Agenda
Page County Board of Supervisors
Work Session
Board of Supervisors Room – County Government Center
103 South Court Street, Luray, VA
February 4, 2020 – 7:00 p.m.

Call to Order

- Moment of Silence (Chairman)
- Pledge of Allegiance

Presentation of Certificate of Thanks for 2A Sanctuary Support	Jeremy Hilliard
VDOT Update	Don Komara
Review of Courthouse Remediation Proposals	C. L. Rexrode
Zoning Ordinance Amendment Review – Definitions	Tracy Clatterbuck (p. 2)
Review of Tourism Study	Liz Lewis
Board and Commission Appointments	Regina Miller (p. 31)

Adjourn

COUNTY OF PAGE

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Board of Supervisors:
Morgan Phenix - Chairman-At-Large
D. Keith Guzy, Jr. - District 1
David Wiatrowski - District 2
Mark Stroupe - District 3
Larry Foltz - District 4
Jeff Vaughan - District 5

County Administrator:
Amity Moler

TO: Chairman Phenix and Board of Supervisors

FROM: Tracy Clatterbuck, Zoning Administrator

SUBJECT: Zoning Ordinance Amendments

DATE: January 28, 2020

SUMMARY:

Proposed amendments regarding contractor office, commercial parking facilities, and commercial workshops.

PROPOSAL:

Staff is proposing the following amendments to § 125-4 (Definitions) of the Page County Zoning Ordinance:

- Amend the current definition of *contractor office* (**page 5 and 6**).
- Add a definition for *commercial parking facilities* (**page 5**).
- Re-define current definition of *commercial workshop* and relocate definition in code (**page 5 and 14**).

Staff is proposing the following amendments to § 125-9 (Woodland-Conservation) of the Page County Zoning Ordinance:

- Add the use of *commercial parking facilities* by special use permit (**page 20**).

Staff is proposing the following amendments to § 125-10 (Agriculture) of the Page County Zoning Ordinance:

- Add the use of *commercial parking facilities* by special use permit (**page 24**).

Staff is proposing the following amendments to § 125-13 (Industrial) of the Page County Zoning Ordinance:

- Add the use of *commercial parking facilities* by-right (**page 26**).

ISSUES:

Regarding the contractor office proposed definition change, staff currently has a business that is in violation of the zoning ordinance for having an illegal contractor office in an agriculture zoning district. The business has expressed interest in rezoning to the commercial zoning district where contractor offices are a by-right use. However, based on the current definition of contractor office, if they apply for the rezoning and it be approved, they would still not be allowed to park their operations' vehicles, equipment, and/or materials onsite. Staff feels like this would hinder the operation of the business and feels that it is appropriate to allow the outdoor storage of operations' vehicles, equipment, and/or materials at contractor offices.

Regarding the commercial parking facilities, staff has received numerous inquiries from citizens wanting to potentially start new business ventures. The current zoning ordinance allows for commercial parking facilities in the commercial zoning district only, but does not define what exactly a commercial parking facility includes. Adding the proposed definition will add clarity. Adding the use in other zoning districts will allow for additional opportunity.

PLANNING COMMISSION ACTIONS:

The Page County Planning Commission held a public hearing on October 8, 2019. There were no comments from

the public regarding the proposed amendments. The Commission voted 9-0 recommending approval as drafted above to the Board of Supervisors.

RECOMMENDATIONS:

The proposed amendments have been reviewed and approved by legal for adoption.

FISCAL IMPACT:

If approved, the proposed changes could potentially allow for new business opportunities for citizens which could generate tax revenue for the county.

MOTION(S):

I move that the Page County Board of Supervisors hold a public hearing on the above listed ordinance amendments at the March 17, 2020 regular meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204.

ATTACHMENT:

1. Draft amendments

§ 125-4 **Definitions.**
[Amended 11-15-1989; 4-9-1990; 7-9-1990; 5-14-2002; 6-10-2003; 6-21-2005; 12-19-2006; 8-21-2007; 8-19-2008; 6-16-2009; 10-20-2009; 5-17-2011; 11-18-2014; 10-18-2016]

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE
A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

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 governing body. He may serve with or without compensation as determined by the governing body.

ADULT BUSINESS
Adult bookstore/video store, adult mini motion-picture theater, adult motion-picture theater, adult store, a business providing adult entertainment or any other establishment, including, without limitation, any adult modeling studio, adult cocktail lounge or adult nightclub, that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons. The term includes, without limitation, any of the following:

A. **ADULT STORE-** An establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

B. **ADULT MERCHANDISE-** Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons, and also includes toys, novelties, instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs, and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

C. **ADULT BOOKSTORE/VIDEO STORE-** An establishment that:

(1) Has 25% or more of its stock for sale or rent on the premises or has 25% or more of its stock on display, either in plain view or in an enclosed or partitioned area, in books, magazines, periodicals, drawings, sculptures, devices, paraphernalia, motion pictures, films, videotapes or photographs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein; or

(2) Devotes 25% or more of its display area or floor space, excluding aisles and storage areas, to the sale or display of such materials; or

(3) Receives in any one-month period 25% or more of its gross income from the sale or rental of such materials; or

(4) Has on the premises one or more mechanical or electronic devices for viewing such materials.

D. **ADULT ENTERTAINMENT-** Dancing, modeling or other live performances, if the performers' performances are characterized by an emphasis on specified anatomical areas or specified sexual activities or are intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, Internet sites or files transmitted over the Internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons.

E. **ADULT MINI MOTION-PICTURE THEATER-** An enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

F. **ADULT MOTEL-** A motel, hotel, or similar commercial establishment that:

(1) Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

(2) Offers a sleeping room for rent for a time period of less than 10 hours; or

(3) Allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.

