

## 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 meeting will focus on the ordinance's general provisions, administration, enforcement, and definitions; regulations for confined animal feeding operations, non-conforming uses and structures, agricultural-forestral overlay districts; floodplain ordinance; and, potential zoning map revisions. For more information and to stay updated on this project, visit: [www.pagecounty.virginia.gov/354/Zoning-Subdivision-Ordinance-Update](http://www.pagecounty.virginia.gov/354/Zoning-Subdivision-Ordinance-Update).

## Agenda

The following agenda establishes the goals for the April 27th work session. Additional background information and materials are provided below and attached to aid in the review and discussion of these items.

- 1) Key Progress Review
- 2) Revised Project Schedule (10 minutes)
- 3) Review/Discuss Article I – General Provisions and Article II - Admin/Enforcement (15 minutes)
- 4) Review/Discuss Agricultural and Forestal (A-F) Overlay District (15 minutes)
- 5) Review/Discuss Article VIII – Confined Animal Feeding (15 minutes)
- 6) Review/Discuss Article IX – Nonconformity (15 minutes)
- 7) Review/Discuss Floodplain Ordinance (15 minutes)
- 8) Review/Discuss Zoning Map Revisions (20 minutes)
- 9) Review/Discuss Article XI – Definitions (10 minutes)
- 10) Next Steps (5 minutes)

## I. Key Progress

Key progress to date includes:

- **Joint Worksession Kickoff and Stakeholder/Public Engagement** – July and Sept, 2020
- **Joint Worksessions** – November, 2020 and January and February, 2021 – Public engagement summary and policy discussion; zoning districts and intents; uses; and, district, use and community design standards
- **Project Analysis and Drafting**, February-March 2021 – Drafting of remaining ordinance sections and Floodplain ordinance; zoning map preparation for discussion; and, project analysis and schedule.

## 2. Revised Project Schedule

In March, the Planning Commission requested information on the project's progress and schedule for remaining draft ordinance worksessions/reviews, along with a request to incorporate iterative reviews of ordinance sections. Berkley Group (BG) staff responded that, while the project schedule is aggressive, the Board and Planning Commission requested that the schedule be maintained and expedited despite initial delays due to the COVID-19 pandemic. Worksessions and pace of drafting were scheduled based on this request.

After additional discussions with county staff, BG offered a revised schedule which adds at least one additional worksession prior to the public open house for the revised ordinance. The revised project schedule is provided as **Attachment A**.

A portion of the project schedule discussion should include an update from Page County relative to progress of the animal keeping committee.

## 3. Article I – General Provisions

BG staff made edits to the existing Article I – Purpose and Application. The draft revised article is provided in **Attachment B**. Edits were made to:

- Modify the name of the section to “General Provisions”;
- Update references to the Code of Virginia;
- Expand on the existing purpose statements;
- Add sections to: require conformity with the zoning code; offer clarity for methods of interpretation; incorporate vested rights and severability clauses;
- Include a statement on the addition of figures in the chapter; and,
- Update language for ease of use and understanding.

## 4. Article II – Administration and Enforcement

BG staff made edits to the existing Articles VIII and IX – Purpose and Application and General Provisions. The draft revised article is provided in **Attachment C**. Edits were made to:

- Reorganize the sections to group like topics and relocate certain sections relative to permitting and applications to a new article (Article III – Permits and Applications which will be reviewed at the May 2021 worksession);
- Update references to Code of Virginia; and,
- Modify language to offer ease of use and understanding.

## 5. Article IV, Division 3 - Agricultural and Forestal (A-F) Overlay Districts

BG staff modified the Stonyman Agricultural and Forestal District, Section 125-67 of the existing ordinance (which will become an overlay district, Division 3 of Article IV). The draft revised Division is

provided as **Attachment D**. The revisions establish a clear intent and authority for establishing other agricultural-forestral overlay districts, in addition to Stonyman, should they be desired. There were no substantive changes to the existing Stonyman A-F District standards.

## 6. Article VIII – Confined Animal Feeding Operation

After reviewing the current practices regarding confined animal feeding operations, Berkley Group staff recommend consolidating the content of this article into the use standards section for Confined Animal Feeding Operations. This use requires a special use permit in agricultural districts and should be subject to the same requirements for applications and standards as any other special use permit. The draft revisions are provided as **Attachment E**.

## 7. Article IX – Nonconformity

BG staff revised this existing Article VII (which will become Article IX of the revised ordinance). The draft revised article is provided in **Attachment F**. Edits were made to:

- Clarify language and improve ease of use;
- Reword and reorganize sections to comply with the Code of Virginia; and,
- Remove the requirement for the Zoning Administrator to maintain a list of nonconforming uses/structures; A modern common planning practice for language requiring property owners to prove nonconformity was added. This change will save staff time and ensure appropriate documentation of non-conformities to reduce the potential for legal challenge.

## 8. Floodplain Ordinance

BG staff made several substantive changes to the existing floodplain regulations, Section 125-27 of the current ordinance (which will become a separate chapter of the Page County Code and no longer part of the Zoning Ordinance). The draft revised code chapter is provided as **Attachment G**. Edits were made to:

- Separate the floodplain ordinance from the zoning ordinance to ease administration and simplify process for future amendments;
- Update Code of Virginia references and ensure compliance with Code;
- Modify minimum freeboard requirement from 12” to 18”; as recommended by state model ordinance which assists in reducing flood insurance rates and allows for an additional margin of safety in case floodplain models have an error or are based on incomplete data;
- Restructure/reorder articles and clarify language for ease of use and understanding; and,
- Update definitions to ensure continuity between the floodplain and zoning ordinances

## 9. Article XI – Definitions

BG staff made significant revisions to this existing Article II (which will become Article XI of the revised ordinance). The draft of this revised article is provided as **Attachment H**. Edits were made to modernize

definitions, clarify language, and ensure definitions align with new standards, uses, and text in other articles of the ordinance.

## 10. Zoning Map Revisions

Page County asked BG staff to assist in analyzing potential zoning map revisions with an emphasis on expanding commercially zoned properties along Routes 211 and 340. With the guidance provided in the County's Comprehensive Plan, BG staff has prepared 2 options for consideration. The maps and parcel information to guide this discussion will be distributed at the joint worksession.

## Revised Project Schedule

<b>2020</b>	<b>Date</b>	<b>Topics/Ordinance Sections</b>
<b>Jul</b>	7	Joint Worksession 1 – Project Kickoff
<b>Sep</b>	2	Public Outreach – Workshop & Stakeholder Interviews
<b>Nov</b>	10	Joint Worksession 2 – Public Input Summary, Key Policy Discussion (ordinance content and organization, revised and new zoning districts, by-right residential lot allocation in P- R, W-C and A districts, and potential zoning map revisions)
 <b>2021</b>		
<b>Jan</b>	26	Joint Worksession 3 – <i>Article IV</i> – Districts Intent Statements; <i>Article V</i> – Use Matrix; <i>Article XI</i> – Definitions (Use Definitions); Discussion of <i>Article VI</i> – Standards for specific uses
<b>Feb</b>	23	Joint Worksession 4 – <i>Article IV</i> – Districts Standards; <i>Article VI</i> – Use Standards; and <i>Article VII</i> – Community Design Standards
<b>Apr</b>	27	Joint Worksession 5 – <i>New Code Chapter</i> – Floodplain Ordinance; <i>Article I</i> – General Provisions; <i>Article II</i> – Administration and Enforcement; <i>Article IV</i> – Agriculture-Forestal Overlay District; <i>Article VIII</i> – Confined Animal Feeding; <i>Article IX</i> – Non-Conformities; <i>Article XI</i> – Definitions; and Potential Zoning Map Revisions
<b>May</b>	TBD	Joint Worksession 6* – Finalize By-Right Lot Allocation, Animal Keeping, Zoning Map Revisions and Definitions; <i>Article III</i> – Permits and Applications; and <i>Article X</i> – Subdivision of Land
<b>June</b>	TBD	Public Open House
<b>July</b>	TBD	Joint Worksession 7 – Final Wrap Up
<b>July/Aug</b>	TBD	Finalize Draft / Advertise Public Hearing
<b>Aug</b>	TBD	Planning Commission Public Hearing / Recommendation
<b>Sept</b>	TBD	Board of Supervisors Public Hearing / Adoption

\*Additional worksession prior to Public Open House

## Article I. – IN GENERAL.

### Section 1.1. – Title.

This chapter, the full title of which is “Zoning and Subdivision Ordinance of Page County, Virginia,” shall be permitted for convenience to be referred to as the “Zoning and Subdivision Ordinance,” “ordinance,” or “chapter”; and, the accompanying map, titled “Zoning Map of Page County, Virginia” shall be permitted to be referred to as the “Page County Zoning Map” or “Zoning Map”.

### Section 1.2. – Authority.

- A. Pursuant to the Code of Virginia, § 15.2-2280 et. seq., as amended, the County of Page, Virginia, is given the authority to classify and regulate land development under its jurisdiction.
- B. Pursuant to the Code of Virginia, § 15.2-2240 et. seq., as amended, the County of Page, Virginia, is given the authority to adopt regulations to assure the orderly subdivision of land under its jurisdiction and its development.

### Section 1.3. – Purpose.

- A. The purpose of this chapter is to implement the Page County Comprehensive Plan; promote the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200, as amended, of the Code of Virginia. This chapter has been designed to give reasonable considerations to:
  - (1) Provide for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime, and other dangers;
  - (2) Reduce or prevent congestion in the public streets;
  - (3) Facilitate the creation of a convenient, attractive and harmonious community;
  - (4) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
  - (5) Protect against destruction of or encroachment upon historic areas and working waterfront development areas;
  - (6) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic or other dangers;
  - (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;
  - (8) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
  - (9) Protect the approach slopes and other safety areas of licensed airports, including United State government and military air facilities;
  - (10) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the county as well as reasonable proportion of the current and future

- needs of the planning district within which the county is situated;
- (11) Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
  - (12) Provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 or state and federal fair housing laws, as applicable;
  - (13) Protect surface water and ground water as defined in the Code of Virginia § 62.1-255, as amended;
  - (14) Establish standards and procedures for the orderly division, subdivision and resubdivision of lots, tracts and parcels of land for residential and commercial purposes pursuant to the Code of Virginia § 15.2-2240 et. seq., as amended;
  - (15) Ensure proper legal description and proper monumenting of subdivided land;
  - (16) Ensure the purchasers of lots, tracks and parcels of land purchase a commodity that is suitable for the intended use; and,
  - (17) Provide standards for development, ensuring appropriate ingress, egress, public facilities, services, and utilities.

**Section 1.4. – Applicability.**

- A. Except as otherwise provided in this chapter or as modified through a zoning approval, no building, structure, land or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or altered, nor shall land be subdivided, unless in conformity with the provisions of this chapter.
- B. Uses not specifically identified as permitted in a zoning district either by right, restricted or by special use permit shall be prohibited.

**Section 1.5. – Conformity with Chapter Required.**

Except as otherwise provided in this chapter or as modified through a zoning approval, land, buildings, structures or premises shall only be used, and buildings shall only be erected or altered in conformity with this chapter’s regulations.

**Section 1.6. – Interpretation.**

- A. The Zoning Administrator shall interpret this chapter based upon the following criteria:
  - (1) Provisions shall be considered the minimum required to promote the public health, safety, convenience and general welfare;
  - (2) Unless otherwise specified, the standards of this chapter are the minimum required;
  - (3) When regulations of this chapter conflict with each other, other chapters of the county code, or state or federal law, the more restrictive regulations or standards shall govern;
  - (4) This chapter does not abolish easements, covenants or other private agreements, however, where this chapter’s requirements are more restrictive or impose higher standards, this chapter’s requirements shall govern;
  - (5) A building, structure or use which was not legally existing on \_\_\_\_\_ shall not be made

lawful solely by adoption of this chapter;

- (6) Where this chapter’s requirements are vague or unclear, the Zoning Administrator shall be responsible for their interpretation.
- (7) Conditions imposed or accepted as part of a zoning approval prior to \_\_\_\_\_ shall remain in effect. However, if there is a conflict between conditions imposed through those land use decisions and this chapter, the conditions shall apply. If there is no condition that addresses a specific use or development standard of this chapter, this chapter’s requirements shall govern.

