

Minutes
Board of Supervisors
Regular Meeting
October 18, 2016

Members Present: Johnny Woodard, Chairman At-Large
David Wiatrowski, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Dorothy Pendley, District 5

Members Absent: D. Keith Guzy, District 1

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Nathan Miller, County Attorney

Call To Order:

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on October 18, 2016, at 7:00 p.m., at Springfield Elementary School. The Call to Order was followed by the *Pledge of Allegiance* and the Invocation was given by Chairman Woodward.

Adoption of the Agenda:

Motion: Supervisor Pendley moved to adopt the agenda. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None.

Public Hearing – Special Use Permit – James Turner:

Chairman Woodward opened the public hearing on the Special Use Permit for James Turner at 7:09 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended, that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing, at 7:00 p.m., on October 18, 2016, at Springfield Elementary School, 158 Big Spring Lane, Rileyville, VA, to receive public comments and to consider the following special use permit request by:

James Turner, 830 Mill Creek Crossroads, Luray VA, (District 3) to place three manufactured homes on lots in a subdivision, Mosby Raiders Hideout, tax map numbers

73C-1-4, 73C-1-9 and 73C-1-39B pursuant to the Page County Zoning Ordinance 125-11.D.3.

Stephanie Lillard, Director of Community & Economic Development, stated that Mr. James Turner filed a special use permit application to place one manufactured home on each of three separate lots located in Mosby Raiders Hideout, Stanley, Virginia. The Planning Commission held a public hearing on August 23, 2016. There was no opposition from the public and the Commission unanimously recommended approval to the Board of Supervisors to grant this request.

There were no public comments during the hearing. Chairman Woodward closed the hearing at 7:10 p.m.

Motion: Supervisor Stroupe moved to approve a Special Use Permit to James Turner for the purpose of placing three manufactured homes, one on each vacant lot. The lots are further identified by Tax Map #: 73C-1-4, 73C-1-9, and 73C-1-39B, and located in the residential district of Mosby's Raiders Hideout, Stanley, Virginia. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None.

Public Hearing – Zoning Ordinance Amendment – Commercial Code: EXHIBIT A

Chairman Woodward opened the public hearing on Zoning Ordinance Amendment – Commercial Code at 7:13 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
ZONING ORDINANCE AMENDMENT

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the Page County Board of Supervisors shall hold a public hearing at 7:00 p.m. on October 18, 2016, at Springfield Elementary School, 158 Big Spring Lane, Rileyville, VA., to receive public comments and to consider the following:

Amendments to Section 125-12, Commercial, amendment to Section 125-4 Definitions, and Supplement regulations. Copies of the full text can be viewed in the Planning and Community Development Office as well as on the county website: www.pagecounty.virginia.gov.

Michelle Somers, Zoning Administrator, said Page County adopted the Zoning Ordinance in 1989. Several amendments have been made to the Code but it has remained in its original form since adoption. The Zoning Sub-committee was formed years ago. Their purpose was to review the Code and identify problems within the

Code. Since commercial development is a focal point for the County the Sub-committee decided to focus on this portion of the Code first. Commercial zoning districts are intended for the conduct of general business and to provide services for visitors and tourist. Traffic, light, and noise of people and vehicles are a consideration. The proposed draft has expanded the permitted uses and goes on to give examples. Associated with these terms, the sub-committee felt it was necessary to define those terms in the definitions portion of the ordinance. The draft ordinance moves away from requiring certain activities to receive a special use permit to allowing them by-right, such as public garages, bed and breakfast establishments, and commercial outdoor recreation. By allowing them by-right, there are now supplemental regulations to take the place of the conditions that would be imposed on them. This change will allow for a more business friendly ordinance while considering the adjacent landowners. Mrs. Somers reminded the Board that subsection K. Site Plan was left out of the draft the Planning Commission received at their public hearing but prior to that it was presented and reviewed by the full Commission. One item that needs to be addressed is wedding venues, event and banquet facilities. Now that the Commission is proposing to define them, they will only be listed in the C-1 district. While it was not the intention of the sub-committee to exclude it in other zones, it still needs to be addressed. The County is a destination for this type business and want to encourage it. Staff has consulted with legal counsel on this and any current venues would become legally non-conforming. Staff is prepared to recommend that this be addressed in the Agriculture and Woodland Conservation zoning districts as soon as possible. Mrs. Somers recommended that this use be by special use permit in those zones due to the amount of traffic these businesses generate and consideration to adjoining property owners. While the Board can continue with the C-1 district, this issue will be placed on the Planning Commission's next agenda. An amendment will come back to the Board in the near future to allow wedding, event and banquet facilities by special use permit in the other zoned areas of the County.

There were no public comments during the hearing. Chairman Woodward closed the hearing at 7:16 p.m.

Supervisor Stroupe received a letter from Diane Hirsch, which he read concerning wedding venues.