G. **ADULT MOTION-PICTURE THEATER-** An enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT DAY-CARE CENTER

Any facility, that is either operated for profit or extra space that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere except i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and ii) the home or residence of an individual who cares for only persons related to him by blood or marriage.

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, and including the processing of or wholesale or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel.

ALTERATION

Any change in the total floor area, use, adaptability or external appearance of an existing structure, including enlargement, change in height or location thereof.

ANIMAL HUSBANDRY

Controlled cultivation, management, and production of domestic animals raised for utility (e.g.,

food, fur), sport, pleasure, and research, including improvement of the qualities considered desirable by humans by means of breeding (excluding horses).

ASSISTED LIVING FACILITY

A residential facility licensed by the State Department of Social Services where a level of service is provided by an adult-care residence for adults (four or more) who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e, abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

AUTOMOBILE GRAVEYARD

Any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative are placed, located, or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. NOTE: Farm use vehicles as defined in the Code of Virginia shall be exempt from this definition.**[Added 5-15-2017]**

Commented [1]: Editor's Note: This ordinance, in its preamble, noted
that the definition of "automobile graveyard" was originally added
11-18-2014.

BANQUET FACILITY

An establishment which is rented by individuals or groups to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, and other such similar celebrations.

BASEMENT

A story having part but not more than 1/2 of its height below the average grade. A basement shall be counted as a story for the purpose of height regulations. (See "cellar.")

BED-AND-BREAKFAST ESTABLISHMENT

A home occupation in which the full-time resident owner of a single-family dwelling utilizes no more than six otherwise unoccupied bedrooms in order to provide overnight accommodations and breakfast, for compensation, to transient guests. All guests shall be required to register their name, permanent address, phone number and license number prior to occupying a bed-and-breakfast establishment.

BOARD

The Board of Zoning Appeals of Page County.

BOARDINGHOUSE

A building where, for compensation, lodging and meals are provided for up to 14 persons.

BREWERY

A business that makes, or makes and sells, beer.

BUILDING

A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia

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Commonwealth Transportation Board.

BUILDING, HEIGHT OF

The height shall be measured from the average elevation of the ground surface along the front of the building.

BUILDING, MAIN

The principal building on a lot or the building housing the principal use on the lot.

CALL CENTER-TELECOMMUNICATION

A centralized office used for receiving or transmitting a large volume of requests by telephone.

CAMPS AND CAMPGROUNDS, RECREATIONAL

An area which includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community or any other area, place, parcel or tract of land, by whatever name called, on which two or more campsites are occupied or intended for occupancy or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously or by rental fee, lease or conditional sale or by covenants, restrictions and easements. "Campground" does not include a park for mobile homes or a construction camp, storage area for unoccupied camping units or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions and conditions from providing his sanitary facilities within his property lines, but shall include land and buildings used by recreational vehicle parks, civil, religious and social organizations for social, recreational, educational and/or religious activities on a periodic basis.

CELLAR

The part of a building having more than 1/2 of its height below the average grade. A cellar shall not be deemed a story in calculation of building height.

CEMETERY

Land used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium and/or mausoleum when operated in conjunction and within the boundaries of such burial grounds.

CERTIFICATE OF USE AND OCCUPANCY

A written statement, based on an inspection and signed by the Zoning Administrator, setting forth that a building, structure, sign and/or land complies with this chapter and/or that a building, structure, sign and/or land may be lawfully employed for specific uses, or both, as set forth therein.

CHILD

Any natural person under 18 years of age.

CHILD DAY CENTER

A child day program offered to:

A. Two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care; or

B. Thirteen or more children at any location.

CHILD DAY PROGRAM
A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of a child under the age of 13 for less than a twenty-four-hour period.

CLINIC, OUTPATIENT
Buildings or portions of thereof used to provide medical care on less than a twenty-four-hour basis to persons who are not rendered incapable to self-preservation by the services provided.

COMMERCIAL OUTDOOR RECREATION
A private, fee-supported, outdoor activity using or not using tangible facilities, involving or not involving athletic training, mastered skills, innate or acquired talents, requiring athletic or recreational talents.

COMMERCIAL OUTDOOR RECREATION AREAS AND FACILITIES
An area or facilities where commercial outdoor recreation is allowed. Such examples are playgrounds, picnic grounds, swimming pools, country clubs, golf courses, driving ranges, laser tag, paintball, archery, etc.

COMMERCIAL PARKING FACILITIES
An area of land designed or used for the parking or storing of more than five motor vehicles or equipment with at least one axle for more than 10 days in a calendar year, where a fee may be charged for the parking or storing of such motor vehicles or equipment. This definition shall exclude junkyards and automobile graveyards as defined in 125-4.

Commented [TMC2]: Adding a definition for commercial parking facilities.

COMMERCIAL WORKSHOP
An establishment where manufacturing or handicrafts are carried on for trade.

Commented [TMC3]: Proposed amended definition. "Commercial workshop" is currently defined under a subsection of sawmills, chipping mills, and shaving mills of 125-4 (see page 13). We want to redefine that current definition (due to it being too vague) and make it "its own" rather than under the subsection of the other definition.

COMMISSION
The Planning Commission of Page County.

COMMUNITY CENTER
A place, structure, area, or other facility used for and provided religious, fraternal, social, educational, or recreational programs designed to accommodate and serve the community.

CONFINED FEEDING OPERATION
A fenced area of one acre or less wherein more than five head of livestock are permitted to graze, roam or feed or an enclosed structure for the exclusive occupancy of animals, excluding dogs and cats, or livestock or poultry, which are not permitted to graze, roam or exercise frequently outside of the enclosed structure. Included within such definition are poultry houses, hog houses, hog lots, etc.

