

Revised Project Schedule

2020	Date	Topics/Ordinance Sections
Jul	7	Joint Worksession 1 – Project Kickoff
Sep	2	Public Outreach – Workshop & Stakeholder Interviews
Nov	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)
 2021		
Jan	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
Feb	23	Joint Worksession 4 – <i>Article IV</i> – Districts Standards; <i>Article VI</i> – Use Standards; and <i>Article VII</i> – Community Design Standards
Apr	27	Joint Worksession 5 – <i>New Code Chapter</i> – Floodplain Ordinance; <i>Article I</i> – <i>General Provisions</i> ; <i>Article II</i> – <i>Administration and Enforcement</i> ; <i>Article IV</i> – <i>Agriculture-Forestal Overlay District</i> ; <i>Article VIII</i> – <i>Confined Animal Feeding</i> ; <i>Article IX</i> – <i>Non-Conformities</i> ; <i>Article XI</i> – <i>Definitions</i> ; and <i>Potential Zoning Map Revisions</i>
July	27	Joint Worksession 6* – Finalize By-Right Lot Allocation, Animal Keeping, Zoning Map Revisions, if any, and Definitions; <i>Article III</i> – <i>Permits and Applications</i> ; and <i>Article X</i> – <i>Subdivision of Land</i>
Aug	24	Public Open House
Sept	28	Joint Worksession 7 – Final Wrap Up
Oct		Finalize Draft / Advertise Public Hearing
Oct	26	Planning Commission Public Hearing / Recommendation
Nov	16	Board of Supervisors Public Hearing / Adoption

*Additional worksession prior to Public Open House

Overview

During the Joint Planning Commission and Board of Supervisors worksession on February 23, 2021, Board members advised that a sub-committee had been created to offer draft standards for the keeping of animals in residential zoning districts. The sub-committee, which included Jared Burner, Keith Guzy and Larry Foltz, met on May 4, 2021. A copy of the notes from the sub-committee meeting is attached to this memorandum.

The sub-committee’s recommendations and BG responses are discussed herein. Clarification/feedback at the July 27th worksession is needed for a few draft items.

Gardening and On-Site Sale of Garden Produce

1. Definitions. Changes to Article X. – Definitions are proposed, as outlined below, based on the sub-committee recommendations. Specifically, a new definition for gardening has been added and the definition for wayside stands has been modified to clarify the permission for on-site sales of produce from a garden on the property:

GARDENING: Any use of land for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for use and/or consumption by the occupants of the premises.

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~~ may include agricultural products picked by the consumer and an on-premise stand to allow an individual to sell items raised on the property from gardening. Also referred to as a roadside or farm stand or wayside market

2. Permission. Article V. – Uses are proposed to be updated to permit gardening with an associated wayside stand in all zoning districts, as recommended by the sub-committee. The current draft zoning ordinance would permit gardening (as an agricultural operation) and wayside stands by-right in the P-R, W-C, A, and A-R zoning districts as well as the A-F overlay district. While gardening would be permitted in the current draft zoning ordinance as a use customarily accessory to a single-family dwelling, for clarity gardening would be added as a use in the use matrix and permissions for wayside stands have been updated to include those districts where gardening has been added, as outlined in the following chart:

USE	ZONING DISTRICTS												
	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP	A-F
Gardening	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>B</u>							
Wayside stand	B	B	B	B	<u>A</u>	B							

B – By-right; A – Accessory Use and SUP – Special Use Permit

BG Response: Within residential districts, BG recommends prohibiting or restricting wayside stands, with limits such as maximum size, to prevent the proliferation of structures and retail in residential districts. Rather than permitting gardening and wayside stands for each dwelling in R-1, MHP and PUD districts, consideration may be given to allowing those uses as part of a community garden use in those districts. Similarly, potential land use conflicts may result in C and I districts between gardening and wayside stand uses and other uses permitted in those districts. BG recommends gardening as an accessory use in the C and I districts to preserve the integrity of the districts. The sale of produce from individual gardens would be allowed at farmer’s markets in agricultural and commercial districts and as a store in commercial districts. Therefore, in R, C and I districts, modification to restrict or limit wayside stand uses may be appropriate. BG seeks feedback to determine if the county would like any modification to the above proposal for gardening and wayside stands in R-1, PUD, MHP, C, and I districts.

Animal Keeping/Residential Farm

1. Definitions. Article X. – Definitions has been updated, as outlined below, based on the sub-committee recommendations. A new definition for animal unit has been added and the definition for residential farm has been modified to clarify the permission for keeping of livestock in addition to poultry:

ANIMAL UNIT: For the purpose of determining the number of livestock animals permitted to be kept as a residential farm, one (1) animal unit shall consist of domestic or domesticated animals/fowl based on the following:

One (1) animal unit =

- one (1) adult bovine animal (cattle, buffalo);
- two (2) juvenile bovine animals less than one (1) year old;
- one (1) equine animal (horse, donkey, mule);
- five (5) camelid animals (llamas, alpacas);
- five (5) caprinae animals (goats, sheep);
- two (2) porcine animals (pigs);
- sixteen (16) small poultry (chickens, ducks);
- eight (8) medium poultry (turkeys, geese);
- three (3) large poultry (ostriches, emus); or
- four (4) apiaries (beehives)

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 gardening,~~ apiaries (bee keeping) and the keeping of domestic livestock and poultry ~~laying hens~~ are permitted.

2. Permission. Article V. – Uses has been updated to remove permission for a residential farm use in the P-R, W-C and A-1 districts, as well as the A-F overlay district because keeping of livestock in these districts – whether accessory to a dwelling or not – would be allowed as an agricultural operation use permitted by-right in each of these districts. In residential districts, a residential farm use would be permitted as a restricted use (subject to use standards) or by special use permit in higher density areas, as identified in the chart on the following page:

USE	ZONING DISTRICTS												
	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP	A-F
Residential farm	R	R	R	R	R	SUP	SUP						

R – With Use Restrictions and SUP – Special Use Permit

3. Use Standards. Article IV. – Use Standards has been updated to incorporate the sub-committee’s recommendations for the residential farm use relative to the number of animals permitted and certain use standards. References in the previous draft to P-R, W-C, and A-1 Districts have been removed. BG staff recommendations, outlined in the sections below, would clarify the use standards based on the sub-committee’s input and include permit and best practice standards. In addition, standards for apiaries are also recommended:

Article IV. Use Standards. Section 2.2. – Residential farm.

- A. Keeping of domestic livestock, poultry and bees accessory to a principal dwelling shall be permitted subject to the following minimum requirements for the numbers and types of animals permitted:

- (1) On parcels with an area less than two (2) acres:

- (a) Keeping of a collective maximum of one-half (0.5) animal unit of poultry only per acre shall be permitted, except parcels with a minimum area of 16,500 square feet or less shall be limited to keeping of a maximum of six (6) chickens provided standards of Section 2.2.B. below are met.
- (b) Keeping of domestic livestock, including the temporary keeping of domestic livestock as an educational project, shall not occur.

- (2) On parcels with an area between two (2) and six (6) acres:

- (a) In addition to the animal units permitted on the property by Section 2.2.A.(2)(b). below, temporary keeping of domestic livestock as an educational project approved and sponsored by a youth organization shall be permitted subject to the requirements of Section 2.2.B. and the following:

- [1] The temporary livestock project must be approved by a bona fide educational or agricultural association for youths, such as the 4-H Livestock Club, Future Farmers of America (FFA) or similar organizations.
- [2] Prior written notice of an intent to participate in a temporary livestock project shall be provided to the Zoning Administrator no less than fourteen (14) days prior to the commencement of the project. The notice shall specify the address at which the project will be conducted, the name of the association sponsoring the project, the parcel acreage, and the number and types of animals to be kept on the premises.
- [3] The zoning administrator may require verification that any temporary livestock project to be conducted in accordance with this section has been approved and is sponsored by a bona fide educational or agricultural association for youths.

- (b) Keeping of a collective maximum of one-half (0.5) animal unit per acre shall be permitted.

- (3) On parcels with an area of greater than six (6) acres:
 - (a) In addition to the animal units permitted on the property by Section 2.2.A.(3)(b). below, temporary keeping of domestic livestock as an educational project approved and sponsored by a youth organization shall be permitted. Temporary keeping of domestic livestock as an education project shall also be subject to the requirements for such use on parcels with areas between two (2) and six (6) acres provided in Section 2.2.A (2) A. above.
 - (b) Keeping of a collective maximum of one (1) animal unit per acre shall be permitted.
- B. Keeping of domestic livestock and poultry as permitted in this section shall meet the following minimum standards:
 - (1) Setbacks. All enclosures and structures and areas associated with the keeping of animals shall be located in the rear yard and all enclosures, structures and areas associated with the keeping of animals shall be setback a minimum of twenty-five (25) feet from all property lines and a minimum of 100 feet from any well, surface waters, storm water management facilities, drop inlets, ditches, and other storm drainage.
 - (2) Fencing. Fencing for animal enclosures shall be installed and maintained in accordance with Virginia Code §55.1-2804, as amended.
 - (3) Best Management Practices. The property owner shall employ livestock and poultry keeping best management practices for appropriate pasture and any enclosure maintenance, animal feeding, housing and waste, and odor management and reduction in the propagation of insects. This shall not be meant to imply a requirement to eliminate all odors from keeping of livestock or poultry.
 - (4) Beekeeping/Apiaries. Honeybees must be acquired and beehives constructed and maintained in accordance with Title 3.2, Chapter 44, as amended, of the Code of Virginia, as determined by the state apiarist. No beehive shall be constructed or maintained within thirty (30) feet of any property line.
 - (5) Permit. Approval of a zoning permit in accordance with Section x.____ shall be required for each residential farm. In addition to the requirements for such permit in Section x.____, a zoning permit for a residential farm shall include:
 - (a) a site layout sketch including location of animal keeping areas and structures;
 - (b) confirmation of setbacks as required by Section 2.2.B.(1); and,
 - (c) certification of Virginia Livestock Certification Registration for livestock and poultry with the Virginia Department of Agriculture and Consumer Services.

BG Response: According to DEQ, regulations for the keeping of domestic livestock and poultry are only applicable for those operations that contain enough animals to fall under their permitting requirements. Considering this information, BG staff did not include the sub-committee recommendation that the regulations require conformance with DEQ standards. BG staff recommends standards for setbacks, fencing, best management practices and permitting taking into account the sub-committee recommendations. BG staff added minimum standards for beekeeping/apiaries.

Overview

During the Joint Planning Commission and Board of Supervisors worksession on February 23, 2021, members requested consideration be given to increasing the numbers of lots allowed in by-right lot allocation in P-R, W-C and A-1 districts and establishing maximum lot sizes to assist in preserving farmland.

Berkley Group (BG) staff researched lot allocation and sliding scale ordinances in other localities, as well as maximum lot sizes as a benchmark for the draft. This memorandum offers an overview of that research and BG recommendation for Page County.

Agricultural Protection Zoning Comparison

The practice of agricultural protection zoning has been utilized for farmland protection for over four (4) decades according to BG staff research. Examples include: 1) Requiring large minimum lots sizes (such as a minimum lot size of 20+ acres per lot); 2) Calculation of a protected percentage of the land area (such as a 90/10 ratio of protected farmland to land suitable for residential subdivision development); 3) Purchase or transfer of development rights; and, 4) Permission for residential lot development based on a sliding scale. The by-right lot development allocation by a sliding scale permits the number of residential lots based on the size of the farm (or parent parcel). As the parcel size increases, the number of lots permitted in relation to the total farm area decreases.

The most common tool of agricultural protection zoning in Virginia is requiring large minimum lot sizes. Use of large minimum lot sizes aims to preserve open space for farming and forestry and limit the number of houses that can be built in rural areas. The issue in many localities is that large lots are defined as ranging from between 5 to 25+ acres. According to the Piedmont Environmental Council’s 2011 article, *Planning and Zoning Terms*, localities have found that large lot requirements can result in a waste of farmland from tracts that are “too large to mow and too small to farm.” By-right lot allocation based on a sliding scale allows landowners to create a limited number of small, clustered lots while preserving the remainder of the large lot for productive use.

The number of lots permitted in relation to the size of the tract (or parent parcel) varies from locality to locality. A chart with a sample of these variations by localities is provided below:

LOT ALLOCATION COMPARISON	
COUNTY	DIVISION RIGHTS
Albemarle	Without lot allocation min. lot size 21 ac.; <10 ac. = max. 2 ac. lots; 10+ ac. = 5 lots; SUP for cluster development a priority; density based on underlying zoning district
Clarke	< 15 ac.= 1 lot; 15 ac. - < 40 ac. = 2 lots; 40 ac. - < 80 ac. = 3 lots; 80 ac. - < 130 ac. = 4 lots; 130 ac - < 180 = 5 lots; 180 - < 230 ac. = 6 lots and etc. then ≥1030 ac. = 15 lots maximum
Fauquier	0 - < 10 ac. = 1 lot; 10 ac. - < 20 ac. = 2 lots; 20 ac. - < 35 ac. = 3 lots; 35 ac. - < 55 ac. = 4 lots; 55 ac. - < 80 ac. = 5 lots; 80 ac. - < 105 ac. = 6 lots; etc. based on 25-acre increments then ≥ 205 ac. = 11 lots plus 1 lot for each additional 50 ac.
Goochland	25 – 50 ac. = 2 lots; 51 – 100 ac. = 3 lots; 101+ ac. = 4 lots
Greene	< 16 ac. = no division allowed; 16 ac. - < 40 ac. = 1 lot per 8 ac.; ≥ 40 ac. = 1 lot per 16 ac.

