



Page County

Page County, Virginia

Zoning & Subdivision Ordinance Update

Consolidated Draft

November 3, 2021

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ARTICLE I. – IN GENERAL.

Section 125.1. – Title.

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

Section 125.2. – Authority.

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

Section 125.3. – Purpose.

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

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

Section 125.4. – Applicability.

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

Section 125.5. – Conformity with Chapter Required.

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

Section 125.6. – Interpretation.

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

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

Section 125.7. – Vested Rights.

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

Section 125.8. – Figures in Chapter.

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

Section 125.9. – Severability.

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

Section 125.10. ~~–~~ Effective Date of Ordinance.

The effective date of the zoning ordinance from which this Chapter is derived shall be from and after the date of its passage, _____ (*date of adoption of revised ordinance*), and legal application, and its provisions shall be in force thereafter until repealed or amended.

Sections 125.11 – 125.24. ~~–~~ Reserved.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT.

Division 1. – Zoning Administrator and Subdivision Agent.

Section 125.25. – Appointment and Powers and Duties.

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

Sections 125.26. – 125.34 – Reserved.

Division 2. – Planning Commission.

Section 125.35. – Appointment and Membership.

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

Section 125.36. – Powers and Duties.

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

Section 125.37. – Rules and Regulations; Meetings.

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

Sections 125.38. – 125.49. ~~---~~ Reserved.

Division 3. – Board of Zoning Appeals.

Section 125.50. – Appointment; Membership; Terms; Removal.

- A. Pursuant to the Code of Virginia, § 15.2-2308, et seq., as amended, a Board of Zoning Appeals (BZA) shall be created and organized as follows:

- (1) The BZA shall consist of five county residents, each member whom shall be appointed by the circuit court of Page County for a term of five years. Members may be appointed to succeed themselves.
- (2) Members of the BZA shall hold no other public office in the locality except that one may be a member of the local planning commission, and any member may be appointed to serve as an officer of election.
- (3) At least 30 days in advance of the expiration of a term of office, or promptly if a vacancy occurs, the secretary of the BZA shall notify the court. Appointments to fill vacancies shall only be for the unexpired portion of the term. A member whose term expires shall continue to serve until the successor is appointed and qualifies.
- (4) A member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause, by the court which appointed the member, after a hearing held after at least 15 days' notice.

Section 125.51. – Powers and Duties.

Pursuant to the Code of Virginia § 15.2-2309, the Board of Zoning Appeals shall have the power and responsibility to consider the following, as further detailed in Article III, Permits and Applications, and Page County Code Chapter 128 – Floodplain Ordinance, and after required notice and hearing as provided in the Code of Virginia § 15.2-2204. The provisions of this Section shall not be construed as granting the Board of Zoning Appeals the power to rezone property, issue or revoke special exceptions, or to base decisions on the merits or purpose and intent of this Chapter.

- A. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the administration or enforcement of this Chapter as outlined in Article III Division 5.
- B. Variance. To authorize upon appeal or original application a variance, as defined in the Code of Virginia § 15.2-2201, from the terms of this Chapter if the applicant proves by a preponderance of evidence that a literal enforcement of the provisions of this Chapter will result in unnecessary hardship; provided that the spirit of this Chapter shall be observed and substantial justice done.
- C. Boundary Interpretations. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by The Code of Virginia § 15.2-2204, the BZA may interpret the map in such way as to carry out the intent and purpose of this Chapter for the particular Section or district in question. In this consideration, the BZA shall not have the power to substantially change the locations of the district boundaries as established by this Chapter.

Section 125.52. – Meetings and Procedures.

- A. The BZA shall adopt such rules and regulations as it may consider necessary.
- B. The BZA shall elect one of its members as chairperson and one as vice-chairperson, each to serve for a one-year term and each of whom may succeed themselves. In the absence of the chairperson, the vice-chairperson shall act as chairperson.
- C. A quorum of the BZA shall be at least three members. A favorable vote by a quorum shall be necessary to reverse any order, requirement, decision or determination of any administrative

official or to decide in favor of the applicant on any matter on which the Board is required to pass under this Chapter or to affect any variance.

- D. Meetings of the BZA shall be held at the call of its chairperson or at such time as a quorum of the BZA may determine and shall be open to the public.
- E. The chairperson or, in the chairperson's absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- F. The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.
- G. The BZA may adopt policies regarding ex parte communication that are in accordance with the Code of Virginia § 15.2-2308.1.

Section 125.53. – Appeals of Board of Zoning Appeals Decisions.

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

Sections 125.54. – 125.64. ~~---~~ Reserved.

Division 4. – Enforcement.

Section 125.65. – Authority.

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

Section 125.66. – Violation.

As provided in Article I, Section 125.5, conformity with this Chapter is required. Failure to comply with the requirements of this Chapter constitutes a violation thereof and is declared to be unlawful.

Section 125.67. – Complaints and Investigation.

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

Zoning Administrator may enter upon land in accordance with the Code of Virginia § 15.2-2286(A)16 on the authority of an inspection warrant.

Section 125.68. – Notice of Violation.

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

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

Section 125.69. – Delivery of Notice.

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

Section 125.70. – Remedies and Penalties.

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

(1) Criminal Penalties.

- (a) With the exception of the subdivision code in Article X, any violation of the requirements of this Chapter resulting in injury to a person or persons or and where such civil penalties exceed \$ 5,000, shall be a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1,000.
- (b) If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with this Chapter, within a time period

established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than \$100 nor more than \$1,500.

(2) Civil Penalties.

- (a) Any violation other than as provided in Section 4.6(B)(1) above for criminal penalties shall be subject to the following civil penalties, as provided in Virginia Code § 15.2-2209 and subject to the following:

- [1] Procedure. Proceedings seeking civil penalties for violations of this Chapter under this section shall commence either by filing a civil summons in the general district court or by the Zoning Administrator or agent issuing a ticket.
- [2] Civil summons or ticket. A civil summons or ticket shall contain, at a minimum, the following information:
 - [a] Name and address of the person charged;
 - [b] Nature of the violation and the Chapter provisions being allegedly violated;
 - [c] Location, date and time violation occurred or was observed;
 - [d] Amount of the civil penalty for the violation;
 - [e] Right of the recipient to elect to either pay the penalty or stand trial for the violation and the date of such trial. The summons shall state that if the person elects to pay the penalty, the person must do so by making an appearance in person or in writing by mail to the county treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, enters a waiver of trial and admits liability for the offence charged. The summons shall provide that a signature is an admission of liability that shall have the same force and effect as a judgement of the court. However, such admission shall not be deemed a criminal conviction for any purpose.
- [3] Failure to Enter Waiver. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law or equity and it shall be the county's burden to provide the violator's liability by a preponderance of the evidence. A finding of liability shall not be deemed a criminal conviction for any purpose.
- [4] Fines.
 - [a] Amount of Civil Penalty. A civil violation shall be subject to a civil penalty of \$200 for the initial summons, and a civil penalty of \$500 for each additional summons arising from the same set of operative facts.
 - [b] Daily Offense. Each day during which a violation exists shall constitute a separate violation. However, in no event shall a violation arising from the same set of operative facts be charged more frequently than once in any 10-day period.

- [c] Maximum Aggregate Penalty. The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed \$5,000. If the violations exceed the \$5,000 limit, the violation may be prosecuted as a criminal misdemeanor pursuant to Section 125.70.B.(1).

Sections 125.71. – 125.94. ~~---~~ Reserved.

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ARTICLE III. – Ordinance Amendments, Zoning and Development Approvals, and Appeals.

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

Section 125.95. – 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. Pursuant to Code of Virginia § 15.2-2285.B., 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 125.96. – 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~~effect on the overall proposal, remand the application back to the Planning Commission for a public hearing and recommendation.

Section 125.97. ~~–~~ Special Use Permits.

A. Generally.

- (1) Uses. A use requiring approval of a Special Use Permit, as designated in Article V. - Use Matrix., 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 Article VI. – Use Standards 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 Section 125.289.C.(5)a.4. Article IV. for a Planned Unit Development or Division 22 of this Article, 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.

Sections 125.98 – 125.114. ~~---~~ Reserved.

Division 2. – Variances.

Section 125.115. ~~---~~ Variances.

- A. Generally. The Page County Board of Zoning Appeals, upon consideration of an application filed in accordance with Division 6 of this Article and following a public hearing as outlined in Section 125.220, 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.

Sections 125.116 – 125.139. ~~---~~ Reserved.

Division 3. – Site Plans.

Section 125.140. ~~---~~ 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 125.141. ~~---~~ 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 125.141.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 125.142. — 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 125.143. — 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 125.142. 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 125.144.B.
 - (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 125.144. — 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 B. 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 8 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 by the Zoning Administrator with an application for a zoning change, such preliminary site plan submitted with the zoning application.
 - (b) If a preliminary site plan is determined to be necessary in lieu of a conceptual development plan by the Zoning Administrator with an application for a special use permit, such preliminary site plan submitted with the special use permit application.
 - (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 125.145. -- 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 125.146. -- 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 125.147. -- 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.

Sections 125.148 – 125.164. --- Reserved.

Division 4. – Zoning Permits and Written Determinations.

Section 125.165. --- Generally.

In accordance with the Code of Virginia § 15.2-2286 et seq., as amended, and Article II. Division I. 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 125.166. --- 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 125.166.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 125.167. ~~–~~ 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 of this Article.

Section 125.168. – 125.179. ~~–~~ Reserved.

Division 5. – Appeals.

Section 125.180. ~~–~~ 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. The Board of Zoning Appeals shall fix a reasonable time for a public hearing of an appeal, provide due notice thereof as provided in Division 8 of this Article, 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 125.181. ~~---~~ 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 125.182. ~~---~~ 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 125.183. ~~---~~ 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.

Sections 125.184. – 125.194. ~~---~~ Reserved.

Division 6. – Applications Requirements.

Section 125.195. ~~–~~ 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 125.196. ~~–~~ Application Initiation.

An application for zoning approval, as defined in Article X. 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 125.197. ~~–~~ 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 125.197.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 15 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.

Sections 125.198 – 125.209. ~~---~~ Reserved.

Division 7. – Fees.

Section 125.210. – Fees.

The fees shown in Appendix A 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.

Sections 125.211. – 125.219. ~~---~~ Reserved.

Division 8. – Public Hearings, Notifications and Posting.

Section 125.220. ~~---~~ 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 125.221 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 125.221. of this Division.

Section 125.221. ~~---~~ 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.
- ~~B.~~ Additional Content. In addition to the requirements of Section 125.221.B., the following additional content shall be required ~~for~~:
- ~~(2)~~ 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.
- ~~(3) 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.~~
- C. 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.

D. Adjacent Property Owner Notification.

(1) Notification Required. Except as provided in Section 125.223. of this Division, written notice of a public hearing, containing information as required in Sections 125.221.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 125.221.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.

E. Notice Mailing. The required notice shall be sent by certified, registered or ~~first-class~~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.

- F. 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.
- G. 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 125.222. ~~--~~ 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 or appeal~~ 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 125.223. ~~--~~ 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.

Sections 125.224. – 125.234. ~~--~~ Reserved.

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

Section 125.235. ~~--~~ 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 125.236. ~~--~~ 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.

Sections 125.237 – 125.244. ~~--~~ Reserved.

Division 10. Zoning Map and Record of Conditional Zoning.

Section 125.245. – Zoning Map Updates and Timing.

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.

Sections 125.246. – 125.254. ~~---~~ Reserved.

Division 11. Reconsiderations.

Section 125.255. – 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.

Sections 125.256. – 125.259. ~~---~~ Reserved.

ARTICLE IV – DISTRICTS AND MAPS.

Division I – Establishment and Purpose.

Section 125-260. – General.

A. *Zoning districts established.* In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes in accordance with the objectives of the comprehensive plan; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

(1) *Primary zoning districts.* The entire territory under the jurisdiction of the county is hereby classified into one of the following primary zoning districts to be known and cited as indicated:

- (a) P-R – Parks-Recreation
- (b) W-C – Woodland-Conservation
- (c) A-1 – Agriculture
- (d) ~~RAR – Rural Agriculture~~-Residential
- (e) R – Residential
- (f) R-1 – Medium-High Density Residential
- (g) MHP-1 – Manufactured Home Parks
- (h) PUD – Planned Unit Development
- (i) C-1 – Neighborhood Commercial
- (j) C-2 – General Commercial
- (k) I-1 – Light Industrial
- (l) I-2 – Industrial

(2) *Special purpose zoning districts.* Special purpose district regulations supplement, rather than replace, the regulations of the primary zoning districts that otherwise apply to the same land. Special purpose zoning districts are established to be known and cited according to the following:

- (a) A-F – Agricultural-Forestral District Overlay

Section 125.261. – Purpose and Intent of Zoning Districts.

A. Primary Zoning Districts.

- (1) *P-R Parks-Recreation District.* The purpose of the P-R District is to protect and preserve lands in the Shenandoah National Park and the George Washington National Forest. This district generally corresponds with government-owned lands in the Park and Forest but does contain some properties in proximity to the Park and Forest that are not government-owned. It is not the intent of this district to recommend expansion or reduction of the Park and Forest boundaries, only to encourage long-term protection of these lands for their scenic beauty and recreational use. This district is intended to provide for very sparse development and limit incompatible uses which may detract from the beauty and enjoyment of these properties.

- (2) *W-C Woodland Conservation District.* The purpose of the W-C District is to conserve and promote preservation and enhancement of the scenic, historic, natural and open space qualities of the area's farmlands, rivers, and forested and mountain areas. This district generally covers mountain areas, heavily forested areas and other natural, open areas such as rivers, recreational areas, floodplains and farms. This district is intended to provide for low density and intensity of uses as the area's agricultural lands and natural assets, such as the Shenandoah River, are recognized as primary economic, environmental, and quality of life resources. The area also contains portions where the depth of bedrock is shallow and presents some limitations to development.-This district shall not be confused with, but may include, properties designated as an Agriculture and Forestal Overlay District (A-F) through the Agricultural and Forestal Act, as described in the Code of Virginia.
- (3) *A-1 Agricultural District.* The purpose of the A-1 District is to preserve agricultural and forest uses and the rural character of the County where agricultural, forestry and other low-intensity uses predominate and the right to farm has been established as a priority. It is the intent of this district to protect the agricultural industry from sprawling development that denudes large areas of agricultural land, as soils in these areas are well suited for farming. To ensure the success of the above goal, it is necessary to maintain a low density of development with permitted uses including mainly agricultural uses, accessory uses that boost the farming economy, and sparse residential development for those who own or manage farm and forestry lands or choose to live in a rural environment. To protect against premature subdivision of land, by-right land divisions are limited in a manner intended to maintain and protect the land base necessary to support the County's agricultural economy, a primary resource and economic asset of the County. This district shall not be confused with, but may include, properties designated as an Agriculture and Forestal (A-F) Overlay District through the Agricultural and Forestal Act, as described in the Code of Virginia.
- (4) *~~AR-R AgricultureRural-~~ Residential.* The purpose of the ~~AR-R~~ District is to protect existing and future farming operations and forested and open areas while, at the same time, allowing low density residential uses. Generally, this district would correspond with portions of the County now devoted entirely or predominately to various open uses such as farms and forests, and may also be appropriate in Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan. The district is intended to encourage efficient and well-planned use of the land to permit low density traditional single family and cluster-style residential use, subject to approval of a specific development plan and owners/developers' guarantee that agricultural and forestal lands, other valuable natural resources and open spaces, and the rural visual qualities of the area will be incorporated into the subdivision design and will be preserved. Residents located within an agricultural residential area should recognize they are located in a largely agricultural environment where the right to farm has been established as a priority.
- (5) *R Residential District.* The purpose of the R District is to promote and encourage low to medium residential development that will blend with existing development, together with such public, civic, recreation and accessory uses as may be necessary or normally compatible with residential surroundings, to create an appropriate living environment. This district generally covers areas of existing or planned residential subdivisions and should generally be located in areas where adequate utilities and public services exist or are planned to accommodate the residential communities contemplated, such as in the Community Service

Areas adjacent to towns as shown in the Page County Comprehensive Plan. The regulations of this district are designed to create harmonious residential communities and promote suitable environments for family life.

- (6) *R-1 Medium-High Density Residential District.* The purpose of the R-1 District is to provide for medium to high density residential developments of various types with certain public and semipublic land uses. The regulations for this district are designed to provide a suitable environment for those desiring dense community living, senior housing options, and closer proximity to shopping, employment, and other community facilities. Special consideration is given to development standards that would allow for a variety of designs and include appropriate building lay-outs, architecture, and amenities to ensure quality development. The R-1 District will generally be located in the Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan.
- (7) *MHP-1 Manufactured Home Parks District.* The purpose of the MHP-1 District is to provide for the establishment of attractive, safe and well-designed manufactured home parks. This district generally covers areas where adequate utilities and public services exist or should be planned, and where, depending upon numbers of units, such use would be compatible with adjacent land uses. This district is intended to offer space for certain affordable housing of an appealing, sustainable appearance.
- (8) *PUD Planned Unit Development District.* This district is intended to permit development in accordance with a master plan of mixed-use type communities. Within such communities, the location of all improvements shall be controlled in such a manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amounts of open areas and the least disturbance to natural features. Special attention should be given so these developments incorporate the natural features into the development plans, provide pedestrian connections within the development and to connect to adjacent areas, and include quality architectural and design features to provide for a ~~high-quality~~high-quality development. A planned unit development may include light commercial uses to serve the needs of the planned development and surrounding neighborhood-wide trade area. It is unlikely that lands currently zoned as Woodland Conservation (W-C) or Agricultural (A-1) districts would be appropriate for a Planned Unit Development (PUD) district unless necessary infrastructure can be appropriately provided. The PUD District will generally be located in Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan.
- (9) *C-1 Neighborhood Commercial District.* The purpose of the C-1 District is to provide primarily for convenience, retail shopping and personal service uses, including services for visitors and tourists, to be developed either as a unit or on individual parcels. The intent of this district is to serve the needs of neighborhood wide trade areas that generally attract customers residing in neighborhoods within a smaller geographical area or needs of the traveling public on the highways. To enhance the general character of the district, its function of local services, and its compatibility with surrounding uses, the size and design of certain uses is limited. The C-1 District will generally be located in the Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan, and may also be strategically located in convenience nodes in other areas of the County where adequate utilities and access can be provided such as at intersecting collector and/or arterial roads.

(10) *C-2 General Commercial District*. The purpose of the C-2 District is to provide sufficient space in appropriate locations for a wide variety of commercial, automotive, recreational and service activities, including services and activities for visitors and tourists, generally serving community wide trade areas. This district is generally located in the Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan where a general mixture of commercial and service activities exists or is planned. The district is not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise associated with industrial activities, but will accommodate more intense commercial uses which may have outside activities, display and storage areas.

(11) *I-1 Light Industrial District*. The purpose of the I-1 District is to provide areas where the principal use is for warehousing, wholesaling and distribution, and light manufacturing and assembly uses generally dependent upon raw materials first processed elsewhere. Permitted uses would be conducted completely within an enclosed building with a limited amount of outside storage to minimize the impact of the uses on the surrounding area, as may be associated with fumes, odors, noise, dust, smoke and glare. District standards are intended to further reduce the impacts of these uses on the surrounding area, while permitting industries to locate near a labor supply. These uses should be concentrated in areas where adequate utilities and access are available, generally within the Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan.

(12) *I-2 General Industrial District*. The purpose of the I-2 District is to provide areas for larger scale manufacturing uses that are generally dependent upon the processing of raw materials and normally have associated outside storage areas and/or operating areas. Mitigation of any offensive noise, smoke or odor with industry best practices is intended to ensure compatibility with surrounding uses and preservation of the environment and natural and scenic assets of the County. These uses should generally be concentrated in areas where adequate utilities and access are available, generally within the Community Service Areas adjacent to towns as shown on the Page County Comprehensive Plan.

B. Special Purpose Zoning District.

(1) *A-F Agricultural and Forestal District Overlay*. The purpose of the A-F Overlay District is to provide a means for a mutual undertaking by landowners and Page County to protect and enhance agricultural and forestal lands as an economic and environmental resource of major importance under the authority of the Agricultural and Forestal Act, as described in the Code of Virginia, § 15.2-4300 et. seq. District standards outline the process and documentation for inclusion into the district and strictly limits uses other than agricultural and forestry.