**Section 1.7. – Vested Rights.**

The provisions of this chapter shall not impair a vested right of a property owner. The Zoning Administrator shall be authorized to make determinations on whether a property owner’s rights are deemed vested in a land use. The Subdivision Agent shall be authorized to make determinations on whether a property owner’s rights are deemed vested in a division. Vested rights determinations shall be made in accordance with the Code of Virginia §15.2-2307.

**Section 1.8. – Figures in Chapter.**

Where figures contained in this chapter, they are provided for demonstrative purposes only and are not a substantive part of this ordinance.

**Section 1.9. – Severability.**

Should any section or any provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

**Section 1.10. Effective Date of Ordinance.**

The effective date of the zoning ordinance from which this chapter is derived shall be from and after the date of its passage, \_\_\_\_\_, and legal application, and its provisions shall be in force thereafter until repealed or amended.

## ARTICLE II. – ADMINISTRATION AND ENFORCEMENT.

### Division 1. – Zoning Administrator and Subdivision Agent.

#### Section x.1. – Appointment and Powers and Duties.

- A. This chapter shall be administered, interpreted, and enforced by the Zoning Administrator (Administrator), who shall be appointed by the Board of Supervisors. The Zoning Administrator shall also serve as the Subdivision Agent (Agent) to administer and enforce the Subdivision Article (Article X). The Administrator/Agent may also hold another office in the County. The Administrator/Agent may designate a Deputy Zoning Administrator or other designee to assist in these duties.
- B. The Administrator/Agent shall have such duties as are conferred by this chapter and the Code of Virginia and as are reasonably implied for those purposes.
- C. In the performance of these duties, the Administrator/Agent may call for opinions or decisions, either verbal or written, from other county departments or state and other governmental agencies.
- D. In addition to the regulations contained herein, the Administrator/Agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter.

### Division 2. – Planning Commission.

#### Section x.1. – Appointment and Membership.

The Planning Commission shall be created and organized with members appointed pursuant to Page County Code Part 1, Article III and the Code of Virginia, § 15.2-2210 and § 15.2-2212, as amended.

#### Section x.2. – Powers and Duties.

The Planning Commission shall perform the duties as provided in this chapter and pursuant to the Code of Virginia, § 15.2-2221 and § 15.2-2230, et seq. and as amended.

#### Section x.3. – Rules and Regulations; Meetings.

The Planning Commission shall conduct meetings and public hearings pursuant to the Code of Virginia § 15.2-2214-2217, as amended.

### Division 3. – Board of Zoning Appeals.

#### Section x.1. – Appointment; Membership; Terms; Removal.

- A. Pursuant to the Code of Virginia, § 15.2-2308, et seq., as amended, a Board of Zoning Appeals (BZA) shall be created and organized as follows:
  - (1) The BZA shall consist of five county residents, each member whom shall be appointed by the circuit court of Page County for a term of five years. Members may be appointed to succeed themselves.
  - (2) Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission, and any member may be appointed to serve as

an officer of election.

- (3) At least 30 days in advance of the expiration of a term of office, or promptly if a vacancy occurs, the secretary of the board shall notify the court. Appointments to fill vacancies shall only be for the unexpired portion of the term. A member whose term expires shall continue to serve until the successor is appointed and qualifies.
- (4) A member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause, by the court which appointed the member, after a hearing held after at least 15 days' notice.

### Section x.2. – Powers and Duties.

Pursuant to the Code of Virginia § 15.2-2309, the Board of Zoning Appeals shall have the power and responsibility to consider the following, as further detailed in Article III, Permits and Applications, and Page County Code Chapter X – Floodplain Ordinance, and after required notice and hearing as provided in the Code of Virginia §15.2-2204. The provisions of this section shall not be construed as granting the Board of Zoning Appeals the power to rezone property, issue or revoke special exceptions, or to base decisions on the merits or purpose and intent of this chapter.

- A. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance as outlined in Article III Division \_\_\_\_\_.
- B. Variance. To authorize upon appeal or original application a variance, as defined in the Code of Virginia § 15.2-2201, from the terms of this chapter if the applicant proves by a preponderance of evidence that a literal enforcement of the provisions of this chapter will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.
- C. Boundary Interpretations. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by The Code of Virginia § 15.2-2204, the BZA may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. In this consideration, the BZA shall not have the power to substantially change the locations of the district boundaries as established by this chapter.

### Section x.3. – Meetings and Procedures.

- A. The BZA shall adopt such rules and regulations as it may consider necessary.
- B. The BZA shall elect one of its members as chairperson and one as vice-chairperson, each to serve for a one-year term and each of whom may succeed themselves. In the absence of the chairperson, the vice-chairperson shall act as chairperson.
- C. A quorum of the BZA shall be at least three members. A favorable vote by a quorum shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter on which the Board is required to pass under this chapter or to affect any variance.
- D. Meetings of the BZA shall be held at the call of its chairperson or at such time as a quorum of the BZA may determine and shall be open to the public.
- E. The chairperson or, in the chairperson's absence, the acting chairperson may administer oaths

and compel the attendance of witnesses.

- F. The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.
- G. The BZA may adopt policies regarding ex parte communication that are in accordance with the Code of Virginia § 15.2-2308.1.

**Section x.4. – Appeals of Board of Zoning Appeals Decisions.**

Any person or persons jointly or severally aggrieved by a decision of the Board of Zoning Appeals, or any aggrieved taxpayer, or any officer, department, board or bureau of the county may file with the Page County clerk of circuit court a petition specifying the grounds on which aggrieved within 30 days of the final decision of the board, in accordance with the provisions of the Code of Virginia. When the appellant is neither the owner or the agent of the owner of the property subject to the decision, the Zoning Administrator shall provide written notice to the owner of the property at the last known address of the owner as shown on the county tax records no later than 10 days from service of the writ of certiorari on the Board of Zoning Appeals or its secretary.

**Division 4. – Enforcement.**

**Section x.1. – Authority.**

As authorized by the Code of Virginia § 15.2-2286(A)(4), the Zoning Administrator or designee shall be responsible for enforcing the provisions of this Ordinance.

**Section x.2. – Violation.**

As provided in Article I, Section 1.5, conformity with this chapter is required. Failure to comply with the requirements of this chapter constitutes a violation thereof and are declared to be unlawful.

**Section x.3. – Complaints and Investigation.**

- A. Complaints and investigation. Any person who alleges that a violation of this chapter has occurred may file a complaint with the Zoning Administrator or designee. Such complaint shall stipulate the cause and basis thereof and the location of the alleged violation. The Zoning Administrator or agent shall properly record the complaint, investigate the facts thereof, and take action thereon as provided by this chapter.
- B. Inspection. The Zoning Administrator may enter upon land or inspect any land or structure to ensure compliance with the provisions of this Ordinance, after requesting and receiving approval of the landowner or tenant to enter upon land for these purposes. If such consent is not given, the Zoning Administrator may enter upon land in accordance with the Code of Virginia § 15.2-2286(A)16 on the authority of an inspection warrant.

**Section x.4. – Notice of Violation.**

If, upon completion of the investigation, the Zoning Administrator determines that a violation of this chapter exists, a notice of violation may be issued to the person committing or permitting the violation, or both. The notice shall state:

- A. The nature of the violation;
- B. Date that it was observed;
- C. The remedy or remedies necessary to correct the violation;
- D. A reasonable time period for the correction of the violation;
- E. A statement informing the recipient that he or she may have a right to appeal the notice of zoning violation or written order within 30 days in accordance with the Code of Virginia § 15.2-2311; and,
- F. The applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal.

**Section x.5. – Delivery of Notice.**

- A. The first notice shall be sent by regular mail to the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records. A notice shall also be sent by regular mail to the address of violation.
- B. If no response is received after the time limit of abatement has passed, a second notice shall be sent by certified mail to the last known address of the property owner as shown on the current real estate tax records. A notice shall also be sent by certified mail to the address of the violation.
- C. If no response is received after the time limit of abatement has passed, a final notice shall be either sent by registered mail or posted on the door of a building at the address of violation. Notices sent by registered mail or posted notice shall also be given to the property owner as shown on the current real estate tax records. Such notice shall not be deemed a precondition to the issuance of a warrant or summons or the filing of any other enforcement pleading.

**Section x.6. – Remedies and Penalties.**

- A. Remedies. The Zoning Administrator, in addition to or in lieu of other remedies, may institute appropriate action or proceedings, as permitted by law, including injunction, abatement to restrain, correct or abate any violation or attempted violation of the provisions of this chapter.
- B. Penalties. The remedies provided in the penalties sections below are cumulative and not exclusive except to the extent expressly provided therein.

(1) Criminal Penalties.

- (a) With the exception of the subdivision code in Article X, any violation of the requirements of this chapter, including any violation resulting in injury to a person or persons and where such civil penalties exceed \$ 5,000, shall be a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1,000.

- (b) If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than \$100 nor more than \$1,500.
- (2) Civil Penalties.
- (a) Any violation other than as provided in Section 1 above for criminal penalties shall be subject to the following civil penalties, as provided in Virginia Code § 15.2-2209 and subject to the following:
- [1] Procedure. Proceedings seeking civil penalties for violations of this chapter under this § 125.63.2 shall commence either by filing a civil summons in the general district court or by the Zoning Administrator or agent issuing a ticket.
- [2] Civil summons or ticket. A civil summons or ticket shall contain, at a minimum, the following information:
- [a] Name and address of the person charged;
- [b] Nature of the violation and the chapter provisions being allegedly violated;
- [c] Location, date and time violation occurred or was observed;
- [d] Amount of the civil penalty for the violation;
- [e] Right of the recipient to elect to either pay the penalty or stand trial for the violation and the date of such trial. The summons shall state that if the person elects to pay the penalty, the person must do so by making an appearance in person or in writing by mail to the county treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, enters a waiver of trial and admits liability for the offence charged. The summons shall provide that a signature is an admission of liability that shall have the same force and effect as a judgement of the court. However, such admission shall not be deemed a criminal conviction for any purpose.
- [3] Failure to Enter Waiver. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law or equity and it shall be the county's burden to provide the violator's liability by a preponderance of the evidence. A finding of liability shall not be deemed a criminal conviction for any purpose.
- [4] Fines.
- [a] Amount of Civil Penalty. A civil violation shall be subject to a civil penalty of \$200 for the initial summons, and a civil penalty of \$500 for each additional summons arising from the same set of operative facts.

- [b] Daily Offense. Each day during which a violation exists shall constitute a separate violation. However, in no event shall a violation arising from the same set of operative facts be charged more frequently than once in any 10-day period.
- [c] Maximum Aggregate Penalty. The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed \$5,000. If the violations exceed the \$5,000 limit, the violation may be prosecuted as a criminal misdemeanor pursuant to Section x.6 (B)1.