LOT ALLOCATION COMPARISON	
COUNTY	DIVISION RIGHTS
Hanover	1 lot per 10 ac.
Isle of Wight	≥ 100 ac. = 4 lots plus 1 additional lot per each additional 40 ac.
Loudon	Base 1 lot per 40 ac.; With cluster: 1 ac. - < 40 ac. = 1 lot per 20 ac. with 1 lot ≥ 25 ac.; ≥ 40 ac. = 1 lot per 15 ac. with 70% of lots ≥ 25 ac.
Louisa	Limited only to family divisions in A-1 district; Maximum of 7 lots per parent parcel with 3 additional lots allowed for provision of affordable housing; control extension of roads to limit lot development
Middlesex	1 lot per 50 ac.
Montgomery	< 3 ac. = 2 lots; 3 ac. - < 10 ac. = 3 lots; 10 ac. - < 30 ac. = 4 lots; 30 ac. - < 50 ac. = 5 lots; 50 ac. - < 70 ac = 6 lots; etc. based on 20 acre increments then ≥ 130 ac. = 9 lots plus 1 lot for each additional 20 ac.
Nelson	≤ 5 ac. = 2 lots; between 5 ac. – 25 ac. = 1 lot per each 5 ac. increase in parcel size; ≥ 25 ac. - ≤ 75 ac. = 1 lot per each 10 ac. increase in parcel size; > 75 ac. = additional lots permitted provided each lot is greater than 20 ac. in area
Orange	Cluster; min. 112 ac. or 1 lot per each 112 ac.; min. 90% contiguous open space or min. 100 ac. of open space

Recommendation for Agricultural Protection Zoning

Page County’s Comprehensive Plan recommends measures be taken to protect farmlands and the County’s agricultural industry. As a substitute to the County’s delayed development (or phasing) provision for subdivisions of land (a limit on subdivision development to one (1) lot permitted every five (5) years), BG staff continues to recommend maintaining and expanding the county’s A-F Overlay District and implementing agricultural protection zoning in the form of lot development allocation based on a sliding scale. Based on the recommendation by Board and Commission members, an increase in the lot development allocation and a maximum lot size is provided in the table below.

Size of Parent Parcel (acres)	Number of Lots Permitted*
0 - 4.99	1 <u>2</u>
5 – 9.99 <u>14.99</u>	2 <u>3</u>
<u>10 – 14.99</u>	<u>4</u>
15 – 29.99	3 <u>5</u>
30 – 54.99 <u>49.99</u>	4 <u>6</u>
50 <u>55</u> – 79 <u>74.99</u>	5 <u>7</u>
75 <u>80</u> – 104 <u>99.99</u>	6 <u>8</u>
<u>100</u> 105 – 129.99	7 <u>9</u>
130 – 154 <u>159.99</u>	8 <u>10</u>
<u>160</u> 155 – 179 <u>189.99</u>	9 <u>11</u>
<u>190</u> 180 – 204 <u>219.99</u>	10 <u>12</u>
<u>220</u> 205 and above	11 <u>13</u> plus one additional lot for each additional 50 acres

*Lots must meet minimum lot area of 1.75 acres and maximum lot area of 3 acres and must provide for minimum lot width and required yards. The number of lots permitted does not include family subdivisions which are also permitted.

ARTICLE III. – ORDINANCE AMENDMENTS, ZONING AND DEVELOPMENT APPROVALS, AND APPEALS.

Division 1. – Ordinance Amendments, Rezoning and Special Use Permits.

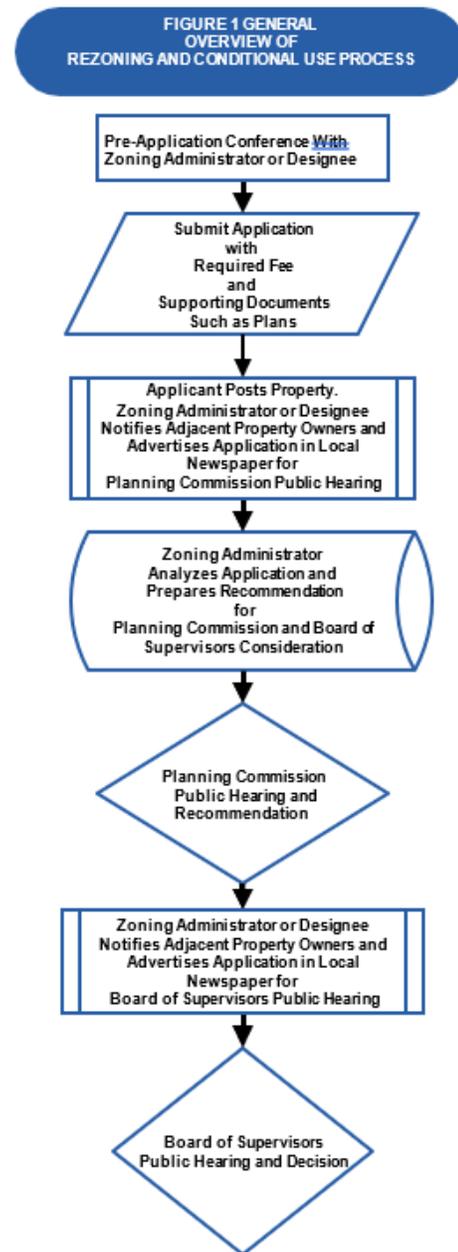
Section 1.1. Procedures Generally.

A. Procedures. The Page County Board of Supervisors (Board of Supervisors) following a public hearing may, by ordinance, amend, supplement, change or repeal this chapter’s provisions, district boundaries, or classifications of property as shown on the zoning maps, subject to the provisions of this chapter and Code of Virginia § 15.2-2286 (7), as amended. Such ordinances shall not be considered by the Board of Supervisors unless first presented to the Page County Planning Commission (Planning Commission) for recommendation. Such change shall require majority vote of the Board of Supervisors.

B. Time Period.

(1) Planning Commission. The Planning Commission shall report a recommendation to the Board of Supervisors within 100 days of the date of its first public hearing on the ordinance unless the applicant requests or consents to action beyond that time or withdraws the application. Such a recommendation shall require a majority vote of the Planning Commission. Failure of the Planning Commission to render a report within this 100-day time period shall be deemed to be a recommendation of approval on the matter.

(2) Board of Supervisors. The Board of Supervisors shall render a decision upon an ordinance within twelve (12) months after the date of its first public hearing on the matter, unless the applicant requests or consents to action beyond that time or withdraws the application.



Section 1.2. Conditional or Proffered Zoning.

A. Generally. While the provisions of this chapter provide for the orderly development of land through zoning and development standards, in certain cases, more flexible and adaptable considerations may be necessary to protect the community interest and address incompatible and competing uses. As authorized by the Code of Virginia §§ 15.2-2296 et seq., as amended, the

Board of Supervisors may approve conditional or proffered zoning which allows the owner of the property or their agent to voluntarily offer or proffer written conditions, in conjunction with a zoning application as provided in Division 6. – Application Requirements, which may not generally be applicable to land similarly zoned. The exercise of authority shall not be construed to limit or restrict powers otherwise granted nor to affect the validity of any Ordinance adopted by the locality which would be valid without regard to this division. In addition, conditional or proffered zoning shall not be used to discriminate in housing.

- B. Standards for Proffering Conditions. A property owner or their agent may voluntarily proffer, in writing, conditions provided that:
- (1) At the time each proffered condition is submitted to the County, it shall be accompanied by a statement signed by the applicant and the property owner or their agent which states: "Each proffer made in connection with this application was made voluntarily, without being suggested or demanded by an agent of the County, and is reasonable under applicable law.";
 - (2) The rezoning itself must give rise to the need for the conditions;
 - (3) The conditions shall have a reasonable relation to the rezoning;
 - (4) The conditions shall be related to the physical development or physical operation of the property;
 - (5) The conditions must not include payment for, or construction of, off-site improvements except those provided for in the Code of Virginia § 15.2-2241, as amended, and § 15.2-2304.4, as amended, relative to subdivision of land and provisions for certain conditional zoning proffers;
 - (6) The conditions shall not include a requirement that the applicant create a property owners' association under the Property Owners' Association Act (§ 55.1-1800 et seq.) that includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in the Code of Virginia § 15.2-2241, as amended; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation; and,
 - (7) The conditions are in conformity with the Comprehensive Plan.
- C. Dedication of Real Property or Cash Payment. If proffered conditions provide for dedication of real property or a cash payment to the County, the property transfer or payment shall not be made until the proposed facilities for which the property is to be dedicated or cash is to be tendered are included in the County's Capital Improvement Program. Any conditions shall provide for the disposition of such property or cash payment in the event it is not used for the purpose for which proffered. This requirement shall not prevent acceptance of proffered conditions relating to matters which are not normally included in the Capital Improvement Program.
- D. Amendments to Proffered Conditions.
- (1) Acceptance and Timing. The Planning Commission and Board of Supervisors may accept amended proffered conditions once a public hearing for the zoning approval has begun provided the amended proffers do not materially affect the overall proposal or modify the request beyond the public advertisement. If either the Commission or Board of Supervisors determines that the amendment materially affects the overall proposal or public

advertisement, the public hearing on the application with the amended proffers may be deferred to a subsequent public hearing or the Board of Supervisors may, considering the severity of the affect on the overall proposal, remand the application back to the Planning Commission for a public hearing and recommendation.

Section 1.3. Special Use Permits.

A. Generally.

- (1) **Uses.** A use requiring approval of a Special Use Permit, as designated in Zoning Use Matrix (Article IV _____), is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.
- (2) **Regulation Exceptions.** A certain development, as determined on a case-by-case basis, may be appropriate in a zoning district, but because it is of such a substantially different character in nature, extent and design requires special consideration through the approval of Special Use Permit such that additional standards and approval of exceptions to specific use standards of this chapter are necessary before it can be deemed appropriate in the district. This shall not include lot area reductions which must be obtained in accordance with Article ___, Division ___ for a Planned Unit Development or Division 2, Section x.2. and with the approval of a variance for all other development.

B. Guidelines for Review. The following guidelines shall be used in acting on special use permit applications:

- (1) The establishment, maintenance or operation will not adversely affect or endanger the public health, safety or general welfare.
- (2) The normal and orderly development and improvement of surrounding property for uses permitted in the district will not be impeded.
- (3) The proposed use is in compliance with the policies and principles of the County's Comprehensive Plan.
- (4) Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use
- (5) The architectural and site design will not be at variance to that in the area or the character of the zoning district so as to cause a substantial depreciation in property values.
- (6) In granting regulation exceptions, consideration shall be given as to whether the exceptions are solely for the purpose of promoting an integrated plan of development no less beneficial to the occupants of the development and area properties than would be obtained under this chapter's use regulations.
- (7) Except for regulation exceptions which may be granted, in all other respects the use/development conforms to the applicable regulations of this chapter.

C. Conditions of Approval and Guarantees. In approving a special use permit, the Board of Supervisors may impose conditions and restrictions on the use, establishment, operation, location and construction as necessary to protect the public interest and secure compliance with the Guidelines for Review. A guarantee or bond may be required to ensure that conditions are satisfied.

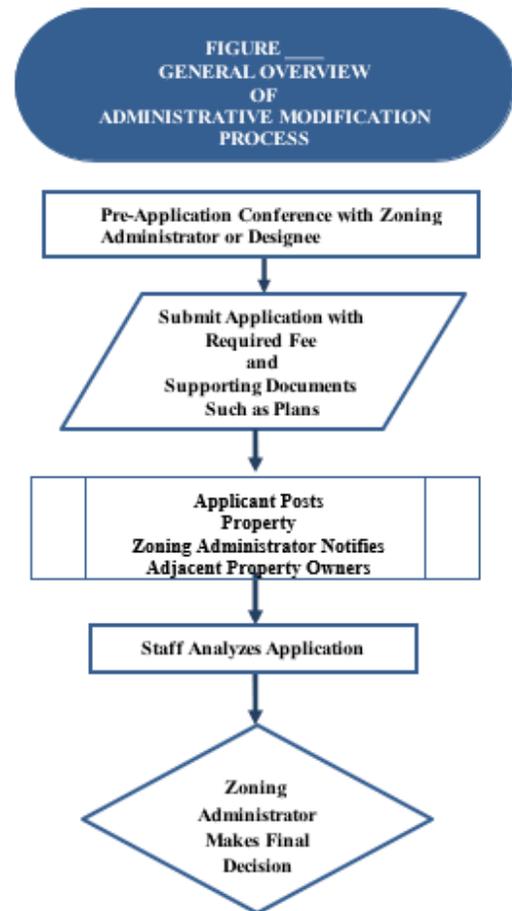
D. Time of Validity or Revocation.

- (1) A special use permit may be authorized by the Board of Supervisors either for a limited or an indefinite time period and may be revoked by the Board of Supervisors at any time, after notice and a hearing, for failure to adhere to the approved conditions.
- (2) Subject to applicable state law, a special use permit shall expire upon the first to occur of the following:
 - A. If the applicant does not obtain final site plan approval or commence the use granted by the special use permit within two years (or such longer time as the governing body may approve) from the date of the approval;
 - B. If an activity operating under an approved special use permit ceases for a period greater than two years; or
 - C. Upon expiration of a final site plan for the use granted by the special use permit.

Division 2. – Modifications and Variances.

Section 2.1. Administrative Modifications.

- A. Generally. Pursuant to the Code of Virginia 15.2-2286 (4), the Zoning Administrator may grant a modification from any building setback provision contained in this chapter on a lot or parcel of land.
- B. Time Period. The Zoning Administrator shall approve or disapprove an application for an administrative modification not less than twenty-one (21) days after the date of notice of the application to all adjoining property owners, as provided in Section _____, nor more than ninety (90) days after the application is received.
- C. Findings. In granting such modification, the following findings shall be made by the Zoning Administrator:
 - (a) The strict application of the Ordinance would produce undue hardship;
 - (b) The hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - (c) The modification will not be of substantial detriment to adjacent property; and,
 - (d) The character of the zoning district will not be changed by granting of the modification.



- D. Written Decision and Conditions. The Zoning Administrator shall make a written decision on the application for modification which shall include the findings, and where applicable, imposed conditions related to the impact of the variance as deemed necessary to secure the objectives

of the standards of this chapter. A copy of the written decision shall be provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to Section x.1.B. above and Section ____.

Section 2.2. Variances.