CONTRACTOR OFFICE
The office for a contractor licensed through the Commonwealth of Virginia~~, but does not include the outdoor storage of operations' vehicles, equipment and/or materials.~~ to include the outdoor storage of

Draft app'd by legal 9/6/19

operations' vehicles, equipment and/or materials.

Commented [TMC4]: Proposed amendment to include outdoor storage.

COURT
The Circuit Court of Page County, Virginia.

COVERAGE
Percent of total lot areas that may be occupied by buildings and structures.

DAIRY
A commercial establishment for the manufacture, processing and/or sale of milk products.

DISTILLERY
Any use which produces an alcoholic beverage, other than wine or beer.

DISTRICT
A division of territory within Page County within which certain uniform regulations and requirements apply under the provisions of this chapter.

DWELLING
Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, motels, inns, trailers, mobile homes, tourist homes and short-term tourist rentals.**[Amended 8-1-2017]**

A. **SINGLE-FAMILY DETACHED DWELLING**

(1) A building arranged, designed or intended for occupancy exclusively by one family, such building being surrounded by open space on all four sides within the same lot. The term "single-family dwelling" shall also include manufactured homes which meet the following requirements.

(a) The home shall be erected at least 20 feet in width and 40 feet in length.

(b) The home shall be erected on a permanent outside perimeter foundation of block or masonry.

(c) The complete wheel and axle assembly and hitch assembly shall be removed from the manufactured home.

(d) The roof shall be an A-type roof with no less than three-inch to twelve-inch pitch, and such roof shall be covered with shingle.

(e) The home shall be permanently attached so as to allow the home to be taxed as real estate by the County of Page, Virginia, and such title evidencing the manufactured home as personal property shall be destroyed.

(2) However, nothing contained in this definition shall allow manufactured homes in such residential areas or subdivisions in the County of Page, Virginia, where otherwise prohibited by such restrictive covenants applicable to the residential area or subdivision.

B. **DWELLING, SINGLE-FAMILY ATTACHED**A group of two or more closely placed,

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interrelated single-family dwelling units which are generally joined by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the Director in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Architectural facades or treatment of materials in a townhouse development shall be varied from one group of units to another; and no more than three abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one foot. For the purpose of this chapter, dwellings such as duplexes, semidetached, garden court, garden apartments, condominiums, patio house, zero lot line, piggyback townhouse, back-to-back townhouse and townhouse shall be deemed single-family attached dwellings.

DWELLING UNIT

One or more rooms in a dwelling designed for living or sleeping purposes or a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

EVENT FACILITY

A building, which may include on-site kitchen/catering facilities, where indoor and outdoor activities such as weddings, receptions, banquets, and other such gatherings are held by appointment.

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 or motel.

FAMILY DAY HOME

A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

FARM IMPLEMENTS

Any kind of machinery used on a farm to help with farming.

FARMERS MARKET

A market held in an open area or in a structure, where groups of individual sellers offer the sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages.

FRONTAGE

The minimum width of a lot measured from one side lot line to the other along a line on which no

point shall be farther away from the street upon which the lot fronts than the building setback line, as defined and required herein.

GARAGE, PRIVATE

An accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which the garage is an accessory.

GARAGE, PUBLIC

A building or portion thereof, other than a private garage, designed or used for servicing, repairing (including body work), equipping, renting, selling or storing motor vehicles.

GARDEN APARTMENT

See Subsection B of the definition of "dwelling."

GASOLINE SERVICE STATION

A structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing motor vehicles, but not including body repair or painting thereof.

GOLF COURSE

Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges, as defined herein.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GOVERNING BODY

The Board of Supervisors of Page County.

GREENHOUSE

A glassed or transparent enclosure used for the growing and cultivations of plants.

GROUNDWATER

Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this commonwealth, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

GROUP HOME

A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but does not provide acute care.

GUESTHOUSE

A one- to two-bedroom structure designed to complement the permitted principal residential

structure. Only one guest house shall be allowed on any lot, tract or parcel of land, and cannot be rented or sold separate from the permitted principal residential structure.

HALFWAY HOUSE

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

HEALTH OFFICIAL

The legally designated health authority of the State Board of Health for Page County or his authorized representative.

HOME OCCUPATION

An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and which use does not change the character of the dwelling or have any exterior evidence of such secondary use other than a small name plate, as referred to herein. No commercial vehicle shall be used in connection with the dwelling.

HOSPITAL

An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanitoriums, but in all cases excluding institutions primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definitions herein.)

HOSTEL

A budget-oriented, sociable accommodation where guest can rent a bed in a dormitory and share a bathroom, lounge, and sometimes a kitchen.

HOTEL

A building designed or occupied as the temporary abiding place for 14 or more persons who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old or scrap iron, steel, or other ferrous or nonferrous material.**[Added 5-15-2017]**

Commented [5]: Editor's Note: This ordinance, in its preamble, noted
that the definition of "junk" was originally added 11-18-2014.

JUNKYARD

An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps and sanitary landfills.**[Amended 5-15-2017]**

LOT

A parcel of land occupied or to be occupied by a main structure and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, either shown on

Draft copy of by-laws 9/6/19

a plat of record or considered as a unit of property and described by metes and bounds.

LOT AREA
An area of land which is determined by the limits of the property lines bounding that area and expressed in square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT COVERAGE
The maximum area of a lot which may be covered by all buildings and other impervious material unless otherwise specified.

LOT LINE
Any line dividing one lot from another.

LOT OF RECORD
A lot, a plat or a description of which has been recorded in the office of the Clerk of the Circuit Court.