## ARTICLE IV. - DISTRICTS

### Section 3.1. – Agricultural and Forestal (A-F) Overlay Districts.

- A. Purpose. The purpose of the A-F Overlay Districts is to provide a means for a mutual undertaking by landowners and Page County to protect and enhance agricultural and forestal lands as an economic and environmental resource of major importance under the authority of the Agricultural and Forestal Act, as described in the Code of Virginia, §15.2-4300 et. seq., as amended.
- B. Creation of Districts. Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, as amended, the authority to create Agricultural and Forestal (A-F) Overlay Districts (hereinafter referred to as "A-F Overlay Districts") is hereby established subject to the conditions and districts' terms set forth in this section and as otherwise provided by §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, as amended, the provisions of which, except as specially modified herein, are adopted and incorporated as part hereof by reference.
- C. Term and Review. A review of A-F Overlay Districts, including any additions to any existing districts or creation of additional A-F Overlay Districts, may be made by the Board of Supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia 1950, as amended, and this Chapter.
- D. Conditions of District. The A-F Overlay District shall comply with the following conditions:
  - (1) The A-F Overlay District shall comply with the provisions of this chapter and with §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, as amended.
  - (2) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations or limited liability companies shall be eligible for inclusion in an A-F Overlay District as long as all property owners sign the application indicating their desire that the parcel be included in the district.
  - (3) Uses and structures shall be permitted on a parcel in compliance with Article V (Use Matrix), and, except for Section \_\_\_\_\_, shall be subject to dimensional standards of the Agricultural (A-1) District (Article IV), and in compliance with use and community design standards of Articles VI and VII of this chapter.
  - (4) Parcels of land, as now defined on the county real estate records, within an A-F Overlay District may be sold in their entirety to a nonfamily member, but not subdivided to a non-family member, during the term of the district status. However, the parcel under new ownership shall remain in the district at least until the time of the scheduled district renewal.
  - (5) Land within an A-F Overlay District may only be subdivided by purchase or gift to immediate family members in compliance with Article X – Subdivision of Land of this chapter. However, such subdivided parcels shall remain in a district for at least as long as the parent parcel remains in the district.

**PAGE COUNTY ZONING ORDINANCE UPDATE**

**ARTICLE IV. Zoning Districts.**

**Division III – Special Zoning Districts**

**April 27, 2021**

- (6) All parcels included in an A-F Overlay District must be located fully within the district.; no portion of a district parcel shall lie outside of the district. All included tracts shall be shown as separate parcels on the Page County Real Estate Maps.
- (7) Any parcel in an A-F Overlay District which meets the requirements stated in § 58.1-3233 of the Code of Virginia and Page County Code Chapter 105 may be entitled to receive a special tax assessment based on land use. Parcels that do not meet the requirements may still be included within the district but shall be taxed at the normal tax rate.
- (8) Any landowner who is delinquent paying county real estate taxes shall not receive the land use special assessment tax unless they cure such delinquency pursuant to Chapter 105 of the Page County Code, but shall remain in the district for the remaining term.
- (9) There shall be an application fee , as provided in the County’s fee schedule, per parcel of land for inclusion in an A-F Overlay District.
- (10) If a renewal application signed by all owners of parcels for inclusion in a renewed district is submitted and accepted by the deadline required, but the Board of Supervisors fails to act on the application by the expiration date of the district, such district, including only those parcels proposed for renewal, shall continue, and all provisions of the district ordinance shall apply until such time as the Board of Supervisors makes it decision whether or not to renew the district as proposed.

**Section 3.2. – Applicability of the Stonyman A-F Overlay District.**

- A. The Stonyman A-F Overlay District shall consist of the following land: 2,045.23 acres, more or less, generally located south of the intersection of South Antioch Road (Route 689) and Stonyman Road (Route 642), east of the intersection of Stonyman Road (Route 689) and Route 340, north of the intersection of Ida Road (Route 689) and Hollow Run Road (Route 629), which includes the parcels shown on Page County Real Estate Maps, as of the effective date of this district, numbered: 51-A-110, 51-A-111, 51-A-112, 51-A-85B, 51-A-91, 52-A-12, 52-A-20, 52-A-22, 52-A-24, 52-A-24A, 52-A-25, 52A-26B, 52-A-31A, 52-A-32, 52-A-32B, 52-A-36, 52-A-37, 52-A-40, 52-A-42, 52-A-44, 52-A-44A, 52-A-49, 52-A-5, 52-A-50, 52-A-51, 52-A-59, 52-A-60, 52-A-61, 52-A-65A, 52-A-65C, 52-A-65D, 52-A-65H, 52-A-67, 52-A-72C, 52-A-72D, 52-A-77, 52-A-78, 52-A-79, 52-A-80, 52-A-81, 52-A-92, 52-A-96, 53-4-B, 53-A-112, 53-A-35, 53-A-40, 53-A-71, 53-A-78, 63-4-1, 63-4-2, 63-A-9, 63-A-216, 63-A-225A, 63-A-227, 63-A-228, 63-A-230A, 63-A-230B, 63-A-231, 63-A-232, 63-A-233, 63-A-234, 63-A-253A, 63-A-254, 63-A-255, 63-A-256, 63-A-257, 63-A-258, 63-A-262, 63-A-266, 63-A-269, 63-A-36, 64-A-107, 64-A-108, 64-A-17, 64-A-1864A-A19, 64-A-24, 64-A-25, 64-A-26, 64-A-27, 64-A-28, 64-A-29, 64-A-30, 64-A-31, 64-A-8, 64-A-9.
- B. Stonyman A-F Overlay District Term and Review. The A-F Agricultural and Forestal District shall be in effect until November 1, 2023. A review of the district, including any additions to the district, may be made by the Board of Supervisors as provided by, and in accordance with, §15.2-4309 through 15.2-4312 of the Code of Virginia 1950, as amended, and this Chapter.

## ARTICLE VIII. – CONFINED ANIMAL FEEDING OPERATIONS.

*(Editor’s Note: Confined animal feeding operations required approval of a special use permit in agricultural districts. It would be appropriate for this article to be removed and these regulations be located within the use standards section for this use.)*

### Division 1. General Provisions

#### Section 1.1. – Purpose

This section establishes standards consistent with the Code of Virginia for the conduct of intensive livestock operations in a manner that will be harmonious with other types of land uses. It is the intent of this Article to regulate the placement, design, and number of confined animal feeding operations, or CAFOs, to ensure the highest and best use of land in Page County.

### Division 2. Administration.

#### Section 2.1. – Special Use Permit.

It shall be unlawful for any person, firm, corporation, partnership or other business entity to establish a confined animal feeding operation subsequent to the enactment of this article unless such person first obtains a special use permit as required by the provisions of this chapter.

#### Section 2.2. – Design Standards.

- A. Distances from property lines, structures, roads, and water protection. A confined animal feeding operation shall meet the following setback requirements:
  - (1) A minimum of 600 feet from any structure designed to be occupied as a residence, excluding any residence owned by the applicant desiring a permit to establish a confined animal feeding operation;
  - (2) A minimum of 600 feet from any residential zoning district, school, church, community center or commercial business establishment or industry or any other structure designed for public occupancy;
  - (3) A minimum of 1,000 feet from any boundary of a town within the County;
  - (4) A minimum of 300 feet from any neighboring property line;
  - (5) A minimum of 200 feet from any primary highway or roadway and 100 feet from any secondary highway, roadway or other right-of-way for passage;
  - (6) A minimum of 300 feet from any recreational pond or lake; and,
  - (7) A minimum of 100 feet from any river, creek, spring, reservoir or any public or private water supply system, including but not limited to wells or cisterns.

- B. Acreage.

The minimum lot size for any confined animal feeding operation shall be 10 acres.

**Section 2.3. – Filing of Nutrient Management Form.**

- A. All owners and operators of confined animal feeding operations and users of animal or poultry waste from confined animal feeding operations shall file an annual report with the Zoning Administrator on or before January 21 each year which contains the following information:
- (1) The number of animals or poultry units raised per year.
  - (2) The number of tons of animal or poultry waste generated.
  - (3) The number of tons of animal or poultry waste removed from the confined animal feeding operation premises to areas outside of the county.
  - (4) A description of the use of animal or poultry waste in the county, including the number of tons of waste applied to the number of acres of land.

## Article IX. – NONCONFORMITIES

### Division 1. – Nonconforming Uses, Lots and Structures.

#### Section 1.1. – Statement of Intent.

Within the zoning districts established by this chapter or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this chapter was passed or amended, may be continued, subject to certain limitations, as provided in this chapter.

#### Section 1.2 – Generally.

Except as otherwise provided in this this chapter, any lawful use, building or structure existing at the time of an amendment to this chapter may be continued even though such use, building or structure may not conform to this chapter’s provisions and shall be deemed nonconforming. A change in occupancy or ownership shall not affect the right for the use to continue or the building or structure to remain. A building permit or special use permit lawfully granted before \_\_\_\_\_ shall not be affected by this provision.

#### Section 1.3. – Nonconforming Lots of Record.

- A. In any district, structures may be erected on a nonconforming lot of record at the effective date of adoption or amendment of this chapter or land may be used notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.
- B. A developed nonconforming lot may continue in existence but may not be altered except in accordance with this article.
- C. A nonconforming lot may become a conforming lot by meeting the current minimum lot size, lot width, and lot frontage requirements of the zoning district in which the lot is located through the following actions:
  - (1) A consolidation of the nonconforming lot with an adjacent lot;
  - (2) A boundary adjustment between two contiguous lots, one being nonconforming and the other being conforming, provided such adjustment does not make the conforming lot nonconforming, does not create an additional lot, and does not increase the nonconforming lot’s nonconformity; or
  - (3) Rezoning to a different zoning district to meet the lot size, lot width, and lot frontage requirements of that district.

#### Section 1.4. – Nonconforming Use.

A nonconforming use may continue as it existed when it became nonconforming. A nonconforming use shall not be reconstructed, relocated, altered, or expanded in any manner, including the addition of new accessory uses, except as provided for in this section.

- A. A nonconforming use may change to a conforming use.
- B. The nonconforming use may be extended throughout those parts of a building which are lawfully and manifestly arranged or designed for such use at the time of enactment of this Ordinance provided there are no structural alterations, expansion or enlargement except those required by law or lawful order.
- C. A nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- D. A nonconforming dwelling unit may have a home occupation subject to the requirements of \_\_\_\_\_.
- E. A nonconforming use shall lose its nonconforming status, and any further use shall conform to the requirements of this chapter when:
  - (1) The nonconforming use is discontinued for a period of two (2) years, regardless of whether or not equipment or fixtures are removed. be deemed abandoned and any subsequent use shall be in conformity with the regulations of the district in which such building or land is located.
  - (2) The nonconforming use is intentionally abandoned, regardless of the length of time that has passed.
- F. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

**Section 1.5. – Buildings Nonconforming in Height, Area, or Bulk.**

A building nonconforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

**Section 1.6. – Nonconforming Buildings, Structures, and Improvements.**

- A. A nonconforming structure or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
- B. A nonconforming building or structure shall include those circumstances where the county has:
  - (1) Issued a building permit or other permit authorizing construction and the building or structure was constructed in accordance with the building permit, and upon completion, the County issued a certificate of occupancy; or
  - (2) The owner of the building or structure has paid real estate taxes to the County for such building or structure for a period of more than the previous 15 years.

Any such building or structure may be brought into compliance with the Uniform Statewide Building Code without affecting the nonconforming status of the building or structure.

C. Additionally, a nonconforming building or structure shall include those circumstances where:

- (1) A permit was not required and an authorized governmental official informed the property owner that the structure would comply with the zoning ordinance; and
- (2) The improvements were then constructed accordingly.

In any proceeding when the authorized county official is deceased or unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized county official made such statement.

A. If a nonconforming building or structure is damaged or destroyed, even if 50% or greater, by fire, natural disaster or other act of God, such building or structure may be repaired, rebuilt or replaced provided that:

1. The non-conforming features are eliminated or reduced to the extent possible, without the need to obtain a variance;
2. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code;
3. The requirements of the floodplain regulations of Chapter \_\_\_\_\_ are met; and
4. The work is done within 2 years unless the building is in an area under a federal disaster declaration and was damage or destroyed as a direct result of the disaster, in which case the time period shall be extended to 4 years.

Owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson and obtain vested rights under this section.

B. If a nonconforming mobile home is removed other than by natural disaster or public action, it may not be replaced except as provided for below unless it complies with regulations within the Ordinance.

1. Nothing in this section shall be construed to prevent the landowner or homeowner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

- C. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was lawfully of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to area, frontage, and dimensions of lots, the provisions of such lot area, frontage, and dimension regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to applicable zoning and health regulations and restrictions.

## CHAPTER \_\_\_\_ Floodplain Ordinance.

### Division 1. General Provisions

#### Section 1.1. – Authority.

This Chapter is adopted pursuant to the authority granted to localities by Code of Virginia. § 15.2-2280 and may be referred to as the Page County Floodplain Ordinance, floodplain ordinance or chapter.

#### Section 1.2. – Purpose of Chapter.

- A. The purpose of these provisions is to prevent the loss of life and property, creation of hazards to health and safety, disruption of commerce and governmental services, extraordinary and unnecessary expenditure of public funds for flood protection and relief, and impairment of the tax base by:
- (1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies;
  - (2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;
  - (3) Requiring all those uses, activities and development that do occur in flood prone districts to be protected and/or floodproofed against flooding and flood damage; and
  - (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

#### Section 1.3. – Applicability of Provisions.

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Page County that are identified as a special flood hazard areas (SFHA) according to the flood insurance rate map (FIRM) and flood insurance study (FIS) provided to the county by the Federal Emergency Management Association (FEMA) or as identified as floodplains by the county.

#### Section 1.4. – Compliance and Liability.

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the scope of this Chapter.
- B. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.

- C. This Chapter shall not create liability on the part of Page County or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**Section 1.5. – Records.**

Records of actions associated with administering this Chapter shall be kept on file and maintained by the Floodplain Administrator in perpetuity.

**Section 1.6. – Abrogation and Greater Restrictions.**

- A. To the extent that the provisions are more restrictive, this Chapter supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict, it shall remain in full force and effect.
- B. These regulations are not intended to repeal or abrogate any existing ordinances, including but not limited to subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between this Chapter and any other ordinance, the more restrictive shall govern.

**Section 1.7. – Severability.**

If any division, section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Chapter. The remaining portions shall remain in full force and effect; and, for this purpose, the provisions of this Chapter are hereby declared to be severable.

**Section 1.8. – Penalties.**

- A. Any person who fails to comply with any of the requirements or provisions of this Chapter, or directions of the Floodplain Administrator, or any other authorized employee of the County of Page, shall be subject to the penalties pursuant to the Code of Virginia, and as outlined in the VA Uniform Statewide Building Code (USBC) for building code violations and Chapter 125 (Zoning Ordinance) of the Page County for violations and associated penalties.
- B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by Page County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this Chapter.

**Division 2. – Administration.**

**Section 2.1. – Designation of the Floodplain Administrator.**

- A. Page County shall appoint a designee to administer and implement the regulations of this Chapter, referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (1) Administer the duties and responsibilities herein.
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. 59.22.

**Section 2.2. – Duties and Responsibilities of the Floodplain Administrator.**

- A. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
- (1) Review applications for permits to determine whether proposed activities will be located in a SFHA.
  - (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
  - (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
  - (4) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free flowing non-tidal waters of the state.
  - (5) Verify that an applicant proposing to alter a watercourse has notified adjacent local governments, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management (DCR), the Virginia Department of Environmental Quality (DEQ) and the US Army Corp of Engineers (USACE), and has submitted copies of such notifications to FEMA.
  - (6) Approve applications and issue permits to develop in SFHA if the provisions of this Chapter have been met or disapprove applications if the provisions of this Chapter have not been met.
  - (7) Inspect, or cause to be inspected, prospective buildings, structures and other prospective development for which permits have been issued to determine compliance with this Chapter or to determine if noncompliance has occurred or violations have been committed.
  - (8) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
  - (9) Submit to FEMA, or require to be submitted to FEMA, at the applicant's expense, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering

- analyses prepared by or for the County of Page, within six months after such data and information becomes available if the analysis indicates changes in base flood elevations.
- (10) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
- (a) Copies of FISs, FIRMs (including historic studies and maps and current effective studies and maps), and Letters of Map Change (LOMC); and
  - (b) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (11) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (12) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (13) Administer the requirements related to proposed work on existing buildings:
- (a) Make determinations as to whether buildings and structures that are located in SFHA that are damaged by any cause have been substantially damaged.
  - (b) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct the structure. Prohibit the repair of a substantially damaged building without a permit, except for temporary emergency protective measures necessary to secure a property or to stabilize a building or structure to prevent additional damage.
- (14) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions, which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in SFHAs and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under National Flood Insurance Program (NFIP) flood insurance policies.
- (15) Notify FEMA when the corporate boundaries of the County of Page have been modified in accordance with Section 2.4. – Jurisdictional Boundary Changes of this Chapter.
- (16) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP, which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (17) It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the County, whether

or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

### Section 2.3. – Use and Interpretation of FIRMs.

*\*Editor’s Note: This is a new section.*

- A. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of SFHA, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:
- (1) Where field surveyed topography indicates that adjacent ground elevations:
    - (a) Are below the base flood elevation, even in areas not delineated as a SFHA on a FIRM, the area shall be considered as a SFHA and subject to the requirements of these regulations;
    - (b) Are above the base flood elevation, the area shall be regulated as a SFHA unless the applicant obtains a LOMC that removes the area from the SFHA.
  - (2) In FEMA-identified SFHAs where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
  - (3) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
  - (4) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
  - (5) If a preliminary FIRM and/or a preliminary FIS has been provided by FEMA:
    - (a) Upon the issuance of a Letter of Final Determination (LOFD) by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
    - (b) Prior to the issuance of a LOFD by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Division 3. Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
    - (c) Prior to issuance of a LOFD by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

### Section 2.4. – Jurisdictional Boundary Changes.

*Editor’s Note: This is a new section.*

- A. The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the NFIP. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting

responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes SFHAs with flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to DCR Division of Dam Safety and Floodplain Management and FEMA.

- B. In accordance with the 44 CFR 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
- C. To ensure that all FIRMs accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

### Section 2.5. – District Boundary Changes.

*Editor's Note: This is existing language reformatted into a new section for clarity and ease of use.*

The delineation of any of the floodplain district may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need for a change. However, prior to any such change, approval must be obtained from FEMA. An approved Letter of Map Revision (LOMR) serves as record of this change.

### Section 2.6. – Interpretation of District Boundaries.

*Editor's Note: This is existing language reformatted into a new section for clarity and ease of use.*

Initial interpretations of the boundaries of the floodplain districts shall be made by the Floodplain Administrator or designee. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit his own technical evidence if he so desires.

### Section 2.7. – Submitting Technical Data.

*Editor's Note: This is a new section.*

- A. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. The data may be submitted via a LOMR. Such a submission is necessary

so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

### Section 2.8. – Letters of Map Revision.

*Editor’s Note: This is a new section.*

- A. When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision (CLOMR) or a LOMR. Examples include:
  - (1) Any development that causes a rise in the base flood elevations within the floodway.
  - (2) Any development occurring in zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
  - (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 CFR 65.3 and 65.6(a)(12).

### Division 3. – Establishment of Floodplain Districts.

#### Section 3.1. – Description of Districts.

- A. The various special flood hazard districts shall include the SFHA. The basis for the delineation of these districts shall be the FIS for Page County and the FIRM prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2007, and the Flood Hazard Analysis of the Hawksbill Creek Watershed, prepared by the Department of Agriculture and Soil Conservation Service, dated August 1977. In case of a conflict, the more stringent delineation controls.
- B. Page County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks, or approximate study methodologies.
- C. The boundaries of the SFHA districts are established as shown on the FIRM, which is declared to be a part of this Chapter and which shall be kept on file at the Page County offices.
  - (1) The Floodway District is delineated, for the purposes of this section, using the criteria that certain areas within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any one point. The areas included in this district are specifically defined in Table II of the above-referenced FIS and shown on the accompanying Flood Boundary and Floodway Map, or the FIRM.
  - (2) The Floodway Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of the district shall be the one-hundred-year flood elevations contained in the flood profiles in the above-referenced FIRM or as shown on any other applicable study, as determined by the Floodplain Administrator.

- (3) The Approximated Floodplain District, as delineated as Zone A on the FIRM, shall be those floodplain areas for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain boundary has been approximated. For these areas, the base flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, the United States Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

**Section 3.2. – Overlay Concept.**

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

**Division 4. – District Provisions.**

**Section 4.1. – Permit and Application Requirements.**

- A. All uses, activities and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Page County Zoning Ordinance, including Article X, Subdivision Code. Prior to the issuance of any such permit, the Floodplain Administrator or designee shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- B. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) The elevation of the base flood at the site.
  - (2) For structures to be elevated, the elevation of the lowest floor (including basement).
  - (3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
  - (4) Topographic information showing existing and proposed ground elevations.

**Section 4.2. – General Provisions.**

- A. The following provisions shall apply to all zoning permits:

- (1) New construction and substantial improvements shall be in accordance with VA USBC and anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) New construction proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (10) New construction proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (11) The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.
- (12) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from USACE, DEQ, and the Virginia Marine Resources Commission. Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the DCR, other required agencies, and FEMA.

**Section 4.3. – Floodway District Uses.**

- A. In the Floodway District, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one-hundred-year flood elevation.

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- B. Uses Permitted In the Floodway District. The following uses may be permitted, provided that they are in compliance with the provisions of 4.3.A. above, are in compliance with the Page County Zoning Ordinance, are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
  - (2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
  - (3) Accessory residential uses, such as yard areas, gardens, play areas and previous loading areas.
  - (4) Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.
- C. Uses Permitted by Special Use Permit. In the Floodway District, uses permitted by special use permit in accordance with the Page County Zoning Ordinance may be permitted as follows:
- (1) Commercial recreational use, where open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures, excepting toilet facilities, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.
  - (2) Outlet installations for sewage treatment plants or sewage pumping stations, with the approval of the County Engineer and/or the appropriate sewer authorities.
  - (3) Sealed public water supply wells, with the approval of the County Engineer and/or appropriate authorities.
  - (4) Dams, culverts and bridges, with the approval of appropriate authorities with jurisdiction with the Commonwealth of Virginia, such as the Department of Forestry or Department of Transportation.
  - (5) Sanitary or storm sewers impoundment basins, with the approval of the County Engineer and/or appropriate authorities.
  - (6) Roads, driveways or parking areas.
  - (7) Similar uses to the above which are in compliance with the intent of this section.
  - (8) All facilities required by electric utilities.

**Section 4.4. – Floodway Fringe and Approximated Floodplain Districts.**

- A. In the Floodway Fringe, the development and/or use of land shall be permitted in accordance with the regulations of the Page County Zoning Ordinance provided that all such uses, activities and/or development shall not increase the base flood elevation and they shall be undertaken in strict compliance with the floodproofing and related provisions contained in the VA USBC and all other applicable codes and ordinances.
- B. Within the Approximated Floodplain District, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one-hundred-year flood elevation more than one foot at any one point. The engineering principal, equal reduction of conveyance, shall be used to make the determination of increased flood heights.
- C. Within the floodway area delineated by the applicant, the provisions of Section 4.1. – Permit and Application Requirements shall apply.
- D. In the approximated floodplain district, all development and uses shall be the same as permitted in the floodway district.