Chairman Woodward asked why wedding venues need to put into the Commercial district. Mrs. Somers said because of the increase in traffic. Mrs. Lillard explained that the current Commercial district does not list wedding venues as being permitted and there is no definition for these facilities. Until there is time to do the full comprehensive amendment on the other two zoning areas, she suggested moving forward with the amendments, as presented. She said the whole purpose in doing this is to make it more business friendly instead of taking six months for a special use permit; it will could only take 60 days.

Supervisor Foltz said Page County is a tourism county and he feels we should not put restrictions on wedding venues, but rather should be inviting these people here to build these venues.

Mrs. Lillard said we need to be pro-active and be ready. This would allow more by-right and less special use. She said the whole purpose in doing this is to make it more business friendly. Special use permits can take up to 6 months to obtain, but by allowing them by-right would only take 60 days. There is a process that we have to go through and this is on the agenda for the next Planning Commission meeting. If everything goes as planned the Board could have a public hearing as soon as January.

County Attorney Miller said that special use permits for a wedding venue takes a lot of time going through the process. Mrs. Lillard is presenting a rewrite of the definitions to have wedding venues by-right in commercial areas which does not eliminate it from other areas. Mrs. Hirsch as of right now cannot have a wedding venue on her property at all. So they are cleaning up the commercial section right now so they can go right ahead and have a wedding venue without a special use permit in the commercial areas. If the Board adopts this, it will mean anyone who wants to have a wedding venue in the Commercial district by-right can do it. The Board will need to decide how broad they want to allow wedding venues in the Agriculture and Woodland Conservation districts.

Motion: Supervisor Pendley moved to adopt the amendments to Section 125-4, 125-11 (Commercial) and the supplementary regulations. Supervisor Wiatrowski seconded and the motion carried by a vote of 3-2. Aye Stroupe, Pendley, Wiatrowski. Nay: Foltz, Woodward.

Public Hearing – Amendments to the Enterprise Zone:

Chairman Woodward opened the public hearing on Amendments to the Enterprise Zone at 7:47 p.m. The public hearing was advertised as follows:

ENTERPRISE ZONE APPLICATION FOR AMENDMENT
PUBLIC HEARING NOTICE
BOARD OF SUPERVISORS
COUNTY OF PAGE, VIRGINIA

Please take notice that the Board of Supervisors of Page County, Virginia, will hold a public hearing on Tuesday, October 18, 2016 at 7:00 p.m., at Springfield Elementary School located at 158 Big Spring Lane, Rileyville, VA 22650, to solicit input on the proposed amendment of the Page County Enterprise Zone to the Department of Housing and Community Development. The proposed zone boundaries will be available for discussion. For additional information, contact the Department of Planning & Community Development at 540-743-1216 or info@pageforbusiness.com.

Mrs. Lillard said an application is ready to submit to the Department of Housing and Community Development (DHCD) for an amendment on our boundary of the Virginia Enterprise Zone. Our current boundary consumes 1,898.7 acres; this amendment would increase it by 185.6 acres. She indicated that 176.94 acres is in or around Luray, 8.67 acres are in or around Shenandoah and Stanley reflects geographic corrections resulting in an acreage reduction of 2.79. The proposed new enterprise zone boundary will be 2,084.31 acres.

There were no public comments during the hearing. Chairman Woodward closed the hearing at 7:50 p.m.

Motion: Supervisor Stroupe moved to approve staff's request to submit an application for amendment to DHCD for the Page County Enterprise Zone. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodard, Wiatrowski, Stroupe. Nay: None.

Public Hearing – Ordinance Amendment to Vehicles and Traffic: EXHIBIT B
Chairman Woodward opened the public hearing on an Ordinance Amendment to Vehicles and Traffic at 7:51 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS
COUNTY OF PAGE, VIRGINIA
AN ORDINANCE TO AMEND CHAPTER 118 (VEHICLES AND TRAFFIC)
OF THE PAGE COUNTY CODE

PLEASE TAKE NOTICE: That the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on October 18, 2016, at 7:00 p.m. at Springfield Elementary School, 158 Big Spring Lane, Rileyville, VA 22650, for the purpose of a public hearing on the proposed ordinance to amend Chapter 118 (Vehicles and Traffic) of the Page County Code.

The full text of the proposed amendments to the Ordinances may be reviewed and inspected at the office of the County Administrator, 103 South Court Street, Suite F, Luray, Virginia 22835.

The public is invited to attend this public hearing to express their views thereon.

The Notice is given pursuant to 15.2-1427 of the Code of Virginia (1950), as amended.

Mrs. Moler stated that Chapter 118 of the Code of Page County, Virginia, addresses motor vehicle license fees. The amendment of this chapter will change the annual

license fee for motor vehicles from \$20 to \$30 and the annual license fee for motorcycles from \$10 to \$12.50, creating an additional \$248,000 in revenue. This is revenue that has been planned in the budget.

There were no public comments during the hearing. Chairman Woodward closed the hearing at 7:52 p.m.

Motion: Supervisor Stroupe moved to approve the Ordinance to Amend Chapter 118 (Vehicles and Traffic) of the Page County, Virginia, Code. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None.