LOT, CORNER
A lot at the point of intersection of and abutting two or more intersecting streets. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets if both streets are public rights-of-way. Front yard setbacks are required on both sides if both streets are public rights-of-way.

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

LOT, DOUBLE-FRONTAGE (THROUGH LOT)
An interior lot having frontage on two streets.

LOT, INTERIOR
Any lot other than a corner lot.

LOT, WIDTH OF
The horizontal distance between side lot lines measured at the setback line.

MANUFACTURE AND/OR MANUFACTURING
The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

MANUFACTURED HOME
A structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

MEDIA-RELATED OFFICE

An office used for the purpose of informing the public of news, entertainment, education, data or promotional messages. This includes but is not limited to newspapers, magazines, TV, radio, direct mail, telephone, fax, and Internet.

MEDICAL OFFICE OR CLINIC

An office used exclusively by physicians, dentists, and similar personnel for the treatment or examination of patients solely on an outpatient basis. This may include outpatient surgery, emergency care, medical-related support labs, and a pharmacy. This term shall not include group homes, halfway houses, hospitals, nursing homes, rehabilitation facilities, residential facilities, substance abuse treatment facilities, or schools.

MOBILE HOME

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 32 body feet or more in length or, when erected on site, is 256 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MOBILE HOME PARK

Any site, lot, field or tract of land upon which is located three or more mobile homes used for any purpose or no purpose or which is held out for the location of any mobile home for any purpose or any motor vehicle which is used for business, living or sleeping purposes and which is or may be transported from one place to another, whether motive power or other means shall be required, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of any such park or camp.

MOTEL

A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodgings or roadside hotels.

MOTORSPORTS EVENT

Any regularly scheduled and/or advertised gathering for the purpose of competitive vehicular activity over a fixed course or area that persists for periods in excess of 15 minutes over one twenty-four-hour period.

MOTORSPORTS FACILITY

Any facility for the competitive operation of automobile, trucks, motorcycles and any other motorized vehicles or machinery for recreational or commercial purpose for uses such as, but not limited to, racing, practicing, training, instruction, research and development and testing.

NONCONFORMING ACTIVITY OR USE

The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located.

NONCONFORMING LOT
An otherwise legally platted lot that does not conform to the requirements of this chapter for the district in which it is located.

NONCONFORMING STRUCTURE
An otherwise legal building or structure that does not conform with the regulations of this chapter for the district in which it is located.

NURSING HOMES
Facilities that provide care, including both intermediate care facilities and skilled nursing facilities where any of the persons are incapable of self-preservation.

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

OFFICIAL ZONING MAP
The legally adopted Zoning Map of Page County.

Commented [6]: Editor's Note: A copy of the Zoning Map is attached to this chapter.

PARKING LOT
An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE
An off-street space measuring nine feet in width by 20 feet in length, exclusive of driveways, passageways and maneuvering space.

PERSON
Any individual, firm, corporation or association.

PERSONAL SERVICE SHOPS
Buildings for the rendering of or providing of personal services; however, excluding massage parlors, nude or obscene dance halls or other businesses exploiting nude or obscene conduct, as defined by County ordinance in Chapter **86**, Obscenity, of the Code of Page County.

PET GROOMING, BOARDING AND BREEDING
A commercial facility where a pet animal may be cleaned, styled or have its appearance maintained, that cares for or houses pet animals in the absence of the owner, or that engages in the vocation of mating carefully selected specimens of the same breed to reproduce specific, consistently replicable qualities and characteristics.

PLANNING COMMISSION
The Page County Planning Commission.

PUBLIC WATER AND SEWER SYSTEM
A water or sewer system owned and operated by the County of Page, an incorporated town, an authority or a corporation franchised by the Commonwealth of Virginia and under the jurisdiction of

the State Health Department of Virginia.

RECYCLING FACILITY

Any location whose primary use is where recyclable materials are bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metal, paper, rags, tires, wood, plastic, glass and other such materials.

REGISTERED FAMILY DAY HOME

Any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

RESTAURANT

A. Any place where food is prepared for service to the public on or off the premises or any place where food is served. Examples of such places include, but are not limited to, lunchrooms, short-order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes and dining accommodations of public and private schools and colleges. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

B. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include, but are not limited to, operations preparing or storing food for catering services, pushcart operations, hot dog stands and other mobile points of service. Such mobile points of service are also deemed to be "restaurants" unless the point of service and of consumption is in a private residence.

RETAIL STORES AND SHOPS

Any store or shop where any person or merchant sells goods, wares, and merchandise for use or consumption by the purchaser.

RIDING STABLES OR ACADEMIES

A building, group of buildings, or use of land, or any combination thereof, used for the sheltering, care, riding, or showing of horses. The facility may include the sale of tack and related accessories items. Structures may include barns, stables, corrals, and paddocks.

SAWMILLS, CHIPPING MILLS, and SHAVING MILLS

A. **PORTABLE SAWMILL, CHIPPING MILL, and SHAVING MILL**- A portable sawmill, chipping mill, or shaving mill located on privately owned real estate to be used for the purpose of processing of timber cut only from that real estate, or from real estate immediately contiguous or adjacent thereto.

B. **COMMERCIAL SAWMILL, CHIPPING MILL, or SHAVING MILL**- A sawmill, chipping mill, or shaving mill permanently located on real estate for the purpose of processing timber primarily for commercial purposes without regard to the point of origin of the timber processed on the real estate.

~~C. COMMERCIAL WORKSHOP- Workshops using any medium compatible with the district.~~

Commented [TMC7]: Recommending that this be removed and added to 125-4 as "its own" definition. See page 5.