**Section 4.5. – Elevation and Construction Standards.**

*(Editor's Note: The freeboard for residential structures has been increased from 12" to 18" as suggested by the state model ordinance to assist in reducing flood insurance costs and to allow for any errors in modeling data.)*

- A. Residential Structures.
  - (1) New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood elevation plus 18" of freeboard.
  - (2) Space below the lowest floor. In Zones A1-30, AE, AH and A, fully enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:
    - (a) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
    - (b) Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation; and
    - (c) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- [1] Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- [2] The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
- [3] If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- [4] The bottom of all required openings shall not be higher than one foot or more above the adjacent grade.
- [5] Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- [6] Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

B. Nonresidential Structures.

- (1) New construction or substantial improvement of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including basement, elevated to or above the base flood elevation plus 18" of freeboard.
- (2) Buildings located in A1-30, AE, and AH Zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the base flood elevation plus 18" of freeboard are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (3) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to sea level) to which such structures are floodproofed, shall be maintained by the Page County Floodplain Administer or designee.

C. Subdivision and Manufactured Home Parks. Base flood elevation data shall be obtained from other sources, including licensed surveyors, or developed using detailed methodologies comparable to those contained in a FIS, for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser. The following standards shall also apply:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Standards for manufactured homes and recreational vehicles:

- (1) Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation plus 18" of freeboard and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Recreational vehicles. Recreational vehicles placed on sites shall either:
  - (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, meaning that it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions; or
  - (b) Meet the permit requirements for placement and elevation and anchoring requirements for manufactured homes in Division 4, District Provisions.

**Section 4.6. – Construction Standards for Utilities and Facilities.**

- A. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- B. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- C. Drainage facilities.
  - (1) All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.
  - (2) The County of Page may require primarily underground systems to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- D. All utilities, such as gas lines and electrical and telephone systems, placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.
- E. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Division 5. – Existing Structures in Floodplain Areas.

Section 5.1. – Existing Structures in Floodplain Areas.

- A. Structures or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued, subject to the following conditions:
  - (1) Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one-hundred-year flood elevation.
  - (2) Any modifications, alterations, repairs, reconstructions or improvements of any kind to a structure and/or use located in a floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.
  - (3) The modifications, alterations, repairs, reconstructions or improvements of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this section and the VA USBC.
- B. Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:
  - (1) The Floodplain Administrator determines that:
    - (a) Change is not a substantial repair or substantial improvement;
    - (b) No new square footage is being built in the floodplain that is not complaint;
    - (c) No new square footage is being built in the floodway; and
    - (d) The change complies with this ordinance and the VA USBC.
  - (2) The changes are required to comply with a citation for a health and safety violation.
  - (3) The structure is a historic structure and the change required would impair the historic nature of the structure.

Division 6. – Variances; Continuing Uses.

Section 6.1. – Variances; Factors to be Considered.

- A. Upon passing applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this ordinance and consider the following additional factors:
  - (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity

- within any Floodway District that will cause any increase in the one-hundred-year flood elevation.
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - (5) The importance of the services provided by the proposed facility to the community.
  - (6) The requirements of the facility for a waterfront location.
  - (7) The availability of alternative locations not subject to flooding for the proposed use.
  - (8) The compatibility of the proposed use with existing development and anticipated development in the foreseeable future.
  - (9) The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for the area.
  - (10) The safety of access by ordinary and emergency vehicles to the property in the time of flood.
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
  - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (13) Such other factors which are relevant to the purposes of this section.
- B. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for the flood protection and other related matters.
  - C. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights or additional threats to public safety or extraordinary public expense and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.
  - D. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.
  - E. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one-hundred-year flood elevation increases the risk to life and property and will result in increased premium rates for flood insurance.

- F. A record shall be maintained of the above notification, as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

#### Division 7 – Definitions.

- A. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) **ACCESSORY BUILDING OR STRUCTURE:** A building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. The term “accessory building” also includes, but is not limited to, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation.
  - (2) **BASE FLOOD/ONE-HUNDRED-YEAR FLOOD:** The flood having a one-percent chance of being equaled or exceeded in any given year.
  - (3) **BASE FLOOD ELEVATION:** The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the one percent annual chance flood.
  - (4) **BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.
  - (5) **BOARD OF ZONING APPEALS:** The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Chapter.
  - (6) **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, temporary structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations or storage of equipment or materials.
  - (7) **ELEVATED BUILDING:** A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
  - (8) **ENCROACHMENT:** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
  - (9) **EXISTING CONSTRUCTION:** Structures for which the start of construction commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures" and “pre-FIRM.”
  - (10) **EXISTING STRUCTURE:** See EXISTING CONSTRUCTION.
  - (11) **FLOOD OR FLOODING:**

- (a) A general or temporary condition of partial or complete inundation of normally dry land areas from:
- [1] The overflow of inland or tidal waters;
  - [2] The unusual and rapid accumulation or runoff of surface waters from any source; or
  - [3] Mudflows which are proximately caused by flooding as defined in Subsection (10)(a)[2] of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood, or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (a) of this definition.
- (11) FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated the special hazard areas, the base flood elevations, and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- (12) FLOOD INSURANCE STUDY (FIS): A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- (13) FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.
- (14) FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate the risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (15) FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- (16) FREEBOARD: A factor of safety usually expressed in inches or feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.
- (17) HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (18) HISTORIC STRUCTURE: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a Local Inventory of Historic Places in communities with historic preservation programs that have been certified:
    - i. By an approved state program as determined by the Secretary of the Interior; or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
- (19) HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS: Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation (DCR) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- (20) LETTERS OF MAP CHANGE (LOMC): An official FEMA determination, by letter, that amends or revises an effective FIRM or FIS. Letters of map change include:
- a. LETTER OF MAP AMENDMENT(LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.
  - b. LETTER OF MAP REVISION (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
  - c. CONDITIONAL LETTER OF MAP REVISION (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS.
- (21) LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.
- (22) MANUFACTURED HOME: A structure subject to federal regulations 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 a foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.
- (23) MANUFACTURED HOME PARK/SUBDIVISION: Manufactured home park means any site, lot, field or tract of land upon which is located three or more manufactured homes for residential use, or which is held out for the location of any mobile home or any motor vehicle which is used for 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.
- (24) NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of the initial FIRM or after August 19, 1991, whichever is later, and includes any subsequent improvements to such structures; for floodplain management purposes, new construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (25) POST-FIRM STRUCTURES: A structure for which construction or substantial improvement occurred on or after January 5, 2007.
- (26) PRE-FIRM STRUCTURES: A structure for which construction or substantial improvement occurred on or before January 5, 2007.
- (27) RECREATIONAL VEHICLE: A vehicle which is:
- a. Built on a single chassis;
  - b. Four hundred square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.
- (28) REPETITIVE LOSS STRUCTURE: A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- (29) SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Section 3.2. – Overlay Concept, of this Chapter.
- (30) START OF CONSTRUCTION: The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or

- footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of any accessory buildings, such as garages, or sheds not occupied as dwelling units, or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
- (31) STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, as well as a manufactured home.
- (32) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
- (33) SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.
- (34) VIOLATION, FLOODPLAIN: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- (35) WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

## ARTICLE XI. – Definitions.

### Section 11.1. – Word Usage.

For the purposes of this chapter, certain words or terms shall be defined as follows:

- A. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.
- B. The word "shall" or "must" is always mandatory; the word "may" is permissive.
- C. The words "used for" include "designed for," "arranged for" or "occupied for."
- D. The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof."
- E. The word "person" includes "individual," "partnership," "company," "profit or nonprofit corporation," "organization" or other similar entities.
- F. The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved".
- G. The terms "land use" and "use of land" shall be deemed also to include "Building use" and "use of Building".
- H. The term "R district" means any residential district, including any portion of a planned district designated for residential use, the first letter of the symbol for which is the letter "R."
- I. The term "A district" means any agricultural district, the first letter of the symbol for which is the letter "A."
- J. The term "C district" means any commercial district, the first letter of the symbol for which is the letter "C."
- K. The term "I District" means any industrial district, the first letter of the symbol for which is the letter "I."
- L. The term "W-C District" means any woodland conservation district, the symbol for which is "W-C."
- M. The term "P-R District" means any park-recreation district, the symbol for which is "P-R."
- N. The term "RR District" means any rural residential district, the symbol for which is "RR."
- O. The term "MHP-1 District" means any manufacture home park district, the symbol for which is "MHP-1."
- P. The term "A-F District" means any agricultural and forestal overlay district, the symbol for which is "A-F."
- Q. Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.

R. The term "this chapter" means Chapter 125 of the Code of Page County, Virginia.

**Section 11.2. – Definitions.**

For the purpose of this chapter, the following alphabetical listing of terms and their definitions shall apply.

**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.

**ACCESSORY DWELLING UNIT:** A dwelling that exists as a part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

**ACT OF GOD:** Any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning or wildfire.\

**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 BOOKSTORE/VIDEO STORE:** An establishment that:

- A. Has 25 percent or more of its stock for sale or rent on the premises or has 25 percent 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
- B. Devotes 25 percent or more of its display area or floor space, excluding aisles and storage areas, to the sale or display of such materials; or
- C. Receives in any one-month period 25 percent or more of its gross income from the sale or rental of such materials; or
- D. Has on the premises one or more mechanical or electronic devices for viewing such materials.

**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.

**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.

**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.

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

- A. 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
- B. Offers a sleeping room for rent for a time period of less than 10 hours; or,
- C. Allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.

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

**AGRICULTURAL OPERATIONS:** Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity, excluding intensive agricultural use and confined animal feeding operations as otherwise regulated by this chapter. The preparation, processing, or sale of food products in compliance with Virginia Code §3.2-5130 subsections A, 3, 4, and 5, or related state laws and regulations are accessory uses to an agricultural operation, unless otherwise specifically provided for in this ordinance. When used in this ordinance, the words agricultural or agriculture shall be construed to encompass the foregoing definition.

**AGRICULTURE, INTENSIVE:** The commercial processing or storage of agricultural products with accessory uses including storage bins, waste storage/treatment and animal byproducts. This includes facilities where the preparation, processing, or sale of food products takes place or where the accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 20% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility. The operations of the use may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. This use excludes confined animal feeding operations which is otherwise regulated by this ordinance.

**AGRITOURISM:** Pursuant to the Code of Virginia, any activity carried out at a farm winery, farm brewery, farm distillery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including

farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture, but does not include Places of Assembly.

**ALLEY:** A permanent service way providing a secondary means of access to abutting properties.

**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.

**ALTERNATIVE DWELLING UNIT:** A structure or combination of structures, considered temporary or permanent, such as tents or yurts, intermodal shipping containers, or tiny houses which are dwelling units that contain less than 400 square feet in floor area or less, and similar structures intended to be located on a lot or premises for temporary (or permanent) residential occupancy.

**AMATEUR RADIO ANTENNAS:** A freestanding or building mounted structure, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

**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).

**AQUACULTURE:** The growing and harvesting of marine or freshwater fish, plants or other organisms in a body of water such as a pond, lake, or river.

**ASSEMBLY, PLACE OF:** The use of land for a meeting place where persons gather together for purposes of attending civic, social, or private events on a regular or recurring basis including but not limited to, banquet facilities, conference centers, and event venues. A gathering of less than 25 persons shall not be considered a Place of Assembly provided the gathering is accessory and incidental to the principal use.

**ASSISTED LIVING FACILITY:** as defined in § 63.2-100 of the Code of Virginia, any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm, or disabled and who are cared for in a primarily residential setting, except:

- A. A facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed;
- B. The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;
- C. A facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21 years, or 22 years if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the department as a

children's residential facility under Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, but including any portion of the facility not so licensed; and

- D. Any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments, or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm, or disabled adults. Maintenance or care means the protection, general supervision, and oversight of the physical and mental well-being of an aged, infirm, or disabled individual.