Presentations, Proclamations & Awards:

People Incorporated Annual Report:

Rob Goldsmith of People Incorporated gave the Board copies of their Annual Report and a brief summary. He said the budget was approximately \$17 million this past year. He took the opportunity to thank the Board for appointing Stephanie Lillard to the People Incorporated Board as the County's representative. He explained the services offered and said they are working with the Town of Luray on an affordable housing project.

Public Comments on Agenda items:

There were no speakers during the Public Comments on Agenda items.

Action Matters:

Enterprise Zone Resolution Adoption:

Mrs. Lillard said that part of the requirement of the application to amend the enterprise zone is also a Resolution to accompany the application. It gives Mrs. Moler authorization to submit the necessary amendment package and sign all necessary documentation on behalf of Page County for this proposed Enterprise Zone amendment and to meet other program administrative and reporting requirements as defined by the Enterprise Zone Regulation throughout the life of the zone.

* * * * *

#2016-10

RESOLUTION

Enterprise Zone Application for Amendment

VIRGINIA: At a regular meeting of the Board of Supervisors of Page County, Virginia, held on Tuesday, October 18, 2016, the following resolution was presented and adopted:

WHEREAS, Page County has a designated Enterprise Zone, identified as Zone #30, that provides a combination of State and Local incentives to promote economic development, and

WHEREAS, there is a current need to amend the existing Enterprise Zone #30 in Page County to incorporate additional properties in and around the Towns of Luray, Shenandoah, and Stanley, to increase economic growth opportunities, and

WHEREAS, this proposed expansion will serve to benefit economic and industrial expansion of Page County to meet the goals and objectives of the Virginia Enterprise Zone Program, then

THEREFORE, BE IT HEREBY RESOLVED THAT THE Page County Board of Supervisors authorizes the County Administrator to submit the necessary Enterprise Zone amendment package and sign all necessary documentation on behalf of Page County for this proposed Enterprise Zone amendment, and to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations throughout the life of the zone.

Given under my hand this 18th day of October, 2016.

* * * * *

Motion: Supervisor Pendley moved to amend the existing Enterprise Zone #30 in Page County to incorporate additional properties in and around the Towns of Luray, Shenandoah, and Stanley to increase economic growth opportunities. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None.

Shenandoah Valley Workforce Development Board Consortium Agreement & Appointments:

Mrs. Moler said several years ago, as part of the Workforce Investment Act implementation, the Workforce Investment Board (WIB) created the Chief Local Elected Officials Consortium (CLEO). The agreement implementing the CLEO was required to be adopted by each County in the Workforce Investment Area, including Page County. The original CLEO agreement was adopted in 2012 by the Board; it needs to be re-adopted. In addition, the Board needs to appoint a local elected official and an alternate to serve on the Consortium. They have suggested that the Board appoint someone from economic development as the alternate to the local elected official appointee.

Motion: Supervisor Foltz moved to approve the Shenandoah Valley Chief Local Elected Officials Consortium Agreement, authorizing the Chairman to execute it and to further appoint Johnny Woodward as the local elected official and Stephanie Lillard as an alternate to serve on the Workforce Investment Board representing Page County. Supervisor Pendley seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None.

Budget Changes:

Mrs. Moler reviewed the three budget changes. The Page County School Board has received new state grant funding in the amount of \$94,190 and new federal grant

funding in the amount of \$70,987. The Page County Sheriff's Office has received new state grant funding in the amount of \$75,000. The Page County School Board state grant funding in the amount of \$94,190 is to be used to purchase and install security equipment in the schools. Page County Schools also received new federal grant funding in the amount of \$70,987 to be used to supplement instructional programs. The Page County Sheriff's Office received a new state grant in the amount of \$75,000 for funding a needs assessment for the multi-band interoperable trunked radio system for 911. None of these grants require a local match.

Motion: Supervisor Stroupe moved to approve the appropriation of the three new grants, as outlined above, in the amount of \$240,177. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Stroupe Foltz, Pendley, Woodward, Wiatrowski. Nay: None.

Board and Commission Appointments:

Mrs. Miller said an appointment needs to be made to the Water Quality Advisory Committee. The term of Alice Pence (Town of Shenandoah Representative) has expired. Ms. Pence does not wish to be reappointed. The Town has recommended Betty Gochenour for the appointment as the Town's representative.

Motion: Supervisor Stroupe moved to appoint Betty Gochenour to the Water Quality Advisory Committee for a three year term, which will expire on September 9, 2019. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None.

Consent Agenda:

Motion: Supervisor Pendley moved to approve the Consent Agenda as follows:

- Financial reports for the period of September 1-30, 2016;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,167,283.38 for the month of September 2016;
- Minutes of September 6, 2016 and September 20, 2016.

Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None.