- A. Generally. The Page County Board of Zoning Appeals, upon consideration of an application filed in accordance with Section x.____ and following a public hearing as outlined in Section _____, shall have the authority, pursuant to the Code of Virginia § 15.2-2309, as amended, to grant a variance to allow for a reasonable deviation from the provisions of this chapter regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure as provided in this chapter. These provisions shall not be construed as granting the Board of Zoning Appeals the power to rezone property or to base decisions on the merits of the purpose and intent of this chapter.
- B. Standards and Findings. The following findings shall be used in granting a variance if the applicant proves through a preponderance of evidence that:
- (1) A strict application of this chapter would unreasonably restrict use of the property, or a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the chapter, or would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;
 - (2) The property was acquired in good faith and any hardship was not created by the applicant for the variance;
 - (3) Substantial detriment to adjacent property and nearby properties in the proximity of that geographical area will not occur;
 - (4) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this chapter;
 - (5) The variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,
 - (6) The relief or remedy sought by the variance is not available through an administrative variance, special exception or special use permit process authorized in this chapter at the time of the filing of the variance application.
- C. Conditions and Guarantees. In granting a variance, the Board of Zoning Appeals may impose conditions regarding the location, character and other features of the proposed structure or use as deemed necessary in the public interest and may require a guarantee or bond to ensure that the approved conditions are satisfied.
- D. Effect and Validity.
- (1) Issuance of a variance shall authorize only the particular variance that is approved. A variance, including any conditions, shall run with the land and not be affected by the change in ownership.
 - (2) A structure permitted by a variance may only be expanded if the expansion is in compliance with the provisions of this chapter, unless an additional variance is obtained.

Division 3. – Site Plans.

Section 3.1. Generally.

Review of a development's site plan is required to promote the orderly development of certain activities in the County and ensure that such activities are developed in compliance with this chapter, other applicable regulations, in a manner harmonious with surrounding properties, and in the interest of the general public health, safety and welfare. The site plan shall be used to review:

- A. A project's compatibility with its environment, the design of a project's traffic circulation system to ensure convenient and safe internal and external movement of vehicles and pedestrians;
- B. The quantity, quality, utility and type of a project's required community facilities; and,
- C. The location and adequacy of a project's provision for drainage and utilities.

Section 3.2. Applicability.

- A. Approval Prior to Permit Issuance. Pursuant to Code of Virginia, § 15.2-2286.A.8, as amended, no building permit or zoning permit shall be issued involving construction or exterior modifications to a structure until a site plan has been issued in accordance with the procedures established herein.
- B. Compliance with Approved Plan Required. It shall be unlawful for any person to construct, erect or substantially alter any building or structure, or develop, change, or improve land for which a site plan is required, except in accordance with an approved site plan. Deviation from an approved site plan without the written approval of the Zoning Administrator shall void the site plan and require submission of a new site plan for approval.
- C. Development Requiring Site Plan Approval.
 1. Except for bona fide agricultural operations and their customary accessory uses and structures, and as provided in Section x.2.C.2 below, site plan approval is required for the following developments when a building permit is required or when the improvement involves a land area of 2,500 square feet or more:
 - (a) Nonresidential development, including but not limited to office, commercial, industrial, public, civic, recreational, institutional and park; or
 - (b) Residential multi-family and manufactured home park.
 2. The following shall not require site plan approval unless a land area of 2,500 square feet or more is involved:
 - (a) Storage buildings;
 - (b) Filling and grading operations where the area of land disturbance is less than 2,500 square feet;
 - (c) Repairs of a general nature to existing buildings;
 - (d) Building additions or site improvements, unless such building addition or site improvements results in the need to additional parking or modified access or roadways; or
 - (e) Tenant space improvements or a change in use of an existing structure where no additional parking or other requirements are applicable to the new use.

Section 3.3. Preliminary Site Plan Requirements.

- A. Plans to be Certified. The preliminary site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying shall be prepared by qualified persons. Site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the state within the limits of their respective licenses.
- B. Required Information. The preliminary site plans shall be clearly drawn to scale as specified in this subsection and shall show the following:
- (1) Name and address of the applicant, owner of the property, and the preparer of the plan;
 - (2) A certificate, signed by the surveyor or engineer, setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title;
 - (3) The Northpoint, scale, date, and number of sheets;
 - (4) Location of the project by an insert map at a scale of not less than one (1) inch equals 2,000 feet, indicating such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property;
 - (5) A boundary survey of the parcel(s) by courses and distances and including two points connected to the VA Coordinate System of 1983 (NAD83), tax map parcel number, County or municipal boundaries within one-half mile, existing streets, buildings or waterways, major tree masses and other existing physical features in or adjoining the project;
 - (6) Adjoining property owners, zoning, and present use of adjoining property;
 - (7) A topographic map with existing and proposed finished grade at a maximum contour interval of two (2) feet supplemented where necessary by spot elevations or other appropriate interval approved by the Zoning Administrator;
 - (8) The location and arrangement of all proposed uses;
 - (9) The general location of proposed lots, setback lines, easements, rights-of-way, and proposed parks, playgrounds, school sites, all proposed community and public facilities and, open spaces;
 - (10) The location and extent of all wooded areas before development; the proposed area of clearing, with indication of post-development cover;
 - (11) A tabulation of the total number of acres in the project and the percentage thereof proposed to be devoted to dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, amount and percentage to be covered by impervious surface after development, and other reservations;
 - (12) A statement setting forth the maximum number of dwelling units that are proposed, the overall project density in dwelling units per acre, a breakdown of the approximate number of units by type, and the range of approximate lot sizes for single-family detached and attached dwellings;
 - (13) Number of floors, floor area, height, and location of each building and proposed general use for each building. If a multi-family residential building, the number, size, and type of dwelling units;

- (14) The locations of all existing and proposed septic tanks and drainfield sites including reserve sites;
- (15) The location of all existing and proposed wells;
- (16) The location of existing and proposed public water and sanitary sewer facilities, indicating all pipe sizes, types, and grades and where connection is to be made;
- (17) Provisions for the adequate disposition of natural and storm water, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system;
- (18) The proposed traffic circulation plan, including major streets and major pedestrian, bicycle and/or bridle paths, and the location, type and size of vehicular entrances;
- (19) All off-street parking, loading spaces, and walkways, indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required per this Ordinance;
- (20) A landscape plan demonstrating at a minimum the type, size, height and location of plantings, fencing, retaining walls, and screen planting as required in Article VII;
- (21) General location, character, size, height and orientation of proposed signs and outdoor lighting systems;
- (22) The approximate limit of all resource protection area features and any additional required buffer areas if an environmental assessment is not submitted;
- (23) The approximate limit of the 100-year floodplain, any drainage district, mapped dam break inundation zone;
- (24) The location of any grave, object or structure marking a place of burial;
- (25) The location of all existing and proposed structures, including marine and temporary structures. In the case of temporary structures, the date when the structure will be removed must be indicated;
- (26) A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, as outlined in the Page County Comprehensive Plan or identified by the Zoning Administrator and statement of how such will be accomplished;
- (27) A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures and types of screening, and dimensions of all buffers that will be provided;
- (28) A report setting forth the proposed development schedule indicating the sequence of development of the various sections thereof and the approximate starting and completion date for the construction of each stage;
- (29) A plan or report indicating the extent, timing and estimated cost of all off-site improvements, such as roads, sewer, and drainage facilities deemed necessary to construct the proposed development, and the extent, timing and estimated cost of all facilities deemed necessary to serve the development such as schools, libraries and police substations. This plan or report shall relate to the sequence of the development schedule if the development is to be constructed in stages or units;

- (30) An impact statement on the effect of the development to the County's school system, refuse system, ground-water supply, environment and any other community service; and,
- (31) Any additional information as required by the Zoning Administrator necessary to evaluate the character and impact of the proposed project.

Section 3.4. Final Site Plan Requirements.

- A. Plans to be Certified. The preliminary site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying shall be prepared by qualified persons. Site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the state within the limits of their respective licenses.
- B. Approval of Plans for Development Stages.
 - (1) Separate final site plans shall be submitted for each development stage or unit as set forth in the approved preliminary site plan.
 - (2) A final site plan for a particular development stage or unit other than the first, shall not be approved until the final site plan has been approved for the immediately preceding stage or unit.
- C. Required Information. The final site plan shall include all information required for Preliminary Site Plans in Section x.3.B. and shall also depict the following, unless the Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the development proposed:
 - (1) A copy of the approved preliminary site plan where such approval is required in Section _____.
 - (2) The location of all existing and proposed easements for roads, overhead and underground utilities, drainage, or other easements which may exist or are proposed on the property.
 - (3) The location of proposed access and location of all curb cuts as approved by the Virginia Department of Transportation demonstrating efforts made to control access and minimize impacts to through traffic on adjacent routes.
 - (4) Included with the site plan shall be documentation of all existing permits and applications relevant to the parcel, including, but not limited to: Health Department permits for all wells and septic drain fields; all existing zoning permits and zoning applications; applications for rezoning, special use and conditional use permits, and zoning variances and evidence of all wetlands permits required by Federal, State, and local laws and regulations applicable to the site, lot or parcel.
 - (5) All of the features required on the preliminary plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of zoning and construction permits.
 - (6) Provisions for the adequate disposition of natural and storm water in accordance with duly adopted design criteria and standards of the Virginia Department of Highways indicating the location sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

- (7) Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
- (8) The layout of all major and secondary roads shall be shown by metes and bounds, public or private.
- (9) When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, an approximate completion date for the construction of each stage or unit, and a final cost estimate of all improvements within each stage or unit.
- (10) A copy of all covenants, restrictions, and conditions pertaining to the use, maintenance and operation of all open space areas.
- (11) Any additional requirements as determined by the Board of Supervisors, Board of Zoning Appeals, or Zoning Administrator.

Section 3.5. Submission and Review Processes.

- A. Site plan submission. Unless otherwise provided in another Article of this Chapter, every site plan required by this Article shall be submitted to the Zoning Administrator who shall take the following actions:
 - (1) Review the plans for conformity with the applicable development regulations.
 - (2) Determine whether the site plan requires review by the Planning Commission and/or Board of Supervisors, as outlined in Section ____ below.
 - (3) If a review is required by the Planning Commission and/or Board of Supervisors, then place the site plan on the agenda of the Planning Commission and/or the Board of Supervisors and arrange for public notices as outlined in Division ____ of this Article.
- B. Plan Review Authority. Unless otherwise required by conditions of approval, site plan authority shall be as provided below:
 - (1) Preliminary Site Plans. Except as outlined below for actions requiring Planning Commission and Board of Supervisors action, preliminary site plans shall be permitted to be approved by the Zoning Administrator:
 - (a) If a preliminary site plan is determined to be necessary in lieu of a conceptual development plan, as outlined in Section x.____, by the Zoning Administrator with the application, preliminary site plans submitted with applications that require approval of a change of zoning classification.
 - (b) If a preliminary site plan is determined to be necessary in lieu of a conceptual development plan by the Zoning Administrator with the application, a preliminary site plan submitted with applications that require approval of a special use permit.
 - (2) Final Site Plans. Except for final site plans for Planned Unit Developments, which require final action by the Board of Supervisors following a recommendation by the Planning Commission, final site plans shall be permitted to be approved by the Zoning Administrator.
- C. Review Process.
 - (1) For projects which are required to be referred to the Planning Commission and/or the Board of Supervisors, the Zoning Administrator shall prepare an analysis of the plan and a brief report stating whether the site plan is in conformity with applicable plans, regulations and

policies of the County. This report shall be submitted to the Planning Commission, through the Zoning Administrator. The Zoning Administrator's report may recommend actions that would enable the plan to meet County requirements, should it not meet such requirements as submitted.

- (2) Pursuant to Code of Virginia, § 15.2-2259, the site plan shall be approved or disapproved within 60 days after it has been officially submitted for approval. If disapproved the reasons for disapproval shall be identified by reference to specific duly adopted Ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plan.
- (3) Pursuant to Code of Virginia, § 15.2-2259, the site plan that is previously disapproved but has been modified, corrected, and resubmitted shall be acted on within 45 days of resubmission.

Section 3.6. Amendments to Approval Plans.

- A. If it becomes necessary for an approved site plan to be changed, the Zoning Administrator may, at the applicant's request, administratively approve an amendment to the site plan if the change or amendment does not:
 - (1) Alter a recorded plat;
 - (2) Conflict with specific requirements of this Chapter;
 - (3) Conflict with a condition of approval;
 - (4) Change the general character or content of an approved development plan or use;
 - (5) Have an appreciable effect on adjoining or surrounding property;
 - (6) Result in any substantial change of external access points; or,
 - (7) Decrease the minimum specified yards and open spaces.
- B. Amendments such as, but not limited to, the elimination of any use shown or the addition of any use not shown on the preliminary site plan or any increase or decrease in the density of the development, shall require resubmission of the preliminary site plan.
- C. If amendments to a site plan do not comply with the current administrative approval, then the amendment request will not be approved. The applicant must submit a new site plan for review and action in accordance with this division.

Section 3.7. Time Period of Validity.

- A. If no final plan is submitted within twelve (12) months of the approved preliminary site plan and construction has not begun within the time period approved by the Board of Supervisors, the preliminary site plan approved shall lapse and be of no further effect. In its discretion and for good cause, the Board of Supervisors may, upon receipt of written request, extend the period required to submit a final plan. Such written request for an extension shall be submitted to the Zoning Administrator who will place such request on the Board of Supervisors meeting agenda for consideration.
- B. In accordance with Code of Virginia, § 15.2-2261, approval of a final site plan submitted under the provisions of this Article shall expire five (5) years after the date of such approval unless building permits have been obtained for construction in accordance therewith.

- C. The application for and approval of minor modifications to an approved site plan shall not extend the period of validity of such plan and the original approval date shall remain the controlling date for purposes of determining validity.
- D. No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this Article except in conformity with such site plan which has been duly approved.

Section 3.8. Waiver of Requirements.

Any requirement of this Division may be waived by the Zoning Administrator with the approval of the Planning Commission where the waiver is not adverse to the purpose of this chapter, and the applicant establishes that in the specific case that an undue hardship would result from a strict enforcement of this Division.

Division 4. – Zoning Permits and Written Determinations.

Section 4.1. Generally.

In accordance with the Code of Virginia § 15.2-2286 et seq., as amended, and Article II, Division I, Section x.1 of this Chapter, the Zoning Administrator shall have the authority to administer, interpret and enforce the provisions of this chapter. This authority includes preparing written determinations on zoning matters within the scope of this authority and review development proposals through the issuance of zoning permits to ensure such development is in compliance with the requirements of this Ordinance.

Section 4.2. Zoning Permits.