**AUTOMOBILE REPAIR SERVICE:** The repair and/or routine maintenance of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This includes body, engine and transmission repairs, muffler shops, tire sales and installation, wheel and brake shops, oil and lubrication services, and similar repair and service activities, but excludes dismantling or salvage.

**AUTOMOBILE SALE, RENTAL/LEASING:** A lot or building arranged, designed or used for the storage and display for sale, lease, or rent of any new or used motor vehicle capable of independent operation or any type of boat, travel trailer and recreation vehicle, provided the travel trailer and recreation vehicle is unoccupied, and where warranty repair work and other major and minor repair service is done wholly within an enclosed building as an accessory use.

**AVIATION FACILITY, PRIVATE:** Any area of land or water which is privately owned and intended for public or private use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon. This use includes a heliport.

**AVIATION FACILITY, PUBLIC:** Any area of land or water which is publicly owned and intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon. This use includes a heliport.

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

**BED AND BREAKFAST ESTABLISHMENT:** A dwelling unit in which the full-time resident owner of the single-family dwelling utilizes no more than six otherwise unoccupied bedrooms in order to provide overnight accommodations and breakfast, for compensation, to transient guests.

**BIOMASS:** Agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees planted for energy production.

**BIOMASS CONVERSION, SMALL-SCALE:** The conversion of any renewable biomass into heat, power, or biofuels (Code of Virginia §15.2-2288.01).

**BOAT YARD:** An establishment or site used for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services including but not limited to rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

**BREWERY, CRAFT (MICRO):** An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 1,000 barrels per year. Micro-brewery may include a restaurant or public tasting room as an accessory use.

**BREWERY or DISTILLERY, FARM:** A farm licensed as a brewery or distillery in accordance with the Code of Virginia. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On premise sale, tasting, or consumption of beer or alcoholic beverages, other than wine, produced or raised on the tract, and sale of beer and alcoholic beverage related items incidental to the sale of beer or alcoholic beverages is permitted. Construction of a stand or shelter for the sale of such goods is also permitted.

**BROADCASTING OR COMMUNICATION TOWER:** Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also excluded are wireless communication antennas which fit the definition of Communication facility, small cell.

**BUILDING:** A structure, including a manufactured home, having a roof supported by columns or walls built for the shelter, housing or enclosure of and intended for the use or occupancy by persons, animals, process, equipment, goods or materials of any kind. . 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 a tent or temporary manufactured home. . The word building includes structure.

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

**BUILDING LINE:** The distance which a building is from any street or roadway boundary line.

**BUILDING, MAIN:** Building in which the principal use on a lot is conducted.

**BUILDING PERMIT:** A permit which issued by the building inspector before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the building code.

**BUILDING, PRINCIPAL:** See BUILDING, MAIN.

**BULK FUEL STORAGE AND DISTRIBUTION:** The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**BUSINESS, ADULT:** 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: adult store, adult merchandise, adult book store/video store, adult entertainment, adult mini-motion picture theater, adult motel/hotel, and adult motion picture theater.

**BUSINESS SUPPORT SERVICE:** The use of land for the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

**CAMPS AND CAMPGROUND, 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 manufactured 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.

**CAR WASH:** A structure or portion thereof containing facilities for washing and/or waxing motor vehicles, typically using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others.

**CASH CHECKING ESTABLISHMENT:** Person or establishment engaged in the business of cashing checks, draft, or money orders for compensation, and registered with the state corporation commission pursuant to the Code of VA

**CATERING FACILITY:** An establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another located for public or private entertainment for a fee.

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

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

**CERTIFICATE OF USE AND OCCUPANCY:** A written statement, based on an inspection and signed by the Zoning Administrator, setting forth that a building, structure, sign and/or land complies with this

chapter and/or that a building, structure, sign and/or land may be lawfully employed for specific uses, or both, as set forth therein.

CHILD: Any natural person under 18 years of age.

COMMERCIAL INDOOR ENTERTAINMENT: Predominately spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls. This term does not include any adult business as defined by this Article.

COMMERCIAL INDOOR RECREATION/AMUSEMENT: An establishment which provides an enclosed building for indoor sports and/or multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Typical uses include bowling alleys, ice and roller-skating rinks, indoor racquetball, swimming, billiard halls, game rooms, and video arcades.

COMMERCIAL OUTDOOR RECREATION/AMUSEMENT: Participant or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, sports arenas, motorized model airplane flying facilities, rodeos and outdoor amusement parks.

COMMUNICATION FACILITY, SMALL CELL: A wireless facility attached to an existing structure that meets both of the following standards:

- A. Each antenna is located inside an enclosure of, or the antenna and all of its exposed elements could fit within an area of, no more than 6 cubic feet; and
- B. Excluding electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches and vertical cable runs for the connection of power and other services, all other equipment associated with the facility does not exceed 28 cubic feet, or such higher limit as may be established by the Federal Communications Commission.

CONDITIONAL ZONING: Classifying of land into districts by legislative action, including reasonable conditions governing the use of property, such conditions being in addition to, or modification of, the regulations for the zoning district in which the property is located.

CONFINED ANIMAL FEEDING OPERATION (CAFO): A lot or facility, together with any associated waste treatment works, where all three of the following conditions are met:

- A. Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve month period;
- B. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the lot or facility; and,
- C. The animal feeding operation has 300 or more animal units or 200 or more poultry animal units.

CONFINED POULTRY FEEDING OPERATION: Any confined animal feeding operation with 200 or more animal units or poultry.

**CONGREGATE CARE FACILITY:** A facility which provides housing and general care on a permanent or temporary basis including the provision of supportive services, such as special care, treatment and training, in a supervised setting with on-site counselors and/or other staff.

**CONSERVATION:** An area of land set aside to achieve the preservation or conservation of a natural resource. Includes the planned management of land use, plants, or wildlife including associated habitat, game refuge, and forest preserve areas.

**CONSERVATION EASEMENT:** The granting of a property's development rights to an agency that stipulates that the described land will remain in its natural state and precludes or restricts future or additional development.

**CONSTRUCTION MATERIAL SALES:** An establishment or place of business primarily engaged in retail or wholesale sale or rental, from the premises, of materials used in the construction of buildings or other structures, but this use shall not include automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

**CONSUMER REPAIR SERVICE:** An establishment or place of business primarily engaged in the provision of repair services to individuals, rather than businesses, but this use shall not include automotive and equipment repair use types. Typical uses include repair of electronics, shoes, watches, jewelry, or musical instruments.

**CONTAINER, SHIPPING:** A receptacle, vessel or similar device designed and constructed to hold and protect goods during transport via roadway, water, air or rail.

**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.

**COURT:** The Circuit Court of Page County, Virginia.

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

**CREMATORY:** A room or space within a building where cremation of deceased humans or animals occurs.

**CUL-DE-SAC:** A street with only one outlet and having an appropriate turnaround for a safe convenient reverse traffic movement.

**CULTURAL FACILITY:** A use providing for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated theatres.

**DAY CARE CENTER:** Any facility operated for the purpose of providing care, protection, and guidance during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals, including adults, and other similar uses.

**DENSITY:** Number of dwelling units or the square footage per gross acre.

**DEVELOPER:** An owner of property being subdivided, whether or not represented by an agent.

**DISABLED PERSON:** An individual with a physical or mental impairment that substantially limits one or more of a person’s major life activities, may impair their ability to live independently, or a person with record of having such an impairment, or being regarded as having such impairment, not to include use or addiction to a controlled substance.

**DISTILLERY, CRAFT (OR MICRO):** An establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. A micro-distillery may include a restaurant or public tasting room as an accessory use.

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

**DOMESTICATED ANIMAL:** Any pet that is maintained for companionship on a residential property including, but not limited to, domestic dogs, cats, birds, non-poisonous reptiles, rodents, or fish, but shall not include agricultural animals, wild animals and game species, any animals raised for human food or fiber, or any animals regulated under state or federal law as research animals.

**DWELLING OR DWELLING UNIT:** Building or portion thereof that provides complete independent permanent facilities for living, sleeping, eating and sanitation and is designed for or used exclusively as living quarters by one family, but not including a tent, cabin, recreational vehicle, travel trailer, room in a motel or hotel, or alternative dwelling units as defined in this Chapter.

**DWELLING, MULTIFAMILY:** Any building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type but not limited to would be garden apartments, low- and high-rise apartments, apartments for elderly housing and condominiums.

**DWELLING, SINGLE-FAMILY DETACHED:** A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

**DWELLING, TOWNHOUSE:** A series or group of single-family attached dwellings on individual lots designed to be sold as individual units on each lot. Individual units are separated by continuous vertical walls without openings such as doors or windows from basement floor to roof between units, which is commonly known as a firewall.

**DWELLING, TWO-FAMILY:** A structure arranged or designed with two single-family dwelling units, each for use and occupancy by one family. This is also referred to as a duplex.

**EASEMENT:** A grant of rights by a property owner to another individual, group or government unit to make use of land for a specific purpose or purposes.

**EDUCATIONAL FACILITY, COLLEGE OR UNIVERSITY:** An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special

housing, parking areas, dining halls and other physical plants associated with the college or university use.

EDUCATIONAL FACILITY, PRIMARY OR SECONDARY: A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

EMERGENCY MANAGEMENT SERVICES FACILITY: A building operated by a public or private entity for the storage of emergency vehicles and equipment and ancillary operations such as but not limited to fire stations, police stations, and ambulance services.

EQUIPMENT REPAIR SERVICE, HEAVY: General repair and rebuilding of equipment and vehicles commonly used in commercial, industrial, or construction enterprises, including engine work, body work, framework, and welding.

EQUIPMENT SALES/RENTAL, HEAVY: Establishments primarily engaged in the sale or rental of tools, tractors, construction equipment, commercial equipment, agricultural implements, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

FAMILY: A person living alone, or any of the following groups living together as a single housekeeping unit:

- A. Any number of persons related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
- B. Four unrelated people;
- C. Two unrelated people and any children related to either of them;
- D. Residents of an assisted living facility or residential care home as allowed by the Code of Virginia §15.2-2291.

FAMILY DAY HOME (1-4 CHILDREN): A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home.

FAMILY DAY HOME (5-12 CHILDREN): A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for between five and twelve children at any one time, exclusive of the provider's own children and any children who reside in the home.

FAMILY HEALTH CARE STRUCTURE, TEMPORARY: Pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:

- A. Is primarily assembled at a location other than its site of installation;
- B. Is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired

person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth;

C. Has no more than 300 gross square feet; and

D. Complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).

**FARMERS MARKET:** The retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor; but this term does not include Wayside stands.

**FARM IMPLEMENTS:** Any kind of machinery used on a farm to help with farming.

**FARM SUPPLY AND SERVICE ESTABLISHMENT:** Farm implement sales, rentals and service, feed and seed store, custom milling, milk depots and creameries, fertilizer storage in bags, or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building.

**FINANCIAL INSTITUTION:** An establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a Federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by federal statute. This term does not include payday lenders and cash checking establishments.

**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.

**FUNERAL HOME:** An establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

**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.

**GARDENING:** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption of the occupants of the premises, but not including accessory structures used for the same purpose.

**GASOLINE STATION:** Any place of business with fuel pumps and underground storage tanks that provides retail sale of fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.

**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, Virginia.

**GRAVEYARD:** A place of burial of human dead maintained by a church or family with burial plots or mausoleum space.

**GREENHOUSE, COMMERCIAL:** An enclosure, which may be fully or partially glassed or transparent, used for the growing and cultivations of plants under controlled conditions in which plants are offered for sale to the public, either at wholesale or at retail.