Old Business:

Special Use Permit Update – River Run Campground:

Mrs. Lillard said this application was presented to the Page County Planning Commission in late spring of 2015; it went to a public hearing in June of that year. At that time, it gave the Planning Commission 180 days to make a recommendation to the Board of Supervisors for approval or denial. In March of 2016, after denial on a request to waiver state requirements for Campgrounds, Mr. Baldwin requested the County to delay action on his application until October 2016 allowing him time to satisfy the Virginia Department of Health (VDH) requirements for water and sewer. Mr. Baldwin has received a permit for installing a permanent system for sewage disposal, but the installation is not complete; therefore, an operational permit has not been issued by the

VDH. As well as the Office of Drinking Water/VDH has not approved Mr. Baldwin's water supply. Both offices are in communication with Mr. Baldwin to determine options that are satisfactory pursuant to state regulations for campgrounds. The Planning Commission received an update from Mr. Baldwin at the October 11, 2016, Commission meeting and is hopeful an agreement will be reached before November 20th, at which time 12 months (per County Code Section 125-54 E (2)) will be expired for required action on this application. The Commission is requesting the application be tabled until a future date. In addition, the Board needs to schedule a public hearing on the special use permit, at their next regular meeting in November.

Motion: Supervisor Stroupe moved to take the Special Use Permit for the River Run Campground to public hearing on November 15, 2016. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None.

Supervisors Corner:

Mrs. Moler suggested changing the Supervisors Corner to an annual report, as needed. The Board was in consensus.

New Business:

There was no New Business to consider.

Open Public Comments:

There were no public speakers during Open Public Comments:

Administrator's Report:

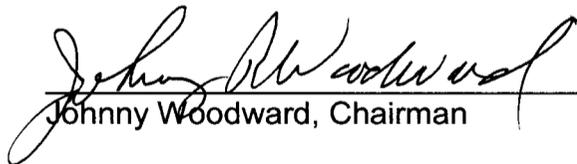
Mrs. Moler said the VDOT meeting for the smart scale will be held at Blue Ridge Community College on October 25th from 4:00-6:00 pm. The Community Open House at the Tech Center is on November 13th from 2:00-4:00 pm, with the formal Ribbon Cutting scheduled for November 14th at 11:00 am. Several Board members and staff will be at the VACO Conference, so there will be a tour of the new Health Sciences Building at the Tech Center on November 1st from 5:30-6:30, prior to the work session. Lastly, she noted that the Page County Animal Shelter rated in the top 10, in the state, for the lowest euthanasia rates, in both cats and dogs.

Supervisors Time:

All the Supervisors thanked everyone for coming out.

Adjourn: 8:40 p.m.

With no further business, Chairman Woodward adjourned the meeting.


Johnny Woodward, Chairman


Amity Moler, County Administrator

AN ORDINANCE TO AMEND CHAPTER 125-4 (DEFINITIONS) AND CHAPTER 125-11 (COMMERCIAL), AND TO ADD A NEW CHAPTER 125-30.10 (SUPPLEMENTAL REGULATIONS) OF THE PAGE COUNTY, VIRGINIA CODE

WHEREAS, by Ordinance duly adopted on September 14, 1989, the Board of Supervisors of the County of Page adopted Chapter 125, Zoning, of the Page County Code, which Chapter has been amended from time to time; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend and restate Chapter 125, Section 4 (Definitions) and Section 11 (Commercial) of the Page County Code and to further add a new Section 125-30.10 (Supplemental Regulations) to the Page County Code.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 125 (Zoning) of the Page County Code be amended and restated as follows:

1. Chapter 125 (Zoning), Section 4 (Definitions) of the Page County Code is hereby amended and restated to read as follows:

§ 125-4. Definitions.

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

24-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.

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:

[Added 6-16-2009]

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 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)

[Added 12-19-2006]

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 (4 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.

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 one-half (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.

BREWERY

A business that makes, or makes and sells beer.

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.

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 Commonwealth Transportation Board.

[Amended 8-19-2008]

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 one-half (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.

[Added 5-17-2011]

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.

[Added 6-16-2009]

CHILD DAY CENTER

A child day program offered to:

[Added 6-16-2009]

- 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.

[Added 6-16-2009]

CLINIC, OUTPATIENT

Buildings or portions of thereof used to provide medical care on less than a 24-hour basis to persons who are not rendered incapable to self-preservation by the services provided.

COURT

The Circuit Court of Page County, Virginia.

COMMISSION

The Planning Commission of Page County.

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.

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.

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.

DISTRICT

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

DISTILLERY

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

DWELLING

Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, motels, inns, trailers, mobile homes and tourist homes.

A. SINGLE-FAMILY DETACHED DWELLING:

[Amended 4-9-1990]

- (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, 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.

[Added 12-19-2006 Editor's Note: This ordinance also repealed former Subsection B, the definition of "two-family dwelling" and former Subsection C, the definition of "multifamily dwelling."]

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.

[Added 6-16-2009]

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 C(1) 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.

GUEST HOUSE

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.

[Added 6-21-2005]

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 feeble-minded 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.

JUNKYARD

An establishment or place of business which is maintained, operated or used for the storage, keeping or abandonment of junk, including old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material. The term "junkyard" shall include the term "automobile graveyard," defined as any lot or place which is exposed to the weather and upon which more than three motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found.

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 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, 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.

[Amended 7-9-1990]

LOT COVERAGE

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

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 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, WIDTH OF

The horizontal distance between side lot lines measured at the setback line.

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.