SELF STORAGE
A structure or structures containing separate storage spaces of varying sizes leased or rented as individual leases for the purpose of storing personal property and household goods.

SETBACK
The required distance that a structure must be built from an adjoining property line or road or right-of-way. "Setback" may also be referred to as "minimum yard dimension."

SHADOW/FLICKER
The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SHOOTING RANGE, INDOOR
A completely enclosed building designed for the safe discharge of archery equipment and firearms at targets for marksmanship practice or competitions.

SHOOTING RANGE, OUTDOOR
An outdoor area or structure designed for the safe discharge of archery equipment and firearms at targets for marksmanship practice or competitions.

SHOPPING CENTER
A group of stores, four or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. "Shopping center" shall also mean a single store or a group of stores less than four in number where the total gross floor area of the store or stores exceeds 25,000 square feet.

SHORT-TERM TOURIST RENTAL
Short-term rental of a dwelling for compensation for periods of less than 30 days. "Short-term tourist rental" could also include the following terms: tourist homes, tourist rentals, cabin rentals, lodging homes, tourist cabins, tourist courts, air bed-and-breakfast establishments, hostels, or vacation homes.**[Added 8-1-2017]**

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

A. **BUSINESS SIGN**A sign which directs attention to a product, commodity or service available on the premises.

B. **DIRECTIONAL SIGN**A sign (one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called) giving the name and approximate location only of the firm or business responsible for the erection of the same.

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C. **GENERAL ADVERTISING SIGN**A sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located.

D. **HOME OCCUPATION SIGN**A 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.

E. **TEMPORARY SIGN**A sign applying to a seasonal or other brief activity, such as but not limited to summer camps, horse shows, auctions or sale of land.

SIGN STRUCTURE

Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

SPECIAL USE (EXCEPTION) PERMIT

A permit for a land use that has operating and/or physical characteristics that may be generally different from those uses permitted by right in a given zoning district. Special uses may nonetheless be compatible with permitted-by-right uses and surrounding land uses under special conditions and with adequate public review. Special uses are allowed only at the legislative discretion and approval of the governing body following review and recommendation by the Commission in accordance with § **125-54** of this chapter.

SPECIFIED ANATOMICAL AREAS

A. Less than completely and opaquely covered:

(1) Human genitals, pubic region, buttock; and

(2) Female breast below a point immediately above the top of the areola.

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

A. Human genitals in a state of sexual stimulation or arousal.

B. Acts of human masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse or sodomy.

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORAGE WAREHOUSE

A structure or part of a structure used for the storage of goods, materials, wares and merchandise. Self-storage facilities are considered storage warehouses.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a "story." Each level of a split-level building, excluding cellars, shall be considered 1/2 story.

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 for use.

STREET

A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, service street (alleys), lane and road or similar terms.

STREET LINE

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

STRUCTURE

An assembly of materials having an ascertainable stationary location, which can include: stadiums, platforms, observation towers, communication towers, storage tanks, swimming pools, amusement devices, storage bins, gazebos, sheds and other similar uses. The word "structure" shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. All buildings are structures.

TOWNHOUSES

See Subsection B of the definition of "dwelling."

TWENTY-FOUR-HOUR CARE

The actual time that a person is an occupant within a facility for the purpose of receiving care. It shall not include a facility that is open 24 hours and is capable of providing care to someone visiting the facility during any segment for the 24 hours.

USABLE OPEN SPACE

An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces or principal structures, including common buildings such as shelters, pavilions or recreational structures centrally located, accessible to occupants of the building or buildings, but excluding marshes, swamps, streams and slopes in excess of 15% or other unusable land.

USE

The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE

A relaxation of the terms of this chapter by the Board of Zoning Appeals where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a "variance" is authorized only for height, area and size of the structure or size of yards and open spaces; establishment or expansion of a use

otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts, nor solely for the economic benefit of the landowner.

VETERINARY CLINIC

A facility that deals with the causes, diagnosis, and treatment of diseases and injuries of animals, especially domestic animals, under the direction and control of a veterinarian licensed by the Commonwealth of Virginia.

VIRTUAL BUSINESS

A virtual business is defined by meeting the following:

A. Does not require direct vehicular traffic to the dwelling unit by the public for operation of the business.

B. The primary means of communication in the operation of the business is by telecommunication, facsimile, computer-related activity or other like means of communications.

C. No wholesale or retail business shall be permitted unless it is conducted entirely by mail and/or telecommunications.

D. Such home occupation shall be subject to all the criteria set forth in § **125-15A(1)**, hereinabove stated, with the exception of required parking spaces set forth in § **125-15A(1)(a)**.

E. Does not use outside storage or display of materials, goods, supplies, or equipment or work areas in relation to the business outside the home.

F. No signage allowed.

VISIBLE

Means capable of being seen without visual aid by a person of normal visual acuity. NOTE: Any inoperable motor vehicles are exempt if kept in a fully enclosed building or structure or otherwise shielded or screened from visibility from any adjacent dwelling or adjacent public property.**[Added 5-15-2017]**

Commented [8]: Editor's Note: This ordinance, in its preamble, noted
that the definition of "visible" was originally added 11-18-2014.

WAYSIDE STAND, ROADSIDE STAND or WAYSIDE MARKET

Any structure or land used for the sale of agricultural or marine produce or the sale of items made or produced on the premises where such production is carried on as a home occupation.

WIND ENERGY FACILITY, SMALL SYSTEM (PRIVATE USE)

A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 25kW.

WIND TURBINE

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, pad transformer, blades, and tail.

Draft amd'd by legal 6/6/19

WINDMILL
A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

WINERY
A winery is a building or property that produces wine, or a business involved in the production of wine, such as a wine company.

