to the sale of such fuels and oils. (When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the establishment shall be deemed to be a public garage).

*Basement:* A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes or for dwelling purposes (by other than a janitor employed on the premises).

*Billboard (see signs):* Any form of publicity, visible from any public highway, directing attention to an individual activity, business, service, commodity or product, and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports. Signs containing "danger" or "warning" messages required by governmental or other authorities shall not be within this definition.

*Block:* That property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets or nearest street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

*Board of Supervisors:* The Board of Supervisors of Henry County, Virginia.

*Board of Zoning Appeals:* The Board of Zoning Appeals of Henry County, Virginia.

*Boarding or lodging house:* A building where, for compensation, lodging and meals are provided for five (5) or more persons, who are not transients, but not to exceed fourteen (14) persons.

*Boat dock:* A small artificial (manmade) or natural structure designed for the launching and/or receiving of waterborne craft.

*Commission, the:* The Planning Commission of Henry County, Virginia.

*Community center:* A building, group of buildings, or other place designed for use or used for cultural, educational or recreational activities of the inhabitants of an area and not operated for profit.

*Community Correctional Facility:* Any group home, halfway house or other physically unrestricting facility used for the housing, treatment or care of adult/child offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth. When not regulated by a state agency, the number of allowed occupants will be determined by the Special Use Permit, Fire & Building Code.

*Condominium:* A system of separate ownership of individual units in a multiple-unit building or development.

*Convenience store:* A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity.

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

*Dairy farm:* Any premises on which one (1) or more cows or goats are kept and from which milk is sold on or off the premises.

*Day care, child care facility:* Any facility, other than a family day care home, operated for the purpose of providing care, protection and guidance to a group of ten (10) or more children separated from their parents or guardian during part of the day only, except:

1. A facility required to be licensed as a summer camp under sections 35-43 through 35-53 of the Code of Virginia;
2. A public school or a private school, unless the Commissioner of Welfare and Institutions determines that such private school is operating a child care center outside the scope of regular classes;
3. A school operated primarily for the educational instruction of children two (2) to five (5) years of age, at which children two (2) to four (4) years of age do not attend in excess of four (4) hours per day and children five (5) years of age do not attend in excess of six and one-half (6 1/2) hours per day;
4. A facility which provides child care on an hourly basis which is contracted for by a parent occasionally only;
5. A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital; and
6. A Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

*Development:* Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

*Development plan:* A detailed plan indicating all buildings or construction and improvements.

*District:* A portion of Henry County, Virginia in which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this chapter.

*Dwelling:* Any building or portion thereof providing complete independent permanent facilities for living, sleeping, eating and sanitation designed for or used exclusively as living quarters by one (1) family, but not including a tent, cabin, travel trailer, mobile home, manufactured home or a room in a hotel or motel.

*Dwelling, multiple-family:* A building or portion thereof, containing three (3) or more dwelling units.

*Dwelling, single-family:* A building designed for use or occupied exclusively by one (1) family.

*Dwelling, duplex or two-family:* A building designed for use or occupied exclusively by two (2) families containing two (2) dwelling units.

*Essential services:* The erection, construction, alteration or maintenance of public utilities, or municipal or other governmental transmission or distribution systems, for collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities, governmental or other agencies, but not including buildings.

*Existing construction:* Structures for which the start of construction commenced before the effective date of this chapter. These shall also be referred to as "existing structures."

*FAA:* The Federal Aviation Administration.

*Family:*

1. An individual;
2. Two (2) or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two (2) roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling units; or
3. A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit.

*Family, immediate:* Includes husband, wife, sons, daughters, mother, father, sister, brother, stepparents, stepchildren, stepbrother, stepsister, and grandchildren.

*Family Day Care Homes:* A single family dwelling in which more than five (5) but less than thirteen (13) individuals are received for care, protection and guidance during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person

who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of the day shall be considered residential occupancy by a single family.

*FCC:* The Federal Communications Commission.

*Fence:* A type of enclosure intended as a barrier or to mark a boundary. Fences shall not be considered accessory structures and shall be permitted to be constructed on a property line.

*Flood:* A general and temporary inundation of normally dry land areas.

*Floodplain:*

1. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;
2. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodway:* The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

*Floor area:* The sum of the horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two (2) buildings, but not including outside storage areas, attached garages, carports or enclosed porches.