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.

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.

[Added 5-14-2002]

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.

[Added 5-14-2002]

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.

OFFICIAL ZONING MAP

The legally adopted Zoning Map of Page County. *Editor's Note: A copy of the Zoning Map is included at the end of this chapter.*

OFF-STREET PARKING AREA

Space provided for vehicular parking outside the dedicated street right-of-way.

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.

[Added 12-19-2006]

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.

[Added 8-19-2008]

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.

[Added 6-16-2009]

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

[Amended 6-10-2003]

A. MILLABLE 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. MILLERCIAL 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.

[Added 12-19-2006]

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."

[Amended 11-15-1989]

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.

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.

[Added 10-20-2009]

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.

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.

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.

[Amended 5-14-2002]

SPECIFIED ANATOMICAL AREAS

[Added 6-16-2009]

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

[Added 6-16-2009]

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.

[Added 8-19-2008]

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.

[Amended 8-19-2008]

TOWNHOUSES

See Subsection C(2) of the definition of "dwelling."

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.

[Added 12-19-2006]

VIRTUAL BUSINESS

A virtual business is defined by meeting the following:

[Added 8-21-2007]

- 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.

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.

[Added 10-20-2009]

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.

[Added 10-20-2009]

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.

[Added 10-20-2009]

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 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.

2. Chapter 125 (Zoning), Section 12 ((Commercial (C-1)) is hereby amended and restated to read as follows:

§ 125-12 Commercial (C-1).

A. Statement of intent. Generally, this district covers the areas of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by light and noise of congregation of people and passenger vehicles. This area is also intended to provide services for visitors and tourists.

B. Permitted uses shall be as follows:

- (1) Retail stores or shops for the conducting of any retail business including but not limited to: Convenience Store; Craft Shop; Florist; Pawn-Shop; Farmers Market; Greenhouses; Hardware Store; Art and Framing; Antique Shop; and other similar uses (Excluding coal, wood and lumber yards).
- (2) Service shops including but not limited to: Physical Fitness Center; Funeral Home; Beauty, Barber, or Nail Shops; Laundromat and Drycleaner; Self Storage Unit; Community Center; Auto Body Shop; Car Wash/Detail; Auto Repair Service Facility; Metal-Working and Welding; and other similar uses.
- (3) Business, professional or government offices, and office buildings including but not limited to: Post Office; Public Safety Facilities- Police, Fire, and Rescue; Real Estate Office; Medical and Dental Offices; Veterinarian Clinic; Animal Husbandry/ Commercial Kennel Operation; Media Related Office; Library; Contractor Office; Rehabilitation Centers; Religious Cultural and Educational Institutions; Tax Preparation; Pharmacy; Telecommunication Call Center; Nursing Homes; and other similar uses.
- (4) Banks, savings, and loan associations including but not limited to Credit Unions; Payday Loans; Investment Services; and other similar uses.
- (5) Places serving food and/or beverages including but not limited to: Restaurant; Cafe; Tavern; Nightclub; Bar; Pub; Bakery; Deli; Brewery; Winery; Drive-Ins; Banquet Facility; Event Facility; and other similar uses.
- (6) Theaters or motion-picture theaters, except drive-ins and adult movie theaters.

[Amended 6-16-2009]

- (7) Automobile or mobile home sales with or without service facilities.
- (8) Travel information areas.
- (9) Motels and hotels (except adult motels); Hostels; Cabin Rentals; Bed-and-Breakfast Establishments; Air Bed-and-Breakfast Establishments; and Accessory and/or upstairs apartments. **[Amended 6-16-2009]**
- (10) Indoor bowling alleys; skating rinks; archery; laser tag; and paintball.
- (11) Farm implement sales with or without service facilities.
- (12) Agriculture.
- (13) Single-family detached dwellings; however, each lot shall comply with the requirements of § 125-9E or § 125-10E. **[Amended 6-21-2005]**
- (14) All facilities required by public utilities except power generation and water and/or wastewater treatment plants.
- (15) Shops engaged in the manufacturing and retail sales of cabinets, furniture and upholstery. **[Added 11-10-1999]**
- (16) Luray Caverns Airport. **[Added 3-18-2008]**
- (17) Child day center pursuant to § 125-30.6. **[Added 6-16-2009]**
- (18) 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.

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 the provisions of § 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 and/or other small alternative energy (ex. Solar panels). **[Added 10-20-2009]**
- (5) Windmill. **[Added 10-20-2009]**