Sections 125.262. – 125.284. ~~---~~ Reserved.

Division 2 – District Dimensional Standards.

Section 125.285. – General Standards and Interpretation.

- A. The requirements specified in this division shall be considered the minimum required to promote the public health, safety, and general welfare. Unless otherwise specified, the standards of this division are the minimum required.

- B. State Health Official may require larger minimum lot area for permitted uses as needed to meet Department of Health requirements for use of individual wells and/or sewage disposal systems.
- C. Setbacks:
 - (1) Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
 - (2) Increased setbacks may be required for compliance with Floodplain regulations.
- D. Lot frontage on the terminus of a stub street does not meet the requirements for road frontage unless a determination is made by the Zoning Administrator that extension of the stub street is not needed to serve future development.
- E. Minimum requirements are also subject to the standards for specific uses in Article VI. – Use Standards and Article VII. – Community Design Standards and any conditions of Special Use Permit approval, if applicable.

Section 125.286. – Parks-Recreation (P-R), Woodland Conservation (W-C) and Agricultural (A-1), General Districts Requirements.

- A. ~~Lots Allowed Density.~~
 - (1) In addition to the minimum lot area defined by Section 125.286.B., the maximum gross density of ~~The number of residential~~ lots allowed in the P-R, W-C and A-1 districts, ~~excluding any family subdivisions in accordance with Section 125.731,~~ -shall be based on a sliding scale zoning density whereby the number of new lots created from a parcel is determined by the size in acres of the parent parcel. The parent parcel is the parcel from which the new lot or lots are created. The maximum number of permitted new residential lots is based on the acreage of the parent parcel of record in the Clerk's office of the Circuit Court of Page County as of effective date of this subsection (insert date of ordinance adoption), as outlined in Table 125.263.1 below:

Table 125-286.1 Number of Residential Lots Permitted by Size of Parent Parcel

Size of Parent Parcel (acres)	Total Number of <u>Residential</u> Lots Permitted*
0 – 4.99	2
5 – 9.99	3
10 – 14.99	4
15 – 29.99	5
30 – 49.99	6
50 – 74.99	7
75 – 99.99	8
100 – 129.99	9
130 – 159.99	10
160 – 189.99	11
190 – 219.99	12
220 and above	13 <i>plus one additional lot for each additional 50 acres</i>

**Permitted residential lots must meet the ~~minimum~~ lot area, lot width and required yards for the underlying zoning ~~district~~, and cannot exceed a maximum area of 3 acres. The total number of lots permitted does not include family subdivisions as provided in Article IX.*

(2) No division or adjustment of boundary lines or any other reconfiguration of the parent parcel shall increase the number of residential lots which may be created.

(3) The maximum number of residential lots permitted in density for the P-R, W-C and A-1 districts shall be based on the gross acreage of the parent parcel ~~lot~~ with no deductions for floodplain and steep slopes. ~~No density allowance shall be calculated for~~ The gross acreage of the parent parcel shall not include any area of ~~a lot~~ the parcel in an existing street right-of-way.

~~(3)~~(4) Clustering of permitted lots between parent parcels. A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.

B. Lot Standards and Setbacks:

Table 125.286.2. Lot Standards and Setbacks, PR, W-C, and A-1 Districts

	P-R Parks-Recreation	W-C Woodland Conservation	A-1 Agricultural
Lot Standards			
—Lot Area	1.75 acres		
	1.75 acres		
1.75 acres			
—Minimum Lot Area Lot Width	1.75 acres150 feet	1.75 acres150 feet	1.75 acres150 feet
<u>Lot Width</u>	150 feet	150 feet	150 feet
Lot Coverage (m Maximum)	15%	15%	15%
Road Frontage			
On cul-de-sacs	50 feet	50 feet	50 feet
Other Roads	150 feet	150 feet	150 feet
Setbacks			
Front Yard	50 feet	50 feet	50 feet
Side Yard	20 feet	20 feet	20 feet
Corner Side Yard	50 feet	50 feet	50 feet
Rear Yard	50 feet	50 feet	50 feet
Height (maximum)			
Residential structures	Lesser of 2.5 stories or 35 feet	Lesser of 2.5 stories or 35 feet	Lesser of 2.5 stories or 35 feet
Other structures*	Lesser of 2.5 stories or 35 feet	Lesser of 2.5 stories or 35 feet	Lesser of 2.5 stories or 35 feet

	P-R Parks-Recreation	W-C Woodland Conservation	A-1 Agricultural
Accessory Structures** <u>*</u> <u>*</u> <u>*</u>			

** Agricultural structures may exceed 35 feet in height as long as they are exempt under the building code.*

*** Accessory Structure standards are provided in Article VI. – Use Standards.*

Section 125-287. – Rural Residential (R-R), Residential (R) and Residential (R-1), General District Requirements.

- A. Development within R-R, R and R-1 districts, excluding townhouse and multi-family residential are subject to the following:

Table 125.287.1 Dimensional Standards Within ~~RRAD~~, R, and R-1 Districts.

	R-R Rural Residential	R Residential	R-1 Medium-High Density Residential <i>Excluding townhouse and multi-family residential</i> <i>Excluding townhouse and multi-family residential</i>
Project Size (minimum)	20 acres	N/A	N/A
Preservation/Conservation Area (percentage of gross acreage)	70%	N/A	N/A
Lot Standards			
Lot Area with individual well & septic	1 acre	1 acre	30,000 square feet
Lot Area with central or public water & sewer	30,000 square feet	20,000 square feet	12,000 square feet
Lot Width	100 feet	100 feet	80 feet
Lot Coverage (Maximum)	30%	30%	30%
Road Frontage			
On cul-de-sacs	50 feet	50 feet	35 feet
Other roads	100 feet	100 feet	50 feet
Setbacks			
Front Yard	50 feet	35 feet	35 feet
Side Yard	20 feet	15 feet	15 feet
Corner Side Yard	30 feet	25 feet	25 feet
Rear Yard	50 feet	35 feet	25 feet
Height (maximum)			
Residential structures	Lesser of 2.5 stories -or 35 feet	Lesser of 2.5 stories -or 35 feet	Lesser of 2.5 stories -or 35 feet
Other structures	Lesser of 2.5 stories -or 35 feet	Lesser of 2.5 stories -or 35 feet	Lesser of 2.5 stories -or 35 feet

	R R Rural Residential	R Residential	R-1 Medium-High Density Residential <i>Excluding townhouse and multi-family residential</i> <i>Excluding townhouse and multi-family residential</i>
Accessory Structures* * * *			

*Accessory structure standards are provided in Article VI. – Use Standards.

B. Additional Requirements for R-R District.

- (1) The primary purpose of the preservation/conservation area is to preserve land area for agricultural and silvicultural purposes, historic sites and to preserve rural vistas, such as, but not limited to, ponds, pastures, working fields, and wooded lots, as viewed from collector and arterial roads. A secondary purpose is to preserve and promote natural resources such as, but not limited to, floodplains, wetlands, land forms to include hills and swales, streams and adjacent natural areas, and wildlife habitat. The preservation/conservation area shall be located within a permanent conservation area.
- (2) The Board of Supervisors may grant a reduction in the percentage of required preservation/conservation area to not less than 50% of the original tract size at the time of rezoning provided the property owner demonstrates through a natural resource inventory that the property's agricultural land base and sensitive environmental features are maintained to the greatest extent practicable.

C. Development of townhomes and multi-family residential dwelling units in the R-1 district are subject to the following: *(See next page)*

Table 125.287.2. Dimensional Standards for Townhouse and Multi-family Developments.

	R-1 Medium-High Density Residential — Townhouse subdivision development	R-1 Medium-High Density Residential — Multi-family development
Project Size	8 acres	15 acres
Common Area* (includes passive and active recreational areas for the development)	30%	10%
Density (Maximum)	8 units per acre	10 units per acre
Maximum Number of Attached Townhouse Lots in Each Row	10 units	N/A
Maximum Number of Multi-family dwelling units per Floor	N/A	10 units
Minimum Access into Project From Public Road:		
For 50 or fewer units	1	1
For 51 – 200 units	2	2
For more than 200 units	To be determined in conjunction with rezoning	To be determined in conjunction with rezoning
Lot Standards:		
Area	1, 800 square feet	N/A
Lot Width	20 feet	N/A
Lot Coverage (Maximum)	50%	40%
Road Frontage	**	—
Pavement Width for Internal Drives	24 feet	24 feet
Setbacks:		
A. Townhouse/Multi-family Building Setbacks from Project Boundaries	50 feet	50 feet
B. —Townhouse buildings:		
1. 1. Front Yard	20 feet	N/A
2. 2. Side Yard	20 feet	N/A
3. 3. End unit in row less than 5 attached lots	10 feet	N/A
4. 4. End unit in row of 5 or more attached units	15 feet	N/A
5. 5. Corner Side Yard	25 feet	N/A
6. 6. Rear Yard	20 feet	N/A
C. —Multi-family buildings:		
1. 1. From on-site roads	N/A	50 feet
2. 2. From parking spaces	N/A	15 feet
3. 3. Distance between buildings	N/A	30 feet
Height (maximum)	Lesser of 3 stories or 40 feet	Lesser of 3 stories or 40 feet

* A minimum of 50% of all required common areas shall be outside of the floodplains and shall have a slope of not more than 5%.

**Lots shall have frontage on a public street or be within 500 feet of a public street via a private street or easement as required by Article IX, Section 125.774.

~~E.D.~~ Townhouse subdivision development shall also be subject to the following additional development standards for access and variation in front building setbacks:

- (1) All lots shall have frontage on a road. If approved by the County as part of a rezoning application, lots may front on private pavement which has direct access to a public road when the private pavement is designed and constructed in accordance with the provisions of the Page County Subdivision Ordinance for alleys and private pavement.
- (2) Common Areas Ownership. Open space shall be owned and maintained by the developer and/or owner of the townhouse development, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association, whose members shall include all of the individual owners of townhouses in the development, or to a nonprofit council of co-owners as provided under the Code of Virginia. This land shall be used solely for the recreational and parking purposes of the individual townhouse lot owners. Such land conveyance shall include deed restrictions and covenants, in a form acceptable to the county attorney, that shall provide, among other things, that assessments, charges and costs of the maintenance of such areas shall constitute a pro rata lien against the individual townhouse lots, inferior in dignity only to taxes and bona fide duly recorded deeds of trust of each townhouse lot. An applicant seeking to subject property to townhouse development under this Section whose ownership or interest in the property is held by a valid lease, shall provide for an initial term of not less than 99 years in such lease.

~~F.E.~~ Additional building and site design standards for townhouse subdivision development and multi-family residential development shall be as follows:

- (1) General Design and Building Layout. The development shall be designed with special attention to compatibility of adjacent land uses, topography, existing vegetation, building height and orientation. The development shall incorporate an attractive building layout which relates to and enhances natural vegetation and terrain or incorporates natural design features such as preservation of scenic vistas or other unique elements of the site.
- (2) Architecture.
 - (a) The facades of individual townhouse units within any contiguous row shall be sufficiently varied in their materials, design, or appearance so as to visually distinguish them as individual dwelling units while at the same time maintain an overall cohesive residential character.
 - (b) Residential character may be achieved through the creative use of design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and plantings.
 - (c) The front yard setback of townhouse each unit shall be varied at least 2 feet from the adjacent unit to provide variation and visual distinction from the adjacent unit.
- (3) Pedestrian Access. Pedestrian access shall be provided to all common area elements, including mail kiosks, parking lots, refuse collection areas, and recreational amenities and to adjoining properties and along public roadways as required through plans review.

- (4) Roads and Private Pavement. All roads and private pavement shall have concrete curb and gutter. All streets that accommodate general traffic circulation through the subdivision, as determined during plans review, shall be designed and constructed to VDOT standards and taken into the state system.
- (5) Recreational Areas. Where active recreation areas are provided/required, active recreation facilities such as playground equipment, playfields and courts, picnic tables, and benches, as deemed appropriate at time of plan review, shall be installed within required recreation area. Recreational equipment shall be designed, constructed and maintained to be safe for users. All required safety fall zones and surfacing standards shall be met.
- (6) Landscaping and Architectural Plans. In conjunction with rezoning application submission, landscape and architectural renderings or elevations shall be submitted for approval.

Section 125.288– Manufactured Home Park (MHP-1), General District Requirements.

A. Development within the MHP-1 District is subject to the following:

Table 125.288.1 MHP-1 General District Requirements

	MHP-1 Manufactured Home Park
Park Size (minimum)	5 acres
Common Area* (includes passive and active recreational areas for the development)	25% of total park acreage; each active recreational area shall be a minimum of 25,000 square feet
Density	6 units per acre
Minimum Access into Park From Public Street*Street: **	
For 50 or fewer units	1
For 51 or more units	2
Park Setbacks from Property Boundaries*Boundaries: ***	
Public street	150 feet
From Any Existing Dwelling****	300 feet
Other	50 feet
Pavement Width for Internal Drives	24 feet
Pad Site Requirements:	
Area	6,000 square feet
Width	50 feet
Frontage on Park Streets	50 feet
Principal building setbacks for each pad site:	
Front Yard	25 feet
Side Yard	10 feet
Corner Side Yard	25 feet
Rear Yard	10 feet
Multi-family buildings:	
Height (maximum)	Lesser of 3 stories or 40 feet
Accessory Building Requirements	Subject to Article VI. – Use Standards

* Fifty (50) percent of the required common area shall be outside of floodplains and have a slope of not more than 5%.

**At the time of rezoning, the County may require additional emergency apparatus access if based on the potential impairment of any access due to vehicle conditions, terrain, climate conditions or other factors that could limit access.

***Setbacks shall be measured between property lines and nearest manufactured home pad sites or other structures. Setbacks shall contain a screen, fence or landscaping not less than six (6) feet in height with no openings to adjoining property other than the required accesses to public streets or public spaces.

****Unless written permission from the owner of such residence in agreement with a lesser setback is provided with the rezoning application.

B. Other Required Manufactured Home Park Standards.

- (1) Common Area. Sufficient recreation equipment such as playground equipment, playfields and courts, picnic tables, and benches, as deemed appropriate at time of plan review, shall be installed within required common area. Recreational equipment shall be designed, constructed and maintained to be safe for users. All required safety fall zones and surfacing standards shall be met.
- (2) Interior Park Streets. Park streets shall have unobstructed access to a public road. The design and construction of the interior park street system shall be sufficient to adequately serve the size and density of the development. Parking shall be prohibited in park streets. Park streets shall be constructed of bituminous concrete, concrete or similar material, designed to ensure adequate access by emergency services, and shall comply with private road standards of Article X – Subdivision of Land.
- (3) Water and Sewer. All manufactured home parks shall be served by public water and wastewater or be served by a private central water and sewer system approved by the Virginia Department of Health. All manufactured homes shall be required to utilize the approved water and sewer systems. All sanitary wastewater connections shall be located beneath the manufactured home which it serves.
- (4) Solid Waste Disposal Areas. Solid waste disposal areas shall be located in compliance with Section 125.526.A(1) —. Park management shall be responsible for the collection and disposal of waste.
- (5) Streetlights. Streetlights shall be installed at the intersection of park driveways and in locations where it is determined that such lighting is necessary to ensure safety and security for persons, property, and traffic. The exact number and location of streetlights shall be approved at the time of plan review.
- (6) Expansion of Existing Parks. Any expansion of existing manufactured home parks must result in full compliance with all regulations contained in this Section.
- (7) Street Frontage. All manufactured home parks shall have frontage on a public street. If approved by the County, parks may front on private pavement which has direct access to a public street when the private pavement is designed and constructed in accordance with the provisions of the Page County Subdivision Ordinance for alleys and private pavement.
- (8) Pedestrian Access. Pedestrian access shall be provided to all common area elements, including mail kiosks, parking lots, refuse collection areas, and recreational amenities and to adjoining properties and along public roadways as required through plans review.
- (9) Manufactured homes shall be placed on designated pad sites and shall not obstruct any road, private pavement, sidewalk or public utility easement.
- (10) Manufactured homes shall abut a park driveway or parking area which is adjacent to the driveway.
- (11) Skirting. Manufactured homes shall be skirted in accordance with the Building Code.

Section 125.289. – PUD Planned Unit Development, General District Requirements.

A. Overall Guidelines and Design:

- (1) PUDs shall be located on tracts having sufficient size to accommodate the development and provide appropriate transitions. Primary access for the development would be provided directly to a major roadway and not through an existing residential development having an average lot size larger than that of the proposed development.
- (2) The PUDs development design and quality should enhance the surrounding area, preserve scenic assets and natural features and be designed with the influence of the historic and architectural character of the community.
- (3) Edges of the development adjacent or near to established neighborhoods would be required to buffer the edges to minimize impact to established neighborhoods. This approach acknowledges existing development patterns and recognizes historic development conditions.
- (4) Quality design standards are required to include provision of sidewalks, street trees, site and individual lot landscaping, recreational amenities, a comprehensive system of pedestrian, bike and bridle paths, where appropriate, and quality and variety of the architectural design and materials. Further, it is the intent of the district to be designed to the human scale with neighborhood connectivity. Consideration should be given to height of buildings, mixture of homes to accommodate various incomes, neighborhood parks, recreational areas, greens, walking distances, interconnected streets, and traffic calming techniques.
- (5) These higher density, mixed use developments will only be permitted in areas where infrastructure in the form of public water and sewer, transportation systems and other public facilities such as parks and community facilities would not be adversely impacted or provisions are made for such facilities to accommodate demands resulting from the development.

B. Uses: An integrated mix of higher density residential development with smaller scale neighborhood-serving commercial uses, public spaces and community and recreational uses shall be provided in accordance with the following requirements:

- (1) Residential Use. The majority of the development should be residential units of varying types. Permitted residential uses include: Attached and detached single family dwellings, duplexes, townhouses and attached and detached multi-family (condominiums and/or apartments) units. Multi-family residential uses would be permitted to be vertically integrated with non-residential uses within buildings, with residential uses on the upper floor(s) of a building and non-residential uses on the ground floor.
- (2) Non-Residential Use. Permitted non-residential uses should primarily be smaller-scale and serve a neighborhood wide trade area as permitted in Article V. Use Matrix.
- (3) Guaranteed Mixed Use. Non-residential uses are required to be developed in conjunction with the development's residential uses such that:
 - a. Minimum of 30% of the original tract for the PUD must include non-residential uses (Overall not less than 20% commercial uses and not less than 10% public/recreational and open space uses)
 - b. Maximum of 50% of the residential uses are permitted to receive certificates of occupancy until such time as construction is complete on 40% of the non-residential uses.

- C. Minimum Development Standards: While the standards below offer the minimum development standards, PUDs often are substantially different in character than traditional single use developments such that additional standards and exceptions to existing standards are needed through the approval process. Considerations for granting exceptions are provided in Section (5) below.

(1) Residential Uses.

- a. For the residential uses, development shall comply with the standards for permitted uses in the R-1 (Medium-High Density Residential) Zoning District and Use and Development Standards Sections for such uses, Articles IV and VI. These standards address requirements including, but not limited to, densities, lot areas, frontage, width, setbacks, buffers, landscaping, parking, building heights, open space ownership and maintenance and architectural standards.

(2) Non-Residential Uses.

- a. For non-residential uses, development shall comply with the standards for permitted uses in the C-1 (Neighborhood Business) Zoning District and Use and Development Standards Sections for these uses, Articles IV and Article VI. These standards address requirements including, but not limited to, lot areas, frontage, width, setbacks, buffers, screening, landscaping, parking, building heights, open space ownership and maintenance and architectural standards.

(3) Streets, alleys and pedestrian circulation:

- a. Streets and alleys shall be provided pursuant to Article IX. and shall be constructed in compliance with current standards and accepted for maintenance by VDOT.
- b. Safe and appropriate vehicular circulation on-site and between adjacent properties shall be provided.
- c. Pedestrian ways shall be incorporated into each development and extended to adjacent properties. Pedestrian ways shall be designed to minimize conflicts with vehicular traffic.
- d. The orientation of streets shall enhance the visual impact of common open space and prominent scenic assets and natural features.
- e. Alley easements shall be owned, controlled, and maintained by a property owners' association (POA) or similar association or owned by individual property owners with control and maintenance by a POA or other association. The County shall be granted emergency ingress and egress to alleys but shall have no maintenance or ownership responsibilities.