*Foundry:* The process of metal casting.

*Garage, private:* Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1.5) automobiles for each dwelling unit.

*Garage, public:* A building or portion thereof, other than a private garage, designated and used for servicing, repairing, equipping, or storing motor-driven vehicles.

*General store, convenience store, country store:* See convenience store.

*Golf course:* Any golf course, public or private, where golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges.

*Grade:* The average of the finished ground level measured at the center of all walls of a building.

*Grocery store:* A place of business which offers foodstuffs and other small household articles for retail sale.

*Guest room:* A room which is intended, arranged, or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

*Hazardous waste:* A "hazardous waste" as described by the current Virginia Hazardous Waste Regulations.

*Halfway House:* a residential group care facility providing accommodation, rehabilitation counseling, and on-site supervision to persons suffering from alcohol or drug addiction, mental patients, persons suffering from similar disorders, or persons re-entering society after being released from a correctional facility or other institution. These facilities are a transitional environment between confinement and the return to society. Number of allowed occupants to be determined by Special Use Permit, Fire & Building Code.

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

*Height, building:* The vertical distance from the "grade" level to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

*Homeless Shelter / Transitional Living Facility :* A facility providing housing/shelter primarily to indigent, needy, or homeless persons and which may also provide social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. Number of allowed occupants to be determined by Special Use Permit, Fire & Building Code.

*Home occupation:* An occupation which does not require more than one-fourth ( 1/4) of the total floor space of the dwelling as a secondary use in connection with which there will be no display of goods and no one is employed other than members of the family residing on the premises. Such occupations will be conducted within the dwelling by the occupant.  
Class A-- Home occupations meeting the above criteria but are limited in intensity due to the nature of the business. Examples are music teaching, canning and catering, sewing and millinery, and other uses that promote little or no increase in traffic and congestion.  
Class B-- Home occupations that may be more intense in nature, creating additional traffic and congestion in the area. Examples are barber shops, beauty and tanning salons, professional services, lodging houses and other similar uses conducted within the dwelling by the occupant. No massage parlor required to be licensed under Section 13-301 of these ordinances shall be considered a permissible home occupation under this Chapter.

*Hospital:* An institution rendering medical, surgical, obstetrical, or other treatment or other cure of human beings, including mental hospitals, but excluding nursing homes.

*Hotel:* A building designated or occupied as the more or less residing place for fourteen (14) or more individuals who are, for compensation, lodging, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

*Inoperative vehicles:* An inoperative vehicle means any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires, wheels, the engine, or other essential parts required for

the operation of the vehicle, a vehicle for which there is neither valid inspection, decal nor valid license plates (this does not include farm use vehicles or antique vehicles).

*Junkyard:* The use of any area of land lying within one hundred (100) feet of a state or federal highway or the use of more than two hundred (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."

*Kennel, commercial:* A facility where dogs are kept for the purpose of breeding, training, renting, buying, boarding, selling, or for other commercial/monetary gain. Commercial kennels shall also include animal shelters and the keeping of show dogs.

*Land use plan:* The long-range plan for the desirable use of land in Henry County as officially adopted, and as amended from time to time by the Board of Supervisors; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of right-of-way or sites for such public facilities as streets, parks, schools and other public buildings.

*Lot:* A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas 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 area:* The area of a horizontal plan bounded by the front, side and rear lot lines, but not including portions under water, except where the total area of a body of water is within the lot.

*Lot, corner:* A lot abutting on two (2) streets which intersects at an angle not greater than one hundred thirty-five (135) degrees.

*Lot, through:* A lot having a pair of opposite lot lines along two (2) more or less parallel public streets. Both streets shall be deemed front lot lines.

*Lot depth:* The shortest horizontal distance between front and rear lines of a lot measured perpendicular to the street line.

*Lot, width:* The horizontal distance between the lines of a lot measured along the front yard setback line.

*Manufactured homes:* A structure subject to federal regulations which is transportable in one (1) or more sections, is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis, and is designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. (Section 36-85.3, Code of Virginia).

*Mobile home:* A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length, or when erected

on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (Section 46.1-1, Code of Virginia).

*Mobile home park:* Premises where two (2) or more mobile homes and/or manufactured homes are parked for living or sleeping purposes or where spaces or lots are set aside for rent for use by mobile homes and/or manufactured homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

*Modular home or unit:* An industrialized building assembly or system of building sub-assemblies, including the necessary electrical, plumbing, heating, ventilating or other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two (2) or more industrialized building units and not designed for ready removal or installation or erection on another site.