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

- (1) Gasoline service stations pursuant to § 125-23.
 - (2) Commercial parking facilities.
 - (3) Shopping centers pursuant to § 125-18.
 - (4) Outdoor recreation to include drive-in theaters and outdoor firearm ranges.
 - (5) Hospitals and Residential Care Facilities to include group homes, halfway houses, adult day care facilities, and assisted living facilities.
 - (6) Junkyards, but subject to the limitations of § 33.1-348(c) of the Code of Virginia 1950, as amended.
 - (7) Pole-designed tower facilities or pole-designed structures or monopoles, 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]
 - (8) Motorsports facility pursuant to § 125-30.2. [Added 5-14-2002]
 - (9) Adult business in accordance with § 125-30.7. [Added 6-16-2009]
 - (10) Riding stable or academies.
 - (11) Water and/or wastewater treatment plants.
- E. Minimum lot size shall be as follows: 20,000 square feet with a minimum lot width of 100 feet.
- F. Minimum yard dimensions shall be as follows: front yard: 40 feet; each side yard: 25 feet; rear yard: 25 feet; distance between buildings: 30 feet.
- G. Maximum building coverage and height shall be as follows: maximum building height from average grade: 35 feet; maximum combined building coverage and paved area: 80% of the total lot area.
- H. Buffer area. All property lines abutting a residential district shall be appropriately screened, fenced, walled or enclosed with a suitable enclosure of a minimum height of six feet, unless natural vegetation or wooded areas are used as buffer strips. All buffer strips must be at least six feet in height.
- 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 Commercial 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. **[Added 6-21-2005; amended 12-16-2008; 4-21-2009]**
- K. 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
 6. Buffer area as described in the above H

3. A new Chapter 125 (Zoning), Section 30.10 (Supplementary Regulations) is hereby added as follows:

125-30.10 Supplementary Regulations

Animal Husbandry/ Commercial Kennel Operation

A. Any buildings, runs, or containment areas associated with an Animal Husbandry/ Commercial Kennel operation shall meet the following setbacks:

1. One hundred fifty (150) feet from property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the permit package.

2. Three hundred (300) feet to any dwelling on adjoining property, reducible if the affected adjoining landowner gives notarized consent which must state the agreed upon distance of any buildings, runs, or containment areas shall be from the residence.
 3. One hundred (100) feet from any public road. This setback is not reducible.
- B. The owner of the kennel or operation shall submit a plan for waste disposal which meets the County's approval, in the County's sole discretion. The plan shall show how wastewater from the wash down of the kennels is to be collected and the type of disposal proposed.
 - C. All dogs in a commercial kennel operation shall be housed in a fully enclosed building from 9:00 p.m. to 6:00 a.m.

Auto Repair Service Facility

- A. Auto Repair Service Facility includes a commercial garage and an auto body shop.
- B. They shall be screened from view of any adjacent residential district or residential use on an adjacent lot by means of a combination of evergreen landscaping and/or solid fencing with a minimum height of six feet and with the landscaping located nearest the affected lot.
- C. Auto Repair Service Facility shall be located on a lot or parcel adjacent to and have access to a state-maintained road.
- D. The owner of the operation shall submit plan which meets the County's approval, in the County's sole discretion, stating how the environment will not be degraded by the following aspects:
 - (1) The commercial garage structure.
 - (2) The accumulation of operable or inoperable vehicles or parts.
 - (3) Repair equipment and tools.
 - (4) Containers for the storage of parts and liquids (used oil, antifreeze and similar fluids). Containers for liquids shall be clearly identified as to their contents.
- E. All associated materials for the operation of the garage at the particular site indicated in the application.
- F. A sketch of the parcel showing all of the following information:
 - (1) The location of the facility.
 - (2) All other buildings (house, outbuildings, storage buildings and similar structures).
 - (3) Proposed and existing parking areas and spaces.
 - (4) Septic tank and drain field location.

(5) Well location

(6) All other prominent features of the property.

(7) Setback distances between all the features above shall be shown in feet.

Banquet Facility or Event Facility

- A. Maximum building square footage and number of patrons shall be provided by the applicant at the time application is submitted.
- B. Any outdoor entertainment shall require a special entertainment permit for each event as required in Chapter 55 of the Page County Code.

Commercial Outdoor Recreation Areas and Facilities

Outdoor commercial recreation area and facilities, such as parks (except amusement parks) shall be subject to the following conditions:

- A. No building or part thereof or any parking or loading area shall be located within 35 feet of any street or lot line.
- B. Such use shall occupy a lot with an area of not less than three acres.
- C. Exterior lighting, other than that essential for the safety and security shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots. Full light cutoff shall be required except as needed for safety and security.
- D. All events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m.
- E. A commercial outdoor recreation facility shall provide a design plan. The design plan shall include the lighting requirements for each sports field, the specifications and technical measures showing how those requirements will be achieved.
- F. All lighting and sound producing or amplifying devices shall be downward and inward facing.

Greenhouse Retail Sales

- A. Companion products include garden accessories, floral supplies, and other items directly related to culture, care, or use of, horticultural products. Companion products do not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools) building materials, furniture, or other like items.
- B. Hours of operation shall be from 6:00 a.m. to 9:00 p.m.

Farm Implement Sales

- A. Only agricultural machinery and equipment shall be rented, sold, maintained or repaired.

- B. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- C. Public access shall not be provided by a private right-of-way.
- D. No structure shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence.

Metal-Working and Welding Facility

- A. All outside storage shall be screened from parking areas and adjoining property lines.
- B. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- C. The use shall be accessed by a state-maintained road.
- D. No foundries shall be permitted.