YARD, FRONT
An unoccupied space, open to the sky, between an adjacent right-of-way and the building setback line which shall be drawn at such distance as may be specified herein for any district and extending for the full width of the lot.

YARD, REAR
An unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district and extending for the full width of the lot.

YARD, SIDE
An unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district and extending for the full length of the lot.

ZONING ADMINISTRATOR
See "Administrator."

ZONING BOARD
The Board of Zoning Appeals of Page County.

ZONING PERMIT
A certificate issued by the Zoning Administrator for authorizing the uses of land and/or structures as required by this chapter.

§ 125-9 **Woodland-Conservation (W-C).**
[Amended 4-8-1991; 12-9-1991; 4-12-1993; 5-11-1999; 7-13-1999; 2-12-2002; 6-10-2003; 6-21-2005; 12-19-2006; 12-16-2008; 4-21-2009; 6-16-2009; 10-20-2009; 4-20-2010; 9-16-2014; 2-7-2017]

A. Statement of intent. It is the intent of this district to perpetuate the rural atmosphere, open space and scenic landscape of the area. This district is established for the specific purpose of conserving natural resources, protecting fragile environmental areas, reducing soil erosion, protecting watersheds, reducing hazards from flooding and protecting existing farmland. This district covers portions of the County which are occupied by mountain areas, heavily forested areas and other open space uses such as recreation areas, floodplains and farms. The area also contains portions where the depth to bedrock is shallow and presents some limitations to development. The protection of the Shenandoah River is also essential, and because of potential pollution problems due to on-lot sewage effluent, erosion and sedimentation from construction and disturbing of the landscape, the area near the river must remain open in nature.

B. Permitted uses shall be as follows:

(1) Forest, scenic and wildlife preserves and conservation areas.

(2) Agriculture.

(3) Wayside or roadside stand or market.

(4) Single-family detached dwellings.

(5) Cemeteries; police, fire and rescue squad stations; other essential public services.

(6) Portable sawmills, portable chipping mills, and portable shaving mills.

(7) Bed-and-breakfast establishments and short-term tourist rentals, subject to the provisions of § 125-30.21. **[Amended 8-1-2017]**

(8) Manufactured homes and individual mobile homes.

(9) Electric facilities operated at 40 kilovolts or less.

(10) Confined feeding operations pursuant to the requirements of Article VI of this chapter and pursuant to all other provisions of this chapter.

(11) Only one permitted principal residential structure shall be allowed on any lot, tract or parcel of land.

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

(1) Private garage or private parking area.

(2) Signs pursuant to § **125-20**.

(3) Home occupations pursuant to § **125-15**.

(4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § **125-16**.

(5) Guesthouse, as defined in § **125-4**.

(6) Family day home (less than five unrelated children).

(7) Small system wind energy facility.

(8) Windmill.

D. Uses permitted by special permit shall be as follows:

(1) Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes pursuant to § **125-22**.

(2) Commercial outdoor recreation areas and facilities: parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, country clubs, golf courses and driving ranges, miniature golf

courses; archery; laser tag; paintball; and other similar uses, all pursuant to § **125-22**.

(3) Churches and public schools.

(4) Electric facilities operated above 40 kilovolts.

(5) Publicly owned sanitary landfills which meet all federal, state and County requirements and regulations.

(6) Outdoor commercial recreation areas and facilities: camps and campgrounds pursuant to § **125-66**.

(7) Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit.

(8) Commercial sawmills, commercial chipping mills, and commercial shaving mills pursuant to § **125-30.4**.

(9) Commercial workshops, as defined in § **125-4**.

(10) Veterinarian clinics, pet grooming, boarding and breeding of animals, as defined in § **125-4**.

(11) Family day home (five or more unrelated children) pursuant to § **125-30.6**.

(12) Small system wind energy facility.

(13) Windmill.

(14) Wholesale businesses and storage warehouses within "confined poultry feeding operation" buildings constructed prior to October 1, 2009. Storage of personal property of the property owner and all agricultural uses are exempt.

(15) Banquet facility and event facility.

(16) Auto repair service facility/public garage.

(17) Indoor and outdoor shooting ranges.

(18) Commercial parking facilities.

Commented [9]: Editor's Note: Former Subsection D(18), Air bed-and-breakfast establishments, which immediately followed this subsection, was repealed 8-1-2017.

Commented [TMC10]: Added

E. Minimum lot size shall be as follows: area: 1 3/4 acres; width at setback line: 150 feet. Lots on cul-de-sac may have width reduced to 50 feet.

F. Minimum yard dimensions shall be as follows: front yard: 50 feet, except cul-de-sac lots may be 70 feet; each side yard: 20 feet; rear yard: 50 feet.

G. Maximum coverage and height shall be as follows: maximum building coverage: 15%; maximum height from average grade: 35 feet/2 1/2 stories. All accessory buildings shall be less than the main building in height, except as provided for in § **125-14D**.

H. Any new structure designed to be occupied as a residence, church, school, community center or

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commercial establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § **125-32**, Article **VI**, of this chapter.

I. All wells in W-C Zoned Districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended. A variance may be sought through the Page County Board of Zoning Appeals for a well location closer than 50 feet to the property line if either of the following criteria listed can be achieved: i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or ii) certification by the Page County Health Department that no other site on the property complies with zoning regulations for the construction of a private well. If approved, a variance conveyance form, which is part of the Page County appeal/variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure.

Commented [11]: Editor's Note: See now Code of Virginia, § 3.2-300.

J. Site plan. Before obtaining a zoning permit for the uses listed within this district either as a permitted use, accessory use or by special use permit a site plan shall be submitted with the zoning application (prior to construction). The site plan should include:

(1) Boundary of the parcel with project name, tax map number, and owner name and contact information.

