

Overview

Page County is updating, modernizing, and restructuring the zoning and subdivision ordinances into one seamless regulatory document. The revised zoning and subdivision ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider citizen needs and issues identified through the public engagement process.

This process will be guided by Page County staff, Planning Commission, and Board of Supervisors and with opportunities for input from stakeholders and citizens. For more information and to stay updated on this project, visit: www.pagecounty.virginia.gov/354/Zoning-Subdivision-Ordinance-Update.

Agenda

The November 10th meeting will focus on reviewing public engagement results and collecting direction on key policies necessary to proceed with ordinance development. The following agenda is provided as an outline for discussion:

1. Schedule & Key Progress – 5 minutes
2. Public Engagement Summary – 10 minutes
3. Ordinance Structure and Content – 10 minutes
4. Key Policy Direction – 40 minutes
 - A. Zoning Districts
 - B. Potential Zoning Map Revisions
 - C. Subdivision and Residential Development Regulations
5. Uses (Existing Use Matrix, Identified Issues and Proposed Uses) – 15 minutes
6. Next Steps – 10 minutes

I. Schedule & Key Progress

The project schedule is provided in **Attachment A**. Key progress to date includes:

- **Joint Worksession Kickoff**, July 7, 2020 – The Berkley Group introduced the zoning ordinance update process and began collecting feedback to support ordinance drafting. The Board of Supervisors and Planning Commission provided guidance on important land use and zoning issues.
- **Public Engagement**, September 2, 2020 – The Berkley Group conducted stakeholder interviews and a community input workshop to collect feedback on priorities for the ordinance update.
- **Analysis, Drafting, and Staff Worksessions**, September and October 2020 – The Berkley Group staff summarized and analyzed stakeholder and public input; began consolidating and updating definitions; compiled and analyzed the current use list to begin updating the use matrix and zoning districts; analyzed existing zoning districts and land uses; and conducted worksessions with county staff on identified issues.

2. Public Engagement Summary

Public engagement, including a series of stakeholder interviews and a community input workshop, was conducted on September 2, 2020.

Stakeholder interviews were held at the County office with four stakeholder groups, including farmers, tourism professionals, realtors, bankers, attorneys, builders/contractors, surveyors, and County GIS, Economic Development and Stormwater/Floodplain Management staff, to collect suggestions, concerns, and comments as part of the ordinance rewrite process. A total of 21 individuals were contacted as part of the effort, and 14 individuals participated in the interviews. Each stakeholder group discussed the existing regulations and opportunities for improvement. The interview results can be found in **Attachment B**.

The community input workshop was held at Stanley Fire Hall. The workshop opened with a brief summary of the ordinance purpose and update process, followed by small group discussions to identify issues and priorities of concern for the community. The community input results can be found in **Attachment C**.

The public engagement/outreach efforts highlighted the following key needs and goals for the ordinance update:

- Protecting the agriculture and tourism industries and agricultural and forested lands.
- Locating commercial, industrial, and higher density residential uses near towns and public infrastructure (within growth boundaries of Comprehensive Plan).
- Balancing the need for housing with the need to preserve rural areas and sensitive resources.
- Providing commercial conveniences that are low impact and match the community's character.
- Avoiding road stripping of residential and commercial development along Routes 211 and 340.
- Protecting scenic corridors and maintaining traffic flow.
- Supporting agritourism as part of tourism economy.
- Improving minimum subdivision standards. Five-year waiting period is cumbersome and may impede agricultural land preservation, cabin rental business and affordable housing options.
- Improving regulations for certain uses, including: home occupations; junk storage and vehicle graveyards; guest houses, short-term and cabin rentals; agri-tourism; tiny houses and similar uses; agricultural and rural preservation, and outdoor recreational uses.
- Developing design standards for signs, landscaping/buffers, lighting/dark skies, and other elements to maintain rural character.

3. Ordinance Structure and Content

The existing Table of Contents for the Zoning Ordinance, Chapter 125 of the Page County Code, is provided for reference in **Attachment D**. Reorganization of the ordinance is recommended to provide a streamlined, more user-friendly ordinance that offers predictability and transparency.