- A. **Applicability.** No building or other structure shall be erected, moved, expanded, structurally altered, nor shall any building, structure, or land be established or changed in use without the owner or owners first obtaining a permit issued by the Zoning Administrator verifying that the building, structure or use complies with the requirements of this Chapter. No such permit shall be issued for a building, structure or use unless such complies with the provisions of this Chapter, or a special use permit authorizing an exception, variance, or written order from an appeal has been approved as provided by this Chapter.
- B. **Procedures and Standards.** Zoning permit applications shall be reviewed using the procedures and minimum submission requirements established by the Zoning Administrator.
 - (1) Each application for a zoning permit shall be accompanied by two (2) copies of a drawing or plan as required by the Zoning Administrator showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot including setback measurements from each property boundary, and such other information as may be necessary to provide for the enforcement of these regulations. If determined necessary by the Zoning Administrator in a specific case, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans shall be required. The drawing or plans shall contain suitable notations indicating the proposed use of all land and buildings, including but not limited to, the number of families or dwelling units or rental units proposed.
 - (2) If the proposed building or use is in conformity with the provisions of this Ordinance, a permit shall be issued to the applicant by the Zoning Administrator. One (1) copy of the drawing shall be returned to the applicant with the permit. One (1) copy shall be kept in the offices of the Zoning Administrator as record of the decision.

- (3) A zoning permit, in itself, shall not ensure that the development approved through said permit shall receive subsequent approval for any other necessary permits or development approvals as otherwise required.

C. Time Period of Validity.

- (1) Expiration of Zoning Permit. An approved zoning permit shall become null and void if the work described in the zoning permit has not begun within one (1) year from the date of issuance thereof. Written notice of the revocation shall be provided by the Zoning Administrator to the permit applicant. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator. Written notice of the permit expiration shall be given to the permit applicant, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or extension granted, as provided in Section x.3.C.(2) below.
- (2) Extension. Prior to expiration of an approved zoning permit, if the applicant requests extension, the Zoning Administrator may grant extensions for additional periods as determined to be reasonable, taking into consideration, although not exclusively, the size and nature of the development, due diligence of the applicant to proceed, and other applicable laws in effect at the time of the extension request.

Section 4.3. Administrative Written Decisions and Determinations.

- A. Written Determination Provided. In administering, interpreting and enforcing this Chapter, the Zoning Administrator shall provide a written response to persons who have filed a specific request in writing for a decision or determination on zoning matters within the scope of the Zoning Administrator's authority.
- B. Procedure and Timing.
 - (1) The Zoning Administrator's response shall be provided within ninety (90) days of the date of the request, unless the requestor agrees to a longer period of time.
 - (2) When the requestor is not the owner or the owner's agent of the property subject to the request, the Zoning Administrator shall provide written notice within ten (10) days of receipt of the request to the owner of the property at the owner's last known address as shown on the County's real estate assessment records.
 - (3) The Zoning Administrator's written decision or determination shall include a statement informing the recipient of the right to appeal the decision as provided in Division 5, Section x.____.

Division 5. – Appeals.

Section 5.1. Appeals of Zoning Administrator Written Determinations and Actions on Zoning Permits.

- A. Generally.
 - (1) Pursuant to the Code of Virginia § 15.2-2311, an appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this Ordinance.

- (2) A decision or interpretation of the Zoning Administrator shall be presumed correct and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and review standards of this Ordinance. The Board of Zoning Appeals shall consider the purpose and intent of any applicable provisions of this Ordinance and other relevant Ordinances, laws, and regulations in making its decision.
- B. Procedures. Pursuant to the Code of Virginia § 15.2-2312, procedures for an appeal of the Zoning Administrator’s written determination or actions on zoning permits shall be as follows:
- (1) Filing An Appeal. Such appeal shall be made within thirty (30) days after the decision appealed from by filing with the Zoning Administrator a written notice of appeal specifying the grounds thereof.
 - (2) Transmission of Appeal Request. The Zoning Administrator shall forthwith transmit the written request to the Board of Zoning Appeals, the Secretary of the Planning Commission, and any other individual, official, department or agency concerned, if any.
 - (3) Timing. In accordance with Section ____, the Board of Zoning Appeals shall fix a reasonable time for a public hearing of an appeal, provide due notice thereof, and decide the same within 90 days of the filing of the appeal, unless a longer period of time is consented to by the applicant.
 - (4) Decisions. By a majority vote, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. In any appeal, if a BZA’s attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

Section 5.2. Appeals of Zoning Administrator Actions on Site Plans.

- A. Filing. If the applicant disagrees with the Zoning Administrator’s final decision, the applicant may file a written appeal with the Zoning Administrator within fifteen (15) days of the date of the decision to appeal the decision to the Planning Commission.
- B. Timing and Decision. The Planning Commission shall fix a reasonable time for a public hearing on the appeal and decide the same within sixty (60) days of the date of the written appeal submission. The Planning Commission may affirm, modify or reverse the Zoning Administrator’s decision.

Section 5.3. Appeals of Board of Supervisors, Planning Commission or Board of Zoning Appeals Actions.

Pursuant to the Code of Virginia § 15.2-2314 and § 15.2-2285, as amended, any person jointly or severally aggrieved by any decision of the Board of Supervisors, Planning Commission or Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the county may appeal the decision to the circuit court of Page County.

Section 5.4. Stay of Proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals or circuit court of Page County that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed except as by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

Division 6. – Applications Requirements.

Section 6.1. Preapplication Meeting.

Prior to the submittal of an application for zoning approval or a preliminary site plan, a preapplication meeting must be held between the applicant and the Zoning Administrator, unless otherwise waived by the Zoning Administrator.

Section 6.2. Application Initiation.

An application for zoning approval, as defined in Article ___ for rezoning and conditional zoning, special use permit, substantial accord, administrative modification and variance approvals, may be initiated by resolution of the Board of Supervisors, motion of the Planning Commission or by petition of any of the following: property owner, contractor purchaser with the property owner's written consent, or the property owner's agent with the property owner's written consent.

Section 6.3. Application Requirements.

- A. Outstanding Fees; Taxes. Pursuant to the Code of Virginia § 15.2-2286 (B), prior to the initiation of any application, the applicant shall produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the County have been paid, unless otherwise authorized by the treasurer.
- B. Forms and Minimum Application Standards. Applications for zoning approvals shall be filed with the Zoning Administrator on forms, and including all information required to meet minimum application standards, as prescribed by the Zoning Administrator. The application shall be accompanied by plans or data as outlined in this chapter for a specific process as well as information and materials necessary to comprehensively review the request as may be determined by the Zoning Administrator. All other applications may be initiated as outlined in this chapter for the specific process. Upon written request by an applicant, the Zoning Administrator or his or her agent may waive or modify a submission requirement or requirements upon a determination that the information is not necessary to evaluate the merits of the application.
- C. Ownership Disclosure. An applicant must disclose all equitable ownership of the real estate included in an application. In the case of corporate ownership, the name of stockholders, officers and directors shall be provided, and in any case the names and addresses of all of the real parties of interest in accordance with the Code of Virginia § 15.2-2289, as amended.
- D. Additional Information and Plans to Accompany Applications. In addition to the requirements of Section x.3.B., zoning applications shall be accompanied by additional information and plans as outlined below:
 - (1) Applications for Zoning, Conditional Zoning and Special Use Permits. The application shall be accompanied by ___ copies of a conceptual development plan which may be general and schematic, but shall show the following:
 - (a) A certified plat of the subject property showing metes and bounds of all property lines.
 - (b) Proposed land uses to be developed.
 - (c) The approximate total number, density, type, and price range of dwelling units and the range of lot sizes for the various dwelling types.
 - (d) The general location of proposed open space and recreational areas, if any.

- (e) The general location and type of commercial uses to be developed, if any.
 - (f) The general location and character of the proposed major roads, trails, public utility and storm drainage systems.
 - (g) A statement on the proposed development schedule.
 - (h) A written analysis of the public facilities, roadway improvements, and public utilities that will be required to serve the planned development.
- (2) Where proffered conditions are offered with the application for conditional rezoning, the following items in addition to those required in this section shall be provided:
- (a) An impact analysis demonstrating justification of proposed proffers.
 - (b) A statement by the applicant certifying there has not been a request to supply unreasonable proffers.
 - (c) A statement describing the nature of the proposed development and explaining the relationship of the development to the Comprehensive Plan.
 - (d) A statement setting forth a maximum number of dwelling units or lots proposed, including density and open space calculations where applicable to any residential development, or a statement describing the types of uses proposed and the approximate square footage for each nonresidential development.
 - (e) A statement detailing any special amenities that are proposed.
 - (f) A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the date for providing such improvements.
 - (g) A generalized development plan (or concept plan) listing and detailing the nature and location of any proffered conditions and those proposed circumstances which prompted the proffering of such conditions.
 - (h) A statement setting forth the proposed approximate development schedule.
- E. A signed statement by both the applicant and owner in the following form: "I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."
- F. Any additional information as deemed reasonably necessary by the Zoning Administrator.

Division 7. – Fees.

Section 7.1. – Fees.

The fees shown in Appendix ___ shall be submitted in conjunction with the specified application or request. No action shall be scheduled for an application or request until all fees associated with such application have been paid in full.

Division 8. – Public Hearings, Notifications and Posting.

Section 8.1. Public Hearing Required.

- A. Generally. In accordance with the Code of Virginia § 15.2-2204, as amended, the Planning Commission shall not recommend, nor shall the Board of Supervisors adopt or approve any comprehensive plan, ordinance, amendment, zoning, appeal, or special use permit, nor shall the

Board of Zoning Appeals approve any variance, appeal or zoning line adjustment, until it has held a duly-advertised public hearing as provided in Section x.2. of this division.

- B. Joint Public Hearing Permitted. The Planning Commission and Board of Supervisors may hold a joint public hearing after public notice as set forth in Section x.2. of this division.

Section 8.2. Public Notification.

- A. Generally. Unless otherwise stated in this chapter or required by the Code of Virginia § 15.2-2204, as amended, the Zoning Administrator shall prepare a notice for each comprehensive plan amendment, zoning approval request, appeal of the Zoning Administrator's decision for written determinations, administrative modifications or site plan reviews, and interpretation of a zoning district map. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice pursuant to this chapter and Virginia Code as noted herein.
- B. Contents of Notice. The notice for each proposal shall give a descriptive summary of the application, the location of the property if applicable, and where copies of the proposal may be examined. Such notices shall specify the time and place of any hearing at which persons affected may appear and present their views.
- C. Additional Content. In addition to the requirements of Section x.2.B., the following additional content shall be required:
 - (1) Zoning Approval Applications. Except for substantial accord determinations, the notice for zoning approval applications shall also state the general usage and density range of the proposal and the general usage and density, if any, set forth in the applicable section of the County's comprehensive plan.
 - (2) Administrative Modifications. The notice shall also state that the Zoning Administrator will approve or deny the application no sooner than twenty-one (21) days of the postmarked date of the notice and shall advise the recipient of the opportunity to respond in writing to the application prior to the expiration of the twenty-one (21) day time period.
- D. Newspaper Publication. Notice of a public hearing for a zoning approval, zoning district map amendment, new or amended ordinance, appeal of the Zoning Administrator's decision for written determinations or administrative modifications to the Board of Zoning Appeals, interpretation of the zoning district map by the Board of Zoning Appeals, or amendment to the County's Comprehensive Plan shall be advertised once a week for two (2) successive weeks, with not less than six (6) days elapsing between the first and second publication, in a newspaper published, or having general circulation, in the county. The public hearing shall be held not less than five (5) days nor more than twenty-one (21) days after the second advertisement appears in the newspaper. When a joint public hearing of the Planning Commission and Board of Supervisors is to be held, then the public notice as provided in this section need to only be given by the Board of Supervisors.
- E. Adjacent Property Owner Notification.
 - (1) Notification Required. Except as provided in Section x.4. of this division, written notice of a public hearing, containing information as required in Sections x.2.B. and C., for zoning approval, appeal of the Zoning Administrator's decision for written determinations or administrative modifications to the Board of Zoning Appeals, or interpretation of the zoning

- district map by the Board of Zoning Appeals shall be provided by the Zoning Administrator prior to the hearing to property owners as required in Section x.2.E.2. below.
- (2) Notice Recipients and Timing. Notice shall be sent by the Zoning Administrator a minimum of five (5) days prior to the hearing, except where a longer minimum timing is required below, to:
- (a) The owner or owners of the subject property;
 - (b) Persons owning any adjacent property, including property across any road, railroad right-of-way or body of water;
 - (c) The property owners situated at all corners of an intersection when the subject property is located at or is within 100 feet of the intersection of the right-of-way of any two (2) or more roads or railroad rights-of-way;
 - (d) A locality's chief administrative officer or their designee when the subject property is located within 0.5 mile of the boundary of the adjoining locality at least 10 days prior to the hearing;
 - (e) The commander of the applicable military operation when the subject property is located within 3,000 feet of the boundary of a military base, installation or airport, excluding armories operation by the Virginia National Guard, at least 30 days prior to the hearing;
 - (f) The owner of a public use airport when the subject property is located within 3,000 feet of such airport;
 - (g) The incorporated property owners' association within a planned unit development where the subject property is located within the planned unit development and the association's members also own property in the planned unit development that is located within 2,000 feet of any portion of the subject property;
 - (h) The unit owners' association or proprietary lessee's association when the property adjacent to the subject property is a condominium or cooperative, respectively.
- F. Notice Mailing. The required notice shall be sent by certified, registered or first class mail to the owner(s) as shown on the current real estate assessment records. If the notice is provided by first class mail, the Zoning Administrator shall make affidavit that the mailings have been made and file the affidavit with the papers of the case. If a public hearing is continued or deferred to a date that has not previously been advertised, notice shall be re-mailed in accordance with this division.
- G. Applicant To Provide Owners' Information. With each application, the applicant shall provide the Zoning Administrator with the names and addresses of the property owners required to be notified in accordance with this section.
- H. Waiver of Notice. Actual notice of, or active participation in, the proceedings for which the written notice is required shall waive the right of that person(s) to challenge the validity of the proceedings due to failure of notice as required by this section.

Section 8.3. Posting Notice on Property.