(2) Building location and setbacks from property lines.

(3) Parking spaces.

(4) Proposed signs.

(5) Lighting with a description.

§ 125-10 **Agriculture (A-1).**
[Amended 4-8-1991; 4-12-1993; 9-9-1996; 5-11-1999; 7-13-1999; 2-12-2002; 6-10-2003; 6-21-2005; 12-19-2006; 3-18-2008; 12-16-2008; 4-21-2009; 6-16-2009; 10-20-2009; 4-20-2010; 9-18-2012; 9-16-2014; 2-7-2017]

A. Statement of intent. This district is intended to preserve the character of those portions of the County where agricultural and other low-intensity uses predominate. To ensure the success of the above goal, it is necessary to maintain a relatively low density of development. The permitted uses should include mainly agriculture and related uses. Generally, soils in these areas are well suited for agricultural purposes. As agricultural land is a primary resource and economic asset of the County, it must be preserved to the greatest extent possible. Very low-density development may be permitted in this area, but agricultural preservation is the primary intent of this district.

B. Permitted uses shall be as follows:

(1) Agriculture.

(2) Wayside or roadside stand or market.

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(3) Forest, scenic and wildlife preserves and conservation areas.

(4) Single-family detached dwellings.

(5) Cemeteries; police, fire and rescue squad stations; other essential public services.

(6) Portable sawmills, portable chipping mills, and portable shaving mills.

(7) Electric facilities operating at 40 kilovolts or below.

(8) Bed-and-breakfast establishments and short-term tourist rentals, subject to the provisions of § 125-30.21. **[Amended 8-1-2017]**

(9) Manufactured homes and individual mobile homes.

(10) Confined feeding operations pursuant to the requirements of Article VI of this chapter and pursuant to all other provisions of this chapter.

(11) Only one permitted principal residential structure shall be allowed on any lot, tract or parcel of land.

(12) Town of Luray Wastewater Facility.

(13) Distilleries which are licensed by the Commonwealth in accordance with the Virginia Alcoholic Beverage Control Act, or other Virginia laws, as amended, from time to time. There shall be a limit of 5,000 gallons per year. The applicant shall provide a measured site sketch of the property, including but not limited to parking, and the building used to house the operation. Anything above and beyond the gallons allowed or activity allowed will require a special use permit.

(14) Farmers market. **[Added 6-5-2018]**

(15) Greenhouse retail sales. **[Added 6-5-2018]**

(16) Brewery. **[Added 6-5-2018]**

(17) Winery. **[Added 6-5-2018]**

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

(1) Private garage or private parking area.

(2) Signs pursuant to § **125-20**.

(3) Home occupations pursuant to § **125-15**.

(4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § **125-16**.

(5) Guesthouse, as defined in § **125-4**.

(6) Family day home (less than five unrelated children).

(7) Small system wind energy facility.

(8) Windmill.

D. Uses permitted by special permit shall be as follows:

(1) Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes pursuant to § **125-22**.

(2) Commercial outdoor recreation areas and facilities: parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, country clubs, golf courses and driving ranges, miniature golf courses; archery; laser tag; paintball; and other similar uses, all pursuant to § **125-22**.

(3) Publicly owned sanitary landfills which meet all federal, state and County requirements.

(4) Recreational trailer camps pursuant to § **125-19**.

(5) Airstrips meeting all federal, state and County requirements and not to be closer than 1,000 feet from a residential district boundary. All airstrips shall meet requirements as established in § **125-26**.

(6) Electric facilities operating above 40 kilovolts.

(7) Churches and public schools.

(8) Professional offices, not higher than two stories and not exceeding 5,000 square feet in area, by special use permit.

(9) Outdoor commercial recreation areas and facilities: camps and campgrounds pursuant to § **125-66**.

(10) Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit.

(11) Commercial sawmills, commercial chipping mills, and commercial shaving mills pursuant to § **125-30.4**.

(12) Commercial workshops as defined in § **125-4**.

(13) Veterinarian clinics, pet grooming, boarding and breeding of animals as defined in § **125-4**.

(14) Family day home (five or more unrelated children) pursuant to § **125-30.6**.

(15) Wholesale businesses and storage warehouses within "confined poultry feeding operation" buildings constructed prior to October 1, 2009. Storage of personal property of the property owner and all agricultural uses are exempt.

(16) Banquet facility and event facility.

(17) (Reserved)

(18) (Reserved)

(19) Self-storage unit.

Commented [12]: Editor's Note: Former Subsection D(17), Farmers market, was repealed 6-5-2018; see now Subsection B(14).

Commented [13]: Editor's Note: Former Subsection D(18), Greenhouse, was repealed 6-5-2018; see now Subsection B(15).

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(20) Farm implements sales with or without service facilities.

(21) Indoor and outdoor shooting ranges.

(22) Auto repair service facility/public garage.

(23) (Reserved)

(24) (Reserved)

(25) Commercial parking facilities.

E. Minimum lot size shall be as follows: area: 1 3/4 acres; width at setback line: 150 feet.

F. Minimum yard dimensions shall be as follows: front yard: 50 feet, except cul-de-sac lots may be 70 feet; each side yard: 20 feet; rear yard: 50 feet.

G. Maximum building coverage and height shall be as follows: maximum building coverage: 10%; maximum height from average grade: 35 feet/2 1/2 stories. All accessory buildings shall be less than the main building in height, except as provided in § **125-14D**.

H. Any new structure designed to be occupied as a residence, church, school, community center or commercial business establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § **125-32**, Article **VI**, of this chapter.