As shown in the recommended ordinance structure on the following page, reorganization would move the Administration and Permits and Applications sections (including map amendment processes and permits and applications) to the beginning of the ordinance with the General Authority to consolidate law-based regulations together. Regulation sections for zoning districts, permitted uses, specific use and community design standards, as well as special standards for Combined Animal Feeding Operations are recommended to be grouped together to be more user-friendly as one seeks information on standards

necessary for land development. Similarly, to ease predictability relative to land development regulations, the Subdivision Ordinance is planned to be incorporated into the Zoning Ordinance. Finally, definitions which are now scattered throughout the Zoning Ordinance would be combined with Subdivision Ordinance definitions and included in one definitions section.

- Article I – In General (Authority, Purpose, Applicability)
- Article II – Administration and Enforcement (Official map, Amendment procedure, Zoning Administrator, Planning Commission, Board of Zoning Appeals, Violations, and Appeals)
- Article III – Permits and Applications, Conditional Zoning and Proffers
- Article IV - Zoning Districts (Establishment, Intent, and Dimensional Standards)
- Article V – Use Matrix
- Article VI – Use Performance Standards
- Article VII – Community Design Standards (Signs, Parking, Landscaping, Fencing, etc.)
- Article VIII – Confined Animal Feeding Operations
- Article IX – Non-Conforming Uses, Lots, and Structures
- Article IX – Subdivision Code
- Article X – Definitions

Inclusion of Nuisances and Campgrounds Ordinances:

With input from county staff, incorporation of the Nuisances Ordinance (currently Chapter 80) and the Campgrounds Ordinance (currently Chapter 128) into the Zoning Ordinance is recommended. Definitions, enforcement, and use regulations (such as with the keeping of fowl) from the Nuisance Ordinance, and definitions, enforcement, and design guidelines from the Campground Ordinance are referenced by and duplicated (with some discrepancies) in the current Zoning Ordinance. These regulations as they relate to land use are typically included in the Zoning Ordinance rather than separate ordinances to streamline the regulations and ease of use, as well as to correct discrepancies between code sections.

Separate Ordinance for Floodplain Regulations:

The Floodplain regulations are currently included in the Zoning Ordinance in Article VI (Supplemental Regulations) as Section 125-27. While floodplain regulations do regulate development in the floodplain as an environmental protection and preventative measure to reduce loss of life and property during flood events, the regulations also ensure that Page County citizens qualify for pre-disaster flood insurance and post-disaster relief funds from the federal government. This second purpose focuses on specific regulatory measures a community must adopt to qualify for participation in these federal programs. These detailed regulatory provisions are outside the scope of most zoning ordinances, so it is recommended that Page County adopt a stand-alone floodplain ordinance separate from zoning. Having a separate code will offer ease in amendments as floodplain regulations change due to state and federal mandates. County staff involved in enforcement of these regulations also support the recommendation of adopting floodplain regulations as a separate ordinance.

4. Key Policy Discussion

In addition to the public input summaries provided herein and in **Attachments B** and **C**, the County's Comprehensive Plan offers key considerations when revising the zoning ordinance. A brief overview of Plan considerations offering guidance to the ordinance rewrite are summarized below:

The Page County Comprehensive Plan, adopted April 2020, recognizes the County as home to valuable farmland, world-renowned natural features, abundant open space, and small communities with character.

The Plan recognizes long-term planning challenges faced by the County, similar to many rural localities, where scattered zoning, incompatible development patterns and fragmented lots have occurred in the past for a variety of reasons including property owners' requests for zoning by application and with initial adoption of zoning, and by-right land divisions circumventing the subdivision process.

To address the County's future land uses, the Plan's vision provides that the County will "maintain a rural quality of life which enhances tourism and agriculture and protects natural and cultural assets while encouraging compatible business and residential growth to promote a higher standard of living." The Plan includes goals to obtain this vision, including recommendations on the location, type, intensity, timing, and character of development. The Plan provides growth management strategies designed to avoid sprawl from unplanned, single use development patterns. These strategies include, but are not limited to, establishing growth tiers and agricultural and environmental lands preservation. The Plan recognizes coordinated growth management is necessary to ensure efficient use of valuable infrastructure, minimize costs of future infrastructure and prevent unnecessary loss of open space and agricultural lands.