(4) Architecture:

- a. In addition to standards provided in R-1 and C-1 Districts and in Use and Development Standards, the following shall be met with the planned development:
1. A consistent architectural treatment shall be developed for the project to ensure quality design and architecture are provided throughout. Architectural treatment of buildings, including materials, color and style, shall be compatible.

2. Architectural compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

(5) Standards Exceptions:

- a. An applicant may request to develop portions of the development at higher densities than stated for that particular use or may request flexibility in ordinance standards to accommodate the planned design and to encourage innovative and creative design and high-quality development. In granting development standard exceptions, consideration shall be given as to:
 1. Whether the exceptions are solely for the purpose of promoting an integrated development plan which would be equally beneficial to the development's design, its future occupants, and the surrounding area as would be obtained under this Chapter's development standards;
 2. Whether the exceptions are necessary, desirable and appropriate with respect to the primary purpose of the development; and
 3. Whether the exceptions are not of such a nature or located so as to have a detrimental influence on the area.
 4. Lot Area Reductions. The minimum lot area requirements may be decreased without limitation, provided that land in an amount equivalent to that by which each residential lot or building site is diminished is provided in common area within the development.
 5. Amendment of Conditions of Approval. Except as outlined below, amendment of conditions of approval for a PUD shall occur through the same process as the original approval:
 - a. Conditions allowing amendment by the planning commission, staff or others may be amended per the language of the condition; and
 - b. Conditions establishing setbacks may be amended through the granting of a variance by the Board of Zoning Appeals provided relief applies solely to a single lot and not the overall area encompassed by the PUD.

(6) Conditions and Guarantees:

- a. Conditions and restrictions may be imposed on the use, operation, establishment, location and construction of the development or any portion thereof as necessary to protect the public interest and ensure compliance with the guidelines of this Chapter and the Comprehensive Plan. In addition, a guarantee or bond may be required to ensure that conditions and ordinance standards are satisfied. Reasonable guarantees shall be provided that required common area and other commonly owned portions of the development will always remain available and be reasonably maintained.

~~(8)~~(7) Application and Review:

- a. Establishment of a PUD District shall be pursuant to the rezoning procedure set forth in Article III – Permits and Applications.

- b. In addition to the rezoning application requirements listed in Article III, the following application requirements shall apply:
1. A master plan showing:
 - a. General location of streets and alleys;
 - b. Land uses by type, function, density and intensity;
 - c. Transitional areas between uses and adjacent properties;
 - d. Proposed open space, specifically designating areas for passive and active use, and an inventory of scenic assets and natural resources to be considered for preservation; and,
 - e. Preliminary plans for drainage and erosion control, transportation improvements, water and sewer service, and other public utilities and facilities as may be required.
 2. A textual statement explaining in specific detail any and all exceptions to this Chapter that are being requested for the development and written justification for such exception request(s).
 3. A tabulation of the proposed program of development by general area and in total providing:
 - a. Proposed dwelling units by residential type;
 - b. Proposed non-residential square footages by use type and calculations of percentages of land area covered by the various land uses.
 - c. Illustrative building, parking, and alley layouts;
 - d. Descriptions and illustrations of screening, buffering and transitions to be provided between residential and non-residential uses and along development's edge;
 - e. Standards for the landscaping and lighting;
 - f. Street, loading areas and parking design;
 - g. Screening;
 - h. Architectural guidelines for all building types; such guidelines need not set specific floor plans or elevations, but shall describe the style and materials of buildings;
 - i. A written description of how the proposed plan and design guidelines for the proposed PUD meet the objectives outlined in this Section;
 - j. A statement regarding the timing of construction of common and/or public facilities;
 - k. A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained; and
 - ~~l.~~ Detailed conceptual plan of each residential type, commercial areas, recreational amenities, and open space areas.

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Section 125.289. – C-1 Neighborhood Commercial and C-2 General Commercial, General District Requirements.

A. Development with the C-1 and C-2 Districts are subject to the following:

Table 125-289.1 Lot Standards, C-1 and C-2 Districts

C-1 Neighborhood Commercial and C-2 General Commercial		
Setbacks		
Front yard	US Primary Route Highway	75 feet
	Other streets	50 feet
Interior side yard	a. Adjacent to A, R or MHP Districts	50 feet
	b. Adjacent to C or I Districts	10 feet
Rear yard	a. Adjacent to A, R or MHP Districts	50 feet
	b. Adjacent to C or I	30 feet
Heights		Lesser of 3 stories or 45* feet

**Within 100 feet of a R District, the height shall not exceed the lesser of 2.5 stories or 35 feet.*

B. Other Required Standards:

(1) Architecture. Buildings shall meet the following architectural requirements.

- (a) Building facades visible to a road or A, R or MHP District shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal. A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted.
- (b) Views of junction and accessory boxes visible from roads or adjacent property shall either be integrated into the architectural treatment of the building or their view minimized by landscaping.
- (c) Mechanical equipment, whether ground-level or rooftop, visible from roads or adjacent property shall either be integrated into the architectural treatment of the building or screened from view pursuant to Article VII, Division 2.
- (d) Buildings shall possess architectural variety while still maintaining compatibility with existing structures, especially those of high historic interest and shall employ an overall cohesive character as reflected in existing structures through the use of design elements including, but not limited to, materials, balconies, terraces, articulation of doors and windows, sculptural or textual relief of facades, architectural ornamentation, varied roof lines, or other appurtenances such as lighting fixtures and landscaping. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Section 125.290. – I-1 Light Industrial and I-2 General Industrial, General District Requirements.

A. Development with the I-1 and I-2 Districts are subject to the following:

Table 125.290.1 Dimensional Standards Within I-1 and I-2 Districts.

I-1 Light Industrial and I-2 General Industrial		
Setbacks		
Front yard	US Primary Route Highway	75 feet
	Other streets	50 feet
Interior side yard	Adjacent to A, R or MHP Districts	75 feet
	Adjacent to C or I Districts	20 feet
Rear yard	Adjacent to A, R or MHP Districts	75 feet
	Adjacent to C or I	30 feet
Heights		Lesser of 3 stories or 45 * feet * 35 feet

**Within 100 feet of an ~~R~~ District, the height shall not exceed the lesser of 2.5 stories or 35 feet.*

B. Other Required Standards:

(1) Architecture. Buildings shall meet the following architectural requirements.

- (a) Building facades shall not be constructed of unadorned concrete block, unfinished corrugated metal or unfinished sheet metal. A façade shall not consist of architectural materials inferior in quality, appearance or detail to any other façade, except that use of different materials on different facades shall be permitted.
- (b) Views of junction and accessory boxes visible from roads or adjacent property shall either be integrated into the architectural treatment of the building or their view minimized by landscaping.
- (c) Mechanical equipment, whether ground-level or rooftop, visible from roads or adjacent property shall either be integrated into the architectural treatment of the building or screened from view.

Sections 125.291. – 125.319. ~~---~~ Reserved.

Division 3 – Special Zoning Districts.

Section 125.320. – Creation of Overlay Districts.

The Board of Supervisors, with a recommendation from the Planning Commission, may establish a zoning district which is applied over one or more base zoning districts to establish additional or stricter standards and criteria for specific covered properties in addition to those of the underlying zoning district. These overlay districts do not affect the permitted uses, development standards or activities within these based zones except as outlined in this Section. Where standards of an overlay district and the base zoning district are different, the more restrictive standard shall apply.

Section 125.321. – Agricultural and Forestal (A-F) Overlay Districts.

- A. Purpose. The purpose of the A-F Overlay Districts is to provide a means for a mutual undertaking by landowners and Page County to protect and enhance agricultural and forestal lands as an economic and environmental resource of major importance under the authority of the Agricultural and Forestal Act, as described in the Code of Virginia, § 15.2-4300 et. seq., as amended.
- B. Creation of Districts. Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, as amended, the authority to create Agricultural and Forestal (A-F) Overlay Districts (hereinafter referred to as "A-F Overlay Districts") is hereby established subject to the conditions and districts' terms set forth in this Section and as otherwise provided by § 15.2-4300 through 15.2-4314 of the Code of Virginia, as amended, the provisions of which, except as specially modified herein, are adopted and incorporated as part hereof by reference.
- C. Term and Review. A review of A-F Overlay Districts, including any additions to any existing districts or creation of additional A-F Overlay Districts, may be made by the Board of Supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia 1950, as amended, and this Chapter.
- D. Conditions of District. The A-F Overlay District shall comply with the following conditions:
 - (1) The A-F Overlay District shall comply with the provisions of this Chapter and with § 15.2-4300 through 15.2-4314 of the Code of Virginia, as amended.
 - (2) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations or limited liability companies shall be eligible for inclusion in an A-F Overlay District as long as all property owners sign the application indicating their desire that the parcel be included in the district.
 - (3) Uses and structures shall be permitted on a parcel in compliance with Article V – Use Matrix, and, except for Section 125.286, shall be subject to dimensional standards of the Agricultural (A-1) District (Article IV), and in compliance with use and community design standards of Articles VI and VII of this Chapter.
 - (4) Parcels of land, as now defined on the county real estate records, within an A-F Overlay District may be sold in their entirety to a nonfamily member, but not subdivided to a non-family member, during the term of the district status. However, the parcel under new ownership shall remain in the district at least until the time of the scheduled district renewal.
 - (5) Land within an A-F Overlay District may only be subdivided by purchase or gift to immediate family members in compliance with Article IX – Subdivision of Land of this Chapter. However,

such subdivided parcels shall remain in a district for at least as long as the parent parcel remains in the district.

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

Section 125.322. – Applicability of the Stonyman A-F Overlay District.

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

Stonyman A-F Overlay District Term and Review. The A-F Agricultural and Forestal District shall be in effect until November 1, 2023. A review of the district, including any additions to the district, may be made by the Board of Supervisors as provided by, and in accordance with, § 15.2-4309 through 15.2-4312 of the Code of Virginia 1950, as amended, and this Chapter.

B.

Sections 125.323. – 125.349. — Reserved.

~~Sections 125.323. – 125.349. Reserved.~~

ARTICLE V. – USE MATRIX.

Section 125.350. – Use Matrix.

- A. The following table (*See next page*) provides all use types and all zoning districts where the use type is permitted (B) by-right, permitted (R) with restrictions, permitted (SUP) with approval of a special use permit, or permitted (A) as an accessory use.
- B. All uses listed in the use matrix not specifically permitted or permitted with approval of a special use permit are prohibited.
- C. Overlay Districts. Regardless of whether the use matrix lists a use as permitted or prohibited, the use type shall be restricted or prohibited by the requirements of an overlay district.

Table 125.350.1 - Use Matrix

Uses by Category USES BY CATEGORY	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP-1	A-F
B – By-right A – Accessory Use R – With Restrictions SUP – Special Use Permit													
A – Accessory Use R – With Restrictions SUP – Special Use Permit													
Agriculture and Environment													
Agricultural operations	B	B	B	B				B	B	B	B		B
Agriculture, intensive			SUP										SUP
Agritourism	B	B	B	B									B
Aquaculture	B	B	B	B									B
Brewery or distillery, farm	B	B	B	B									B
Confined Animal Feeding Operation (CAFO)		BR	RB										BR
Conservation	B	B	B	B	B	B	B	B	B	B	B	B	B
Farmers' market			B				B	B	B				
Gardening	B	B	B	B	A	R	R	A	A	A	A	A	B
Livestock market			SUP						A	SUP			
Residential farm				R	R	SUP	SUP						
Wayside stand	B	B	B	B									B
Winery, farm	B	B	B	R	R	R	R	A	A	A	A	R	B

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Uses by Category USES BY CATEGORY	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP-1	A-F
Agricultural operations	B	B	B	B									B
Agriculture, intensive			SUP										SUP
Residential													
Accessory dwelling unit	R	R	R	R	R	SUP	SUP						R
Alternative dwelling unit	SUP	SUP	SUP	SUP								SUP	
Dwelling, multifamily						B	B						
Dwelling, single-family	B	B	B	B	B	B	B	R	R			R	B
Dwelling, townhouse						B	B						
Dwelling, two-family					B	B	B						
Family day home (5-12 children)	SUP	SUP	SUP	SUP	SUP	SUP	SUP						SUP
Family day home (1-4 children)	B	B	B	B	B	B	B					B	B
Family health care structure, temporary	R	R	R	R	R	R	R						R
Home occupation, type A	R	R	R	R	R	R	R						R
Home occupation, type B	SUP	SUP	SUP	SUP	SUP								SUP
Home occupation, virtual business	R	R	R	R	R	R	R					R	R
Manufactured home	BR	RB	BR	BR	SUP							BR	BR

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Manufactured home park												R B	
Residential care home	B	B	B	B	B	B						B	
Shelter, residential						SUP			SUP				
Short-term tourist rental	R	R	R	R	R	SUP	SUP						
Public, Civic, Recreational, and Institutional													
Camps and campground, recreational	SUP	SUP	SUP										
Cemetery	SUP	SUP	SUP	SUP	SUP				B				
Cultural facility			SUP	SUP			SUP	B	B				
Educational facility, college or university							SUP	SUP	B	SUP			
Educational facility, primary or secondary		SUP	SUP	SUP	B	SUP	B	B	B				
Emergency management services facility	SUP	SUP	SUP	SUP	SUP	SUP	SUP	<u>B</u>	B	B	B		
Neighborhood recreational facility				B	B	B	B					B	
Public park/recreational area	R	R	R	R	R	R	R	B	B	B	B	R	
Public use	SUP	SUP	SUP	SUP	SUP	SUP	SUP	B	B	B			
Religious assembly	SUP	B	B	SUP	B	B	B	B	B	SUP	SUP	B	
Commercial													

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Assembly, place of	SUP	SUP	SUP	SUP	SUP	SUP	SUP	B	B	SUP			
Automobile repair service		SUP P	SUP				SUP	R	R	R			
Automobile sale, rental/leasing									R				
Aviation facility, private			SUP						SUP	SUP	SUP		
Aviation facility, public			B						B				
Bed and breakfast establishment	R	R	R	R	SUP		SUP	R					
Brewery, craft (Micro)							B	B	B				
Business, adult									SUP				
Business support service							B	B	B	B	B		
Car wash									R				
Catering facility							B	B	B	B			
Commercial indoor entertainment								B	B				
Commercial indoor recreation / amusement								B	B				
Commercial outdoor recreation / amusement	SUP	SUP	SUP					SUP	R	SUP	SUP		
Crematory									SUP	R			
Day care center		SUP	SUP	SUP	SUP	SUP	SUP	R	R	SUP		R	
Distillery, craft (Micro)							B	B	B	B			

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Equipment sales/rental, heavy			SUP						R	R			
Equipment repair service, heavy			SUP						SUP	R	R		
Farm supply and service establishment			SUP					B	B				
Financial institution							B	B	B				
Funeral home								B	B				
Gasoline station	SUP	SUP	SUP				SUP	SUP	R				
Greenhouse, commercial			SUP						R				
Hospital									B				
Hotel									B	B			
Janitorial business									B	B			
Life care facility						SUP	B	B	B				
Kennel, commercial		SUP	SUP						R				
Laundry, commercial									B	B			
Manufactured home sales									SUP	SUP			
Office, general			SUP				B	B	B	B	B		
Office, medical/clinic							B	B	B				
Outdoor sales, seasonal		R	R				R	R	R	R			
Personal services							B	B	B				

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Restaurant, drive-thru							R		R				
Restaurant, general							B	B	B				
Restaurant, mobile							SUP	R	R				
Sawmill, commercial		SUP	SUP						SUP		R		
School, business or trade							B	B	B	B			
Self-storage facility		SUP	SUP							R			
Shooting range, commercial		SUP	SUP						R	R			
Sportsman's club	SUP	SUP	SUP										
Stable, commercial	SUP	SUP	SUP	SUP				SUP	SUP				
Storage warehouses		SUP	SUP						B	B	B		
Store, general		SUP	SUP				B	B	B	B			
Store, specialty		SUP	SUP				B	B	B	B			
Veterinary clinic		SUP	SUP				R	R	R				
Tradesperson Service		SUP	SUP				SUP	B	B	B	B		
Industrial													
Boat yard									SUP	SUP	B		
Construction material sales or rental									B	B			
Hazardous material storage and distribution											SUP		

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<u>Uses by Category</u> <u>USES BY CATEGORY</u>	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP-1	A-F
Laboratory, research and development										B	B		
Manufacturing, heavy											SUP		
Manufacturing, light										B	B		
Recycling facility											B		
Sanitary landfill			SUP								SUP		
Storage yard									R	R	R		
Truck/freight terminal										SUP	B		
Warehousing and distribution										B	B		
Miscellaneous													
Accessory building or structure	R	R	R	R	R	R	R	R	R	R	R	R	R
Amateur radio antennas	R	R	R	R	R	R	R	R	R	R	R	R	R
Broadcasting or communication tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Communication facility, small cell	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>BR</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>	<u>RB</u>
Graveyard	B	B	B	B	B	B	B	B	B	B	B	B	B
Junkyard											R		
Kennel, private	R	R	R	R	SUP		SUP						R
Parking lot, commercial		SUP	SUP						SUP		B		

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Uses by Category USES BY CATEGORY	P-R	W-C	A-1	RR	R	R-1	PUD	C-1	C-2	I-1	I-2	MHP-1	A-F
Parking lot, private	A	A	A	A	A	A	A	A	A	A	A	A	A
Resource extraction			SUP										
Sawmill, portable	R	R	R	R	<u>R</u>	<u>R</u>	<u>R</u>	R	R	R	R	<u>R</u>	R
Sportsman club, private	R	R	R										
Stable, private	R	R	R	R	SUP							SUP	
Utility service, major	SUP	SUP	SUP						SUP	SUP	SUP		
Utility service, minor	R	R	R	R	R	R	R	R	R	R	R	R	R
Windmill	SUP	SUP	SUP		SUP			SUP	SUP	SUP	SUP		
Windmill, small system	R	R	R	SUP	SUP	SUP	SUP	R	R	R	R	SUP	R

Sections 125.351. – 125.359. ~~---~~ Reserved.

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ARTICLE VI. – USE STANDARDS.

Division 1. – General Standards for Specific Uses.

Section 125.360. – Purpose and Intent.

- A. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this ordinance that may apply. The standards set forth in this Article for a specific use apply to the particular individual use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance. Every use shall comply with all applicable county, state, and federal regulations and shall be subject to the following requirements, which shall be approved by the Zoning Administrator, in the Zoning Administrator's sole discretion, and which the Zoning Administrator shall have the authority to enforce, in addition to any other enforcement mechanism in this Code.

Sections 125.361. – 125.364. ~~---~~ Reserved.

Division 2. – Agriculture and Environment Use Standards.

Section 125.365. – Agriculture, intensive.

- A. Any agriculture, intensive use shall meet the following minimum requirements:
 - (1) Located a minimum of 200 feet from any primary route highway and 150 feet from other public or private streets;
 - (2) Located a minimum of 400 feet from any residential district and from any existing residence not located on the same parcel and any religious assemblies, public or private schools, and other publicly-owned facilities
 - (3) Agriculture, intensive uses shall submit any federal and state permits prior to the issuance of any building permits for the use.

Section 125.366. – Confined animal feeding operation (CAFO).

- A. Distances from property lines, structures, roads, and water protection. A confined animal feeding operation shall meet the following setback requirements:
 - (1) A minimum of 300 feet from any structure designed to be occupied as a residence, excluding any residence owned by the applicant desiring a permit to establish a confined animal feeding operation;
 - (2) A minimum of 300 feet from any residential zoning district, school, church, community center or commercial business establishment or industry or any other structure designed for public occupancy;
 - (3) A minimum of 1,000 feet from any boundary of a town within the County;
 - (4) A minimum of 150 feet from any neighboring property line;
 - (5) A minimum of 200 feet from any primary highway or roadway and 100 feet from any secondary highway, roadway or other right-of-way for passage;

- (6) A minimum of 300 feet from any recreational pond or lake; and,
- (7) A minimum of 100 feet from any river, creek, spring, reservoir or any public or private water supply system, including but not limited to wells or cisterns.

B. Acreage.

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

Section 125.367. – 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 125.367.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 125.367.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 125.362.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 125.367.A.(2)(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 125.367(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 125.166 shall be required for each residential farm. In addition to the requirements for such permit in Section ~~125.166~~, 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 ~~125.3672-2~~.B.(1); and,

(c) certification of Virginia Livestock Certification Registration for livestock and poultry with the Virginia Department of Agriculture and Consumer Services.