*Motel:* A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing cooking or kitchen facilities.

*Multi-dog license:* Issued by the Henry County Treasurer's Office as a means of licensing two (2) or more dogs at a possible lower cost-per-dog rate than purchasing individual dog licenses.

*Nonconforming lot:* An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments hereto.

*Nonconforming structure:* An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments hereto.

*Nonconforming use:* See use, nonconforming.

*Nursing home, convalescent and rest home:* An establishment used as a dwelling place by the aged, infirmed, chronically ill or incurably afflicted persons, in which not less than three (3) persons live, or are kept, or are provided for on the premises for compensation, excluding clinics, hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

*Office:* A room or building in which a person transacts business or carries on an occupation.

*Off-street parking area:* Space provided for vehicular parking outside the dedicated street right-of-way.

*One-hundred-year flood:* A flood that, on the average is likely to occur once every one hundred (100) years, i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

*Open space:* An area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light, air, scenic, recreational or similar purposes. Such open space shall be so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of occupants of neighboring areas or a general appearance of openness.

*Open space easement:* An easement tied to the title of the land restricting the development rights so as to ensure the retention of the land as open space.

*Planned development:* The submission of one (1) or more contiguous lots under single ownership or unified control, planned as whole for development in a single or programmed series of operations according to an approved master plan which may include multiple land uses.

*Planning Commission:* The Planning Commission of Henry County, Virginia.

*Planning Director:* The Planning Director of Henry County, Virginia.

*Public open land:* Land given to Henry County for parks, playgrounds or undeveloped open space with the intention of making it available for public use.

*Public water and sewer systems:* A water and sewer system serving three (3) or more dwellings and which is owned and operated by a municipality or county or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission.

*Restaurant:* Any business that sells food and drink and provides seating inside and/or outside the building for consumption on the premises.

*Retaining wall:* A wall designed to resist the lateral displacement of soil or other material. A retaining wall shall not be considered an accessory structure and shall be permitted to be constructed on a property line.

*Road:* See Street.

*Sawmill, permanent:* A sawmill permanently located for the purpose of processing timber without regard to point of origination.

*Sawmill, temporary:* A sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

*School:* An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the applicable statutes of the state. High schools include junior and senior grades.

*Setback line:* A line parallel to the front property line or centerline of street right-of-way (as applicable), extending the full width of the lot and being a specified distance at all points from

the front property line or centerline of street right-of-way (as applicable), and thus defining an area in which no building or structure may be constructed.

*Shopping center:* A development that contains three (3) or more commercial establishments which are planned, developed or managed as a unit related in location, size and type of shops to the area that the unit serves and provides on-site parking in relationship to the size and type of stores.

*Sign:* Any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors, or any combination thereof, visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster or other display of a nation, political units, educational, charitable, religious or similar group, campaign, nonprofit drive or event, or the architectural features or characteristics of a building which do not have an advertising message on or as an integral part thereof, shall not be included within the meaning of this definition. Nor shall any of the previously mentioned displays be included within the meaning of this definition when such displays are located within a building or other enclosure and are not visible from the exterior of the building or other enclosure.

*Sign area:* The area of a sign computed as the smallest square, rectangle, triangle, circle or combination thereof encompassing the entire advertising copy area, excluding illuminating devices and structural supports. For the purpose of computing area, (for) a sign consisting of two (2) or more sides, where the interior angle between any of the sides exceeds sixty (60) degrees, each side shall be counted when computing sign area.

*Sign, business:* A sign which directs attention to a business, commodity, service or other activity conducted upon the premises upon which such sign is located.

*Sign, general advertising:* A sign which directs attention, to a product, commodity, or service not necessarily available on the premises.

*Sign, home occupation:* A non-illuminated sign directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

*Sign identification:* A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church, or other public or quasi-public facility, or a professional or firm name plate, but bearing information pertaining only to the premises on which such sign is located.

*Special exception:* A special use not permitted in a district except by a special use permit granted under the provisions of this chapter.

*Storage building, private:* An accessory building designed for the storage of personal property used by the occupants of the building to which it is an accessory use. No private storage building shall be used for living quarters or commercial use.