It is important that revisions to the Zoning Ordinance ensure that future development is based on clear, defined guidelines that balance property owners' rights with the vision of the community at large. As the Berkley Group staff analyzed existing ordinance regulations, Comprehensive Plan recommendations, and public and county staff input, it was determined there is a need for additional guidance from the Planning Commission and Board of Supervisors on key policy points prior to finalizing drafts for zoning ordinance modifications.

The key policy points for discussion this evening, detailed further in this section, are critical to:

- A. *Zoning Districts Analysis,*
- B. *Potential Zoning Map Revisions, and*
- C. *Subdivision and Residential Development Regulations*

A. Zoning District Analysis

The current zoning districts, overlays, and special districts are provided in the Districts Summary Table (**Attachment E**). For each district, the table includes the current district title, intent statement, minimum lot size and density for residential development (where permitted), typical uses, and a brief analysis summary for each district. As shown in the table, there is little variation in the existing zoning district regulations with respect to residential use. The minimum residential lot size is 1.75 acre within most

districts, and in all districts where individual well and septic systems will be utilized. Most localities provide for more variation in lot sizes to offer different housing types, including more affordable housing options.

The ordinance also includes only a single district for each major land use category: residential, commercial, and industrial. Localities often offer multiple district types for these uses because many uses vary relative to intensity and resulting land use impacts. Separating these uses into multiple districts facilitates development of district regulations that contain clearer and more relevant mitigation strategies such as greater setbacks and screening to provide more appropriate transitions.

Input from the Planning Commission and Board of Supervisors is sought on the following recommendations on zoning districts.

The following district changes are being considered to respond to new growth opportunities and challenges and to allow for better direction of uses. These strategies are also important for preserving the County's rural character and avoiding encroachment of incompatible uses on residential and agricultural areas. More intense uses would be contained to defined zoning districts and locations. An additional Planned Unit Development District is proposed to facilitate developments containing mixes of residential and non-residential uses.

- **Establish a Rural Residential (RR) District** – This district would permit low density residential development at generally 1 unit per 2-5 acres with the option of increased density (up to 1 unit per 30,000-40,000 square feet) with the guaranteed preservation of working farm lands and open space. Rural Residential District regulations would incorporate preservation design standards for residential subdivision and cluster cabin development and would include residential farm use to allow the keeping of animals. With input from county staff, this district is being analyzed to determine whether this would be appropriate for existing subdivision developments such as Roundhead, Mine Mountains, and Shenandoah Forest subdivisions.
- **Modify the existing Residential (R) district and move higher density residential uses to a new R-1 (High Density) District** – A new R-1 District would permit higher density residential development including small lot cluster-style single family dwellings, townhomes, and multi-family residential use. This district would also allow higher density developments for senior occupancy. Development standards would allow for a variety of designs and include appropriate building lay-outs and amenities to ensure quality higher density development.
- **Establish a Planned Unit Development (PUD) District** to allow for residential developments with a variety of housing types and densities and developments with a mix of residential and commercial developments, such as commercial development with an over-shop housing option in Community Service Areas adjacent to towns where public utilities are available. Consideration may be given to allowing these uses in other areas where appropriate infrastructure is existing or planned. This district will include specific application requirements, such as a proffered development plan and impact analysis, and minimum design considerations to ensure quality mixed use projects are the result.

- **Maintain the existing C-1 (Commercial) District rename Neighborhood Commercial District and create a new C-2 (General Commercial) District.** Commercial uses would be separated into these districts based on intensity of the uses such as convenience and personal service uses being permitted in the C-1 (Neighborhood Commercial) District and heavier, outdoor, and automobile-oriented uses being permitted in the C-2 (General Commercial) District. This would allow the County to direct less intense retail, personal service, and tourist-serving uses to Community Service Areas around the towns where public utilities are available and guide more intense commercial uses (with greater land use impacts) to appropriate areas where conflicts with residential and scenic areas can be avoided. Development standards would be modified for the C-1 District and drafted for the C-2 District to ensure visual and other impacts (access, architectural design, and setbacks) are appropriately addressed.
- **Maintain the I-1 (Industrial) District and rename Light Industrial District; create a new I-2 (General Industrial) District.** Industrial uses would be separated into these districts based on intensity of uses such as lighter industrial uses (mainly indoor and warehousing) being permitted in the I-1 (Light Industrial) District and heavier manufacturing uses being permitted in the I-2 (General Industrial) District. This would allow the County to accommodate less intense, lighter industrial uses in Community Service Areas around the towns where public utilities are available, and guide more intense industrial uses (less desirable uses with greater land use impacts) to appropriate areas where conflicts with agricultural, residential, commercial, and scenic areas can be avoided. Development standards would be modified for the I-1 District and drafted for the I-2 District to ensure visual and other impacts (access, screening, and setbacks) are appropriately addressed.