Sections 125.368. – 125.379. ~~---~~ Reserved.

Division 3. – Residential Use Standards.

Section 125.380. – Accessory dwelling unit.

A. An accessory dwelling unit is allowed only as accessory to a single-family detached dwelling.

B. Only one accessory dwelling is permitted per parcel.

C. Such structures shall comply with all dimensional standards that apply to the primary structure.

D. An accessory dwelling unit shall:

(1) Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit; and,

- (2) Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
- E. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit, except by with approval by a Special Use Permit.
- F. An accessory dwelling shall obtain all proper permits and comply with all applicable requirements of the Virginia Department of Health and the Virginia Uniform Statewide Building Code.
- G. An accessory dwelling unit that is contained within a single-family dwelling may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level.
- H. The floor area of an accessory dwelling unit contained within a separate structure shall be no more than 50 percent of the square footage of the primary structure.

~~Section 125.381. – Manufactured home.~~

~~A. – Manufactured homes shall comply with the Virginia Manufactured Housing Construction and Safety Standards Law.~~

~~A. – Manufactured homes shall be placed on a permanent foundation and shall comply with the requirements of the Virginia Uniform Statewide Building code, including skirting requirements.~~

~~A. – Two or more manufactured homes shall not be joined or connected together as one dwelling, nor shall any accessory building be attached to a manufactured home. This does not prohibit manufactured homes designed and manufactured as multi Section homes.~~

Section 125.38~~2~~¹. – Family health care structure, temporary.

- A. Use is accessory to a single family dwelling;
- B. No more than one unit is located on a lot;
- C. Occupancy is limited to one mentally or physically impaired person and, in the case of a married couple, the impaired person's spouse who requires assistance with one or more activities of daily living as defined by Code of Virginia, and certified in writing by a licensed physician;
- D. Caregiver resides in the single family dwelling located on the lot and is related by blood, marriage, or adoption to the mentally or physically impaired person residing in the unit or serves as such person's legally appointed guardian;
- E. Unit does not exceed 300 gross square feet in area;
- F. Unit complies with setback requirements for primary structures in the district;
- G. Unit complies with height limitations for accessory structures in the district;
- H. Unit is primarily assembled at a location other than the lot on which it is to be located;
- I. Unit is not placed on a permanent foundation;
- J. A zoning permit is obtained, and maintained, from the planning department for the unit. In conjunction with the request for a permit and annually thereafter, the following shall be submitted: documentation, as deemed necessary by the planning department, to ensure compliance with this Section and the Code of Virginia; documentation of occupant(s)' need for care; documentation of the relationship of the mentally or physically impaired person and the

caregiver; and permission for a planning department representative to inspect, at reasonably convenient times, the unit and the single family dwelling to determine compliance with this Section. The planning department may revoke the permit for any violation of this Section;

- K. Unit is removed within 60 days of the date on which the unit was last occupied by a mentally or physically impaired person receiving services or meeting the certification requirements; and

Unit shall not be used for, or converted to, another use.

Section 125.3823. – Home occupation, Type A, Type B, and Virtual Business.

- A. Location and area occupied by a home occupation shall meet the following requirements:

- (1) Type A:

- (a) A Type A home occupation shall be conducted entirely within the dwelling unit, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation.

(a)

- (2) Type B:

- (a) A Type B home occupation shall be conducted within the dwelling unit or an accessory structure, or both, provided that not more than 25 percent of the gross floor area of the dwelling unit shall be used for the home occupation.

- (3) Virtual Business:

- (a) Home occupation shall be permitted within the dwelling unit or accessory structure, provided not more than 25 percent of the gross floor area of the dwelling unit shall be used for the business.

- B. Exterior appearance of home occupation uses shall meet the following requirements:

- (1) Type A and Virtual Businesses:

- (a) There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of the home occupation, except that a sign may be erected to identify a Type A home occupation as authorized by Article VII, Division 4.

- (2) Type B:

- (a) There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a Type B home occupation, except that one sign may be erected as authorized by Article VII, Division 4. Any accessory structure that does not conform to the applicable setback and yard requirements for primary structures shall not be used for a home occupation.

- C. Sales. Commodities, other than light inventory for Type A and Type B home occupations, are not stored or sold on the premises.

- D. Traffic generated by a home occupation. The traffic generated by a home occupation shall not exceed the volume that would normally be expected by a dwelling unit in a residential neighborhood.

- E. Parking. All vehicles used in a home occupation and all vehicles of employees, customers, clients or students shall be parked on-site.
- F. Resident. The principal person conducting the home occupation accessory use shall be a full-time resident of the dwelling.
- G. Vehicles. No more than two vehicles associated with the home occupation shall be parked on the premises. The vehicles shall not exceed 10,000 pounds or have more than two axles. No more than 1 trailer associated with the home occupation may be parked on the property. The trailer shall not exceed 1 axle, 13 feet in length and 3,200 pounds. The trailer must be parked, except for during loading and unloading, either in the rear yard, or such that it is screened from view of adjacent properties and roads.
- H. Exterior Storage. Except for business-related equipment, materials or merchandise stored on the vehicles or trailer, exterior storage of business-related equipment, materials, or merchandise is prohibited.
- I. Storage and Operation. The equipment used by the home business and the operation of the business shall not create any noise, vibration, heat, glare, dust, odor or smoke discernible at the property lines or use or store hazardous materials in excess of quantities permitted in residential structures.
- J. License and Permit.
 - (1) The operator of a home occupation use shall secure a County business license and obtain a home occupation use permit.
 - (2) Approval of a home occupation use shall be revocable at any time by the County because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.
 - (3) Approval of a home occupation use shall stand revoked, without any action by the County, if the use authorized does not have a current business license.

Section 125.3831. – Manufactured home.

- (1) Manufactured homes shall comply with the Virginia Manufactured Housing Construction and Safety Standards Law.
- (2) Manufactured homes shall be placed on a permanent foundation and shall comply with the requirements of the Virginia Uniform Statewide Building code, including skirting.
- (3) Two or more manufactured homes shall not be joined or connected together as one dwelling, nor shall any accessory building be attached to a manufactured home. This does not prohibit manufactured homes designed and manufactured as multi-Section homes.

Section 125.384. – Short-term tourist rental.

- (1) The use is permitted incidental to a permitted dwelling unit.
- (2) The owner(s) of any dwelling shall apply for a Page County business license prior to using the dwelling as a short-term tourist rental.

- (3) Prior to using the dwelling as a short-term tourist rental, a property management plan demonstrating how the short-term tourist rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval by the Zoning Administrator. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term tourist rental. The contact numbers shall be provided to County staff, public safety officials and, if applicable, the HOA/POA of the subdivision. Information will be clearly posted in the house, and clear boundaries of the property will be shown. The plan must be provided as part of the rental contract.
- (4) Maximum number of occupants shall be determined by the Page County Health Department and occupancy shall be limited to the number of people set forth by the permit issued.
- (5) Parking for the short-term tourist rental shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited from blocking the road or rights-of-way of through traffic. Upon application of a business license, if the short-term tourist rental entrance is off of a state-maintained road, the Virginia Department of Transportation will need to evaluate the entrance to ensure compliance with its minimum standards.
- (6) Upon new application or new owners of a business license, the Page County Building Official or their technical assistant must do a life safety inspection of the short-term tourist rental. A fire extinguisher (Type 2A:10B:C) shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; a carbon monoxide detector must be installed on each floor if there is a fuel-fired appliance; and any other requirements as prescribed by the Virginia Code (Uniform Statewide Building Code).
- (7) Failure to comply with these supplemental regulations will result in violation of the Page County Zoning Ordinance.
- (8) Penalty
 - (a) It shall be unlawful to operate a short-term rental:
 - [1] Without obtaining a registration as required by this Section;
 - [2] After a registration has been suspended or cancelled; or,
 - [3] In violation of any other requirement of this Section.
 - (b) The penalty shall be a fine of \$500.00 per occurrence for an operator required to register who offers for short-term rental a property that is not registered.

Sections 125.385. – 125.399. ~~—~~ Reserved.

Division 4. – Public, Civic, and Recreation Use Standards.

Section 125.400. – Camps and campground, recreational.

- A. Site plan requirements. In order to ensure the provision of adequate, properly designed sanitation facilities at campgrounds, any person planning construction, major alteration or extensive addition to any campground shall, prior to the initiation of any such construction, submit to the

Page County Health Department, complete plans, at a minimum scale of one inch to 50 feet, and statements which show the following:

- (1) The proposed method and location of sewage disposal system.
 - (2) The proposed sources and location of the water supply.
 - (3) The number, location and dimensions of all campsites.
 - (4) The number, description and location of proposed sanitary facilities such as toilets, dump stations, sewer lines, etc.
 - (5) Name and address of applicant.
 - (6) Location, boundaries and dimension of the proposed project.
 - (7) The number, description and location of proposed motor vehicle parking spaces.
 - (8) The description and location of all interior roads.
 - (9) The description and location of all buildings and recreational areas.
 - (10) The description of any landscaping plans.
 - (11) Such other pertinent information as the Virginia Health Commissioner or the Page County Health Department may deem necessary.
- B. Permit approval. Before any permit is issued for construction of, major alterations to, or extensive addition to any campground, the plans and specifications shall first be approved by the County Planning/Building/Zoning Office(s), Virginia Department of Transportation (VDOT) and the Page County Health Department, taking into account all of the provisions as set out herein, as well as such special conditions as may be imposed by the Planning Commission, and provided further that said plans and specifications are in accordance with state regulations governing campgrounds, as amended from time to time.
- C. Permitted camping units. Only tents, tent trailers, travel trailers, camping trailers, pickup campers, motor homes, or camping cabins, as defined above, or any other device or vehicular-type structure as may be developed, marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel shall be allowed.
- D. Permanent occupancy prohibited. No camping unit shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond seven months in any twelve-month period shall be presumed to be permanent occupancy.
- E. Site requirement/density.
- (1) The minimum parcel size shall be 10 contiguous acres.
 - (2) The average number of campsites per acre shall not exceed 20.
 - (3) Each campsite shall be a minimum of 1,600 square feet of space and shall not be less than 25 feet wide at its narrowest point.
 - (4) A minimum of 20 percent of the entire tract of land shall be open area and/or recreation area, of which no more than 50 percent can be a body of water. Campsites, service buildings, roads, or buffers shall not be included as open and/or recreation area.

- (5) Exposed ground surfaces in all parts of a campground shall be paved or covered with crushed stone or gravel or protected with a vegetative growth or other natural growth that is capable of preventing soil erosion and eliminating objectionable dust.
 - (6) Each campsite shall be identified by number and Section. Camping units within a campground shall be required to be located within the designated campsites.
- F. Lighting. Any lighting that is provided on the campground will be directed downwards, so as to not produce a glare on adjoining properties.
- G. Fires. Any outdoor fires on the campground shall be enclosed by a fire ring. All fire rings shall be enclosed by a durable, nonflammable material at least eight inches in height. Firewood must originate in Page County and remain in Page County.
- H. Perimeter fencing. Where perimeter fencing is not provided, the campground shall be blazed every 25 feet, and a sign shall be posted every 50 feet which states: "NO CAMPERS BEYOND THIS POINT," in a minimum size of two-inch letters. The signs shall be posted on the property line of the campground.
- I. Special use permit requirements. The special use permit shall also consider the following on a site-by-site basis:
 - (1) Quiet hours (to include use of generators).
 - (2) Fireworks.
 - (3) Use of off-road vehicles.
 - (4) Additional buffer requirements adjacent to existing dwellings and areas of potential growth.
 - (5) Impact of traffic on nearby residences, and mitigation thereof.
- J. Health and sanitation requirements.
 - (1) Requirements. All health and sanitation requirements shall be in accordance with the Virginia Department of Health regulations for campgrounds.
 - (2) Service building. Campgrounds must have a service building constructed of cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition and meeting the requirements of the Virginia Department of Health. All service buildings shall also conform to all applicable building codes.
- K. Design of access to campground.
 - (1) Location and access.
 - (a) Direct access to public street. Except as stated below, no campground shall be located except with direct access to a public street maintained by VDOT with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a campground shall be permitted through a residential zone.
 - (b) Private road. If the proposed campground parcel does not adjoin a public street, a fifty-foot deeded right-of-way, with appropriate frontage at the public street to permit appropriate design of entrances and exits, must be obtained to provide access to the parcel. Road condition, maintenance responsibilities, and the rights of the servient tenants shall be considered in the special use permit.

- (2) Entrances and exits. Entrances and exits to campgrounds shall be designed for safe and convenient movement of traffic into and out of the campground and shall be designed to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the campground shall be through such entrances and exits. Entrances shall be constructed utilizing appropriate radii and grades to accommodate movement of all vehicles using/entering the campground. All entrances onto public roads shall meet VDOT requirements.
- (3) Road requirements. Interior roads and access to individual sites shall consist at a minimum of an all-weather gravel surface. All interior roads shall be a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic. No campsite shall have direct access to a public street.

L. Yards and setbacks.

- (1) The minimum setback from property lines shall be 50 feet; a buffer as outlined in the landscape Section of this Ordinance shall be included within the setback area.

~~(1)~~

M. On-site operator.

- (1) If an on-site operator is not provided, a point of contact for the campground shall be designated and emergency contact information provided and posted conspicuously at the campground.

Section 125.401. – Public park/recreational area.

All active outdoor recreational facilities, not including play fields, courts or grounds, shall be setback a minimum of 100 feet from adjacent R zoned properties and other properties occupied by single family dwellings. Play fields, courts and grounds shall be setback a minimum of 50 feet from adjacent R zoned properties and other properties occupied by single family dwellings.

Sections 125.401. – 125.414. – ~~—~~ Reserved.

Division 5. – Commercial Use Standards.

Section 125.415. – Automobile repair service, ~~major/minor.~~

A. All automobile repair services shall meet the following minimum standards:

- (1) All vehicles stored on the premises in excess of seventy-two (72) hours shall be placed in a storage yard screened in accordance with the landscape division of this Ordinance.
- (2) No exterior display or storage of new or used automobile parts is permitted.
- (3) There shall be no storage of motor vehicles in landscaped areas or within ten (10) feet of the public road right-of-way.
- (4) The use shall be designed to ensure proper functioning of the site in regards to vehicle stacking, circulation, and turning movements.

Section 125.416. – Automobile sale, rental/leasing.

- A. No vehicle or equipment displays shall be located within a required yard, setback, fire lane, travelway, sidewalk, or landscaped area.
- B. All vehicles for sale shall be parked in a parking space or a vehicle display pad.
- C. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level.
- D. No vehicle or other similar items shall be displayed on the top of a building.
- E. Outdoor displays shall be limited to the vehicles being sold, rented, or leased on the property. No other display of any other goods or merchandise shall be permitted.
- F. All accessory vehicle maintenance or service shall be conducted within a completely enclosed building and subject to the use requirements of this Article.
- G. All vehicles must be operational.
- H. Outdoor storage, including temporary on-site storage of vehicles awaiting, repair, service, or removal, as an accessory use, where permitted, shall be subject to the use requirements of this Article.

Section 125.417. – Bed and breakfast establishment.

A. Bed-and-breakfasts shall be subject to the following minimum standards:

- (1) The operator shall hold a valid business license from the County and, where applicable, a permit from the Department of Health.
- (2) A registration book must be maintained for one year and be made available for review by the County upon request.
- (3) Every room occupied for sleeping purposes shall comply with Uniform Statewide Building Code.
- (4) Signage must comply with the signage regulations of this Chapter.
- (5) No changes shall be made to the building exterior that would detract from its appearance as a family dwelling.
- (6) Physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- (7) Any additions or modifications for the bed-and-breakfast shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the
- (8) Bed-and-breakfasts are to be integrated into the residential fabric of the neighborhood in which they are located. A proposed bed-and-breakfast should not affect the integrity or character of the single-family residential neighborhood for which it is proposed.
- (9) Off-street parking shall be screened from surrounding family residences by landscaping or fencing in accordance with the landscaping Section of this Ordinance.
- (10) Guest rooms shall not have cooking facilities.
- (11) The maximum stay for a guest shall be 14 days.
- (12) Bed-and-breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot, provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.
- (13) Bed-and-breakfast establishments must be occupied by the owner except as outlined in the definitions.

Section 125.418. – Business, adult.

A. In addition to all other requirements of this Chapter and other laws, any adult business shall conform to the following requirements:

- (1) The business shall be located at least 2,000 feet away from any residential zoning district and at least 2,000 feet from the property line of any land used for any of the following:
 - (a) Residential;

- (b) A life care facility;
 - (c) A day-care center;
 - (d) An educational facility;
 - (e) A public park/recreational area;
 - (f) A place of assembly;
 - (g) A public use;
 - (h) A religious assembly;
 - (i) A hotel or bed-and-breakfast establishment;
 - (j) Any other adult business.
- (2) Such uses shall not be permitted in shopping centers and/or multitenant buildings.
 - (3) Adult merchandise shall not be visible from any point outside the establishment.
 - (4) Signs or attention-getting devices for the business shall not represent or depict specified sexual activities or specified anatomical areas or sexually oriented goods as defined by the Virginia Code.
 - (5) Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under 18 years of age. If access to the establishment is limited to persons at least 18 years of age, the requirements of this subsection shall be deemed satisfied.
 - (6) Hours of operation shall be limited to between 9:00 a.m. and 12:00 midnight.

Section 125.419. – Car wash.

- A. Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
- B. Any use that has a car wash shall treat the car wash as a primary use for the purposes of setbacks, buffers, and landscaping.
- C. No sales, repair, or outside storage of motor vehicles shall be conducted on the site.

Section 125.420. – Commercial outdoor recreation/amusement.

- A. All active outdoor recreational/amusement areas shall be setback a minimum of 100 feet from adjacent R zoned properties and other properties occupied by single family dwellings.
- B. Hours of operation shall be limited to between 9:00 a.m. and 12:00 midnight

Section 125.421. – Crematory.

- A. The minimum setback to existing off-site dwellings shall be 200 feet.
- B. The minimum setback to property lines and/or rights-of-way shall be 100 feet.
- C. The unit may not be used for disposal of waste, household trash or garbage.
- D. Only one animal or human may be cremated at a time.
- E. The unit shall either be fully concealed within a building to appear as a garage, shed, barn or other permitted residential or agricultural accessory structure or shall be fully screened from view from

adjacent properties not owned by the subject property owner and any public roads, rights-of-way or easements, by an opaque fence, new evergreen plantings, existing vegetation or natural topography as provided in Article VII, Division 2, which must be maintained or replaced as needed to screen the unit.

- F. The unit shall be located or constructed so that deliveries and pick-ups for cremation shall not be at any time visible from adjacent properties and any public roads, rights-of-way or easements.
- G. Any subjects not cremated immediately upon delivery shall be kept in refrigerated storage to prevent decomposition.
- H. There shall be no on-site burials.
- I. No on-site advertising signage shall be permitted for the use.
- J. The use shall not produce hazardous, objectionable or offensive conditions at or beyond property line boundaries by reasons of dust, odor, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, and
- K. The use shall comply with all local, state and federal requirements, including, but not limited to, EPA and DEQ standards for air quality emissions.

Section 125.422. – Day care center.

- A. Day care centers, as defined, shall adhere to the following:
 - (1) Parking as defined in the parking Section of this Ordinance.
 - (2) Fencing as defined in the landscaping Section of this Ordinance.
 - (3) No such use shall operate without the required license by the Virginia Department of Social Services. It shall be the responsibility of the owner/operator to transmit to the Zoning Administrator a copy of the original license. Failure to do so shall be deemed willful noncompliance with the provisions on this Chapter.
 - (4) Periodic inspection of the premises shall be made by the Page County Building Official, at his or her discretion.
 - (5) These provisions are supplementary, and nothing stated herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal or any other local, state or federal agency.

Section 125.423. – Equipment sales/rental, heavy.

- A. No equipment displays shall be located within a required yard or setback.
- B. The display pad may be elevated up to two feet above adjacent displays or grade level.
- C. There shall not be more than one equipment display for every 100 feet of street frontage.
- D. No display shall be on the top of a building.
- E. Outdoor displays shall be limited to the equipment being sold, rented, or leased on the property. No other display of any other goods or merchandise shall be permitted.
- F. All accessory maintenance or service shall be conducted within a completely enclosed building and subject to the use requirements of this Section.