Restaurant (any place serving food and/or beverages)

- A. The maximum building square footage and number of patrons shall be provided by the applicant at the time application is submitted.
- B. Any outdoor entertainment shall require a special entertainment permit for each event as required by Chapter 55 of the Page County Code.
- C. Outdoor seating must have a five foot separation between the seating and the parking lot or road.

Riding Stables or Academies

- A. Each riding stable or academy shall be setback from property lines one hundred fifty (150) feet and from the travel surface of public roadways at least one hundred (100) feet.
- B. Setbacks from existing dwellings may be reduced by the mutual consent of the stable and adjacent landowner. The setback from property lines may be reduced by mutual consent of the stable and landowners whose property lines fall within the one hundred fifty (150) foot setback distance. In no case, however, shall such setback from property lines be less than seventy-five (75) feet. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the existing dwelling and the stable. The notarized affidavit shall be presented to the zoning administrator. The setback from public roadways shall not be subject to reduction.
- C. Hours of operation, other than work normally done by the manager of the stable for the maintenance and care of the horses, shall be 6:00 a.m. until 11:00 p.m.
- D. The owner of the stable shall submit as a part of the application a plan for waste disposal.

Self-Storage Facilities

- A. No commercial activities of any kind shall occur within the facility other than rental of storage units. No repair of vehicles, furniture, or other materials or equipment shall occur within the facility. Signs shall be posted within the facility describing such limitations.
- B. No storage of hazardous, toxic or explosive materials shall occur in the self-storage facility. Signs shall be posted within the facility describing such limitations.
- C. The maximum size of any individual storage space or unit in a self-storage facility shall be 500 square feet.
- D. The self-storage facility, including loading areas and all storage areas, shall be totally enclosed by structures or by an eight-foot high opaque wall or fence. Such fences shall be set back at least six feet from property boundaries. Landscaping shall be provided in such setback areas, including trees and shrubs.
- E. Self-storage facilities shall not include portable storage containers, shipping containers and/or tractor trailers.

Shooting Range, Outdoor

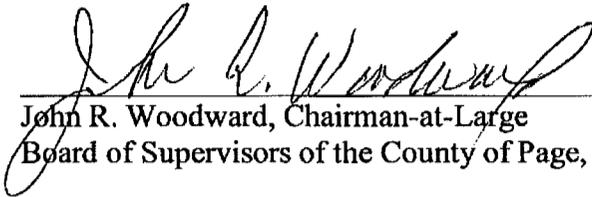
- A. The minimum size of the use area shall be five (5) acres, which the drop zone contained fully within this use area.
- B. No structure used for or in conjunction with the use shall be located closer than one hundred (100) feet to any property line.
- C. No outdoor shooting activity shall be located closer than three hundred (300) feet to any property line.
- D. Hours of operation shall be limited to 9:00 a.m. to 6:00 p.m.

This Ordinance shall be in full force and effect from and after October 18, 2016, 2016, as provided by Virginia law.

Dates of Notice Publication: October 6, 2016

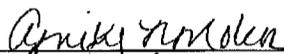
October 13, 2016

Date of Adoption of Ordinance October 18, 2016



John R. Woodward, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:



Amity N. Moler, Clerk

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on October 18, 2016. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John R. Woodward, Chairman-At-Large		✓		
Mark Stroupe	✓			
D. Keith Guzy, Jr.				✓
Larry Foltz		✓		
Dorothy F. Pendley	✓			
David Wiatrowski	✓			

Dated: October 18, 2016

Annika Gardner
Clerk, Board of Supervisors
Page County, Virginia

**AN ORDINANCE TO AMEND CHAPTER 118 (VEHICLES AND TRAFFIC) OF THE
PAGE COUNTY, VIRGINIA, CODE**

WHEREAS, by Ordinance duly adopted on November 21, 2006, the Board of Supervisors of the County of Page adopted Chapter 118 (Vehicles and Traffic) of the Page County Code; and

WHEREAS, such Ordinance has been amended from time to time and is in full force and effect on the date hereof; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend and restate the ordinance.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 118 (Vehicles and Traffic) of the Page County Code be amended and restated to read as follows:

Chapter 118. Vehicles and Traffic

**Article I
Motor Vehicle License Fee**

§ 118-1 Payment required; situs.

- A. The owner of every motor vehicle for which a current state license is displayed and which is normally garaged, stored or parked within the County shall pay an annual County license fee for such vehicle.
- B. The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle is normally garaged, stored, or parked. If it cannot be determined where the vehicle is normally garaged, stored or parked, the situs shall be the domicile of its owner.

§ 118-2 Assessment of license fee.

There is hereby assessed to any person owning a motor vehicle normally garaged, stored or parked in Page County on January 1 of each year a Page County motor vehicle license fee.

§ 118-3 Fee established.

- A. On each and every motor vehicle there shall be an annual license fee of \$30, and on each and every motorcycle an annual license fee of \$12.50.
- B. The amount of the license fee imposed by Page County under this article shall not be greater than the amount of the license fee imposed by the commonwealth on that vehicle.

§ 118-4 Exemptions and reductions.