At least 14 days prior to the first public hearing or prior to the approval or disapproval of an administrative modification, each applicant for zoning approval or appeal of the Zoning Administrator's decision shall post a notice of the application on the land or building involved for each application in a manner prescribed by the Zoning Administrator. The notice shall be posted at reasonable intervals along roads abutting the subject property, or if there is no abutting road, at the

proposed road or entrance into the property, in locations reasonably visible from existing roads. The holding of a public hearing or the validity of action on an application shall not be affected by the unauthorized removal of a notice which has been posted in accordance with this section.

Section 8.4. Exemptions to Adjacent Property Owner Notification Requirements and Posting Notice on Property.

Posting of the property and notifications to adjacent property owners, as outlined in this section, shall not be required when a public hearing involves: an application for zoning approval for twenty-six (26) or more lots initiated by resolution or motion of the Planning Commission or Board of Supervisors; or, an appeal to the decision of the Zoning Administrator to the Board of Zoning Appeals is concerning twenty-six (26) or more lots or no specific property.

Division 9. – Conditions of Approval and Amendment of Zoning Approval.

Section 9.1. Compliance With Approved Conditions Required.

All conditions approved through an action authorized in this chapter, shall be deemed a part thereof and non-severable therefrom and shall remain in force and effect until amended or varied by the Board of Supervisors or Board of Zoning Appeals respectively. All such conditions shall be in addition to the regulations otherwise provided in this chapter.

Section 9.2. Amendment of Zoning Approval or Conditions.

The procedure for amendment of a zoning approval, or a request for a change of conditions attached to an approval, shall be the same as for a new application.

Division 10. Zoning Map and Record of Conditional Zoning.

Section 10.1. – Duties of the Zoning Administrator to Update the Zoning Map.

The Zoning Administrator shall cause the zoning map to be updated as frequently as necessary to ensure that zoning data shown thereon is both accurate and current. Accordingly, all changes affecting the zoning map that are approved by the Board of Supervisors, including but not limited to showing by appropriate symbols the existence of conditions attached to the zoning of the property, shall be entered onto the original official zoning district map within not less than 60 days following the approval of such changes. The map shall be available in the Zoning Administrator's office for public inspection with the ordinance creating the conditions and the zoning district regulations.

Division 11. Reconsiderations.

Section 11.1. – Time Limit for Reconsiderations.

Whenever a petition for zoning approval or an amendment to zoning approval has been denied by the Board of Supervisors or Board of Zoning Appeals, such petition, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial. This shall not impair the right of either the Planning Commission or Board of Supervisors to propose any amendment to this chapter on their own motion at any time.

ARTICLE IX. – SUBDIVISION OF LAND.

Division 1. – General Provisions.

Section 1.1. – Authority and Administration.

- A. Authority and Title. The provisions of this article prescribe the minimum standards for the orderly subdivision of land in Page County as authorized by Virginia Code § 15.2-2240, et. seq., as amended, and may be cited and referred to as the “Subdivision Ordinance of Page County” or “Subdivision Ordinance.”
- B. Authorized Subdivision Agent (“Agent”). The Agent, in accordance with Article II. Administration and Enforcement of this chapter, shall administer this article and perform all duties regarding subdivision and subdividing in accordance with this article and applicable state law. The Agent may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this article and shall maintain a certified copy of this article, as amended, in their office and in the Page County Circuit Court Clerk’s office.

Section 1.2. – Interpretation.

- A. Existing Agreements. In addition to the standards of this chapter provided in Article I. – In General, Section ____, this article is not intended to invalidate any easement, covenant, or other private agreement; provided that where the regulations of this article are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this article shall govern.
- B. Pending Review. An applicant with an unexpired pending subdivision plan or plat received prior to _____ (*date of adoption of ZO revision*) shall be reviewed in accordance with the provisions of Chapter 100. Subdivision of Land of the Page County Code in effect at the time of the initial application, unless the applicant submits a written request to the Agent for review under the provisions of this current article.

Section 1.3. - Approval Required for All Plats.

- A. Approval Required. Prior to any subdivision of land, a plat of the subdivision which is fully in compliance with this chapter of the Code shall be recorded. Any plat of a subdivision shall not be recorded unless it complies with all provisions of this article and until it has been submitted to and approved in accordance with this article. The transfer of the ownership of any lot or parcel of any subdivision shall not be permitted until a plat has been duly approved and recorded in the Page County Circuit Court Clerk's office.
- B. Acquisition and Non-Conformity. If any right-of-way or improvements therein are taken or acquired by the county or any other entity with the power of eminent domain, such taking or acquisition shall not, by itself, render the remaining lot or parcel non-conforming to this chapter.
- C. Circumvention. Development of two or more adjoining single lot divisions or minor subdivisions, for the purposes of circumventing this article shall not be permitted.

Section 1.4. – Subdivision of Land Crossing Municipal Boundaries.

Whenever the area of a land division lies partially within the municipal boundaries of Page County and partially within the municipal boundaries of an adjacent locality, the requirements of this article shall be applied to that portion of the land area within the corporate limits of the county.

Section 1.5. – Fees.

The fees shown in Appendix A shall be submitted in conjunction with the specified plat review. No action shall be scheduled for a plat review until all fees associated with such application/review have been paid in full.

Division 2. – Enforcement and Exceptions.

Section 2.1. – Enforcement and Penalties.

- A. Generally. As authorized in Article II. – Administration and Enforcement, the Agent shall enforce this article and enforce conditions attached to any approval granted pursuant to this chapter.
- B. Permits Withheld. In addition to other actions, the Agent may seek to obtain compliance with this article, failure to comply with the provisions of this article and all applicable conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.
- C. Violation and Penalties. As allowed by Virginia Code §15.2-2254, any person violating the provisions of this article shall be subject to a judicially imposed fine in the appropriate court of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies provided in this article.

Section 2.2. – Exceptions to Standards.

The Page County Board of Zoning Appeals is authorized to grant variances to the requirements of this article upon determination of injustice or hardship as permitted under the provisions of Article III. Permits and Applications, Section x.____.

Division 3. – Boundary Line Adjustments, Vacation and Non-Residential Subdivisions.

Section 3.1. – Boundary Line Adjustment Final Plat and Vacation Validation.

As allowed by the Code of Virginia, § 15.2-2275, the straightening, re-arranging or vacation of property lines between adjacent properties, as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as part of this article or properly recorded prior to the applicability of this article provided such change does not create any additional lots, shall be approved by the Agent prior to recordation of these plats. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

- A. Boundary Line Adjustment final plat. A boundary line modification final plat involves the adjustment of one or more lots or parcels, provided that such changes do not create any additional lot(s) or parcel(s). The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.
 - (1) Plat Requirements. The plat shall meet the minimum requirements for final plat submittals as provided in Section x.____.
 - (2) Time Period for Review. The Agent shall approve or disapprove the Boundary Line Adjustment Final Plat within fifteen (15) days of receipt and shall notify the applicant in writing if such plat is not approved and the reasons therefore.
- B. Vacation of Plats. The Code of Virginia, § 15.2-2278 sets forth that any plat of subdivision recorded in the Page County Clerk of Circuit Court's office, may be vacated as outlined in the sections below. The effects of such vacations are outlined in the Code of Virginia, § 15.2-2274.
 - (1) Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and

easements for a public utility granted to the County as a condition of a plan approval may be vacated by the Board of Supervisors according to the two methods listed in the Code of Virginia, § 15.2-2270.

- (2) Before the sale of any lot, an approved and recorded plat of subdivision, may be vacated by the Agent utilizing the procedures in the Code of Virginia §15.2-2271, et seq. and as amended.
- (3) After the sale of any lot, an approved and recorded plat of subdivision for single lot and minor lot divisions may be vacated by the Agent utilizing the procedures in the Code of Virginia §15.2-2272, et seq. and as amended. For major subdivisions, an such vacation after the sale of any lot, may be vacated by the Board of Supervisors utilizing the procedures in the Code of Virginia §15.2-2272, et seq. and as amended.
- (4) According to the Code of Virginia, § 15.2-2276, the Page County Circuit Court Clerk, in whose office any plat so vacated has been recorded, shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

Section 3.2. – Subdivision for Non-Residential Purposes.

Prior to recordation of a plat for property that is intended for nonresidential use, the plat shall be prominently labeled by the subdivider “Not for Residential Use” and include the following statement: "I, (INSERT NAME) affirm that I am the owner of the property depicted on this plat and do hereby affirm that the sale/transfer of this property is not for purposes of creating a parcel for residential use. This property is zoned (INSERT ZONING DISTRICT). With respect to Agricultural (A) and Residential (R) zoning districts, the Agent has verified with the property owner that this parcel creation is for nonresidential uses." (PROVIDE DATE AND SIGNATURE LINES FOR OWNER AND THE AGENT). For property zoned Agricultural (A) and Residential (R), such plat shall be submitted to the Agent for signature. The plat will not be subject to further review in accordance with subdivision review provisions of this chapter. No residential building permit shall be approved on plats so labeled. Any parcel or lot modified or parcel created by this plat process, including a residual parcel or lot, may not be used for residential purposes, until it is approved through a subsequent subdivision process in accordance with this chapter. Any plat which does not meet these requirements or does not comply with these provisions shall not be recorded.

Division 4. – Residential Subdivision Types.

Section 4.1. — Single-Lot Divisions.

Single-lot subdivisions include one division of a single tract or parcel of land into two (2) parcels.

Section 4.2. – Family Subdivisions.

A family subdivision, as provided in Article X. Definitions., is a single division of a lot or parcel for the purpose of its conveyance to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is the natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. If the property to be subdivided is owned in joint tenancy, the necessary relationship to the grantee may exist with any one (1) or more of the joint tenants.

- A. Conditions and Procedures. Per the Code of Virginia, §§ 15.2-2244, 2244.1, and 2244.2, all family subdivisions shall be subject to the following provisions and conditions in lieu of the other subdivision regulations imposed by this chapter.
 - (1) Only one (1) such division shall be allowed within Page County for each immediate family member.
 - (2) The lot or parcel to be divided shall have been titled of record in the name(s) of the owner(s) for a minimum of five (5) years prior to the date of recordation of the family subdivision.

- (3) The grantor of the transferred parcel shall include a restriction in the deed to the transferred parcel that prohibits the transfer of such parcel to a non-member of the immediate family of the grantor for a period of five (5) years from the date of the original transfer. Such restriction shall provide that any attempted conveyance in violation of the restriction shall be null and void, except for conveyances otherwise permitted under this section.
- (4) All lots or parcels, including the parent tract, created under this section shall remain titled in the name(s) of an immediate family member of the grantor for a period of not less than five (5) years from the date of recordation of the deed of conveyance unless:
 - (a) The parcel to be transferred out of the immediate family is the subject of an involuntary transfer such as foreclosure, divorce, death, judicial sale, condemnation, or bankruptcy, in which case, upon application to the Agent, any remaining required holding period shall be waived; or
 - (b) The owner(s) of the parent tract dies in which case, upon application to the Agent, any remaining holding period shall be waived for the parent tract; or
 - (c) The transferred parcel is later transferred to a subsequent grantee who qualifies as an immediate family member of the original grantor as set forth in this section, in which case only the remainder of the initial required holding period shall apply to the subsequent grantee; or
 - (d) The proposed transfer is submitted to the Agent for approval and all requirements of subdivision in accordance with this article are met.
- (5) The minimum width, yard, and area requirements of all lots or parcels, including the remaining property from which the lot or parcel is subdivided, shall be in accordance with the applicable provisions of this chapter.
- (6) Each lot or parcel shall front on a public road or upon a private driveway or street that is in a permanent easement of right-of-way and shall be designed, constructed and maintain in accordance with Section ____, for private streets. Passable condition refers to not only the surface, but also to horizontal and vertical clearances.
- (7) All provisions of this chapter and the County code governing erosion and sediment control and the dedication of drainage and utility easements shall apply as fully and completely as if set forth herein for subdivisions of land.
- (8) A final plat, in compliance with all applicable requirements of this article, shall be submitted to the Agent for approval. Along with the plat, an affidavit, under oath, shall be submitted, in the form prescribed by the Agent, describing the purposes of the subdivision and identifying the member of the immediate family receiving the lot created. Such plat shall be subject to the fees set forth in Appendix A of this chapter. The proposed deed of conveyance shall be submitted to the Agent and, once approved for compliance with this Section, recorded along with the approved plat. Both the deed and the plat shall contain the following statement set forth so as to be seen readily in a minimum of [twelve] (12) point type: THIS LOT IS CREATED AS A FAMILY SUBDIVISION PURSUANT TO THE PROVISIONS OF THE PAGE COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THIS PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.
- (9) The Agent shall reject any proposed family subdivision if, after investigation of the facts and circumstances involved in the proposed subdivision, the Agent believes that the proposed subdivision is for the purpose of circumventing the requirements of this chapter and is not in accordance with the purpose and intent of this section. The burden of proving compliance with the purpose, intent, and conditions of this section shall be on the property owner. Nothing in this section shall be deemed to exempt family subdivisions from the requirements of other provisions of this chapter or the Page County Code which are deemed to be applicable by the Agent.

Section 4.3. – Minor Subdivisions.

Minor subdivisions have three (3) to nine (9) lots and reduced impact on the environment, highways and surrounding communities than larger or major subdivisions.

Section 4.4. – Major Subdivisions.

Major subdivisions have ten (10) or more lots and therefore will have greater impact on the environment, highways, and surrounding communities than will minor subdivisions.

Division 5. – Subdivision Platting Requirements.

Section 5.1. – General Process.

In the examination of subdivision plats or plans, the Board of Supervisors, Planning Commission and/or Agent shall take into consideration applicable laws and regulations, zoning, proffers, approval conditions, the land being subdivided and provisions of this chapter. Attention shall be given to items, including, but not limited to, rights-of-way widths, location of streets, private pavement, water and wastewater sanitary utilities, stormwater management and environmental protection, lot arrangement, and public facility requirements such as parks, schools, and other facilities.

Section 5.2. – Plat Types and Requirements.