- G. All equipment must be operational.
- H. Outdoor storage as an accessory use, where permitted, shall not exceed 30 percent of the total site area and shall be subject to the use requirements of this Section.

Section 125.424. – Equipment repair service, heavy.

- A. No portion of the use, excluding required screening and landscape buffers, shall be located within 250 feet of a residential district or structure containing a dwelling unit.
- B. All repairs shall be performed within a completely enclosed building.
- C. No exterior display or storage of new or used equipment or parts is permitted.
- D. There shall be no storage of equipment within 50 feet of the public road right-of-way.
- E. Outdoor storage, including temporary on-site storage of vehicles awaiting, repair, service, or removal, as an accessory use, where permitted, shall be subject to the use requirements of this Section.

Section 125.425. – Gasoline station.

- A. Applicants shall demonstrate that the gasoline station will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- B. Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding neighborhood.
- C. Fuel pumps shall be located at least 20 feet from any property line.
- D. Gasoline canopy shall be designed and built to be compatible with the principal use.
- E. Dumpsters shall be located to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.
- F. Sales of limited fuel oil or bottled gas is permitted as an accessory use.
- G. The Zoning Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- H. Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than one year.

Section 125.426. – Greenhouse, commercial.

- A. Sales of companion products are limited to garden accessories, floral supplies, and other items directly related to culture, care, or use of, horticultural products. Companion products do not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools) building materials, furniture, or other like items.

Section 125.427. – Kennel, commercial.

- A. The following general standards shall apply to all commercial kennels:
 - (1) Any buildings, runs, or containment areas associated with a commercial kennel operation shall meet the following setbacks:

- (a) One hundred fifty feet from property line. The setback may be reduced to 75 feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the permit package.
- (b) Three hundred feet to any dwelling on adjoining property. The setback may be reduced if the affected adjoining landowner gives notarized consent which must state the agreed upon distance of any buildings, runs, or containment areas shall be from the residence.
- (c) One hundred feet from any public road. This setback may not be reduced.
- (2) All exterior runs, play areas, or arenas shall be in accordance with the landscape Section of this Ordinance.
- (3) The owner of the kennel or operation shall submit a plan for waste disposal which meets the County's approval, in the County's sole discretion. The plan shall show how wastewater from the wash down of the kennels is to be collected and the type of disposal proposed.
- (4) All dogs in a commercial kennel operation shall be housed in a fully enclosed building from 9:00 p.m. to 6:00 a.m.

Section 125.428. – Outdoor sales, seasonal.

- A. Each stand for the retail sale of holiday goods, including fireworks, shall obtain a zoning permit by the Zoning Administrator prior to setup and sales.
- B. Each stand shall be permitted for a period not to exceed 60 consecutive days.
- C. No more than four permits shall be issued for the same lot during a calendar year.
- D. No permit shall be issued to an applicant unless and until at least 30 consecutive days after a permit issued to that applicant for the same or an adjacent lot or parcel has expired.
- E. The outdoor sales stand or display shall setback at least 35 feet from any public right-of-way.
- F. Parking shall be supplied on the site of the primary use and not along the public right-of-way.

Section 125.429. – Restaurant, drive-thru.

- A. The following general standards shall apply to all drive-in restaurants:
 - (1) Stacking spaces shall not interfere with the travelway traffic or designated parking spaces.
 - (2) Stacking spaces shall be located to the side or rear of the principal structure and shall not be adjacent to any street right-of-way.
 - (3) A minimum of six (6) stacking spaces shall be located behind the order speaker and four (4) stacking spaces shall be located between the order speaker and the pickup window.
 - (4) Extended awnings and canopies are permitted provided they complement the principal building architecture.

Section 125.430. – Restaurant, mobile.

- A. The following requirements apply to sales from a mobile restaurant operating on private property or within public spaces or rights of way, except when operating in conjunction with special events permitted under Chapter 55 of the County Code:

- (1) Mobile restaurants must maintain a valid business license issued by the County and a valid health permit issued by the Virginia Department of Health.
- (2) A mobile restaurant may operate on either public property or private business zoned property with written permission from the owner.
- (3) No items shall be sold other than food and beverages.
- (4) No music shall be played that is audible outside of the vehicle.
- (5) Mobile restaurant vehicles shall not block:
 - (a) The main entry drive isles or impact pedestrian or vehicular circulation overall,
 - (b) Other access to loading areas, or
 - (c) Emergency access and fire lanes.
- (6) The mobile restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.
- (7) The vehicle and all accessory structures shall be removed each day.
- (8) No signs may be displayed except
 - (a) Those permanently affixed to the vehicle, and
 - (b) One, A-framed sign not to exceed 4 feet in height and 6 square feet of display for each of the two sides. The sign shall not block any passageways.
- (9) Trash receptacles shall be provided, and all trash, refuse, or recyclables generated by the use shall be properly disposed of.
- (10) No liquid wastes shall be discharged from the mobile restaurant.
- (11) No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided.
- (12) No mobile restaurant shall locate within 100 feet of a single family or two-family residential use.
- (13) A mobile restaurant may operate at any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request.
- (14) The operation of the mobile restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site or move to another property.
- (15) The requirements of this Section shall not apply to Mobile Restaurant Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).

- (16) A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

Section 125.431. – Sawmill, commercial.

A. The following general requirements shall apply to all commercial sawmills:

- (1) No structure and no storage of lumber, logs, chips or timber shall be located closer than 100 feet to any lot line. Trees and vegetation within the 100 foot setback shall be maintained as a buffer to abutting properties and uses, provided that during the last three months of operation the trees may be removed.
- (2) No saw, planer, chipper, conveyor, chute or other similar machinery shall be located closer than 600 feet from any dwelling on any lot other than the lot on which the sawmill, planing mill or wood yard is located.
- (3) No machinery used for sawing, planing, chipping or other wood processing shall operate between 7:00 p.m. and 7:00 a.m. No wood or wood products shall be loaded or unloaded between 12:00 midnight and 7:00 a.m.
- (4) All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust and other debris, shall be conducted in accordance with the Code of Virginia and the regulations of the Virginia Department of Forestry.

Section 125.431~~2~~. – Self-Storage facilities.

- A. No commercial activities of any kind shall occur within the facility other than rental of storage units. No repair of vehicles, furniture, or other materials or equipment shall occur within the facility. Signs shall be posted within the facility describing such limitations.
- B. No storage of hazardous, toxic or explosive materials shall occur in the self-storage facility. Signs shall be posted within the facility describing such limitations.
- C. The maximum size of any individual storage space or unit in a self-storage facility shall be 500 square feet.
- D. The self-storage facility, including loading areas and all storage areas, shall include screening and buffering in accordance with the landscaping Section of this Ordinance.
- E. Self-storage facilities shall not include portable storage containers, shipping containers and/or tractor trailers.

Section 125.43~~2~~3. – Shooting range, commercial.

- A. Outdoor shooting ranges shall meet the following general requirements:
 - (1) The minimum size of the use area shall be five acres, with the drop zone contained fully within this use area.
 - (2) No structure used for or in conjunction with the use shall be located closer than 100 feet to any property line.

- (3) No outdoor shooting activity shall be located closer than 300 feet to any property line.
- (4) Hours of operation shall be limited to 9:00 a.m. to 6:00 p.m.
- B. Indoor shooting ranges shall meet the following general requirements:
 - (1) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking and appearance. Drop-off areas may be located in the front yard but shall maintain a residential character and appearance.
 - (2) Exterior lighting shall be compatible with the surrounding neighborhood and follow the lighting restrictions and guidelines of this Chapter.
 - (3) Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
 - (4) The scale, massing, and building design shall be compatible with the surrounding neighborhood.

Section 125.43~~34~~4. – Stable, commercial.

- A. The lot shall be a minimum of 20 acres.
- B. Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 400 feet from any residential district lot line and any existing dwelling unit not located on the same parcel.
- C. Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 200 feet from any adjacent lot line not within a residential district.
- D. Any buildings for the keeping of animals shall be located at least 100 feet from any highway or other right-of-way for passage.
- E. Riding surfaces shall be covered and maintained with a substance to minimize dust and erosion.
- F. Fencing and other means of animal confinement shall be maintained at all times.
- G. Pens, stalls, and grazing areas shall be maintained in a sanitary manner.

Section 125.43~~45~~5. – Veterinary clinic.

- A. Veterinary clinics shall meet the following general requirements:
 - (1) Any treatment rooms, cages, pens, or kennels shall be maintained within a completely enclosed soundproof building.
 - (2) Such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.

Section 125.43~~65~~6. – 125.454. – Reserved.

Division 6. – Industrial Use Standards.

Section 125.455. – Storage yard.

- A. Storage yard is accessory to a permitted use.

- B. Storage yards shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than six feet nor more than ten feet in height. All fences and walls shall have a uniform and durable character and shall be properly maintained.
- C. When fences and walls are adjacent to business or residential districts, a landscaped buffer must be provided to break visibility of the fence in accordance with Article VII, Division 2.
- D. Storage yards shall be on the side or rear of the principal structure and screened from view from any adjacent roadway.
- E. No wall or fence screening a storage yard shall encroach into a sight distance triangle.
- F. Parts, materials, and equipment stored in a storage yard shall not be stacked higher than the screening wall or fence.
- G. No storage yard shall be located within 50 feet of a residential district.

Section 125.456. – 125.474. ~~---~~ Reserved.

Division 7. – Miscellaneous Use Standards.

Section 125.475. – Accessory building or structure.

- A. Accessory buildings or structures are subject to the following:
 - (1) The total of all accessory structures shall not have a lot coverage that is greater than 50 percent of the principal structure.
 - (2) ~~Except for agricultural structures that are exempt under the building code, No~~ accessory structure shall have a height greater than 20 feet measured at the highest point.
 - (3) Accessory buildings or structures shall be placed in the side or rear yards and must meet a minimum setback of five feet.
 - (4) Residential accessory structures including, but not limited to, flag poles, basketball hoops, clotheslines, arbors, swings, structures less than six square feet in area, or residential yard ornaments shall be exempt from the minimum setback, lot area, and certification requirements as specified in this Chapter.
- B. Portable storage containers located outside of a fully-enclosed building or structure in agricultural and residential districts or the planned unit development district are subject to the following:
 - (1) A zoning permit issued by the Zoning Administrator is required for any portable storage container located on a lot for more than 15 calendar days but is not allowed for more than 60 calendar days. The permit shall be displayed on the exterior of the portable storage unit at all times.
 - (2) The portable storage container must be placed a minimum of five feet from the property line, or on the driveway of the lot.
 - (3) Other than the required county zoning permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.
 - (4) Portable storage containers shall not be used in conjunction with a Type A or Type B home occupation or used as a principal use or principal building or structure.

- (5) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.
- (6) The provisions of this subsection shall not apply to properties where construction is actively occurring under a valid building permit.

Section 125.476. – Amateur radio antennas.

- A. Amateur radio antennas shall not exceed a height of 200 feet above ground level without approval of a special use permit under the requirements of Article III of this Chapter and shall comply with all other requirements of the zoning district where they are permitted as an accessory use, including setbacks and screening.
- B. Within ninety days of the discontinuance of the use of the tower for amateur radio purposes, said amateur radio tower shall be disassembled, removed, and the site restored as closely as possible to the condition before the tower was constructed. Discontinuance includes when the amateur radio operator is no longer licensed by the Federal Communications Commission or no longer owns or resides on the property where the amateur radio tower was permitted.

Section 125.477. – Broadcasting or communication tower.

- A. Broadcasting or communication towers, as defined herein, shall supplement the applicable general zoning district regulations found in Article IV – Districts and Maps and the standards and procedures for special use permits as stated in Article III of this Chapter.
- B. Statement of purpose. The purpose of the regulations and requirements of this Section are to:
 - (1) Accommodate the communication needs of the residents and businesses while protecting the public health, safety and general welfare;
 - (2) Facilitate the provision of broadcasting or communication towers through careful siting and design standards;
 - (3) Minimize adverse visual effects of broadcasting or communication towers through careful siting and design standards;
 - (4) Avoid potential damage to adjacent properties from the construction and operation of broadcasting or communication towers through structural standards and setback requirements;
 - (5) Maximize the use of existing and approved towers, buildings, or structures to accommodate new wireless communications antennas to reduce the number of towers needed to serve the industry; and
 - (6) Provide incentive for siting of towers on County-owned or County-controlled land or structures.
- C. Applicability.
 - (1) Preexisting towers and antennas. Any tower or antenna in existence prior to the effective date of this Section shall not be required to meet the requirements of this Section. Any addition to a preexisting tower or antenna shall comply with all applicable requirements of this Section.

- (2) Amateur radio; receive-only antennas. This Section shall not govern the installation of any tower or antenna that is owned and/or operated by a federally licensed amateur radio operator or is used exclusively for receive communications. Commercial antennas attached to such a tower or any tower modification made for the purpose of accommodating such an antenna shall comply with all applicable requirements of this Section.

D. General provisions.

- (1) All towers and antennas shall comply with all applicable rules and regulations of the FCC and FAA and any other federal agency with the authority to regulate towers and antennas.
- (2) Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Virginia.
- (3) Leased sites. Written authorization for establishing the broadcasting or communication tower on leased property from a property owner shall be provided.
- (4) All broadcasting or communication towers must be adequately insured for injury and property damage. Proof of insurance with the County named as an additional insured shall be provided for those located on County-owned or County-controlled property.
- (5) All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless the Zoning Administrator provides a written exemption. After the facilities are removed, the site shall be restored to its original condition, or as close as possible, and anchoring elements shall be removed to within four feet of ground level. If removal and/or restoration is not completed within 90 days of the expiration of the twelve-month period specified herein, the County is authorized to complete the removal and site restoration, and the cost shall be assessed against the property as a special assessment.
- (6) Proposals to erect new towers and antennas shall be accompanied by any required federal, state, or local agency licenses or applications for such licenses.
- (7) Applications to place multiple towers upon a single parcel shall require credible evidence that collocation on a single tower is not practical. Any application for multiple towers shall require a hearing before the Planning Commission and Board of Supervisors.
- (8) Towers shall be self-supporting monopole structures.
- (9) Towers shall meet the minimum standards of matte non-buffed or non-reflective type finish or stealth structure.
- (10) For new towers, the County will have the option of collocating public safety communications equipment and antennas on this site for future growth and upgrade of the radio system, including law enforcement communications.

E. Prohibitions/Limitations.

- (1) Temporary mobile communications sites and equipment may be permitted on a case-by-case analysis by the Board of Supervisors and shall be limited to 90 days unless authorization is extended in writing by the Zoning Administrator.
- (2) No advertising message/sign shall be affixed to any tower or antenna.
- (3) Towers shall not be artificially illuminated unless required by FCC or FAA regulations.

- (4) No part of any tower or antenna except for guy wires and anchors shall extend beyond the fenced enclosure required under Article VII, Division 2.
 - (5) No tower shall exceed 199 feet in height.
 - (6) Each tower should allow for a maximum of 4 collocations.
- F. District requirements. Wireless communications facilities shall be allowed in the following districts and subject to the limitations set forth in this Section.
 - (1) Park-Recreation, Woodland Conservation, Agricultural, Rural-Residential, Commercial, Industrial.
 - (a) The following are permitted with a zoning permit issued under this Section and Article III of this Chapter.
 - [1] Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
 - (b) The following are permitted with a special use permit issued under this Section and Article III of this Chapter.
 - [1] Antennas attached to an existing tower or structure extending more than 20 feet above the highest point of the tower or structure.
 - [2] Any new tower.
- G. Performance standards.
 - (1) General. Except as provided in this Section, all broadcasting or communication towers shall meet the requirements of the zoning district in which they are to be located.
 - (2) Setbacks and separation.
 - (a) Tower structures shall be set back from the property line a distance equal to the height of the tower. The setback may be reduced to 1/10 the height of the tower if the applicant submits a report stamped by a professional engineer registered in the State of Virginia that certifies that the tower is designed to collapse upon failure within the distance from the tower to the property line and the reduced setback is approved by a special use permit.
 - (b) Towers shall not be located within 500 feet of any residence other than the residence(s) on the parcel on which the tower is to be located.
 - (3) Collocation/Sharing of facilities.
 - (a) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
 - [1] No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - [2] Existing towers or structures are not of sufficient height and/or strength to meet the applicant's engineering requirements.

- [3] The applicant's proposed system would cause electromagnetic or radio frequency interference with the existing system, or the existing system would interfere with the applicant's proposed system.
 - [4] The fees, cost, or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Fees, costs, and contractual provisions are considered reasonable if they conform to the current standards of the industry and to the local Page County market and do not exceed the construction and leasing cost of new tower development.
 - [5] The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- (b) The holder of a permit for a tower shall allow collocation for four additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- (4) Screening and landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. It shall be the permit holder's responsibility to maintain the buffer area. In locations where visual impact of the tower would be minimal the landscaping requirement may be reduced or waived by the governing authority.
- (5) Camouflaged towers and related facilities are encouraged and may be required in historical, environmental or other sensitive areas as determined by a special use permit.
- (6) Security fencing, lighting, and signs.
- (a) All towers shall be reasonably protected against unauthorized access, such as with fencing.
 - (b) Security lighting for on-ground facilities is permitted, as long as it is shielded to keep light within the site.
 - (c) Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting unauthorized entry, warning of the danger from electrical equipment and/or unauthorized climbing of the tower. It shall also identify the owner of the tower and a telephone contact number in case of emergency.
 - (d) Parking and access. Adequate parking spaces shall be provided on each site so that parking on the public road right-of-way will not be necessary. Any new access shall require approval by the VDOT.

H. Permit requirements.

- (1) The construction or installation of any broadcasting or communication tower requires a zoning permit or special use permit under this Section.
- (2) Zoning permits. Uses and facilities permitted under this Section may be authorized by the Zoning Administrator upon the submittal and approval of a properly completed application for a zoning permit.
- (3) Special use permits. Uses and facilities requiring a special use permit under this Section may be authorized by the Planning Commission and Board of Supervisors upon the submittal and approval of a properly completed application and public hearing.
- (4) Applications. All applications for building and zoning permits for broadcasting or communication towers shall include the following information:
 - (a) A report stamped by a professional engineer registered in the State of Virginia and other professionals which:
 - [1] Describes the tower height and design, including cross-section, elevation and foundation design.
 - [2] Certifies the facility's compliance with structural and electrical standards.
 - [3] Describes the tower's capacity, including the potential number and type of antennas it can accommodate.
 - [4] Identifies the location of all sites that were considered as possible alternative to the proposed site.
 - [5] Describes the lighting to be placed on the tower if required by the FCC or FAA.
 - [6] Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facility and identifies the license holder.
 - [7] Describes how the requirements and standards of this Section will be met by the proposed facilities.
- (5) Each application shall include a facility plan. The County will maintain an inventory of all new wireless communications site installations. All providers will provide the following information in each plan. The plan must be updated with each submittal as necessary.
 - (a) Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, paging or other anticipated wireless communications services).
 - (b) Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed sites within the County for these services to be provided by the provider.
 - (c) Provide a map of the County, which shows the geographic service areas of the existing and proposed sites.
- (6) Landowner acknowledgment: written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the zoning or special use permit, including the restoration and reclamation requirements of this Section. Such acknowledgment shall be applicable to all future landowners.
- (7) Additional information and analysis.

- (a) The Planning Commission or Board of Supervisors may, at its discretion, reasonably require visual impact demonstrations, including mockups and/or photo montages, screening plans, network maps, alternate site analysis, lists of other nearby broadcasting or communication towers, or facility design alternatives for the proposed facilities.
- (b) The Planning Commission or Board of Supervisors may employ, on behalf of the County, an independent technical expert with sufficient credentials and qualifications to review technical materials submitted by the applicant or prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.
- (8) A zoning permit for a telecommunications facility shall expire 12 months after issuance if the tower and/or supporting facilities have not been erected. An extension of time, not to exceed six months per request, may be granted by the Zoning Administrator or his/her designee due to unforeseen or extenuating circumstances. No fee will be charged for an extension.
- (9) If the application for zoning and building permit is approved, the applicant must certify that a detailed engineering soils report has been completed and the design of the tower foundation is based on that report.
- I. Transferability. Permits issued under this Section shall be transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this Section and any permit conditions that may exist. Written notice shall be made to the Zoning Administrator within 30 days of such transfer.
- J. Severability. If a court of competent jurisdiction adjudges any portion of this Section invalid, the remainder of this Section shall not be affected.