*Storage building, public:* A structure used for the purposes of warehousing or for storage as an accessory to commercial or industrial uses.

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

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

*Street line:* The dividing line between a street or road right-of-way and the adjacent property.

*Street or road:* A public right-of-way which affords principal means of access to abutting property.

*Street private:* An access way which is not owned or maintained by the public but affords principal access to abutting property.

*Structural alteration:* Any change in the structural members of a building, such as walls, columns, beams or girders.

*Structure:* Anything constructed or erected which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including structures within the definition of mobile home or manufactured home when not used as a dwelling.

*Temporary use:* A prospective use of any land, property, or structure, intended for a limited duration of time and at an appropriate location as determined by the Zoning Administrator. Such use shall be terminated within thirty (30) days after the completion of any project.

*Tower:* Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

*Townhouse:* A series or group of single-family dwelling units consisting of three (3) or more units in a structure in which each unit is separated from the other by solid common walls.

*Transient storage:* The keeping of goods or materials being transported from the location of generation to the location of use or disposal for a period of time not to exceed ten (10) days.

*Travel trailer:* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, with the manufacturer's permanent identification "Travel Trailer," thereon, and when factory equipped for the road, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight not exceeding twenty-eight (28) feet.

*Use:* The purpose for which land, a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

*Use, nonconforming:* A building, structure or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the use

regulations of the district in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

*Variance:* A reasonable deviation from those provisions of this chapter regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardships to the property owner and such need for a variance would not be shared generally by other properties, and, provided such variance is not contrary to the intended spirit and purpose of this chapter and would result in substantial justice being done.

*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:* A yard extending across the front of a lot between the front lot line and the nearest line of the main building.

*Yard rear:* A yard extending across the rear of a lot between the rear line of the lot and the nearest line of the rear of the main building.

*Yard side:* A yard lying between the side lot line of the lot and the nearest line of the side of the main building from the front yard to the rear yard.

(Ord. of 7-27-92, § II; Ord. of 7-19-94, § 1, Ord. of 1-27-97; Ord. of 8-24-98; Amend. of 2-26-08; Amend. of 6-28-11)

### **Article III. – Agricultural District A-1**

#### **Sec. 21-302. Special use permit uses.**

The uses permitted in the Agricultural District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Antique shops.  
Cabins, cabin groupings, camps for seasonal occupancy, including temporary campsites, campgrounds, parks and day camp facilities.
3. Clubs, fraternities, hunting clubs and lodges and meeting places for other organizations not including any use customarily conducted as a gainful business.
4. Commercial stables and kennels located more than five hundred (500) feet from dwelling units on adjacent property.
5. Commercial and pet cemeteries, including funeral homes and mortuaries.
6. Country clubs and other public and private noncommercial recreational areas and facilities such as golf courses and swimming pools.
7. Firearm sports and training facilities, including firing ranges, pistol ranges, sporting clays, trap and skeet shooting ranges, turkey shoots, archery ranges and other for profit or not for profit uses and activities involving discharge of firearms or shooting of missiles. However, nothing in this provision shall be construed to affect any individual's right to hunt on his property or prohibit non-profit hunting activities.
8. Group homes and child welfare homes.
9. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.
10. Landfills.
11. Livestock markets.
12. Meat cutting, packaging, and processing.
13. Nursery schools, day care facilities, and family day care homes.
14. Outdoor music festivals.
15. Prisons or prison farms.
16. Race tracks.
17. Radio stations and towers higher than the height limit imposed by this article.
18. Rest homes.
19. Restaurants with no drive-in window facilities in which less than two thousand (2,000) square feet is used for business purposes including dining, preparation, storage, office and waiting areas but not including parking areas.
20. Retail sales establishments whose total area for display, storage, and other business purposes is contained within the walls of a building which is less than two thousand (2,000) square feet in area and not involving the sale of gasoline or similar petroleum products.
21. Promotional, amusement, and entertainment facilities, sponsored by any licensed business or businesses or non-profit organizations and are located on the property owned or controlled by the sponsor. Such uses shall be properly safe-guarded from traffic and shall observe all setbacks required for structures. Temporary, promotional, recreational, or fundraising amusement activities and facilities of not more than three (3) days duration sponsored by civic, professional, fraternal, institutional or religious groups or organizations, and conducted for community, religious or benevolent purposes and located on property owned or controlled by

the sponsor shall be exempted from this section. Examples of such amusement facilities and activities are musical entertainment, jamborees, educational displays, arts and crafts, auctions, legal games, dunking booths, concessions and vending. Rides are permitted. Tent revivals or other similar outdoor religious services of not more than seven (7) days duration shall also be exempted from this section.