The following is a summary of the approval procedures for subdivisions of land:

- A. Preliminary Sketch. The subdivider may submit to the Agent a preliminary sketch of the proposed subdivision prior to submitting engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Agent to advise the subdivider whether the plans in general are in accordance with the requirements of this article. The Agent shall review the sketch and advise the subdivider where revisions would be necessary to comply with this article. The Agent may mark the preliminary sketch indicating the necessary changes, and any such marked sketch shall be returned to the subdivider.
 - (1) Requirements for Preliminary Sketch. A preliminary sketch shall be drawn on white paper or on a print of a topographic map of the property. It shall be drawn to a scale of 200 feet or less to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- B. Preliminary Plat. All proposed lot subdivisions involving more than 50 lots must submit a preliminary plat for approval. When a preliminary plat is not required, such plat may be submitted voluntarily by the subdivider.
 - (1) Approval Terms. An approved preliminary plat shall be valid in accordance with the provisions of the Code of Virginia §15.2-2209.1, as amended, and as provided below. The Agent, upon written request of the subdivider, may grant extensions to these requirements upon finding the circumstances of the delay in pursuing final plat approval warrants such extension or as required by state code.
 - (a) An approved preliminary subdivision plat shall be valid for a period of five years, provided the subdivider (i) submits a final plat for all or a portion of the property within three years of such approval, and (ii) thereafter diligently pursues approval of the final plat which shall include that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final plat or modifications thereto;
 - (b) No sooner than three years following preliminary plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the planning commission may revoke such

- approval upon a specific finding of facts that the subdivider has not diligently pursued approval of a final plat; and,
- (c) Once an approved final plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded final plat of subdivision for the property.
- (2) Requirements for Preliminary Plat. The subdivider shall present to the Agent fifteen (15) prints of a preliminary layout at a scale of 200 feet or less to the inch as a preliminary plat which shall depict:
- (a) The name of the subdivision owner, subdivider, surveyor or engineer, the date of the drawing, the number of sheets, North point and scale. If true North is used, the method of determination must be shown.
 - (b) The location of the proposed subdivision by an inset vicinity map at a scale of not less than one (1) inch equals one(1) mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
 - (c) The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, the acreage of the subdivided area, the number and approximate area and frontage of all lots, blocks, building sites, the existing buildings within the boundaries of the tract and the names of owners and their property lines within the boundaries of the tract and adjoining such boundaries. All lots within blocks shall be numbered consecutively.
 - (d) All existing, platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; and culverts, drains and watercourses, their names and other pertinent data.
 - (e) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined natural drainage.
 - (f) A cross section showing the proposed street construction depth and type of base, type of surface, etc.
 - (g) A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.
 - (h) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
 - (i) All parcels of land to be dedicated for public use and the conditions of such dedication.
 - (j) A copy of all protective covenants and deed restrictions shall accompany the plat.
 - (k) A blank oblong space (three (3) inches by six (6) inches) shall be reserved for the use of the approving authorities.
- C. Final Plat. The final plat, once approved and recorded with the circuit court, serves to modify, create or transfer property as provided by the individual plat and in accordance with this article. The following requirements shall be adhered to in preparing final plats for a family division, single lot division, minor and major subdivisions.
- (1) Blue line or black line prints at a preferred scale of not more than two hundred (200) feet to the inch. The Agent can exercise discretion in approving other scales if circumstances justify an

adjustment.

- (2) The plat shall be prepared by a qualified professional with certificates or seals signed by the engineer or surveyor certifying the plat.
- (3) The date, scale and true north point shall be shown on the plat.
- (4) A boundary survey with a field error of closure within the limit of one in ten thousand (1 in 10,000) and bearings relating to either true north or magnetic north. The location to all monuments and their type of material should also be shown. Dimensions shall be expressed in feet and decimals of a foot.
- (5) Location of the subdivision by Magisterial District, Assessor's Parcel Number(s), County and State.
- (6) Location of any mapped dam break inundation zones and any grave, object, or structure marking a place of burial.
- (7) The boundary lines of all existing and proposed blocks and lots located within the subdivision, except that when the lines in any tier of lots are parallel, it shall be sufficient to make bearings of the outer lines on one (1) tier thereof.
- (8) Easements shall be shown by centerline and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown. Where the exterior boundary lines show bearings or length which vary from those recorded in abutting plats or certified surveys, there shall be the following note placed along such lines, "recorded as (show recorded bearing or length or both)."
- (9) Dimensions shall be shown along all boundaries of all lots and the acreage marked within the lots.
- (10) Lots shall be numbered.
- (11) The names of adjoining streets, state highways and subdivisions shown in their proper location.
- (12) Approved Space. A blank oblong space (three (3) inches by four (4) inches) shall be reserved for the use of approving authorities.

Division 6. – Subdivision Design Requirements.

Section 6.1. – Suitability of Land.

The Agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Section 6.2. – Land Subject to Flooding.

Land subject to flooding and land deemed to be topographically unsuitable, having unsuitable soils or inadequate light and air shall not be platted for residential occupancy nor for such other uses as may increase danger of health, life or property or may aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

Section 6.3. – Residential Density.

The maximum residential densities allowable within residential subdivisions shall be in accordance with the provisions of the zoning district as provided in this chapter.

Section 6.4. – Lots.

- A. Lot Size.

(1) Lot area and width shall be in accordance with the provisions of the Page County Zoning Ordinance.

B. Lot Shape.

(1) The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations which would be substantially unusable for normal purposes solely to satisfy necessary square footage or frontage requirements or to provide access to any lot that would otherwise not have road frontage, except to the extent expressly permitted under Section x.5.

Section 6.5. — Flag lots.

The use of flag lots is prohibited except where safety or environmental factors prevent normal lot design and their use improves the quality of the design of the subdivision and provides for a better use of land. The financial cost of road construction or the loss of lots shall not by themselves constitute sufficient reasons to use flag lots. Where flag lots are otherwise permitted under the provisions hereof, single lot and minor subdivisions shall be limited to one such flag lot. In major subdivisions, flag lots shall comprise no more than ten percent (10%) of the total lots in the subdivision (percentages will be rounded to nearest whole number). The restrictions and limitations on the use and number of flag lots permitted hereunder shall not be avoided by the subdivision of land at different times. For purposes of determining the maximum number of allowable flag lots, all subdivisions of the parent tract shall be deemed to be included as part of the same subdivision, regardless of when subdivided. Where flag lots are otherwise permitted hereunder, the number of contiguous parallel narrow lot sections shall be limited to no more than two (2) so as not to create traffic hazards, confusion and dispute with respect to boundary locations. Where a flag lot is permitted, the stem that accesses the street or road shall be no less than fifty (50) feet in width at any point. The length of such stems shall be limited to no more than 300 feet.

Section 6.6. — Remnants of Lots Not Allowed.

All remnants of lots below minimum size, left over after subdividing a tract, must be added to adjacent lots rather than allowed to remain as unusable parcels.

Section 6.7. — Access.

A. All lots or parcels of land shall have frontage on an existing or proposed street or right of way in accordance with the provisions of this chapter and shall provide an easement, road, or street to conform with the provisions of this article for such lots or parcels of land to a public street. The Agent or Board of Supervisors, after considering VDOT's recommendation, may limit the number of accesses to public streets and secondary roads for major subdivisions if individual access for each lot in the subdivisions could create a traffic hazard due to existing public street/secondary road conditions or configurations.

B. If a subdivision or contiguous parent tracts are being developed in such a manner that results in ten (10) lots or more being accessed by the same subdivision roads, the subdivision shall be developed along an existing public street or the subject roads shall be constructed from such lots or parcels to a public street in accordance with subdivision street standards established by the Virginia Department of Transportation and comply with Section x.____ of this article.

C. If a is being developed in such a manner that results in five (5) lots or less, private streets are allowed provided that all private streets will be in conformance with Section _____. Said private streets shall extend from such lots or parcels to a public street.

Section 6.8. — Blocks.

- A. Length. The maximum length of blocks generally shall be 1,200 feet and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- B. Width. Blocks shall be wide enough to allow two (2) tiers of lots of a minimum depth, except where prevented by topographical conditions or size of the property, in which case the Agent may approve a single tier of lots of minimum depth.
- C. Orientation. Where a subdivision adjoins a major road, the Agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

Section 6.9. – Monuments.

- A. Upon completion of subdivision street, sewers and other improvements, the subdivider shall make certain that all monuments required by this Ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the highway engineer or Agent before any improvements are accepted by the Board of Supervisors.
- B. As allowed by the Code of Virginia §15.2-2241 (7), all lot and block corners shall be marked with solid steel or iron rods not less than five-eighths (5/8) inch in diameter and 30 inches long and driven so as to be flush with the finished grade. When rock is encountered, drill a hole four (4) inches deep in the rock and cement a steel rod one-half (½) inch in diameter whose top shall be flush with the finished grade line. The replacement of any monuments removed or destroyed during the development of the subdivision shall be the responsibility of the subdivider.

Section 6.10. — Streets.

- A. Minimum Standards. Any requirements contained herein for streets shall be deemed to be the minimum requirements.
- B. Names. Proposed streets which are obviously in alignment with others already existing and named, shall bear the name of the existing street. In no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix Avenue, Boulevard, Drive, Way, Place, Lane or Court. Street names shall be indicated on the tentative and final plats and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.
- C. Street Name Signs. Street name signs of a suitable and County approved design and durable material and lettered on both faces shall be installed by the subdivider on the most visible corner of every intersection. Wooden signs shall not be used.
- D. Streets within Major Subdivisions.
 - (1) Existing Public Streets. In cases where subdivision lots are created on an existing State maintained road (public street) having a total width of less than 50 feet, a dedication of additional; right of way to Page County shall be provided. If dedication of additional right-of-way is found to be needed shall require same, so that the street is not less than 25 feet in width on the subdivision side measuring from the centerline of said street.
 - (2) New Public Streets. All roads or streets provided under this section shall be constructed in accordance with alignment, approach angle, access, width, grading, paving, and other specifications established by Virginia Department of Transportation in effect at the time the subdivision is approved.
 - (a) Alignment and layout. As required by § 15.2-2241 (2) of the Code of Virginia, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in

adjoining areas and proposed streets as shown on the adopted plan of land use and major thoroughfares.

[1] The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Agent, based on the adopted Comprehensive Plan or planned long-term use and development of the adjoining property, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property.

(b) Alleys. Alleys should be avoided whenever possible.

(c) Culs-De-Sac. The maximum number of dwelling units allowed on a cul-de-sac shall be 20.

(3) Private Streets. The subdivider or developer may elect to have a private street subdivision. If this election is made, the subdivider or developer shall make all improvement and construct all streets to comply with the Virginia Department of Transportation Subdivision Street Standards, as such improvements shall comply with Section x.____, of this article.

(a) Restrictive Covenants. The deed of each tract in a private street subdivision shall carry a restrictive covenant to the effect that the streets in the subdivision are private in nature and shall not be maintained by the Virginia Department of Transportation or other public agency and that the maintenance and improvement thereof shall be the mutual obligation of the landowner in the subdivision abutting said roads that such private roads shall not be taken into the State Secondary System unless and until the abutting landowner shall have constructed and dedicated the private road in accordance with the Virginia Department of Transportation's subdivision street requirements in effect at the time of the request, and thereafter, the Page County Board of Supervisors shall have recommended that said road be taken into the State Secondary System of Highways.

(b) Plat Certification. The face of the recorded plat or survey shall show the following statement, which shall be certified by the subdivider:

Streets in the subdivision are private in nature and shall not be maintained by the Virginia Department of Transportation or another public agency. The maintenance and improvement shall be the mutual obligation of the landowners abutting said road. Such private roads shall not be taken into the State Secondary System unless and until the abutting landowners shall have constructed and dedicated the private road in accordance with the Virginia Department of Transportation's subdivision street requirements in effect at the time of the request, and thereafter, the Page County Board of Supervisors shall have recommended that said road be taken into the State Secondary System of Highways.

Certified by: _____

Subdivider

E. Minor Subdivision.

(1) New Public Streets. If streets are to be public streets dedicated and accepted in the State Secondary System, said streets shall be improved and constructed in conformance with alignment, approach angle, access, width, grading, paving, and other specifications for Subdivision Street Standards established by Virginia Department of Transportation in effect at the time the subdivision is approved. All streets shall also comply with Section x.____.

(2) Existing Public Streets. In cases where subdivision lots are created on an existing State maintained road (public street) having a total width of less than (50 feet, a dedication of additional; right of way to Page County shall be provided. If dedication of additional right-of-way is found to be

needed shall require same, so that the street is not less than 25 feet in width on the subdivision side measuring from the centerline of said street.

- (3) Existing Private Streets or Rights-of-Way. In cases where subdivision lots are created on an existing private street or right-of-way having a total width of 50 feet or less, a dedication of additional right-of-way to Page County shall be provided. If dedication of additional right-of-way is needed, requirement shall be same so that the street is not less than 25 feet in width on the subdivision side measuring from centerline of said street. Subdivider or developer shall certify to the plat officer that said private street or right-of-way is dedicated for use to the property where subdivision will be created.
- (4) New Private Streets. In cases where minor subdivision lots are created with private streets and not to be taken into VDOT's system, such streets shall be in conformance with the following provisions:
 - (a) Alignment and Layout. Alignment should fit closely to the existing topography so as to minimize the need for cuts and fills. In purely residential areas serving local traffic, there is advantage in purposely making the alignment of such nature so as to discourage high speed through traffic. Extreme caution, however, should be taken in the design of the alignment to assure that the safety of the facility is not reduced. Whenever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles not less than 60 degrees, unless approved by Agent.
 - (b) Approach Angle. Streets shall approach the other streets at an angle of not less than 80 degrees, unless the Agent approves a lesser angle of approach for reasons of contour, terrain or matching of existing patterns. Sight distance at intersecting streets is of paramount importance, and a minimum sight distance of 300 feet should be obtained.
 - (c) Minimum Width. The minimum width of right of way for proposed streets, measured from lot line to lot line, shall be 50 feet and extend from such lots or parcels to a public street. A fifteen (15) foot wide roadway shall be constructed and maintained to all-weather road standards as provided in this section from such lots or parcels to a public street. There shall be an addition three (3) feet of clear area beyond the edge of the roadway
 - (d) Grades. Grades shall follow contours with minimum cut and fills, and maximum grade of ten (10) percent, unless the Agent approves a greater percent for reasons of contours or terrain. At intersecting streets, a landing not exceeding a three (3) percent grade shall be provided for a distance of 25 feet from the edge of pavement of the street.
 - (e) Base and Pavement. The street shall have a sub-base with a minimum of six (6) inches of compacted 21-B crushed stone and sufficient cover to provide a mud-free surface and prevent excessive rutting during inclement weather. Hard surface pavement is not required. When surface treatment or other asphaltic surface material is proposed, a minimum aggregate base material meeting the requirements of the Virginia Department of Transportation shall be required prior to application of pavement material.
 - (f) Cul-De-Sacs. Each cul-de-sac must be terminated by a turn-around having a right-of-way of not less than 110 feet in diameter, and a roadway of not less than ninety (90) feet in diameter.
 - (g) Vertical Clearance. There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (h) Radius. The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (i) Cross drains and Entrance Culverts. All cross drains and entrance culverts shall be designed and approved by the Agent or their designee.