Section 125.478. – Junkyard.

- A. No junkyard, salvage yard, or automotive wrecking yard or graveyard shall hereafter be established with any portion of its area within 500 feet of a public street, road, or highway.
- B. No portion of the use, excluding required screening and landscape buffers, shall be located within 250 feet of a residential district or structure containing a dwelling unit.
- C. All such yards shall be screened effectively from view in accordance with the landscaping Section of this Ordinance.
- D. Inoperative vehicles or parts thereof shall not be collected or stored outside the required fence or in piles more than six feet in height.
- E. The collection or storage of any material containing or contaminated with dangerous explosives, chemicals, gases, or radioactive substances is prohibited.
- F. Every junkyard, salvage yard, or automobile wrecking yard or graveyard shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes, or other disease-carrying animals and insects.

Section 125.479. – Kennel, private.

- A. Any pens or kennels shall be setback 100 feet from the property lines of adjoining agricultural zoned property;

- B. Any pens or kennels shall be setback 200 feet from any property lines adjoining residential zoned property;
- C. Screening, as approved by the Zoning Administrator, shall be provided to visually blocks pens or kennels from the front and closest side property lines.
- D. Pens and kennels shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of insects.

Section 125.480. – Sawmill, portable.

- A. No structure and no storage of lumber, logs, chips, or timber shall be located closer than 100 feet to any lot line.
- B. No saw, planer, chipper, conveyor, chute, or other like machinery shall be located closer than 200 feet to any dwelling on other property in the area.
- C. No sawing, planing, chipping, or other operation, or other processing machinery shall be conducted between 7:00 p.m. and 7:00 am. No loading or unloading or processing of wood products shall occur between 12:00 midnight and 7:00 a.m.
- D. All timbering and milling operations, including reforestation or restoration and disposal of timber stumps, sawdust, and other debris, shall be conducted in accordance with Title 10.1 of the Virginia Code and the regulation of the Virginia Department of Forestry.

Section 125.481. – Sportsman club, private.

- A. The minimum required area for the use shall be five acres.
- B. Kennel, private as an accessory use shall be subject to the use requirements under this article.

Section 125.482. – Stable, private.

- A. Areas associated with the keeping of animals shall be cleaned and made free of waste on a regular basis. Waste shall be disposed of in an appropriate waste disposal container and shall be periodically removed from the site.
- B. The property owner shall employ an effective means of eliminating odor problems and propagation of insects related to the use.
- C. Best management practices shall be employed for appropriate pasture maintenance, feeding and housing.
- D. Buildings associated with the keeping of animals shall be located in the rear yard and buildings and areas associated with the keeping of animals shall be setback a minimum of 25 feet from all property lines.

Section 125.483. – Utility service, major/minor.

- A. For utility uses requiring a structure, not including public water and sewer lines and appurtenances, service lines to consumers and above and below ground cables, wires or pipes where such uses are located in easements:
 - (1) If visible from adjacent P-R, R, R-1, R-R, PUD, MHP-1 and from W-C and A properties which are occupied by a residential dwelling, the use shall be located within an enclosed structure having a style and character compatible with the surrounding residential structures or shall be screened from view.

Section 125.484. – Windmill, small system.

- A. Use shall be accessory to the permitted use it is intended to serve;
- B. Use shall be located on a minimum of five acres;
- C. No more than one windmill shall be located on the property;
- D. System shall not include a guy-wired or lattice tower;
- E. System shall not have a rated capacity greater than 10 kilowatts (kW);
- F. Except during short-term events such as utility outages or severe wind storms, noise levels shall not exceed 60 decibels measured at the closest property line;
- G. System shall not be artificially lighted unless required by Federal Aviation Administration or appropriate authority;
- H. At such time as the system ceases to be used for its intended purpose for a period exceeding 12 consecutive months, the system and all associated equipment shall be removed from the property;
- I. System shall either be roof mounted or freestanding;
- J. Roof mounted systems shall be subject to the following requirements:
 - a. The lowest point of the arc of the blade shall be 10 feet above the height of the building on which it is mounted; and
 - b. Height, as measured from grade level to the highest point of the windmill including blade sweep, shall not exceed height limitations for the principal or accessory building on which it is mounted.
- K. Freestanding systems shall be subject to the following requirements:
 - a. It shall be located in the rear yard;
 - b. Blade sweep shall not extend to within 20 feet of the ground;
 - c. Measures shall be incorporated to prevent non-authorized personnel from ascending the tower for a distance of 12 feet from grade level;
 - d. Height, as measured from grade level to the highest point of the WES including blade sweep, shall not exceed 10 feet for each complete acre of property on which located, up to a maximum of 75 feet;
 - e. Setback from property lines shall be a minimum of two times the height; and
 - f. If located on property owned or maintained by Page County, setback shall be a minimum of 1.1 times the height from any building open to the general public, parking lot, playground, recreational field or similar area designed to facilitate general public gatherings on such property.

Sections 125.485 – 125.499 ~~---~~ Reserved.

ARTICLE VII. – COMMUNITY DESIGN STANDARDS.

Division 1. – Lighting.

Section 125.500. – Purpose and Intent.

- A. The purpose of this Division is to:
 - (1) Permit the use of exterior lighting at the minimum level necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
 - (2) Ensure exterior lighting does not adversely impact land uses on adjacent land by minimizing light trespass, obtrusive light, and glare;
 - (3) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife, and enjoyment of residents and visitors; and,
 - (4) Ensure security for persons and property.

Section 125.501. – Applicability.

- A. General. The provisions of division shall apply to all Commercial, Industrial, PUD, and MHP zoning districts and on any property located within any other zoning district that is used for non-residential purposes through a permitted use, an administrative permit, or a conditional use permit.
- B. Time of Review. Review for compliance with the standards of this division shall occur as part of the review of an application for a site plan, planned development, certificate of approval, certificate of zoning use, conditional use or variance as appropriate by the Zoning Administrator.
- C. Existing Development. Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.
- D. Signs. Lighting for signage shall be governed by the standards set forth in the Division 4 of this Article.
- E. Exemptions. The following are exempted from the exterior lighting standards of Article VII:
 - (1) Lighting within a public street right-of-way or easement that is used principally for illuminating a roadway;
 - (2) Lighting exempt under state or federal law;
 - (3) Lighting for public monuments and statuary;
 - (4) Lighting that is required under the Uniform Statewide Building Code;
 - (5) Construction, emergency, or holiday decorative or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way and is used for 90 days or less;
 - (6) Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;
 - (7) Security lighting that is directed downward, does not glare onto adjacent property, and is controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less;

- (8) Lighting for flags of the United States of America or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof, and other noncommercial flags expressing constitutionally protected speech;
- (9) Architectural lighting of 40 watts incandescent or less;
- (10) Lighting for an outdoor athletic facility;
- (11) The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the date of the adoption of this division;
- (12) The replacement of a failed or damaged luminaire that is one of a matching group serving a common purpose installed prior to the adoption of this division.

Section 125.502. – Standards.

- A. Each outdoor luminaire subject to these outdoor lighting requirements shall be a full cutoff luminaire. The term full cut-off fixture means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected down below the fixture.
- B. In addition to being full cut-off lighting, all lighting shall be aimed and controlled such that directed light is directed inward to the property and confined to the object intended to be illuminated. Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public rights-of-way.
- C. All exterior lights shall be 3,000 Kelvin light color temperature or less.
- D. High-pressure sodium vapor or light emitting diode (LED) lights shall be the preferred type of exterior site lighting. The use of mercury vapor lights shall be prohibited in any exterior lighting applications, except for under-canopy lighting for gasoline pump islands, bank, or other drive-through or drive-in facilities.
- E. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare.
- F. Light fixtures in parking lots shall not be more than twenty feet (20') in height in the Commercial districts and no more than thirty feet (30') in height in the Industrial districts.
- G. Lighting for buildings, signs, accessways, and parking areas shall be so arranged as not to reflect toward public streets or onto surrounding property owners or residents.

Section 125.503. – Compliance.

- A. The lighting standards shall be enforced by the Page County Zoning Administrator. Modifications of the lighting standards contained herein may be approved by the zoning administrator upon a determination that the lighting is necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce and does not adversely impact pedestrians, traffic or adjacent properties.
- B. 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 in enforcement of this division as outlined in Article II, Division 3 of this Ordinance.

Section 125.504. – 125-519. ~~---~~ Reserved.

Division 2. – Landscaping, Walls, and Fences.

Section 125.520. – Purpose and Intent.

- A. The purpose of this division is to establish standards for landscape architecture, site design, site buffering, landscape screening, and regulate the location, height, and appearance of fences and walls. With the intent of preserving and promoting the health, safety, and general welfare of the County, this division is intended to:
 - (1) Preserve and enhance the aesthetic character and visual harmony of the County.
 - (2) Protect the quality of the County's natural rivers, streams, and wetlands.
 - (3) Enhance erosion control.
 - (4) Improve the relationship between adjacent properties through screening, buffering, and proper placement and design of fences and walls.
 - (5) Promote economic development in the County's commercial districts and main thoroughfares.
 - (6) Ensure the safety, security, and privacy of properties.

Section 125.521. – Application of Landscape, Wall, and Fence Standards.

- A. The requirements of this Division shall apply to uses, developments, or redevelopments, in all zoning districts requiring an approved site plan or zoning permit as specified by this Ordinance.
- B. The requirements of this Division shall not apply to single-family detached dwellings or two-family dwellings.

Section 125.522. – Landscape Plan Requirements.

- A. The landscape plan shall:
 - (1) Be prepared and/or certified by a landscape architect or similar professional; provided, however, that in the case of a single lot disturbing less than 10,000 square feet, the landscaping plan may be prepared by the property owner.
 - (2) Cover the entire project area included in the overall site plan or development plan for which approval is sought.
- B. The landscape plan shall include:
 - (1) Location, type, size, height, and number of proposed plantings.
 - (2) Planting specifications or installation details.
 - (3) Location and size of all existing plants and trees to be retained during construction, as well as protection measures to be implemented during construction.
 - (4) Location, size, and other related design details for all hardscape improvements, signage, recreational improvements, and open space areas, fences, walls, barriers, and other related elements.

- (5) Designation of required setbacks, yards, and screening areas.
- (6) Location of other man-made site features, parking lots, hardscape improvements, overhead structures, and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.
- C. The following factors shall be considered:
 - (1) Location of trees, shrubs, groundcovers, and other landscaping to effectively utilize the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants, and to reduce runoff volume, velocity, and peak flow increases caused by development.
 - (2) Preservation and protection of existing viable and mature trees to the maximum extent feasible.
 - (3) Appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation.
 - (4) A preference to design and plant materials with reduced water needs.
 - (5) An emphasis on landscaping in front of the principal building on the site and on providing appropriate breaks in parking and vehicular areas.

Section 125.523. – General Standards.

- A. The landscaping standards shall be enforced by the Page County Zoning Administrator. Modifications of the lighting standards contained herein may be approved by the zoning administrator upon a determination that the lighting is necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce and does not adversely impact pedestrians, traffic or adjacent properties.
- B. Any required landscaping shall be installed prior to the issuance of a certificate of occupancy. When the planting of landscaping conflicts with the planting season, a certificate of occupancy may be issued subject to the owner or developer providing surety in an amount approved by the Zoning Administrator for any remaining plantings. The owner or developer shall provide a development agreement which sets a deadline by which the plantings will be installed to be approved by the Zoning Administrator. The surety and agreement shall be in a form approved by the County attorney.
- C. Existing healthy trees and shrubs shall be credited toward any minimum landscaping required by this division, provided they meet minimum size standards and are protected before and during construction and maintained thereafter in a healthy growing condition.
- D. The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement. If any required tree, shrub, or other landscaping element shall die or be removed after issuance of the certificate of occupancy, the developer, his or her successors or assigns, shall replace each by the end of the next planting season with trees or shrubs of the same or similar species, type, color, or character.
- E. Landscaping shall not obstruct the view of motorists using any street, private driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.

F. Unless otherwise provided in this Chapter or as a condition of zoning approval, all required landscape materials shall conform to the following minimum size or height standards at the time of planting:

- (1) Deciduous shade trees: 2" caliper
- (2) Ornamental and understory trees: 4' height
- (3) Coniferous trees: 6' height
- (4) Shrubs: 12" spread or height

Section 125.524. – Buffering.

- A. Landscape buffering is intended to provide a year-round visual screen between two or more properties in order to minimize visual and other adverse impacts. Buffering may consist of fencing, evergreens, boulders, mounds, or a combination of materials.
- B. A landscape buffer area shall be required where:
 - (1) A commercial zoning district abuts a residential or Planned Unit Development zoning district;
 - (2) Industrial zoned development abuts a residential, business, or Planned Unit Development zoning district;
 - (3) R-1 and MHP-1 abuts any property zoned R or ~~AR~~-R; or
 - (4) Where buffering is required under the Use Performance Standards.
- C. A landscape buffer area shall be required where accessory outdoor storage use is adjacent to a business or residential district.
- D. Required buffers shall consist of a continuous six-foot high buffer with a minimum width of twenty-five (25) feet. Buffers shall be comprised of:
 - (1) A of solid masonry wall or opaque fence at least six feet in height and landscaping consisting of two deciduous trees and four evergreen trees per 100 linear feet of buffer; or,
 - (2) Landscaping consisting of:
 - (a) One evergreen tree per seven linear feet of buffer, which shall be placed in two staggered rows six feet apart;
 - (b) One understory tree per twenty-five linear feet of buffer;
 - (c) One deciduous tree per fifty linear feet of buffer; and,
 - (d) One shrub per three linear feet of buffer.
- E. Plants should be sufficiently large and planted in such a fashion that a year-round screen at least six (6) feet in height shall be produced within one growing season.
- F. No buildings, structures, storage of materials, or parking shall be permitted within a buffer area.
- G. Buffer plantings shall be maintained in perpetuity in such a way as to ensure that the buffering requirements of this Ordinance continue to be met. Any dead or dying plants shall be removed within thirty (30) days of notification by the Zoning Administrator and shall be replaced by the property owner during the next viable planting season.

Section 125.525. – Parking Lot Landscaping.

- A. Vehicle parking areas shall include landscaping as required by this Section to provide shade, screen views, mitigate runoff, and provide aesthetic appeal. However, the landscape provisions of this Section shall not apply to off-street driveways for individual single, two-family, townhouse, or accessory residential dwellings, or for parking structures.
- B. For parking lots immediately adjacent to lot lines and public streets, the following landscape regulations shall apply:
 - (1) Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a property line or public right-of-way, a landscaping strip of ten (10) feet in width shall be located between the parking lot and the abutting property line.
 - (2) A minimum of one tree for each forty (40) feet of contiguous property line shall be planted in the landscape strip.
- C. Landscaped planting islands (located such that parking spaces are on opposing sides of the planting island) shall be developed in parking lots meeting the following criteria:
 - (1) The total size of the parking lot exceeds fifty (50) total parking spaces or;
 - (2) Parking lot layout incorporates three or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other.
- D. For parking lots requiring landscaped planting islands, the following regulations shall apply:
 - (1) Interior planting islands shall, at a minimum, be provided at both ends of all bays and may also be provided within a continuous landscaped median separating two rows of ~~parking-parking~~.
 - (2) The minimum landscape area shall be ten percent of the parking area.
 - (3) One landscape island is required for every ten spaces.
 - (4) A minimum of one tree for each five spaces of required parking. The remaining area of the island shall be landscaped with shrubs, ground cover, lawn or additional trees.
 - (5) Planting islands shall have a minimum width of eight feet to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.
 - (6) Except in the case of redevelopment proposals, this parking lot tree requirement is only applicable to those proposals that necessitate additional parking spaces over those that are currently provided.
- E. The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the primary landscaping.
- F. The landscaping shall be dispersed throughout the parking lot, with interior dimensions of any planting area (~~i.e.i.e.~~ interior parking median or island) sufficient to protect and maintain all landscaping materials planted therein.
- G. Parking lot landscaping shall be installed and continuously maintained by the owner according to the requirements contained in this article.

Section 125.526. – Screening and Enclosure.

- A. Screening shall be required to conceal specific areas from both on-site and off-site views. Such areas shall be screened at all times, regardless of adjacent uses, adjacent districts, or other proximate landscaping material. Specific areas to be screened include:
 - (1) Waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);
 - (2) Loading and service areas;
 - (3) Outdoor storage yards (including storage tanks);
 - (4) Ground-based utility equipment with size in excess of 12 cubic feet; and,
 - (5) Ground level mechanical units.
- B. The above-mentioned areas shall be screened using an appropriate combination of landscape plants, solid fencing, or masonry walls to adequately screen them from views both on and off the subject property. Fences and walls used to meet screening requirements shall be subject to ~~Article IV,~~ Section ~~125.5282-9.~~
- C. Access to all outside storage shall be through gates capable of closure when not in use. All gates shall be closed and secured when not in use.
- D. Screening plantings shall be maintained in perpetuity in such a way as to ensure that the screening requirements of this Ordinance continue to be met. Any dead or dying plants shall be removed within thirty (30) days of notification by the Zoning Administrator and shall be replaced by the property owner during the next viable planting season.

Section 125.527. – Tree and Plant Standards.

- A. Recommended Trees and Plants.
 - (1) Landscaping plans and plantings should generally be sustainable and biologically diverse with emphasis on trees and plants native to Virginia region.
 - (2) Landscape designers shall make every effort to use healthy and locally-sourced trees, shrubs, and other plants, and to create landscapes that minimize the need for maintenance and irrigation. Invasive species are not recommended.
 - (3) Final plant selections should be made by property owners in conformance with the landscape plan regarding type (evergreen or deciduous), height and width at maturity, and in consultation with qualified landscape professionals, and should consider specific site conditions, disease resistance, and other qualities to ensure healthy and beautiful landscapes.
- B. Tree protection standards.
 - (1) Trees which are to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices. At minimum, the tree protection practices set out in the Virginia Erosion and Sediment Control Handbook, as amended, shall be utilized.
 - (2) Trees selected for preservation in order to obtain landscaping credits shall be shown on the landscape plan and clearly marked in the field. In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.

- (3) Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained five feet outside of their dripline during construction. Such a fence or barrier shall be installed prior to clearing or construction, shall be sufficient to prevent intrusion into the fenced area during construction, and in no case shall materials, vehicles, or equipment be stored or stockpiled within the enclosure. Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.
 - (4) The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.
 - (5) Where grade changes in excess of six inches from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be installed as recommended by the tree preservation and protection standards outlined in the State Erosion and Sediment Control Handbook.
- C. Tree preservation standards. In determining which trees shall be preserved, consideration shall be given to preserving trees which:
- (1) Are heritage, memorial, significant, and specimen trees;
 - (2) Complement the project design including the enhancement of the architecture and streetscape appearance;
 - (3) Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind, and alteration of water regime);
 - (4) Have strong branching and rooting patterns;
 - (5) Are disease and insect resistant;
 - (6) Complement or do not conflict with stormwater management and best management practice designs;
 - (7) Are located in required buffer areas;
 - (8) Exist in natural groupings, including islands of trees;
 - (9) Do not conflict with necessary utility; or
 - (10) Have been recommended by the Commonwealth Department of Forestry, the County cooperative extension service, or a qualified arborist or urban forester for preservation.

Section 125.528. – Walls and Fences.