**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:** See RESIDENTIAL CARE HOME.

**HAZARDOUS MATERIAL STORAGE AND DISTRIBUTION:** The storage of chemicals, petroleum products, and other materials defined as hazardous under federal laws or regulations as a principal or accessory use.

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

**HIGHWAY ENGINEER:** The resident engineer employed by the Virginia Department of Highways

**HOME OCCUPATION, TYPE A:** An accessory use of a dwelling unit for gainful employment involving the provision of goods and/or services and which does not generate any additional employees or more than five customers daily. Such occupations may require limited use of an accessory structure.

**HOME OCCUPATION, TYPE B:** An accessory use of a dwelling unit for gainful employment involving the provision of goods and/or services and which generates not more than two full or part-time employees on the premises daily. No more than ten customers may be allowed on the premises daily. Such occupations may require the use of accessory structures.

**HOME OCCUPATION, VIRTUAL BUSINESS:** An accessory use of a dwelling unit for gainful employment where the primary means of communication in the operation of the business is by telecommunication, facsimile, computer-related activity or other similar means of communications and which generates no outside employees, no on-site customers and no use of any area outside of the dwelling.

**HOSPITAL:** A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical, surgical, or obstetrical care of sick or injured humans, and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

**HOTEL:** The use of land for transitory lodging or sleeping accommodations offered to the public for compensation. Can also be referred to as a motel or motor lodge. Typical uses include hotels, motels, travel lodges, or hostels, but not including a Bed and Breakfast.

**JANITORIAL BUSINESS:** A cleaning service that may include an office and storage of supplies.

**JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old or scrap iron, steel, or other ferrous or nonferrous material.

**JUNKYARD:** An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. Junkyard shall include the term "automobile graveyard" as defined in Code of Virginia § 33.2-804.

**JURISDICTION:** The area or territory subject to the legislative control of the governing body.

**KENNEL, COMMERCIAL:** Any location where raising, boarding, or sale of dogs, cats, or other small animals for commercial purposes is conducted. Animal grooming may also be conducted as an accessory use.

**KENNEL, PRIVATE:** The keeping of four or more dogs, more than four months old, that are all owned and licensed by a single owner and kept on the same property.

**LABORATORY, RESEARCH AND DEVELOPMENT:** An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.

**LANDSCAPING:** The improvement of a lot, parcel, or tract of land with a combination of materials, such as grass, shrubs, trees, other vegetation, or ornamental objects, designed and arranged to produce an aesthetically pleasing open space.

**LAUNDRY, COMMERCIAL:** Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

**LIFE CARE FACILITY:** A residential facility primarily for the continuing care of the elderly and disabled. This use includes the term nursing home, assisted living, and congregate care and may provide for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

**LIVESTOCK:** Domestic animals, including but not limited to cattle, horses, sheep, goats, and swine, raised for home use, pleasure or profit, but does not include domesticated animals.

**LOADING or STACKING SPACE:** A space within a structure or on the premises providing for the standing, loading, or unloading of vehicles.

**LOT:** A single recorded parcel of land created by a metes and bounds description or plat of subdivision meeting minimum requirements of this chapter for Lot Area, Lot Coverage, Setbacks, and other spaces as required in the district in which it is situated at time of recordation

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 abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

LOT COVERAGE: Gross area of a lot occupied by any building or structure.

LOT, DEPTH: The shortest horizontal distance between the front and rear lot lines measured perpendicular to the road.

LOT, DOUBLE-FRONTAGE: An interior lot having frontage on two streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: Any line or curve in the boundary of a LOT.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from a street or place; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

LOT OF RECORD: A lot which has been recorded in the office of the Clerk of the Circuit Court.

LOT, THROUGH: Lot having a pair of opposite lot lines along two, more or less parallel, roads and which is not a corner lot. Except for a lot in a residential district which has a buffer along a road, both road line shall be front lot lines. For such lot with a buffer along a road, the land adjacent to the buffer shall be the rear lot line.

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

LOT, ZONING: Tract of land, located within a single block, which at the time of filing for a zoning permit, is designed by its owner or developer as a tract all of which is to be used, developed or built as a unit under single ownership.

MANUFACTURED HOME: A structure which:

- A. Is transportable in one or more sections;
- B. Is eight feet or more in width and 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site;
- C. Is built on a permanent chassis;
- D. Is designed to be used as a Dwelling Unit for one Family, with or without a permanent foundation, when connected to the required utilities; and
- E. Includes the plumbing, heating, air conditioning, and electrical systems necessary for the structure. For purposes of this chapter, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD),

published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.

**MANUFACTURED HOME PARK:** Any site, lot, field or tract of land upon which is located three or more manufactured homes for residential use, or which is held out for the location of any mobile home or any motor vehicle which is used for 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.

**MANUFACTURED HOME SALES:** Establishment engaged in the sale or rental of manufactured homes.

**MANUFACTURING, HEAVY:** The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects or may pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, paper products, plastic products, and pharmaceuticals.

**MANUFACTURING, LIGHT:** Establishments primarily engaged in the on-site production of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, bottling, brewery, distillery, electronic equipment, ceramic products, business machines, musical instruments, furniture, medical appliances, tools or hardware, winery, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.

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

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

**NEIGHBORHOOD RECREATIONAL FACILITY:** An area of land, usually having active or passive recreational uses such as, but not limited to, paths, picnic areas, playgrounds, community pools and clubhouses, and open space primarily to serve the neighborhood in which it is located.

**NONCONFORMING IMPROVEMENT:** Any improvement for which the County has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit.

NONCONFORMING LOT: An otherwise legally platted lot on the date of adoption of this chapter that, due to an amendment of this chapter or acquisition of a portion of the lot by an entity with the power of eminent domain, does not meet one or more of the following requirements:

- A. Lot area;
- B. Lot width; or
- C. Lot frontage.

NONCONFORMING STRUCTURE:

A. An otherwise legal structure on the date of adoption of this Chapter that, due to an amendment of this chapter or acquisition of a portion of the lot where the structure is located by an entity with the power of eminent domain, does not meet one or more of the following requirements:

- (1) Buffers;
- (2) Density;
- (3) Height;
- (4) Lot coverage;
- (5) Open space;
- (6) Setbacks;
- (7) Screening;
- (8) Yards; or

B. Any structure:

- (1) Issued a building permit or other permit authorizing construction and the building or structure was constructed in accordance with the building permit, and upon completion, the County issued a certificate of occupancy; or
- (2) The owner of the building or structure has paid real estate taxes to the County for such building or structure for a period of more than the previous 15 years.

NONCONFORMING USE: Any use that was lawful on the date of adoption of this Chapter that has continued although a subsequent enactment or amendment otherwise has rendered it unlawful. Any use that was unlawful on the date of adoption of this Chapter shall remain unlawful and shall not be a “nonconforming use”.

NURSING HOME: Any facility or any identifiable component of any facility licensed pursuant to the Code of Virginia § 32.1-123 et seq. in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

**OFFICE, GENERAL:** The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate and travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Office, medical/clinic as defined by this chapter.

**OFFICE, MEDICAL/CLINIC:** The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

**OFFICIAL ZONING MAP:** The legally adopted Zoning Map of Page County, Virginia.

**OPAQUE SCREENING:** A visual buffer, landscaping, structure, or architectural element designed to be impenetrable by light or to obscure fully the visibility of a land use from one side to the other.

**OPEN SPACE:** Land area set aside for recreation, landscaping, or natural preservation, and not used for residences or business activities.

**OUTDOOR DISPLAY:** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

**OUTDOOR SALES, SEASONAL:** Any business or use (primary or accessory) that is conducted primarily outdoors, which may include but not be limited to: retail sales of fruits, vegetables, plants, flowers, Christmas trees, fireworks, and other similar businesses or uses.

**PARKING LOT, COMMERCIAL:** A site for surface parking of operable vehicles, recreational vehicles and boats, which is fee based and provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

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

**PARKING SPACE:** Any area designed to be used by a motorized vehicle on any Lot as a designated short-term or long-term vehicle space and identified on an approved site plan or house location survey meeting the design requirements of this chapter.

**PATIO:** An exterior living space designed and constructed in a manner that no portion of area is more than eight inches above the adjacent Yard surfaces. For the purpose of this chapter, a Patio is not a structure.

**PAYDAY LENDER:** Establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of a check, any form of assignment of an

interest in the account of an individual at a depository institution, or any form of assignment of income payable to an individual, other than loans based on income tax refunds.

**PERSONAL SERVICES:** Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; dance or physical fitness studios; handicraft or hobby instruction; seamstresses; tattoo parlors; body piercing salon; tailors, or shoe repairs; florists; and laundromats and dry-cleaning stations serving individuals and households.

**PLAT:** Includes the terms "map, plan, plot, replat or replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

**POULTRY:** Includes all domestic fowl and game birds raised in captivity.

**PRELIMINARY SUBDIVISION PLAT:** The proposed schematic representation of development or subdivision that establishes how the provisions of Virginia Code §§ 15.2-2241 and 15.2-2242 and other applicable statutes will be achieved.

**PRINCIPAL USE:** The primary or predominant use of land. Where there are multiple uses of land and no single use is primary or predominant, each use is a Principal Use.

**PUBLIC PARK/RECREATIONAL AREA:** A publicly owned area of land, usually having active or passive recreational uses such as, but not limited to, paths, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, and open spaces. This use shall not include public use as defined in this ordinance.

**PUBLIC SEWER:** A sewer system owned and operated by the County of Page or an incorporated town or a corporation franchised by the Commonwealth of Virginia under the jurisdiction of the State Health Department of Virginia.

**PUBLIC USE:** The use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, or any combination thereof. This use shall not include Public park and recreational area, Educational facilities, Emergency management services facility, Recycling facility, Sanitary landfill or Utility service (major or minor) as defined in this ordinance.

**PUBLIC WATER:** A water system owned and operated by the County of Page or an incorporated town or a corporation franchised by the Commonwealth of Virginia and under the jurisdiction of the State Health Department of Virginia.

**RECREATIONAL POND or LAKE:** Any pond or lake which is regularly used for fishing, boating, swimming, or other recreational activity.

**RECREATIONAL VEHICLE:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

**RECYCLING FACILITY:** A facility used by the general public for the collection of materials for recycling or reuse, including bins, boxes, buildings, self-propelled motor vehicles, trailers and other enclosures or receptacles. Except for Page County, or incorporated town or other governmental sponsored programs to collect and/or recycle household hazardous wastes, this definition shall not include facilities for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances, or similar materials.

**RELIGIOUS ASSEMBLY:** A use located in a permanent building or in outdoor spaces and providing regular organized religious worship and related incidental activities. This use shall not include Educational facility, primary/secondary schools and Day care facilities.

**RESIDENTIAL CARE HOME:** A licensed residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Development Services. This term includes group home.

**RESIDENTIAL FARM:** Land incidental to a principal dwelling on which limited agricultural activities for personal use and recreation such as, although not exclusively, cultivation of fruits and vegetables, apiaries (bee keeping), and the keeping of domestic laying hens is permitted.

**RESOURCE EXTRACTION:** A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, soil mining, and other major excavations. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

**RESTAURANT, DRIVE-THRU:** Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or are able to be taken to a table or counter to be consumed. Excluded from this definition are Restaurant, general and Restaurant, mobile.

**RESTAURANT, GENERAL:** An establishment in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops, and eat-in delis. Excluded from this definition are Restaurant, drive-thru and Restaurant, mobile.

**RESTAURANT, MOBILE:** A readily-movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to those selling in short bursts of 30 minutes or less at a single location and moving to multiple properties through the course of a business day, such vehicles may include, but are not limited to, ice cream trucks.