- (j) Names. Proposed streets which are obviously in alignment with others already existing and named shall bear the name of the existing street. In no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix Avenue, Boulevard, Drive, Way, Place, Lane, or Court. Street names shall be indicated on the plats and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the Page County Board of Supervisors.
- (k) Street Name Signs. Street name signs of a suitable and County-approved design and durable material and lettered on both faces shall be installed by the subdivider on the most visible corner of every intersection, if applicable.
- (l) Plat Note and Restrictive Covenants. A notation shall be placed on the face of the final plat and the deed of each tract in a private street subdivision shall carry a restrictive covenant to the effect that the streets in a subdivision are private in nature and shall not be maintained by the Virginia Department of Transportation or other public agency and that the maintenance and improvement thereof shall be the mutual obligation of the landowners in the subdivision abutting said roads that such private roads shall not be taken into the State Secondary System unless and until the abutting landowners shall have constructed and dedicated the private road in accordance with the Virginia Department of Transportation's subdivision street requirements in effect at the time of the request, and thereafter the Page County Board of Supervisors shall have recommended that said road be taken into the State Secondary System of highways.
- (m) Plat Certification. The face of the recorded plat or survey shall show the following statement: Streets in the subdivision are private in nature and shall not be maintained by the Virginia Department of Transportation or other public agency and the maintenance and improvement shall be the mutual obligation of the landowners in this subdivision abutting said roads that such private roads shall not be taken into the State Secondary System unless and until the abutting landowners shall have constructed and dedicated the private road in accordance with the Virginia Department of Transportation's subdivision street requirements in effect at the time of the request, and thereafter, the Page County Board of Supervisors shall have recommended that said road be taken into the State Secondary System of highways.

F. Single and Family Divisions.

- (1) New Public Streets. If streets are to be public streets dedicated and accepted in the State Secondary System, said streets shall be improved and constructed in conformance with alignment, approach angle, access, width, grading, paving, and other specifications for Subdivision Street Standards established by Virginia Department of Transportation in effect at the time the subdivision is approved. All streets shall also comply with Section x.____ above.
- (2) Existing Public Streets. In cases where subdivision lots are created on an existing State maintained road (public street) having a total width of less than 50 feet, a dedication of additional; right of way to Page County shall be provided. If dedication of additional right-of-way is found to be needed shall require same, so that the street is not less than 25 feet in width on the subdivision side measuring from the centerline of said street.
- (3) New Private Street. In cases where a subdivision is created with a private road or street, such street or road shall have a minimum width of right-of-way for the proposed street or road of 50 feet and shall be extended from such lot to a public street. The street shall be constructed in accordance with the provisions for new private streets in minor subdivisions per Section x.____ above. This private road or street will not be taken into the VDOT system, until such time as the road or street would be re-constructed to meet State specifications.

- (4) Existing Private Street. In cases where subdivision lots are created on an existing private street or right-of-way having a total width of 50 feet or less, a dedication of additional right-of-way to Page County shall be provided. If dedication of additional right-of-way is needed, requirement shall be same so that the street is not less than 25 feet in width on the subdivision side measuring from centerline of said street. Subdivider or developer shall certify to the plat officer that said private street or right-of-way is dedicated for use to the property where subdivision will be created.

Section 6.11. — Public and Semi-Public Facilities.

- A. Plans and Specifications. Six (6) blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer or surveyor. These plans shall be submitted to the Agent for approval or disapproval at least (60 days prior to submission of the Final Plat. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider upon receipt from the Virginia Department of Transportation and Health Department. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing.
- B. Owner Responsible for Improvements. All improvements as required herein shall be installed within Subdivisions by the subdivider at their own expense. The Subdivider shall provide a bond as required in Section x. ___ of this article and said bond shall not be released until construction in conformance with the requirement of this article, has been inspected and approved by the Agent, highway engineer and/or other regulatory agencies.
- C. Flood Control and Drainage. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property. This information shall include contour intervals, drainage plans and flood control devices in accordance with local and state regulations. The subdivider shall also provide plans for all such improvements together with an engineer's or surveyor's statement that such improvements when properly installed will be adequate for proper development. The highway engineer or Agent shall then approve or disapprove said plans. The subdivider shall also provide any additional information required by the resident highway engineer or Agent.
- D. Easements. The Agent may require that easements for drainage and utilities through adjoining property be provided by the subdivider. Easements of not less than sixteen (16) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the Agent.
 - (1) Whenever a subdivision is traversed by a natural drainageway through which water flows continuously or intermittently, there shall be provided an easement conforming substantially with the boundaries of such watercourse and such further width as may be necessary for drainage and utilities at this location.
 - (2) Any requirement contained herein pertaining to drainage or utility easements are minimal. Hereafter all preliminary plats shall be submitted to both the Virginia Department of Transportation and the appropriate electric utility company for review and comment prior to approval of drainage and electrical easements. Where a specification proposed by either of the above-mentioned agencies is more stringent than the above-mentioned County specifications and is deemed by the Agent to be compatible with County objectives, the more stringent specifications shall prevail.
- E. Public Water and/or Sewer.
 - (1) Where public water is available, the service shall be extended to all lots within a subdivision. Every subdivision, condominium or cluster development containing any lots of less than 21,500 square feet shall be provided with either a public or centralized water system as defined herein to serve each and every lot.

(2) Where public sewer facilities are available, the service shall be extended to all lots within a subdivision and septic tanks shall not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal meeting the approval of the Agent.

F. Private Water and/or Sewer. Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collections and treatment facilities, provided that such installations meet all requirements of the State Water Control Board, the State Health Department, and any other State, Federal or local regulation having authority over such installation. The location and construction of distribution systems shall be subject to the approval of the County Health Officer.

(1) Private Sanitary Sewer Systems.

(a) The Agent shall not approve the use of individual septic systems for any subdivision containing lots of less than 21,500 square feet.

(b) The Agent shall not approve the use of individual septic systems in any Subdivision unless it is determined beyond a reasonable doubt that the soils are suitable for such and shall receive in writing from the State Health Department a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic systems and that they will not create hazards to public health.

(c) On any lot or parcel of land divided for new construction and is not served by a sewerage treatment system requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall provide a reserve sewerage disposal site with a capacity at least equal to that of the primary sewerage disposal site. This reserve sewerage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, and which lot or parcel is not sufficient in capacity to accommodate a reserve sewerage disposal site, as determined on the area of all sewerage disposal sites until the structure is served by public sewer or an on-site sewerage treatment system which operates under a permit issued by the State Water Control Board.

(d) Conditional septic disposal system permits which limit the use of the subject property to a specific portion of the year are hereby expressly prohibited.

(e) Off-Site/Remote Septic Systems.

1. No more than twenty percent (20%) of the lots within any major subdivision shall be permitted to utilize a remote system.

2. No more than one (1) lot within any minor subdivision shall be allowed to utilize a remote system.

3. Use of off-site soil-based septic systems (remote sewage disposal system) are permitted provided the following conditions are met:

a. Primary and reserve drainfields are identified for all properties.

b. Such system meets the requirements of the State Health Department.

c. All remote sites shall be deeded with the specified lot served, or granted easements in perpetuity appurtenant to the owner of such lot to the lot or parcel upon which the structure to be served is located for the installation, maintenance, and access to and repair of sewage disposal systems.

d. Remote sewage systems must be placed on common ground or out parcels which will not be developed as buildable lots.

- e. An easement shall be shown on a plat of survey prepared by a certified land surveyor, be recorded among the land records of Page County, and be permanently monumented in the field.
 - f. Easements are required for conveyance lines of not less than fifteen (15) feet in width for all sewage conveyance lines extending from the lots served to the remote sites; and, such easement shall be shown on the plat.
 - g. When multiple remote sewage disposal systems are located upon a common lot, the area for each drainfield shall be at least ten (10) feet from all other drainfields and ten (10) feet from the property lines of the subject lot.
 - h. When multiple conveyance lines are proposed to be installed in a single easement, such conveyance lines shall be installed at one (1) time, shall be identified with magnetic tape or trace lines, shall be permanently marked and color coded at five (5) foot intervals for ease of identification and a copy of this color code shall be delivered to the Page County Health Department and to the Agent. All conveyance lines are to be installed at the time of development and no subdivision shall be approved until lines are installed or bond provided pursuant to Section x. _____. No lots can be sold until conveyance lines are installed. Conveyance lines shall be installed to a minimum depth of twenty-four (24) inches.
 - i. Each subdivision utilizing remote sewage disposal sites shall include a note on the plat and in the deed that "all remote sites shall be properly maintained by the owner of the lot served by the remote site in order to protect the approved sewage disposal systems". Maintenance required hereunder shall include, at a minimum, mowing, removal of vegetation which could cause damage to the system, surface crowing and/or grading to promote drainage, and measures to protect against vehicular traffic.
- G. Fire Protection. The installation of adequate fire hydrants in subdivisions may be required at locations approved by the Board of Supervisors, provided necessary public or central water is available.
- H. Homeowners Associations.
- (1) All private streets in major subdivisions shall be subject to the submission and approval by the Page County Board of Supervisors of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such private street.
 - (2) All subdivisions with dedicated open space for recreation, recreation area, and equipment, central water or central sewer or both central water and sewer, and other communally owned facilities shall be subject to the submission and approval by the Page County Board of Supervisors of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance for such communally owned facilities.
 - (3) No such instrument shall be acceptable unless and until approved by the County's attorney as to legal form and effect, and the Agent as to suitability for the proposed use of the communal land.
 - (4) All communal property shall be deeded to an HOA. The developer shall file a declaration of covenants and restrictions that will govern the HOA with the application for tentative approval. Such covenants and restrictions shall include, but not necessarily be limited to, the following:
 - (a) The HOA including by-laws, covenants and restrictions and articles of the association or corporation must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the private street subdivision.

- (b) Such HOA must be effectual prior to the sale of twenty-five percent (25%) of said lots or dwelling units, on whichever assessments are based. The entire cost for maintenance of the open spaces, recreational areas, private streets, or other communally owned facilities shall be borne by the developer until such time as the HOA becomes effectual.
- (c) All covenants and restrictions must be for a substantial period of time with a minimum of twenty-five (25) years and run with the land and must apply to all lots and dwelling units located within the subdivision.
- (d) The HOA must be responsible for liability insurance, local property taxes, and the maintenance of all streets, land, and communally owned facilities;
- (e) Homeowners must pay their pro-rata share of the cost of the above through assessment levied by the HOA which must become a lien on each homeowner's property. Every lot or landowner shall have the right to petition a court of competent jurisdiction to ensure adequate maintenance and upkeep of the HOA's responsibilities.
- (f) The HOA must be able to adjust assessments to meet changing needs;
- (g) The HOA must be organized as a nonprofit unincorporated association or nonprofit corporation, managed by either a trained professional or a Board of Directors elected by the voting member of the HOA. In accordance with the Code of Virginia § 15.2-2256, the Board of Directors or other managing professional charged with collection of fees and the maintenance of common improvements shall provide an annual report to the lot owners of all fees collected and disposition of all funds.
- (h) Lots or dwelling units assessed by the HOA shall only be those indicated on the final plat approved by the Board of Supervisors.
- (i) It shall be mandatory for every lot or landowner to have membership in the HOA.

Division 7. – Obligations of Improvements and Guarantees.

Section 7.1. – Obligations of Improvements and Guarantees.

- A. **Obligation of Improvements.** All improvements and facilities required by this article shall be installed by the subdivider at their cost and is not the responsibility of the locality, as outlined in the Code of Virginia § 15.2-2268. No bond or other performance guarantee posted by the subdivider shall be released until construction has been completed, inspected and approved. Periodic partial release is allowed as outlined in the Code of Virginia § 15.2-2245.
- B. **Guarantees for Improvements Shown on Plat.** Before any subdivision plat will be finally approved the subdivider shall, in lieu of construction, furnish a bond in an amount approved by the Agent to guarantee completion of the public and other site-related improvements in accordance with specifications and construction schedules established. The bond shall be payable to and held by the governing body. However, in accordance with §15.2-2241(B) of the Code of Virginia, any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished pursuant to this article shall only apply to, or include the cost of, any facility or improvement shown or described on the approved plat or plan of the project for which such guarantee is being furnished.
- C. **Guarantees for Dedicated Public Uses.** In accordance with § 15.2-2241.1 of the Code of Virginia, provided the developer and the governing body have agreed on the delineation of sections within a proposed development, the developer shall be required to furnish a bond for construction of public facilities only when construction plans are submitted for the section in which such facilities are to be located.
- D. **Guarantees for Street Maintenance.** In the event a street is constructed according to the Virginia

Department of Transportation specifications established by the Virginia Department of Transportation for public use, and such street or road, due to factors other than its quality of construction, is not acceptable in the State Highway System, the subdivider or developer shall furnish Page County with a maintenance and indemnifying bond, with surety satisfactory to the Page County Board of Supervisors in an amount set by the Page County Board of Supervisors sufficient for and conditional upon the maintenance of such street or road until such time as it is accepted into the State Highway System. In lieu of such bond, the subdivider or developer may furnish Page County a bank or savings and loan association's Letter of Credit on certain designated funds satisfactory to the Page County Board of Supervisors.