- A. Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.
- B. The provisions of this Section shall apply to all construction, reconstruction, or replacement of fences or walls except:
 - (1) Those required for support of a principal or accessory structure;
 - (2) Engineered retaining walls necessary to the development of a site; or,

- (3) Temporary fences for construction activities, trees protection, and erosion and sediment control.
- C. Fences or walls shall not be located within the public right-of-way.
- D. Fences and walls may be located within any required yard or setback.
- E. Fences located within an easement shall receive written authorization from the easement holder or the County (as appropriate). The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- F. No fence or wall shall be installed in a manner or in a location so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan.
- G. Fences and walls within buffers shall be installed so as not to disturb or damage existing vegetation or installed plant material.
- H. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights of way.
- I. Appearance.
 - (1) Customary Materials. Fences and walls shall be constructed of any combination of treated wood posts and vertically-oriented planks, rot-resistant wood, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble these materials. Where wood, masonry, or other opaque materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.
 - (2) Finished Side to Outside. Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter of the lot rather than the interior of the lot.
 - (3) Compatibility of Materials Along a Single Lot Side. All fencing or wall segments located along a single lot side shall be composed of a uniform style, material, and color compatible with other parts of the fence.
 - (4) Chain link fencing shall be allowed, subject to the following requirements:
 - (a) Agricultural Districts: Chain link fencing is permitted on lots within agricultural zoning districts.
 - (b) Residential Districts. Chain link fencing is permitted on lots within residential zoning districts, provided it does not include opaque screening as defined in this Chapter.
 - (c) Industrial Districts: Chain link fencing shall be allowed on lots within “I” zoning districts, provided it is coated with black or dark green vinyl. Where opaque fencing is required, the chain link fencing may include black or dark green opaque slats.
 - (d) Business/Planned Districts: Chain link fencing shall only be allowed on lots within “C” or “PUD” zoning districts where the chain link fencing is not visible from any street right-of-way. The chain link fencing shall be coated with black or dark green. Where opaque fencing is required, the chain link fencing may include black or dark green opaque slats.

- J. Prohibited Materials. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed into new building materials.
- K. All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. The owner of the property on which a fence or wall is located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Section 125.529. – Compliance.

- A. The landscaping standards shall be enforced by the Page County Zoning Administrator. Modifications of the layout and design standards contained herein may be approved by the Zoning Administrator upon a determination that the following conditions exist:
 - (1) The proposed layout and design provide landscaping which will have the same or similar screening impact, intensity, or variation throughout the year when viewed from adjacent properties or rights-of-way as that which would be required by strict interpretation of the standards contained in this subsection;
 - (2) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site; and,
 - (3) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this Chapter shall not be subject to the species mixture, locational, maintenance or replacement requirements contained herein.
- B. 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 in enforcement of this division as outlined in Article II, Division 3 of this Ordinance.

Section 125.530. – 125.549. — Reserved.

Division 3. – Parking and Loading.

Section 125.550. – Purpose and Intent.

- A. The purpose of this division is to ensure efficient traffic flow and to reduce hazards to public safety by establishing standards for off-street parking and off-street loading areas.
- B. This division is intended to:
 - (1) Ensure adequate parking is designed and constructed during the erection of all new structures and the modifications to existing structures.
 - (2) Provide safe and convenient traffic flow and add to the beautification of the County.

Section 125.551. – Generally.

- A. Off-street parking and loading shall be provided in all zoning districts in accordance with the requirements of this division.
- B. For the purpose of this division, an off-street parking space is a graveled, stone, or hard all-weather surfaced area not in a street or alley.

- C. Parking shall be provided at the time of the erection of any building or structure, not less than the amount of parking spaces ~~s required by given in Article VII, Section 125.554-3.5, Schedule of Required Spaces~~. Such space shall be maintained and shall not be encroached upon unless in conformance with the Section on reduction below.
- D. Loading space, as required in ~~Article VII, Section 3.7-125.556, Off-Street Loading Requirements,~~ shall not be construed as supplying off-street parking.
- E. Off-street truck loading. On the same premises with every building, structure or part thereof erected or occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of streets and alleys.
- F. Parking lots. One or more parking lots may be designed to service a multiple number of commercial uses, so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.
 - (1) In the case of mixed or joint uses of a building or premises having different peak parking demands, the parking spaces required may be reduced if approved by the Planning Commission or Zoning Administrator in conjunction with site plan approval. In such instances, the applicants shall demonstrate that the periods of peak use are separated sufficiently, and shared parking spaces are available to all uses sharing them, so as to not cause a parking demand problem.
- G. Fractional space. When required parking computations result in fractions, any fraction 1/2 or below may be disregarded, and any fraction in excess of 1/2 shall be construed to require a full space.
- H. Reduction of existing parking. Off-street parking space required under this division may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be to a level below the standards set forth in this division.
- I. Services. No repair to or maintenance of vehicles of any kind shall be permitted in any accessory parking facility, with the exception of immediate emergency repairs.

Section 125.552. – Design Standards.

- A. Surfacing. All required parking areas and all access drives for commercial or industrial uses shall have an all-weather surface.
- B. Area. Off-street parking areas shall be marked off into parking spaces with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet; or in the case of parking spaces for trucks, buses, or special equipment, parking spaces of a minimum size to be determined by the Administrator based on the nature of the parked vehicles.
- C. Handicap Accessible Parking. Every land use shall include the number of handicap accessible off-street parking spaces in accordance with the requirements of the Virginia Uniform Statewide Building Code.
- D. Separation from Walkways and Streets.

- (1) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing.
- (2) Off-street parking shall not be located within five (5) feet of any building.
- E. Entrances and Exits. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:
 - (1) Access roads for one-way traffic shall have a minimum width of fourteen (14) feet, except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.
 - (2) Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet.
 - (3) Parking areas having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.
- F. Drainage and Maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and, to the extent possible, dust-free condition at the expense of the owner or lessee.
- G. Marking. For parking areas consisting of ten (10) or more spaces, each parking space shall be striped and maintained. Parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.
- H. Arrangement of Interior Aisles. All aisles within parking areas shall have a minimum width of twenty-four (24) feet when the parking spaces are at a ninety (90) degree angle with the aisle; eighteen (18) feet when the parking spaces are at sixty (60) degree angle with the aisle; and twelve (12) feet for parallel parking.
- I. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. Any lights used to illuminate parking areas shall be so arranged as to reflect light away from adjoining premises.
- J. Screening and Landscaping. Screening and landscaping shall be provided as required under Division 2.
- K. Fleet Vehicles. Whenever daily or overnight storage of fleet vehicles is proposed, these vehicles shall be parked in off-street parking spaces located to the side or rear of the principal structure and screened in accordance with the requirements of this division. These off-street parking spaces shall be identified on any approved site plan.

Section 125.553. – Obligations of Owner.

- A. The requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for the owner of any structure or use affected by this division to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space, apart from the alternate vehicle parking or loading space which meets with the requirements of and is in compliance with this division. It shall be unlawful for any firm

or corporation to use such structure without acquiring such land or other suitable land for vehicle parking or loading space which meets the requirements of and is in compliance with this Division.

Section 125.554. – Schedule of Required Spaces.

- A. Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, off-street parking spaces shall be provided according to the requirements for individual uses in the following table. Specifications for exemptions to off-street parking requirements are contained in ~~Article VII, Section 3-6~~125.555, Interpretation of Specific Requirements.

Table 125.554.1. Minimum Off-Street Parking Requirements.

Uses	Minimum Number of Required Parking Spaces
<i>Agriculture and Environment Uses</i>	
Brewery or distillery, farm, Winery, farm	1 for each 150 square feet of food/beverage preparation and consumption area, plus 1 per 800 square feet of operations
Farmers' market	6, plus 1 per 250 square feet of enclosed sales space
<i>Residential Uses</i>	
Home occupation	Type A: 1 plus residential requirement, Type B: 3 plus residential requirement.
Dwellings: Accessory dwelling units, Dwelling, single-family, Dwelling, two-family, Dwelling, multifamily, Manufactured home, Townhouses	2 for each dwelling unit; 1 for each accessory dwelling.
Family day home (1-4 children),	1 plus residential requirement
Residential care homes, Shelter, residential	1 per two residents.
Manufactured home park	2 for each dwelling unit, plus 1 for owner/employee.
<i>Public, Civic, Recreational, and Institutional Uses</i>	
Cemetery	No specific minimum number required however roads shall be designed to accommodate parallel parking on internal roads
Cultural facility	3 for each 1,000 square feet of exhibit area, plus 1 for each employee on largest shift.
Educational facility, college or university	1 for each employee on largest shift, plus 1 per 3 full time equivalent students. If a stadium is built in conjunction with the school, only the parking spaces in excess of the current spaces shall be required.
Educational facility, primary or secondary	1 for each employee on largest shift, plus 1 space for each 5 seats in the largest assembly room. If a stadium is built in conjunction with the school, only the parking spaces in excess of the current spaces shall be required.
Emergency management services facility	1 for each emergency bay/vehicle, plus 1 for each individual on largest shift
Religious assembly	1 per 5 fixed seats in main assembly area or 1 for each 100 square feet of assembly floor space without fixed seating.
<i>Commercial Uses</i>	
Assembly, place of	1 per 5 fixed seats in main assembly area or 1 for each 100 square feet of assembly floor space without fixed seating.
Automobile repair service, car wash, equipment repair service, and gasoline station	3 for each bay, stall, rack, or pit, plus 1 for each gasoline pump; minimum 5 spaces.
Automobile sale, rental/leasing	1 customer vehicle space for each 500 square feet of building floor space
Bed and breakfast establishment, short-term rental	1 for each bedroom in addition to parking spaces required to permanent residents of the building.

Uses	Minimum Number of Required Parking Spaces
Brewery, craft (Micro)	1 for each 150 square feet of food/beverage preparation and consumption area, plus 1 per 800 square feet of operations
Business support services, consumer repair services, personal services	1 for each 500 square feet of floor area.
Catering facility, janitorial business, tradesperson service	1 per 3 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with business.
Commercial indoor entertainment	1 for each 3 seats, plus 1 space per employee on largest shift.
Commercial indoor recreation/amusement	1 per each 3-person based on maximum occupancy load, plus 1 space per employee on largest shift.
Commercial outdoor recreation/amusement	1 per each 3-person based on maximum occupancy load, plus 1 space per employee on largest shift.
Construction material sales, equipment sales/rental, heavy, Farm supply and service establishment	1 per each 500 square feet of floor area plus space for storage of trucks or other vehicles used in connection with business.
Financial institution	1 for each 250 square feet of floor area, plus 4 stacking spaces per service window.
Funeral home, crematory	1 for each 50 square feet of main assembly area, 30 spaces minimum
Greenhouse, commercial, Store, general	1 for each 250 square feet of floor area
Hospital	At least 1 space for every 2 beds. The total number of beds shall include infants' cribs and children's beds.
Hotel	1 for each bedroom or unit, plus required parking for any restaurant or assembly place.
Office, general	1 for each 400 square feet of floor area.
Office, medical/clinic	1 per 200 square of floor area; 10 spaces minimum for a clinic.
Restaurant, drive-thru	1 for each 150 square feet of floor area, plus stacking spaces as required in the Use Performance Standards Section.
Restaurant, general	1 for each 150 square feet of floor space, including outdoor seating.
School, business or trade	1 for each employee on largest shift, plus 1 space for each 5 seats in the largest assembly room.
Self-storage facility	1 space for each 1,000 square feet of floor area.
Veterinary hospital, kennel, commercial	1 for each 400 square feet of floor area.
Industrial Uses	
Boat yard, freight terminal, hazardous material storage and distribution, laboratory, research and development, Manufacturing, light or heavy, Recycling facility, Sanitary landfill, Storage yard	1 per employee on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry.
Warehousing and distribution	1 for each 1,250 square feet of floor area.

Uses	Minimum Number of Required Parking Spaces
Miscellaneous Uses	
Junk yard	1 per employee on maximum work shift plus space for storage of trucks or other vehicles used in connection with business.

Section 125.555. – Interpretation of Specific Requirements of Table 125.554.1, Minimum Off-Street Parking Requirements.

- A. The parking requirements shall be in addition to space for the storage of trucks, campers, recreation vehicles, or other similar vehicles used in connection with the use.
- B. The parking requirements in this division do not limit other parking requirements contained in Article IV – ~~Zoning~~ Districts and Maps.
- C. The parking requirements in this division do not limit special requirements, which may be imposed for approval of a conditional use or special exception.
- D. For residential uses, the total number of off-street parking spaces provided inside a private garage shall be calculated based on the intended design of the garage.
- E. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one (1) time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- F. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
- G. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- H. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this division for an increase in parking spaces of ten (10) percent or more, such additional spaces shall be provided on a basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten (10) percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten (10) percent or more.

Section 125.556. – Off-Street Loading Requirements.

- A. Off-street loading shall be provided at the time of the erection of any building or structure or at the time any building or structure is altered, enlarged, or increased in capacity by adding dwelling units, guest rooms, floor area, or seats, or a change of use, not less than the amount of loading space given in this Section.
- B. Location. All required off-street loading areas shall be located on the same lot as the use served and with the ability to be adequately screened as outlined in the design standards below.

- C. Surfacing. All off-street loading areas shall be surfaced with an improved dustless surface.
- D. Joint Use of Space. Where a building is used for more than one (1) use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading space but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for the use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading.
- E. Utilization. Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking area or portion thereof.
- F. Specific Requirements by Use. Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building is hereafter converted, for the uses listed below, when such buildings contain the floor areas specified, accessory off-street loading spaces shall be provided as required below or as required in subsequent Sections of this Division.

Table 125.556.1. Minimum Off-Street Loading Requirements

Use or Use Category	Floor Area (SF)	Loading Spaces Required
Commercial and Industrial establishments (except those uses listed below)	0-1,999	None
	2,000-20,000	One
	20,001-100,000	One space, plus one space for each 20,000 sq. ft.
	Each 40,000 over 100,000	One additional
Dwelling, multifamily; funeral home; hotel; office; hospital or similar institutions; or places of public assembly	0-4,999	None
	5,000-10,000	One
	10,001-100,000	Two
	100,001-200,000	Three
	Each 100,000 over 200,000	One additional

Section 125.557. – Interpretation of Specific Requirements of Table 125.556.1, Minimum Off-Street Loading Requirements.

- A. Loading Requirements.
 - (1) The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
 - (2) The loading space requirements in this division do not limit special requirements which may be imposed in connection with uses permitted by approval of a conditional use or special exception.

Section 125-558. – Design Standards of Uses in Table 125.556.1, Minimum Off-Street Loading Requirements.

- A. Minimum Size. For the purpose of the regulations of this division, a loading space is a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, and having a minimum area of 480 square feet, a minimum width of 12 feet, a minimum depth of 40 feet, and a vertical clearance of at least 15 feet.

- B. Screening and Landscaping. Screening and landscaping shall be provided as required under Division 2 of this Article.
- C. Loading Space for Funeral Homes. Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and vertical clearance reduced to eight (8) feet.
- D. Entrances and Exits. Location and design of entrances and exits shall be in accord with applicable requirements of the district regulations and traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide a least one (1) off-street loading space. Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot.

Section 125-559. – 125.574. ~~---~~ Reserved.

Division 4. – Signs.

Section 125.575. – Purpose and Intent.

~~(1)~~A. The purpose of this Section is to regulate the type, size, height, and location of signage used in the County so as to provide adequate opportunity for the identification and promotion of and direction to businesses and institutions, while preserving the County's rural, agricultural and scenic character.

~~(2)~~B. This Division is intended to:

- (a) Minimize visual distractions to motorists using public and private streets;
- (b) Reduce hazards that may be caused by signs overhanging or projecting over public right of ways;
- (c) Protect property values;
- (d) Enhance the physical appearance of the County and preserve the scenic and natural beauty of the community; and,
- (e) Promote commerce and trade to create an attractive economic and business climate.

Section 125.576. – Administration.

A. Interpretation, conflict, and severability.

- (1) The regulations set forth in this division shall apply to all new signs, replacement signs, and their modification(s) established after the effective date of the ordinance.
- (2) Signs not expressly permitted are prohibited.
- (3) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations of such signs.
- (4) This division shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

- (5) Where this division differs in any manner from the provisions of the Virginia Uniform Statewide Building Code or any other ordinance or regulation of the County, the ordinance, code, or regulation imposing the greater restriction upon the use of any sign shall control.
- (6) Should any Division, Section, subsection, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of Page County to enact each Section and portion thereof, individually, and each such Section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any Section or provision.

Section 125.577. – Permit Required; Application.

- A. No sign, unless exempted in this division, shall be erected, constructed, posted, painted, altered, maintained, or relocated, without a permit issued by the Zoning Administrator as provided for in this division.
- B. Before any permit is issued, an application for a sign permit provided by the Zoning Administrator shall be filed, together with sufficient information to determine if the proposed sign is permitted under the Zoning Ordinance and other applicable laws, regulations, and ordinances.
- C. The application shall contain:
 - (1) The location of the sign structure;
 - (2) The name and address of the sign owner and of the sign erector;
 - (3) Three sets of drawings and/or specifications showing the number of signs applied for, dimensions to scale, elevation, design, materials, manner of illumination, method of securing or fastening, and location of the sign; and,
 - (4) Such other pertinent information as the Zoning Administrator may require to ensure compliance with this ordinance or other ordinances of the County.
- D. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the governing body of the County and maintained in the office of the Zoning Administrator shall accompany all sign permit applications.
- E. All signs which are electrically illuminated shall require a separate electrical permit and inspection. Structural and safety features and electrical systems shall be in accordance with the requirements of applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this ordinance and applicable technical codes.
- F. The permit for a temporary sign shall state its duration, which is not to exceed 60 calendar days unless another duration is provided in the Zoning Ordinance.
- G. Special use permit. The Board of Supervisors may authorize the following exceptions to these rules by special use permit in accordance with all applicable procedural requirements: an increase in sign area and/or sign height, a reduction in sign spacing, a variance to sign type (wall-mounted location and/or roof signage).
- H. Permit revocation.
 - (1) All signs shall be erected on or before the expiration of six months from the date of issuance of the permit. After such time, the permit shall become null and void, and a new permit shall

be required. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.

- (2) A sign permit shall become null and void if the use to which it pertains is not commenced within six months after the date the sign permit is issued. Upon written request and for good cause shown, the zoning administrator may grant one six-month extension.
- (3) Whenever the use of a building or land is discontinued by the specific business, the sign permit shall become null and void and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance.
- (4) The Zoning Administrator shall revoke a sign permit if
 - (a) The Zoning Administrator determines that the application was materially false or misleading;
 - (b) The sign as installed does not conform to the sign permit application; or
 - (c) The sign does not comply with applicable regulations of this division, building code, or other applicable law, regulation, or ordinance.

Section 125.578. – General Requirements.

- A. The following setbacks shall apply to all signs except temporary signs and minor signs:
 - (1) Front property line and rights-of-way: 15 feet.
 - (2) Side or rear property lines if no right-of-way exists: five feet.
- B. Signs shall be sized and/or located so as to not impair any sight distance reasonably necessary for pedestrian or traffic safety, such determination to be made in the sole discretion of the Board of Supervisors.
- C. Signs shall not be located within restricted access easements along roadways.
- D. Signs may be lighted without non-glaring internal lights or may be illuminated by shielded floodlights, which are directed downwards. Any sign with light sources of such brightness as to constitute a hazard or nuisance, as determined by the Zoning Administrator and/or Virginia Department of Transportation, shall be prohibited.
- E. A sign which revolves or moves, whether illuminated or not, which has letter(s) or numbers shall not change at intervals of not less than five seconds. This shall include a clock or thermometer or similar instrument with moving hands.
- F. All electronic service lines shall be underground.
- G. Signs projecting over public walkways, where permitted, shall be a minimum height of eight feet from grade level to the bottom of the sign.
- H. Projecting signs, where permitted, shall not extend more than six feet beyond the face of the building or beyond a vertical plane two feet inside the curb line.
- I. Temporary signs shall be up for no more than 60 days in any six-month period and shall be removed no more than seven days after the completion of the sale or event.

Section 125.579. – Sign Area.

- A. The following method shall be utilized in the calculations of sign area:

- (1) The sign area permitted under this division is determined by measuring the entire face of the sign, including any wall work incidental to its decoration but excluding support elements for the sole purpose of supporting the sign.
- (2) For signs that are regular polygons or circles, the area shall be calculated by the mathematical formula for that polygon or circle. For signs that are not regular polygons or circles, the sign area shall be calculated using the area within up to three rectangles that enclose the sign face.
- (3) The surface area of any sign consisting of individual letters or figures shall include the space between such letters or figures.
- (4) Whenever one sign contains information on both sides, sign area shall be calculated based on the largest sign face. Sides are not totaled.

Section 125.580. – Exempt Signs.