**SANITARY LANDFILL:** An engineered land burial facility for the disposal of solid waste (as defined by the Virginia Department of Waste Management) which is so located, designed, constructed, and

operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment, may also be called a Garbage Dump.

SAWMILL, COMMERCIAL: 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.

SAWMILL, PORTABLE: 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.

SCHOOL, BUSINESS OR TRADE: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit and not otherwise defined as an Educational facility, either primary and secondary, or college and university.

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

SETBACK: The required distance that a structure must be built from an adjoining property line or road or right-of-way.

SHELTER, RESIDENTIAL: A facility promoting temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless. Ancillary community support services may be provided including, but not limited to, childcare, counseling, food distribution, or vocational training.

SHOOTING RANGE, COMMERCIAL: The use of land for the discharge of firearms or other projectiles for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, or in return for compensation.

SHORT-TERM TOURIST RENTAL: The short-term rental of a dwelling for compensation for periods of less than 30 days. "Short-term tourist rental" may also include the following terms: tourist homes, tourist rentals, cabin rentals, lodging homes, tourist cabins, tourist courts, and air bed-and-breakfast establishments.

SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

SIGN, A-FRAME: A temporary, portable sign used to provide information to pedestrians and slow-moving vehicles, often referred to as a sandwich board. The sign may be one or two sided.

SIGN, ANIMATED: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

- A. ELECTRONICALLY ACTIVATED: Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
- (1) FLASHING: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.
  - (2) PATTERNED ILLUSIONARY MOVEMENT: Animated signs or animated portions of signs whose illumination is characterized by stimulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to naturally occurring external motivation but excludes pennants and streamers.
- B. ENVIRONMENTALLY ACTIVATED: Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, and/or other devices or displays that respond to naturally occurring external motivation but excludes pennants and streamers.
- C. MECHANICALLY ACTIVATED: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

SIGN, AREA: The total area devoted to conveying a message excluding any border and trim, ornamental base or apron supports and other structural members. Where signs employ appurtenances such as "pop-ups" and "cut-outs" or objects that extend beyond the normal area, the area of such appurtenances shall be measured separately and included in the total sign area.

SIGN, BANNER: A flexible substrate on which copy or graphics may be displayed with no permanent rigid backing.

SIGN, CANOPY: A sign that is attached to, or painted on, the fascia board of a freestanding canopy structure, with the sign face in a place parallel to such fascia, and not extending more than 15 inches from the fascia board.

SIGN, CHANGEABLE: A sign that includes any changing of the message either electronically or manually in which the message is stationary for a minimum of 12 seconds and does not fluctuate in size or brightness.

SIGN, COMMUNITY: A sign located at the entrance of a residential community.

SIGN, FREESTANDING: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

SIGN, FREESTANDING, COMBINED: A freestanding sign on a commercial property supporting more than one occupant and operating as a shopping center, mall, or other common title.

**SIGN HEIGHT:** The height of a sign shall be measured from the average elevation of the ground below the sign to the top point of the sign. Where the location of a sign is lower than the street to which it is oriented, the height may be increased by the difference in elevation, except for SIGN, OFF-PREMISES/BILLBOARD.

**SIGN, ILLUMINATED:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**SIGN, INFLATED:** Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

**SIGN, MARQUEE:** Any sign attached to or hung from a marquee.

**MARQUEE:** A covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

**SIGN, MENU:** A sign located adjacent to a stacking lane accessory to a Restaurant, Drive-In or Car Wash use and not exceeding six-feet in height.

**SIGN, MINOR:** A wall or freestanding sign not exceeding three (3) square foot in area, not exceeding four feet in height, and not illuminated. Examples include not trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.

**SIGN, MONUMENT:** A “SIGN, FREESTANDING” having the appearance of a solid, rectangular or cylindrical base.

**SIGN, MENU:** A sign located adjacent to a stacking lane accessory to a Restaurant, Drive-In or Car Wash use and not exceeding six-feet in height.

**SIGN, NONCONFORMING:** Any sign lawfully erected and maintained prior to the adoption of this ordinance that does not conform with the requirements of this ordinance.

**SIGN, OFF-PREMISES/BILLBOARD:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on a parcel of land other than the one on which the sign is located.

**SIGN, PROJECTING:** A sign which is attached to and projects more than eighteen (18) inches from the face of a wall of a building. The term projecting sign includes a marquee sign.

**SIGN, ROOF:** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**SIGN, TEMPORARY:** A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, yard sale signs, contractor’s signs, and special or one-time event signs per year.

**SIGN, WALL:** A sign that is in any manner affixed to any exterior wall of a building or structure and that projects no more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

**SIGN, WINDOW:** A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

**SITE PLAN, FINAL:** A plan delineating the overall scheme of development of a tract of land including, but not limited to, grading, engineering design, construction details, survey data for existing and proposed improvements, public utility, storm drainage, landscaping, lighting detail, and erosion and sediment control plans.

**SITE PLAN, PRELIMINARY:** A plan showing the proposed general layout, the general location of the various types of land uses, the proposed number of Dwelling Units, the layout of Lots, general location of Streets, and a plan showing the location of recreational spaces, parks, schools, and other public or community uses where applicable.

**SLOPE, STEEP:** Surface formation with a vertical incline greater 25 percent in grade, a sufficient steepness to cause problems such as erosion or increased flooding when disturbed for land development or other purposes.

**SOIL SURVEY:** A survey conducted by or approved by the Soil Conservation Service of the United States Department of Agriculture to determine characteristics of soils and related factors relative to suitability for subdivision.

**SPECIAL USE 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 Article \_\_\_\_, Section x.\_\_\_.

**SPORTSMAN'S CLUB:** An area of a property devoted to use for a commercial camp dedicated for hunting and/or fishing that often includes a structure for sleeping, but not for a permanent dwelling. The structure may or may not include such features as a kitchen, indoor plumbing, and other amenities found in a typical dwelling unit. A sportsman club may include facilities such as Kennel, private as defined in this ordinance, as an accessory use.

**SPORTSMAN'S CLUB, PRIVATE:** An area of a property devoted to the temporary, noncommercial seasonal use for hunting, fishing, and/or similar recreational purposes that often includes a structure for sleeping, but not for permanent use. The structure may or may not include such features as a kitchen, indoor plumbing, and other amenities found in a typical dwelling unit. Such use may include a private kennel as defined in this ordinance as an accessory use.

**STABLE, COMMERCIAL:** The sheltered boarding of horses or ponies, or other livestock, for a revenue generating purpose. Included in this definition are horse riding academies and horse or livestock grooming operations.

**STABLE, PRIVATE:** The keeping, breeding, or raising of horses or ponies, or other livestock, exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

**START OF CONSTRUCTION:** The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of any accessory buildings, such as garages, or sheds not occupied as dwelling units, or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**STORAGE WAREHOUSES:** A structure or part of a structure used for the storage of goods, materials, wares, and merchandise. Self-storage facilities are not considered storage warehouses.

**STORAGE YARD:** The use of land for non-hazardous outdoor storage including outside storage of materials and equipment, but not including a Junkyard or Truck Terminal as defined by this chapter. Typical uses include, but are not limited to, building contractors' yards, tow lots and commercial supply yards. This use shall not include the term junkyard as defined in this chapter.

**STORE, GENERAL:** An establishment for display and sale of merchandise at retail.

**STORE, SPECIALTY:** A small-scale (less than 2,500 square feet per business) retail use which offers for sale items of art or crafts, or which offers for sale items related to a specific theme, e.g., kitchen wares, pet care, etc.

**STORY:** The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.

**STREET:** The principal means of access to abutting properties. This includes the term road.

**STREET, COLLECTOR:** A medium-traveled Category 2 and 3 (251 to 750 cars per day) thoroughfare which collects traffic from minor streets and directs it to a major street as established by the standards and rules of the Virginia Department of Transportation. [Amended 6-21-2005].

**STREET, MAJOR:** A heavily traveled Category 4 (751 to 1,500 cars per day) thoroughfare or highway that carries through traffic as established by the standards and rules of the Virginia Department of Transportation.

**STREET, MINOR:** A Category 1 (zero to 250 cars per day) street that is used primarily as a means of public access to the abutting properties as established by the standards and rules of the Virginia Department of Transportation.

**STREET OR ALLEY, PUBLIC USE OF:** The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

**STREET SERVICE DRIVE:** A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating dangerous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway and streets ending in cul-de-sac.

**STREET WIDTH:** The total width of the strip from property line to property line dedicated or reserved for public use or travel, including roadway, curbs, gutters, sidewalks and planting strips.

**STRUCTURE:** Anything constructed or erected which has a permanent location on the ground or which is attached to something having a permanent location on the ground.

**SUBDIVIDER:** An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

**SUBSTANTIAL ACCORD:** Determination pursuant to the Code of Virginia, that certain proposed public features, uses, areas, structures and facilities are substantially in accord with the comprehensive plan.

**SURVEYOR:** A person licensed and certified as such by the Commonwealth of Virginia.

**TEMPORARY USE:** A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

**TRADEPERSON SERVICE:** An establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, blacksmith, welding, and taxidermy. This definition does not include automobile repair or construction material sales as otherwise defined in this ordinance.

**TRUCK/FREIGHT TERMINAL:** The use of land for the loading, unloading, storage, refueling, and routine maintenance of commercial vehicles or trucks, tractor-trailers, or other overland multi-axle vehicles.

**UTILITY SERVICE, MAJOR:** Service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources; electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; sanitary landfills; and similar facilities. All overhead transmission lines are included in this definition.

UTILITY SERVICE, MINOR: Service which is necessary to support development primarily on the same property as the utility service and involves only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, small alternative energy systems such as electric facilities operated at 40 kilovolts or less, and well, water and sewer pump stations. This does not include wind energy systems or communications towers and facilities.

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.

VARIANCE, ADMINISTRATIVE: Exception granted by the zoning administrator from any building setback requirement.

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.

VESTED RIGHTS DETERMINATION: Any written order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property that constitutes a significant affirmative governmental act pursuant to Code of Virginia, §15.2-2307 and is issued in strict accordance with the requirements of this chapter.

WAREHOUSING AND DISTRIBUTION: Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, e-commerce fulfillment centers, data centers, and moving/storage firms.

WAYSIDE STAND: An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise primarily produced by the operator on the site, or on nearby property. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer. Also referred to as a roadside or farm stand or wayside market.

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.

WINDMILL, SMALL SYSTEM: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used for on-site consumption.

**WINERY, FARM:** A farm licensed as a winery in accordance with the Code of Virginia, not including craft wineries or wineries as otherwise provided for in this chapter. Greenhouses, hothouses or plant nurseries are permitted for the purpose of starting seedlings to be planted for farm use, but not for direct sale. On premise sale, tasting, or consumption of wine produced or raised on the tract, and sale of wine-related items incidental to the sale of wine is permitted. Construction of a stand or shelter for the sale of such goods is also permitted.

**YARD:** Open space at grade between a building or structure and the adjoining lot line unoccupied and unobstructed by any portion of a building or structure from the ground upward.

**YARD, CORNER SIDE:** For a corner lot, the yard extending across the side of the lot between the right of way and the nearest line of the main building, from the front building setback line to the rear property line. The longer lot frontage shall be considered the corner side yard.

**YARD, FRONT:** Yard extending across the front of a lot between the front lot line and the nearest line of the main building.

**YARD, REAR:** The area extending the full lot width and situated between the rear lot line and the face of the main building which is parallel to, or most nearly parallel to, the rear lot line.

**YARD, SIDE:** The required open space area extending from the front yard to the rear yard along each side of a lot.

**ZONING ADMINISTRATOR:** The Zoning Administrator of the County of Page, Virginia.

**ZONING APPROVAL:** Includes special use permit, conditional zoning, variance, administrative variance, substantial accord, and rezoning approvals.