A. The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle when:

- (1) The Chief of each volunteer fire department and volunteer emergency rescue squad prepares and certifies a list of active members of the respective departments or squads who regularly respond to calls or perform other duties for the department or squad and who reside in the County outside the corporate limits of the Towns of Luray, Shenandoah and Stanley. The certified list will include the complete name of each individual, his/her residence address, and the identification number, and description of the vehicle owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to the Chief who will attach all individual applications to the certified listing and submit to the Treasurer of the County. After reviewing and comparing the certified listings and applications with the personal property tax rolls, the Treasurer will issue one exempt license without charge to each certified member. No member of a volunteer rescue squad or volunteer fire department shall be issued an exemption for more than one vehicle.
- (2) The motor vehicle is operated by a common carrier of persons or property operating between cities and towns in the commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other not intracity transportation.
- (3) Antique motor vehicles and antique trailers, as defined in § 46.2-100, Code of Virginia (1950), as amended, registered and licensed by the state in accordance with § 46.2-730(A), Code of Virginia (1950), as amended, shall be exempt from the payment of the license fee levied under this article, provided that other statutory conditions are met. In order to qualify for exemption, an antique motor vehicle and antique trailer registered and licensed under § 46.2-730, Code of Virginia (1950), as amended, shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:
 - (a) For participation in club activities, exhibits, tours, parades and similar events; and
 - (b) On the highways of the commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events as described in Subsection A(3)(a) of this subsection, and for occasional pleasure

driving not exceeding 250 miles from the residence of the owner.

- (4) The motor vehicle is owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veterans' exemption from the Department of Motor Vehicles and has been issued a disabled veterans' motor vehicle license plate as prescribed in § 46.2-739 of the Code of Virginia.
- (5) The motor vehicle is owned and operated by a person who has been issued license plates evidencing the person was a prisoner of war.

B. All fees collected pursuant to this article shall be deposited by the Treasurer in the general fund of the County.

§ 118-5 Payment of personal property taxes and license fee prerequisite to issuance of license.

- A. Upon request of the Page County Treasurer, no motor vehicle shall be licensed by the Department of Motor Vehicles until such applicant for a license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of Page County that any delinquent motor vehicle, personal property taxes or license fees which have properly assessed or are assessable against the applicant by the County has been paid.
- B. Upon request of the Page County Treasurer, no motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling and owned by the taxpayer have been paid.
- C. Upon request of the Page County Treasurer, no motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle where a fee is required to be paid pursuant to this article but qualified under the provisions hereof for a waiver of the fee until the applicant for such license or registration from the Department of Motor Vehicles has produced before the Page County Treasurer, or the Treasurer's agent, satisfactory evidence that all personal property taxes upon the motor vehicle have been paid and satisfactory evidence of any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

§ 118-6 License year.

The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31 of each year. The fee assessed

under this article shall be assessed to the owner of each motor vehicle as provided in this article for motor vehicles owned January 1 of each year. The fee shall be payable on or before June 5 of each year. The fees assessed by this article will be based upon ownership of vehicles on fee assessment day, that is January 1 of each year, and the period for which the license is effective shall be January 1 through December 31.

§ 118-7 Conflict with state law.

Nothing in this section shall be construed as imposing a license fee on any such vehicle in excess of the amount authorized by state law.

§ 118-8 Collection of license fee.

The Treasurer shall, after the due date of any license fee required by this section, collect such license fee in accordance with the provisions of § 58.1-3919, Code of Virginia (1950), as amended, and any other applicable state law. Additionally, the Treasurer shall have the authority to take any action authorized by § 46.2-752(J), Code of Virginia (1950), as amended.

§ 118-9 Violations and penalties.

Any person failing to pay the fee imposed by this article on or before the due date shall incur a late payment penalty thereon of 10% of the tax due and payable, together with interest on the late payment of the tax from the due date until the date of payment at a rate of 10% per annum.

Article II

Mopeds

§ 118-10 Certain safety equipment for mopeds; effect of violation; penalty.

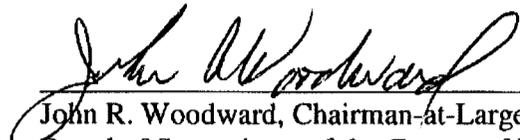
Every person operating a moped, as defined in § 46.2-100, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. A violation of any such ordinance shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates any such ordinance shall be guilty of a traffic infraction and be subject to a fine of not more than \$50.

This Ordinance shall be in full force and effect from and after October 18, 2016, as provided by Virginia law.

Dates of Notice Publication: September 29, 2016

October 6, 2016

Date of Adoption of Ordinance October 18, 2016



John R. Woodward, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:



Amity Moler, Clerk

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on October 18, 2016. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John R. Woodward, Chairman-At-Large	✓			
Mark Stroupe	✓			
D. Keith Guzy, Jr.				✓
Larry Foltz	✓			
Dorothy F. Pendley	✓			
David Wiatrowski	✓			

Dated: October 18, 2016

Amity Harslen
Clerk, Board of Supervisors
Page County, Virginia