[The term] "maintenance of such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

- E. Other improvements requiring a guarantee include, but are not limited to:
 - (1) Structures necessary to ensure stability of critical slopes, and for stormwater management facilities;
 - (2) Erosion and sediment control measures required as a condition to grading, building, or other permits;
 - (3) Any private streets to be constructed in a subdivision or other development;
 - (4) Any privately-owned site-related improvements, including but not limited to fencing, landscaping, buffering, internal sidewalks, lighting, paving, private recreational facilities and pavement marking, required by this article but not completed prior to issuance of occupancy certificate.

Section 7.2. — Types of Guarantees.

- A. Guarantee Type. The following guarantee options are available to the subdivider to provide to the county for acceptance by the Agent or County Attorney:
 - (1) Performance Bond. A performance bond shall be executed by a surety company licensed to do business in the state of Virginia.
 - (2) Letter of Credit. A letter of credit shall be executed by a bank licensed to do business in the state of Virginia.
 - (3) Cash Escrow. The applicant shall provide to Page County cash or cashier's check.

Section 7.3. — Amount.

- A. The guarantee shall be provided in the following amount:
 - (1) Total estimated cost of construction based on unit prices, approved by the Board of Supervisors or designee;
 - (2) Plus, an additional 10% of the total estimated cost of construction to cover administrative costs, inflation, and potential damage to existing roads or facilities, as permitted by the Code of Virginia § 15.2-2241.

Section 7.4. — Release.

- A. As outlined in the Code of Virginia § 15.2-2245, the subdivider may apply for the periodic partial and final complete release of any bond required under this article.
 - (1) Periodic Partial Release.

- (a) Upon the completion of at least 30% of the improvements covered by a performance guarantee, the applicant may file a written request with the Agent for a partial release of such guarantee.
 - (b) The Agent may inspect the facilities for conformance with the terms and conditions of the approved plan and specifications for the facilities for which the guarantee is applicable. The Agent shall not refuse to make a periodic partial or final release of guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter of credit or other guarantee.
 - (c) The Agent shall act upon the written request for a partial release within thirty (30) days of receipt.
 - (d) If no action is taken by the Agent within the thirty-day time period, the request for partial release shall be approved, and a partial release shall be granted to the subdivider or developer.
 - (e) Up to 90% of the original amount of the performance guarantee may be released through periodic partial releases, based upon the percentage of public facilities completed and approved by the county or other agency having jurisdiction.
- (2) Final Release.
- (a) Upon final completion of the facilities, the subdivider or developer may file a written request for final release of the guarantee.
 - (b) The Agent may inspect the facilities for conformance with the terms and conditions of the approved plan and specifications for the facilities for which the guarantee is applicable.
 - (c) The Agent shall either accept the facilities and release the remaining guarantee or notify the applicant that the facilities are not accepted and that there are specific defects or deficiencies in construction.
 - (d) If the Agent fails to act within the thirty-day time period, then the applicant may make an additional request in writing for final release, sent by certified mail to the County Administrator. The County Administrator shall act within 10 working days of the request. If no action is taken, the request shall be deemed approved and final release granted to the applicant.
- B. For the purposes of this section, a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to Code of Virginia, § 54.1-400, or from a department or agency designated by the County may be accepted without requiring further inspection of such facilities.
- C. For the purposes of this section and as defined in the Code of Virginia § 15.2-2245, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

Section 7.5. — Extensions for Completion.

- A. If guaranteed facilities are not timely completed in a manner acceptable to the County of Page, the Agent may proceed via the provisions for default or allow an extension of time for the completion of facilities, not to exceed one year, provided that:
 - (1) All surety consents have been acquired and approved by the County;
 - (2) The owner has submitted an acceptable revised schedule for completion; and

- (3) Inspection of existing physical improvements is found to be satisfactory.

Section 7.6. – Default.

- A. In the event of default in the construction of guaranteed facilities, the Agent is authorized to take such action as may be required to protect Page County including, but not limited to:
 - (1) Draw or make demand on the owner or developer's security;
 - (2) Contract for the completion of the work, following the rules for public procurement; and
 - (3) Bring an action at law against the owner, developer, financial institution, or surety.

Division 8. – Review Process.

Section 8.1. Preliminary Plats.

In addition to the below, the Board of Supervisors and Agent will act accordingly with regards to timeframes of resubmittals and other agency reviews, as outlined in § 15.2-2259 of the Code of Virginia.

- A. Upon receipt of all necessary data, recommendations and applications, a preliminary plat shall be reviewed by the Agent to determine its conformity to this Ordinance, the Comprehensive Plan, and all other ordinances and regulations in force which affect subdivisions.
- B. The Agent shall transmit copies of the preliminary plat, or appropriate portions thereof, to the County Administrator, Resident Engineer, appropriate utility companies, the State Air Pollution Control Board, Soil Conservation Administrator, and other pertinent County and State Officials and agencies as deemed necessary by the Agent for recommendations. These recommendations in respect thereto shall be submitted to the Agent not later than ten (10) days before the Planning Commission meeting at which the preliminary plat will be reviewed.
- C. The Agent shall transmit copies of the preliminary plat to the Planning Commission and Board of Supervisors for review and approval.
- D. The Agent shall, within sixty (60) days of receipt of a completed application for the approval of a preliminary plat, approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. If agreed to by the Subdivider, the time may be extended for no more than thirty (30) days after which one (1) copy shall be returned to the Subdivider with the date of the approval or disapproval, and the reason therefor in letter form, accompanying the plat.
- E. Approval of a preliminary plat shall not constitute approval of the final plat. It shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

Section 8.2. Final Plats for Single Lot, Family and Minor Subdivisions.

- A. **Subdivision Potential Verification.** Prior to submission of plats for review in P-R, W-C and A-1 zoning districts, a Subdivision Potential Verification letter is required to be secured from the Agent through an application as prescribed by the Agent. The Agent shall review the history of the property and determine the maximum number of lots, if any, that could be divided from the property. The Subdivision Potential Verification letter shall provide the theoretical maximum number of lots permitted. The actual number of lots permitted shall be determined by compliance with this chapter.
- B. **Review.** Review. Prior to recordation, all plats of a single, family, or minor subdivision shall be reviewed by the Agent. The Agent shall examine the proposed plat with the subdivider and shall determine the following:
 - (1) Conformity to this Ordinance, the Comprehensive Plan, and all other ordinances and regulations

in force which affect divisions. Parameters to check include but are not limited to:

- (a) Check the proposed lot for size, shape, configuration.
 - (b) Check the existing or proposed right-of-way for compliance with this ordinance.
 - (c) Verification of number of lots divided from tract.
- (2) The plat is sufficient to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access. Including but not limited to:
- (a) Existing physical features such as natural drainageways, swamps, and wooded areas.
 - (b) Existing easements and covenants affecting the property.
 - (c) Surrounding land uses, streets and existing buildings.
- C. Time Period. Action by the Agent. Upon receipt the Agent shall examine the final plat and all necessary certificates to determine conformance to Section x.____ and shall within 30 days of its submission, unless the time is extended by the Agent in agreement with the Subdivider, either approve or disapprove said final plat. After the Agent reviews the final plat, such review and the date thereof shall be noted on the plat.

Section 8.3. Final Plats for Major Subdivisions.

- A. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Ordinance, and has made satisfactory arrangements, as hereinbefore provided, to cover the cost of necessary improvements. Approval of final plat shall be written by the Agent on the face thereof.
- B. After approval of the preliminary plat, the Subdivider may prepare and submit to the Agent a Final Record Plat. During the final plat stage, the following actions shall be taken:
 - (1) Filing of Final Plat. The Subdivider shall file with the Agent the final plat which shall conform to the requirements of this Article.
 - (2) Final Plat May Constitute All or a Portion of the Approved Preliminary Plat. A final plat may constitute only a portion of the area contained in the approved preliminary plat provided that the public improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access to contiguous areas.
 - (3) The Plat. The subdivider shall submit to the Agent 12 prints and one (1) digital drawing drawn with waterproof non-fading black ink, at a scale of not more than 100 feet to the inch for subdivision containing lots any of which are less than five (5) acres or 200 feet to the inch for subdivision containing lots which are more than five (5) acres. Sheets shall be sixteen by twenty-four inches (16" x 24"), including a margin of one-half inch (½") outside ruled border lines at top, bottom and right sides, and one and one-half inch (1½") for binding on the left sixteen-inch (16") end. Each sheet shall bear the name of the subdivision. Each plat shall, as required by the Code of Virginia §15.2-2241, meet the standards for plats under §42.1-82 of the Virginia Public Records act and show correctly on its face sufficient engineering data to reproduce any line on the ground, as well as the following:
 - (a) Name, date of approval, and file number of the preliminary plat upon which the final plat is based.
 - (b) All information required by Section x,____ of this article.

- (c) All land to be dedicated to public use, except roads and streets, shall be clearly marked "Dedicated to the Public Use".
 - (d) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets. All dimensions shown in feet and decimals of a foot to the closest one-hundredth [(1/100)] of a foot, all bearings, in degrees, minutes and seconds to the nearest ten seconds. The boundary survey shall show in a field error of closure within the limit of one in ten thousand (1' in 10,000') and bearings related to either true or magnetic north. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc length, tangent length, chord length, and chord bearings.
 - (e) One (1) reproducible copy and six (6) blue or black line prints of final engineering plans for streets and utilities.
 - (f) A statement to the effect that the subdivision as it appears in this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
 - (g) Certificates signed by the engineer or surveyor setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- C. Action by the Agent. Upon receipt thereof the Agent shall examine the final plat and plans and all necessary certificates to determine conformance to the preliminary plat, conditions attached thereto, and the requirements established in the Ordinance, and shall within thirty (30) days of its submission, unless the time is extended by the Agent in agreement with the Subdivider, either approve or disapprove said final plat and/or plans. After the Agent reviews the final plat, such review and the date thereof shall be noted on the plat.

Section 8.4. Recordation of Final Plats.

- A. As required by the Code of Virginia, §15.2-2254, any owner or developer of any tract of land situated within the County who subdivides the same shall cause a plat of subdivision to be made and recorded in the Page County Office of the Clerk of Circuit Court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Agent in accordance with the regulations set forth in this article.
- B. As directed by the Code of Virginia § 15.2-2241 (8), after the Agent has approved the final plat, the subdivider shall file such plat for recordation in the clerk's office of the circuit court of the County within 6 months after approval thereof; otherwise such approval shall become null and void. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Board of Supervisors or Agent, or where the developer has furnished surety to the Board of Supervisors or Agent by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the approved surety agreement, whichever is greater.
- C. To entitle a final plat to be entered in the proper books in the Office of the Clerk of Circuit Court of Page County the certificate of consent as outlined in the Code of Virginia, § 15.2-2264, together with the certificates of approval of the Agent, shall accompany it. These certificates shall be lettered or printed legibly on the face of the final plat. After the final plat shall have been approved by the Agent, the Clerk of Circuit Court shall sign the plat and cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the Subdivider.

- D. A recorded plat or final site plan shall be valid for a period of not less than five years from the date of approval, as required by the Code of Virginia §15.2-2261.
- E. If the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors and not its Agent, to be in accordance with the zoning conditions previously approved pursuant to the Code of Virginia §§ 15.2-2296 through 15.2-2303, conflict with any underlying zoning conditions of such previous rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of the Code of Virginia § 15.2-2204 shall be deemed to have been satisfied.
- F. Recordation of plats shall act as transfer of streets, termination of easements and rights-of-way as outlined in the Code of Virginia § 15.2-2265.

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Article X. – 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.

AGENT, SUBDIVISION: The Board of Supervisors or Plats officer of Page County as designated to review and approve the subdivision of land and the plat of such subdivision when wholly or partly within the County.

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).

BLOCK: An area enclosed by adjacent and usually by intersecting streets.

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.

CENTRALIZED WATER SYSTEM: Any water supply and distribution system, whether privately or publicly owner and operated, serving two or more individual connections.

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.

COMMISSION: The Planning Commission of Page County, Virginia.

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.

ENGINEER: An engineer licensed by the Commonwealth of Virginia.

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, protein items, 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. This term does not include Wayside stands, as defined in this ordinance.

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.

FEDERAL AVIATION ADMINISTRATION (FAA): The largest transportation agency of the U.S. government and regulates all aspects of civil aviation in the country as well as over surrounding international waters.

FEDERAL COMMUNICATIONS COMMISSION (FCC): An independent agency of the United States government that regulates communications by radio, television, wire, satellite, and cable across the United States.

FINAL PLAT: A map and any accompanying material prepared by the subdivider and approved by the Page County Board of Supervisors or Plats Officer in accordance with the provisions of this Ordinance to be recorded as a Subdivision.

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.

FLAG LOT: Any lot, except a lot fronting on a cul-de-sac, that has a street frontage that is less than the minimum lot with required for the zoning district.

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.

PARENT TRACT: A separate lot, tract, or parcel of land conveyed by deed, devised by will or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Clerk's Office of Page County, Virginia on or before [ADOPTION DATE].

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.

PHYSICAL IMPROVEMENTS. Any structure such as drainage structures, central water system, central sewage disposal systems, bridges, etc., and such other improvements as the agent may designate.

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, amphitheatres, 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.

PURCHASER: An actual or prospective purchaser or lessee of any lot in a subdivision.

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, 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 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 III, 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, THROUGH: A street, or roadway easement, which affords the principal means of access to abutting properties and providing a link between two or more road rights-of-way.

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.

SUBDIVIDE: The process of dealing with land so as to establish a subdivision as defined herein.

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.

SUBDIVISION: The division of a parcel of land into two (2) or more lots or parcels of land for the purpose of transfer of ownership or building development, including any parcel previously separated by the owner or prior owner of such land for such purpose. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building lots, shall be exempt from the provisions of the ordinance.

- A. **MAJOR SUBDIVISION:** The division of any tract or parcel of land into ten (10) or more lots.
- B. **MINOR SUBDIVISION:** The division of any tract or parcel of land into three (3) to nine (9) lots.
- C. **SINGLE LOT SUBDIVISION:** The division of a single tract or parcel of land into two (2) parcels.
- D. **FAMILY SUBDIVISION:** A single division of a lot or parcel for the purpose of its conveyance to a member of the immediate family of the property owner.

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.

TRADESPERSON 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.

VICINITY MAP: The vicinity or location shall show the relationship of the proposed subdivision to existing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.

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, including protein items, 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 modifications, substantial accord, and rezoning approvals.

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