Given the concerns expressed about the impacts of heavier industrial uses on the scenic beauty and environment of Page County and the small amount of heavy manufacturing anticipated, an alternative option would be to maintain a single industrial district and modify permitted uses to require a special use permit for more intense manufacturing uses. Development standards for the district would still be revised to ensure appropriate standards are in place as discussed above.

B. Potential Zoning Map Revisions

Unplanned growth can have extensive negative impacts including: encroaching upon important agricultural, environmental and scenic assets; preventing orderly development of more urban and service uses bordering existing incorporated areas with “leap frog” development into less dense, rural areas; and increasing the costs associated with provision of adequate public facilities and infrastructure. Sporadic and scattered development, whether residential or non-residential, could threaten agricultural and natural and scenic resource preservation and does not comply with growth management strategies relative to growth boundaries, such as the Community Service Areas adjacent to the towns.

A copy of the County’s existing zoning map is provided as **Attachment F**. In analysis of the County’s existing zoning, staff found scattered zoning, common in many localities often as a result of historic zoning map amendments approved with the initial adoption of zoning. Localities have accommodated land uses existing at that time such as with existing subdivisions and the historical pattern to locate non-residential uses along primary roadways rather than to concentrate them into defined areas where public utilities are

available. The sprawling distribution of some of these zoning designations is not consistent with the County's vision for growth management tiers and preservation of scenic corridors.

It is common when revising the zoning ordinance to incorporate zoning map changes. In some cases, localities may take pro-active measures to comprehensively rezone large areas. For Page County, a large-scale amendment to zoning is not recommended; however, there are certain suggestions for map amendments.

State law establishes that the Planning Commission and Board of Supervisors can initiate zoning map amendments with or without property owner consent. In either scenario, appropriate public advertisement and public hearings are required to ensure the public can weigh-in on the specific changes being considered.

Input from the Planning Commission and Board of Supervisors is sought on the following recommendations on potential zoning map revisions:

1. Is it the County's desire to pro-actively make changes to the zoning map with this Ordinance amendment?
2. Community Service Area boundaries are identified in the Comprehensive Plan. Some properties within these boundaries may be appropriate for neighborhood-scale commercial, medium to high density residential and some light industrial (warehousing, indoor) uses. Properties where public water and sewer exist or could be reasonably extended may be target properties for consideration. Is there support for map revisions to proactively rezone properties to accommodate these uses within the service areas?
3. The Comprehensive Plan suggests commercial uses outside of service areas should be centrally located, not sprawled along primary roads. Zoning for a neighborhood commercial node may be appropriate at the location of two primary routes or major roads. Community input revealed mixed opinions about commercial uses outside of community service areas. Is there support for map revisions to pro-actively identify one or two neighborhood commercial nodes?
4. Protection of scenic roads (Routes 211 and 344) have been identified as a priority. Consideration is being given to establishing design standards along these roadways which would likely include greater setbacks, vegetation preservation, and specific design guidelines for properties within a certain distance of these roadways. If these design standards are adopted, the boundaries of the design district would need to be identified on the zoning map. Is there support for this designation and resulting map amendment?

C. Subdivision and Residential Development Regulations

Both the Comprehensive Plan and community input reveals concerns about the potential impact of scattered by-right subdivisions. The current ordinance permits by-right subdivisions (which are not gifted to an immediate family member as a family subdivision) on lots with a minimum area of 1.75 acre provided such subdivision only occurs from the parent (original) parcel every five years. The incompatible development patterns and resulting fragmented lots are becoming evident within agricultural and woodland areas. Members of the community indicated that current regulations are cumbersome and may impede agricultural land preservation, cabin rental business, and affordable housing options. There is a balance necessary between property owners' existing land use rights and the importance of not entirely

circumventing the rezoning and subdivision processes which are designed to guide the location and design of residential lots in a rational, useable pattern.