I. All wells in Agricultural Zoned Districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended. A variance may be sought through the Page County Board of Zoning Appeals for a well location closer than 50 feet to the property line if either of the following criteria listed can be achieved: i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or ii) certification by the Page County Health Department that no other site on the property complies with zoning regulations for the construction of a private well. If approved, a variance conveyance form, which is part of the Page County appeal/variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure.

J. Site plan. Before obtaining a zoning permit for the uses listed within this district either as a permitted use, accessory use or by special use permit a site plan shall be submitted with the zoning application (prior to construction). The site plan should include:

(1) Boundary of the parcel with project name, tax map number, and owner name and contact information.

(2) Building location and setbacks from property lines.

(3) Parking spaces.

(4) Proposed signs.

Commented [14]: Editor's Note: Former Subsection D(23), Brewery, was repealed 6-5-2018; see now Subsection B(16).

Commented [15]: Editor's Note: Former Subsection D(24), Winery, was repealed 6-5-2018; see now Subsection B(17). Former Subsection D(25), Air bed-and-breakfast establishments, which immediately followed this subsection, was repealed 8-1-2017.

Commented [TMC16]: Added

Commented [17]: Editor's Note: See now Code of Virginia, § 3.2-300.

(5) Lighting with a description.

§ 125-13 **Industrial (I-1).**

A. Statement of intent. The primary purpose of this district is to permit certain industries which do not in any way detract from residential desirability to locate in areas adjacent to residential uses. The provisions relating to height of a building, controlling emission of fumes, odors and/or noise and landscaping and others are imposed to protect the general environment and overall desirability of the area, while permitting industries to locate near a labor supply. These uses should be concentrated near suitable facilities.

B. Permitted uses shall be as follows:

(1) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs; also, the manufacture of small parts, such as coils, condensers, transformers, crystal holders, integrated circuits, discrete components such as inductors and capacitors and circuit boards.

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

(3) Blacksmith shop and welding or machine shop.

(4) Laboratories, pharmaceutical and/or medical.

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

(6) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious stones or metals, shell, straw, textiles, tobacco, wood, yarn and paint.

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

(8) Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

(9) Building material sales yards and plumbing supplies storage.

(10) Coal and wood yards, lumberyards and feed and seed stores.

(11) Contractor's equipment storage yard or plants or rental of equipment commonly used by contractors.

(12) Cabinets, furniture and upholstery shops.

(13) Stone monument works.

(14) Boat building.

(15) Wholesale businesses and storage warehouses.

(16) Agriculture.

(17) All facilities required by electric utilities.

(18) General business offices, including corporate, government or other offices not providing face-to-face services to the general public on a regular basis as the primary use. **[Added 8-19-2008]**

(19) Recycling facility. **[Added 8-19-2008]**

(20) Commercial parking facilities.

Commented [TMC18]: Added

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

(1) Off-street parking areas pursuant to § **125-21**.

(2) Signs pursuant to § **125-20**.

(3) Customary accessory uses and buildings, provided that such are clearly incidental to the principal use pursuant to § **125-16**.

(4) Small system wind energy facility. **[Added 10-20-2009]**

(5) Windmill. **[Added 10-20-2009]**

D. Minimum lot size shall be as follows: area: 20,000 square feet; width: 100 feet.

E. Minimum yard dimensions shall be as follows: front yard: 40 feet; each side yard: 20 feet; rear yard: 20 feet. For a single permitted use, the side and rear minimum yard dimensions adjoining or adjacent to a residential district shall be 75 feet. The minimum side yard of corner lots in this district shall be 40 feet. A planting strip shall be placed in yards adjacent to or adjoining residential districts of sufficient height to construct an effective screen.

F. Maximum building coverage and height shall be as follows: maximum building and paving coverage: 80%; maximum building height from average grade: 35 feet.

G. Performance standards. Standards in accordance with the Virginia Air Pollution Control Law, the Environmental Protection Agency, the Virginia State Health Department and the Local Health Department, the Virginia Soil and Water Conservation Board and the local soil and water conservation agency shall be adhered to.

H. Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit. **[Added 2-12-2002]**

I. Any new structure designed to be occupied as a residence, church, school, community center or commercial business establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § **125-32**, Article **VI**, of this chapter. **[Added 6-21-2005]**

J. All wells in Industrial zoned districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended. A variance may be sought through the Page County Board of Zoning Appeals for a well location closer

Commented [19]: Editor's Note: See now Code of Virginia, § 3.2-300.

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than 50 feet to the property line if either of the following criteria listed can be achieved: (i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or (ii) certification by the Page County Health Department that no other site on the property complies with zoning regulations for the construction of a private well. If approved, a Variance Conveyance form, which is part of the Page County Appeal/Variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure. **[Added 6-21-2005; amended 12-16-2008; 4-21-2009]**

Draft approved by legal 9/6/19

COUNTY OF PAGE

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Board of Supervisors:
Morgan Phenix – Chairman – At- Large
D. Keith Guzy, Jr. – District 1
Allen Louderback – District 2
Mark Stroupe – District 3
Larry Foltz – District 4
Jeff Vaughan – District 5

County Administrator:
Amity Moler

TO: Chairman Phenix and Board of Supervisors

FROM: Regina Miller, Assistant County Administrator

THRU: Amity Moler, County Administrator

SUBJECT: Board and Commission Appointments

DATE: January 31, 2020

Planning Commission:

The term of Paul Otto (District 1) has expired. Mr. Otto is eligible to serve another term or another individual can be appointed. The new four-year term would run from January 15, 2020 through January 14, 2024.

Motion: I move to appoint _____ (District 1) to the Planning Commission for a four-year term through January 14, 2024.