(Ord. of 8-24-98; Amend. of 6-28-11)

## **Article IV. – Rural Residential District R-R**

### **Sec. 21-402. Special use permit uses.**

The uses permitted in the Rural Residential District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Class B home occupations.  
Clubs, fraternities, lodges and meeting places of other organizations not including any use customarily conducted as gainful business.
3. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.
4. Mobile home and/or manufactured home park on parcels of land containing minimum of five (5) acres.
5. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
6. Nursery schools, day care centers, and family day care homes.
7. Rest homes.
8. Riding horse barns.

(Ord. of 8-24-98; Amend. of 6-28-11)

## **Article VII. – Office and Professional District B-3**

### **Sec. 21-702. Special use permit uses.**

The uses permitted in the Office and Professional District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Bed and breakfast inns, guest houses, and rooming and boarding houses.  
Clubhouses.
3. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.
4. Nursery schools, day care facilities, and family day care homes.
5. Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
6. Radio stations.
7. Rest homes.

(Ord. of 8-24-98; Amend. of 6-28-11)

## **Article VIII. – Neighborhood Commercial District B-2**

### **Sec. 21-802. Special use permit uses.**

The uses permitted in the Neighborhood Commercial District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.  
Multiple-family (apartments) and single-family attached (duplexes and townhouses) dwellings.
3. Restaurants in which two thousand (2,000) square feet or more of floor area is used for business purposes including dining, preparation, storage, office and waiting areas but not including parking areas.
4. Retail sales establishments whose total area for display, storage, and other business purposes is contained within the walls of a building equals or exceeds two thousand (2,000) square feet in area and not involving the sale of gasoline or similar petroleum products.

(Amend. of 6-28-11)

## **Article IX. – Commercial District B-1**

### **Sec. 21-902. Special use permit uses.**

The uses permitted in the Commercial District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Animal hospitals, kennels or clinics.  
Coliseums.
3. Fortune tellers, clairvoyants.
4. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.
5. Hospitals, nursing homes, clinics, group homes, and rest homes.
6. Indoor theatres, drive-in theatres.
7. Jails.
8. Massage parlors.
9. Public billiard parlors and pool rooms, bowling alleys, dance halls, golf driving ranges and miniature golf courses, skating rinks, athletic clubs, health clubs and similar forms of public amusement and recreation.
10. Shopping centers and malls designed to accommodate permitted uses of this district as regulated.
11. Promotional, amusement, and entertainment facilities, sponsored by any licensed business or businesses or non-profit organizations and are located on the property owned or controlled by the sponsor. Such uses shall be properly safe-guarded from traffic and shall observe all setbacks required for structures. Temporary, promotional, recreational, or fundraising amusement activities and facilities of not more than three (3) days duration sponsored by civic, professional, fraternal, institutional or religious groups or organizations, and conducted for community, religious or benevolent purposes and located on property owned or controlled by the sponsor shall be exempted from this section. Examples of such amusement facilities and activities are musical entertainment, jamborees, educational displays, arts and crafts, auctions, legal games, dunking booths, concession and vending. Rides are permitted. Tent revivals or other similar outdoor religious services of not more than seven (7) days duration shall also be exempted from this section.
12. Individual manufactured housing, and modular home sales and storage.
13. Racetracks.

(Ord. of 12-18-95, § 1(B); Ord. of 1-27-97; Ord. of 8-24-98; Amend. of 6-28-11)

## **Article XII. – Government and Special Use District G-S**

### **Sec. 21-1202. Special use permit uses.**

The uses permitted in the Government and Special Use District with a special use permit as approved by the Board of Zoning Appeals are as follows:

1. Airports.  
Coliseums.
3. Homeless Shelters or Transitional Living Facilities, Community Correctional Facilities, and Halfway Houses.
4. Hospitals.
5. Impoundments of water for public consumption, recreation, power generation, and/or flood control.
6. Jails, prisons, and prison farms.
7. Landfills and incinerators.
8. Quarries.
9. Racetracks.
10. Water and sewage treatment facilities.

(Amend. of 6-28-11)