There are alternative solutions for subdivision of agricultural land, in addition to the family division which is protected under state law, that may offer a better solution. However, prior to drafting these solutions into regulations, **input from the Planning Commission and Board of Supervisors is sought on the following options on potential subdivision and residential development regulations:**

Option 1 – Implement Sliding Scale Zoning. Continue to permit by-right residential lots at a number based on the size of the original parcel existing at the time of the adoption of this ordinance revision. This is referred to as sliding scale or agricultural protection zoning. Sliding scale zoning is utilized in many rural communities in Virginia and other states and is considered a viable conservation tool. These regulations can reduce conflicts between farm and non-farm uses; maintain critical mass of farmlands, which also keeps farm support businesses viable; protect prime agricultural soils; and, protect the rural character of the community.

With sliding scale zoning, the number of residential lots permitted is based on the size of the parent (original) parcel. Basically, as the size of the parent (original) parcel increases, the number of dwellings allowed in relation to the total area decreases. As an example, a 5-acre parcel may be allowed 2 lots while a 20-acre parcel may be allowed 4 lots (1 dwelling unit per 5 acres); and a 100-acre parcel may be allowed 8 lots (1 dwelling unit per 5 acres for the first 20 acres and 1 dwelling unit per 20 acres thereafter). There are different variations of this approach that can be utilized with respect to lot size, number of development rights, etc.

Option 2 – Increase Agricultural district minimum lot size. Large lot agricultural zoning is a simple and commonly-used method to preserve the rural landscape. Large lot subdivisions would be permitted, while smaller-lot subdivisions would require rezoning to an appropriate residential district. This method is easy for property owners to understand and local government to administer, as it does not require extensive record keeping and monitoring beyond normal code enforcement. However, this solution does not assure lot sizes will be large enough to operate for economically-viable agriculture use. It should be noted that the Board of Supervisors and Planning Commission did not express interest in this method during the first Joint Worksession.

Adoption of sliding scale zoning is recommended to continue to allow by-right subdivisions in agricultural areas.

5. Uses

One of the key first steps in drafting the ordinance is review and revision of the permitted uses. This analysis has begun and includes input from the Planning Commission, Board of Supervisors, the public and Page County staff.

Attachment G provides the current use matrix. This matrix identifies the zoning district in which each use is permitted (either by right, with restrictions, or by special use permit). In reviewing the current use matrix, Berkley Group will consider, and seeks your input on, the treatment of uses under the existing zoning code, district intent statements, comprehensive plan goals, and input from county staff to offer an updated use matrix which will be provided in future worksessions. **The Board and Planning**

Commission are encouraged to review the existing use matrix and prepare to discuss their observations and issues.

Typical considerations include:

- **Opportunities to consolidate uses under more general categories for easier enforcement and interpretation.** Examples:
 - Windmill and wind energy facilities
 - Several commercial outdoor recreational uses, including those incidental to golf course/club and neighborhood community recreation facilities
 - Public buildings owned by county and public offices/facilities/uses
 - Commercial parking areas and vehicle storage lots
 - Registered family day home and family day care homes
 - Public garage and automobile service and repair, including body and major engine repair

- **New uses not addressed under the current ordinance,** particularly those that are driven by the current economy but are not currently provided in the ordinance. Examples include:
 - Residential care homes
 - Adult day care
 - Graveyard (vs. cemetery)
 - Residential farm
 - Agri-tourism
 - Small cell communications antenna

- **Improvements to Uses/Standards**
 - Allow long-term rental of guest houses as accessory dwelling
 - Improve standards for junk yards and automobile junk yards
 - Clarity of home occupation requirements
 - Clarity of electric utilities (e.g., generation vs. transmission)
 - Remove specific names of facilities, such as with water and wastewater treatment facilities
 - Separate group homes and hospitals to conform with state code
 - Clarify intent and location of manufactured home park (currently a use and a district)
 - Provide standards for different types of restaurants
 - Wholesale businesses and storage warehouses within confined poultry feeding operations and as principal use