- A. The following signs are exempted from the provisions of the regulations of this division and may be erected or constructed without a permit in accordance with the structural and safety requirements of the building code and as outlined in the definitions, tables of sign dimensions, and other portions of this division:
 - (1) Signs erected by a governmental body or required by law, including official traffic signs or sign structures, provisional warning signs or sign structures, and temporary signs indicating danger;
 - (2) Flags of the United States of America, Commonwealth of Virginia, the County, or other flags displayed for non-commercial purposes;
 - (3) A single flag per parcel for commercial purposes not exceeding 100 square feet in area;
 - (4) Changing of the message content on a changeable message sign if such sign is permitted in the district;
 - (5) The following small signs:
 - (a) Three minor signs, not exceeding three square feet each in area. Freestanding minor signs shall be located a minimum distance of twenty-five feet apart.
 - (b) Minor signs erected in multiple-building complexes or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title with letters no larger than four inches tall if the sign is 45 feet or less from the street right-of-way it faces, or no larger than eight inches tall if the sign is more than 45 feet from the street right-of-way it faces.
 - (c) Memorial plaques and building cornerstones not exceeding four (4) square feet in area and cut or carved into a masonry surface or other noncombustible material and made an integral part of the building or structure.
 - (d) Temporary nonilluminated signs not exceeding four (4) square feet in sign area and erected for not more than 30 consecutive days.
 - (6) Window signs, subject to the dimension requirements in this division.
 - (7) Menu signs located adjacent to a drive-through lane and not exceeding six feet in height.

- (8) On a property under construction or renovation, for sale, or for rent, temporary signs not exceeding four square feet for residential properties, except for multifamily, or 18 square feet for multifamily, nonresidential, or mixed-use properties.
- (9) Signs displayed on an operable vehicle while in use in the normal course of business. This Section should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.
- (10) Signs affixed to the interior of a permanent fence of a recreational or sports facility at a private community recreational use, public facility, or educational facility.

Section 125.581. – Prohibited Signs.

A. The following signs are prohibited:

- (1) Flashing signs, signs with intermittent lights resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles;
- (2) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to allowed portable signs or signs or letters on buses, taxis, or vehicles operating during the normal course of business;
- (3) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods. Any sign containing obscene text or pictures as defined by the Virginia Code;
- (4) Signs either temporarily or permanently placed on dumpsters, except those meeting the definition of minor signs.
- (5) Signs that block visibility, confuse, or dangerously distract the attention of the operator of a motor vehicle or interfere with the purpose of any traffic control signal or directional device, including but not limited to, signs that are constructed, erected, or maintained at or near an intersection or driveway and create a traffic hazard;
- (6) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority;
- (7) Signs advertising activities or products that are illegal under federal, state, or County law;
- (8) Sign, other than a sign approved or installed by the Virginia Department of Transportation, within or over any public right-of-way;
- (9) Signs, whether permanent or temporary, attached to trees, utility poles or other supporting structures, unless specifically authorized by the Zoning Administrator;
- (10) Except for one (1) minor sign to identify a home occupation or business with an easement agreement, as determined appropriate by the Zoning Administrator, between the property owner on which the sign is to be located and the owner of the business, off-premise signs located in the W-C, P-R, A-1, ~~RA~~-R, C-1, I-1, R, R-1, PUD, or MHP districts, and;
- (11) Roof signs.

Section 125.582. – District Sign Standards.

- A. District Standards – C-1, C-2, I-1, and I-2 Zoning Districts. Any signs located within a C-1, C-2, I-1, or I-2 district shall be subject to the following requirements:
- (1) One freestanding or wall sign per lot may be substituted with a changeable message sign subject to the following requirements:
 - (a) Location, area, height, and illumination requirements shall be the same as for freestanding or wall signs.
 - (b) Any changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired, covered, or disconnected by the owner or operator of such sign within 24 hours of notice of violation.
 - (2) The size and placement of signs on any parcel shall be subject to the requirements provided in Table 125.582.1. *(See next page)*

Table 125.582.1. Maximum Sign Dimensions – C-1, C-2, I-1, and I-2 Zoning Districts

Sign Type	Number	Area	Height (ft.)
Banner Sign	1 per lot	15 SF	Not limited
Window	Not limited	25% of window area	Not limited
Canopy	4 per canopy structure	0.5 SF per LF of canopy fascia	Not extending above the cap on the fascia board or below the horizontal plane formed by the bottom of the fascia board
Commercial Flag	1 per lot	100 SF	30 ft.
Freestanding	1 per street frontage	160 SF	24 ft.
Projecting	1 per occupant per street frontage	15 SF	15 ft. max. above grade level
Wall	1 per occupant per street frontage	25% of the total area of the wall, not to exceed 160 SF	N/A

Temporary	Not limited	12 SF per sign, and an aggregate of 60 SF per parcel	4 ft.
Minor	Not limited	3 SF per sign	4 ft.

Notes:

SF = square feet; LF = linear feet; ft. = feet

- B. District Standards: A-1, AR, R, R-1, PUD, W-C, P-R, and MHP-1 Zoning Districts. Individual signs shall be subject to the following requirements:
- (1) The number, size, and placement of signs on any parcel shall be subject to the requirements provided in Table x.2. In addition, the following requirements apply:
 - (a) The total cumulative area permitted for all signs on a single parcel located in a R, R-1, MHP-1, or PUD district and containing a dwelling unit, except for multifamily dwelling units, shall not exceed a maximum area of 16 SF.
 - (b) A residential subdivision or multifamily dwelling building shall be permitted one monument-style community sign not to exceed 30 square feet or 6 feet in height.
 - (2) For the purposes of 125.582.2., Agricultural Uses shall be those uses categorized as Agricultural in the Use Matrix, Article V of this Chapter. Non-residential uses shall be those uses categorized as Public/Civic/Recreation, Commercial, Industrial, Miscellaneous, or Home Occupation, Type A, Type B, and Virtual Business in the Use Matrix, Article V of this Chapter.

Table 125.582.2. Maximum Sign Dimensions – A-1, ~~AR~~-R, R, R-1, PUD, W-C, P-R, and MHP-1

Sign Type	Residential Uses			Agricultural Uses			Non-Residential Uses		
	Number	Area (SF)	Height (ft.)	Number	Area (SF)	Height (ft.)	Number	Area (SF)	Height (ft.)
Freestanding	None, except minor signs	N/A	N/A	1 per street frontage	40 SF	24 ft.	1 per street frontage	50 SF	24 ft.
Wall	None, except minor signs	N/A	N/A	1 per street frontage	16 SF	N/A	1 per street frontage	16 SF	N/A
Canopy	Not Permitted	N/A	N/A	Not Permitted	N/A	N/A	See Table X.125.582.1 for requirements		
Temporary	4 per parcel	4 SF	4 ft.	4 per parcel	12 SF	4 ft.	2 per street frontage	12 SF	4 ft.
Minor	Not limited	3 SF per sign	4 ft.	Not limited	3 SF	4 ft.	Not limited	3 SF per sign	4 ft.

Notes:

SF = square feet; LF = linear feet; ft. = feet

Section 125.583. – Structural and Maintenance Requirements.

- A. All signs and structural components shall be maintained in full repair and in an attractive condition.
- B. Any sign declared by the County Building Official to be a hazard to life or property may be ordered to be repaired or removed. In addition, any sign in violation of this Section, or any sign which is not consistent with the intent of this Section, may be ordered to be repaired or removed. All costs for repair or removal will be charged to the sign owner and/or the owner of the property.
- C. Signs will be removed within 30 days of discovery of being discontinued or obsolete. All costs will be charged to the owner of the sign and/or owner of the property.

Section 125.584. – Nonconforming Signs.

- A. Any sign lawfully in existence on the date of enactment of this division may be maintained even though it does not conform with the provisions of this division, provided that they do not exceed the dimensions of the existing sign.
- B. The message of a nonconforming sign may be changed, provided that they do not exceed the dimensions of the existing sign.
- C. No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign.
- D. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this division.
- E. A nonconforming sign destroyed by any cause may not be repaired, reconstructed, or replaced except in conformity with this division. For the purposes of this Section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds fifty (50) percent of the appraised value of the sign so damaged.
- F. A nonconforming sign must be removed if the structure, building, or use to which it is accessory is destroyed, or demolished to an extent exceeding 50 percent of the appraised value of the principal structure, building, or use.

Section 125.585. – Enforcement.

- A. Violations. Violations of this division constitute violations of this Chapter and the County may obtain compliance through any of the methods available for other zoning violations.
- B. Removal of signs in violation. The Zoning Administrator may order the removal of any sign erected or maintained in violation of this division. The Zoning Administrator shall give 30 days' notice in writing to the owner of such sign or of the building, structure, or premises on which such sign is located to remove the sign or to bring it into compliance with this division. The Zoning Administrator may remove a sign immediately and without notice if, in his opinion, the condition or placement of the sign is such as to present an immediate threat to the safety of the public. Any surface exposed by the removal of a sign shall be restored to its original condition by the property owner and be compatible with adjacent surfaces.
- C. Removal of abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove such sign, the Zoning Administrator shall give

the owner 30 days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the sign at cost to the property owner.

Section 125.586. – 125.609. ~~---~~ Reserved.

Division 5. – Slope Controls.

Section 125.610. – Purpose and Intent.

- A. The purpose of this division is to address the special problems posed by steep slopes on normal building construction and site development in terms of building foundations, stormwater runoff control, soil erosion, stream siltation, flooding, sanitary seepage, etc.
- B. These controls are intended to augment the provisions of the primary zoning district.

Section 125.611. – Boundaries of Steep Slope Areas.

- A. Steep slope areas over 25% in grade are derived from United States Geological Survey (USGS) maps.
- B. Studies and maps used to establish the boundaries shall be available in the office of the Zoning Administrator.
- C. The boundaries of the slope control area, as defined above, shall be shown on the Official Zoning Map.

Section 125.612. – Uses Permitted.

- A. The following uses are permitted:
 - (1) Parks, outdoor recreation.
 - (2) Agriculture, wildlife sanctuary, game farms, etc.
 - (3) Pasture, grazing animals according to recognized soil conservation practices.

Section 125.613. – Uses Permitted by Special Permit.

- A. The following uses are permitted by special permit:
 - (1) Buildings permitted in the primary district, provided that:
 - (a) Buildings or structures and roads located on a slope of 25% or more in grade require a plan showing the topography, building location, drives, sanitary facilities, foundation, drainage, planting schedule, grading plan prepared by an architect or landscape architect or engineer and a statement as to how problems of constructing possible erosion barriers, stream siltation, soil stabilization or revegetation are to be overcome.
 - (b) Buildings utilizing on-lot sanitary facilities requiring Health Department approval.
 - (2) Electrical facilities operating above 40 kilovolts.

Section 125.614. – Issuance of Zoning Permit.

A zoning permit shall not be issued for a steep slope area development until the County Engineer and/or appropriate authority has certified that the conditions on the lot are as stated on the plan and that the site plan as proposed resolved the problems arising from the steep slope condition.

Section 125.615 – Recording of Permits.

The Zoning Administrator shall maintain a separate file for all zoning permits in areas subject to these regulations.

Section 125.616. – Boundary Disputes and Appeals Procedures.

- A. Should a dispute concerning the boundaries arise, an initial determination shall be made by the Zoning Administrator.
- B. Any party aggrieved by this decision, claiming the criteria used for delineating the boundary in Section ~~125.2616.A~~ is or has become incorrect because of changes due to natural or other causes, may appeal to the Board of Zoning Appeals.
- C. The burden of proof shall be on the appellant.
- D. All changes approved in boundaries shall be made on the Official Zoning Map.
- E. If a landowner believes that his land should not be included in the slope control area, he must present to the Board of Zoning Appeals appropriate testimony from a professional engineer that his land should not be considered as part of said area.

Section 125.617. – County Liability.

The grant of a zoning permit or approval of a subdivision plan in the slope control area shall not constitute a representation, guaranty or warranty of any kind by the County or by any official or employee thereof of its practicability or safety of the proposed use and shall create no liability upon the County, its officials or employees.

Section 125.618. – 125.629. ~~---~~ Reserved.

Division 6. – Utilities and Facilities.

Section 125.630. – Purpose and Intent.

- A. The purpose of this division is to establish standards for utilities and facilities. This division is intended to:
 - (1) Preserve the health, safety, and quality of the County's natural and built environment.
 - (2) Protect the character of residential and commercial areas by enhancing the visual environment.
 - (3) Reduce conflict between agricultural and other land uses.

Section 125.631. – Solid Waste Disposal Areas.

- A. Solid waste disposal areas shall not create a health or fire hazard. All solid waste shall be stored in fly proof, watertight, rodent proof containers. A sufficient number of containers shall be provided to serve each use/development.

- B. Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multifamily, commercial, and industrial developments. The following standards shall apply:
- (1) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces or vehicular circulation drives will be minimized.
 - (2) Dumpsters and other approved collection receptacles shall conform to the following requirements:
 - (a) Receptacles shall not be located closer than 50 feet to any residential structure.
 - (b) In the C and I districts and in other districts for non-residential uses, receptacles shall be located to the rear of the property.
 - (3) Dumpsters and other approved collection receptacles shall be either screened, enclosed, or otherwise blocked from public view as provided in Section ~~6.2(B)125.528, above~~. Such screening or enclosure shall be designed in conjunction with the primary building, shall use similar materials and shall provide complete obscurity of the dumpster. The screen or enclosure shall have substantially durable double doors. Chain link fencing may not be used except where the zoning administrator determines that such screening is not necessary because other screening, such as building, fences or landscaping, is in place.
 - (4) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with the applicable health department standards for construction and drainage, shall be provided.
 - (5) All organic rubbish shall be contained in vermin-proof containers with tightly fitting lids.
 - (6) All bulk solid waste receptacles shall be maintained in a clean condition. Such receptacles used for storage of solid waste or other material capable of creating unsanitary conditions shall be washed and disinfected as often as necessary to control odor and insect breeding.
 - (7) Any person accessing or servicing a bulk solid waste receptacle, for which screening or a screening enclosure has been provided, shall replace the bulk solid waste receptacle behind or within the screening or screening enclosure immediately after access or service.
 - (8) It shall be the joint and severable responsibility of the owner of each multiple-unit dwelling, commercial and industrial land or buildings to provide a number of approved containers for storage of solid waste to prevent overflow between times of collection, and maintain the premises in accordance with the provisions of this Chapter.

Section 125.632. – Underground Utilities and Water and Sewer Systems.

Except for existing or proposed transmission lines which traverse a development or project, all telephone, electrical distribution, water, fuel, and other utility lines shall be placed underground.

Section 125.633. – Well Locations.

- A. Wells shall maintain a 50-foot setback from all property lines adjacent to parcels three acres or larger that are used for an agricultural operation, as defined by Article X.
- B. If either of the following criteria listed can be achieved, a landowner may seek approval of a variance from the Board of Zoning Appeals:

- (1) The owner of the adjacent property that is used for an agricultural operation may grant written permission for construction of the well within 50 feet of the property line; or
- (2) Certification by the Health Official that no other site on the property complies with this regulation for the construction of the well.
- C. If approved, a variance conveyance form, which is part of the Page County appeal/variance application, must be recorded at the Page County Circuit Court within 90 days of the approval.
- D. Failed private drinking water wells that must be replaced by the order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure.

Section 125.634. – 125.644. ~~---~~ Reserved.

Article VIII. – NONCONFORMITIES.

Division 1. – Nonconforming Uses, Lots and Structures.

Section 125.645. – Statement of Intent.

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

Section 125.646. – Generally.

Except as otherwise provided in this this Chapter, any lawful use, building or structure existing at the time of an amendment to this Chapter may be continued even though such use, building or structure may not conform to this Chapter's provisions and shall be deemed nonconforming. A change in occupancy or ownership shall not affect the right for the use to continue or the building or structure to remain. Notwithstanding any conditional of approval limiting the time period for which such approval is granted, a building permit or special use permit lawfully granted before _____ (*date of adoption of this ordinance*) shall not be affected by this provision.

Section 125.647. – Nonconforming Lots of Record.

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

Section 125.648. – Nonconforming Use.

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

- A. A nonconforming use may change to a conforming use.

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

Section 125.649. – Buildings Nonconforming in Height, Area, or Bulk.

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

Section 125.650. – Nonconforming Buildings, Structures, and Improvements.

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

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

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

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

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

- D. If a nonconforming building or structure is damaged or destroyed, even if 50% or greater, by fire, natural disaster or other act of God, such building or structure may be repaired, rebuilt or replaced provided that:
- (1) The non-conforming features are eliminated or reduced to the extent possible, without the need to obtain a variance;
 - (2) The owner shall apply for a building permit and any work done to repair, rebuild or replace such building and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code;
 - (3) The requirements of the floodplain regulations of Chapter 128 are met; and
 - (4) The work is done within 2 years unless the building is in an area under a federal disaster declaration and was damage or destroyed as a direct result of the disaster, in which case the time period shall be extended to 4 years.

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

- E. If a nonconforming mobile home is removed other than by natural disaster or public action, it may not be replaced except as provided for below unless it complies with regulations within the Ordinance.
- (1) Nothing in this Section shall be construed to prevent the landowner or homeowner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.
- F. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was lawfully of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to area, frontage, and dimensions of lots, the provisions of such lot area, frontage, and dimension regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot; provided such improvements conform in all

other respects to applicable zoning and health regulations and restrictions.

Section 125.651. – 125.679. ~~---~~ Reserved.

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ARTICLE IX. – SUBDIVISION OF LAND.

Division 1. – General Provisions.

Section 125.680. – 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 125.681. – Interpretation.

- A. Existing Agreements. In addition to the standards of this chapter provided in Article I. – In General, 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 ordinance 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 125.682. -- 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 125.683. – 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 125.684. – 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.

Section 125.685. – 125.699. ~~---~~ Reserved.

Division 2. – Enforcement and Exceptions.

Section 125.700. – 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 125.701. – 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.---~~

Section 125.701. – 125.714. ~~---~~ Reserved.

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

Section 125.715. – 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 125.746.C.

- (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 125.716. – 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.

Section 125.717. – 125.729. ~~---~~ Reserved.

Division 4. – Residential Subdivision Types.

Section 125.730. ~~—~~ Single-Lot Divisions.

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

Section 125.731. – 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 designed, constructed and maintain in accordance with Section 125.774., 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 125.732. – 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 125.733. – 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.

Sections 125.734. – 125.744. ~~---~~ Reserved.

Division 5. – Subdivision Platting Requirements.

Section 125.746. – 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.

Section 125.745. – 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.

Sections 125.747. – 125.764 ~~---~~ Reserved.

Division 6. – Subdivision Design Requirements.

Section 125.765. – 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 125.766. ~~---~~ 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 125.767. ~~—~~ 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 125.768. ~~—~~ 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 125.769.

Section 125.769. ~~—~~ 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 125.770. ~~—~~ 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 125.771. ~~—~~ 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 the requirements for public roads in accordance with Section 125.774.
- 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 the requirements for private streets in Section 125.774. Said private streets shall extend from such lots or parcels to a public street.

Section 125.772. ~~---~~ 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 125.773. ~~---~~ 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 125.774. ~~---~~ 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, unless a lesser right of way width is approved by the Virginia Department of Transportation. If dedication of additional right-of-way is found to be needed so that the street is not less than 25 feet in width, such right of way shall be required on the proposed 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) Cul-De-Sacs. 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 as permitted in this Section. 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, and this Section.
 - (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 this Section.
- (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, unless a lesser right of way width is approved by the Virginia Department of Transportation. If dedication of additional right-of-way is found to be needed so that the street is not less than 25 feet in width such additional right of way shall be required on the proposed 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, unless a lesser right of way width is approved by the Virginia Department of Transportation. 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 ~~125.774x, —~~ 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, unless a lesser right of way is approved by the Virginia Department of Transportation. If dedication of additional right-of-way is found to be needed so that the street is not less than 25 feet in width such right of way shall be required on the proposed 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 unless otherwise approved by the Virginia Department of Transportation, 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 this Section. 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 125.775. — 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 125.800. 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 125.800. 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.

Section 125.776. – 125.799. ~~---~~ Reserved.

Division 7. – Obligations of Improvements and Guarantees.

Section 125.800. – 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 125.801. ~~—~~ 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 125.802. ~~---~~ 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 125.803. ~~---~~ 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 125.804. ~~—~~ 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 125.805. ~~—~~ 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.

Sections 125.806. – 125.819. — Reserved.

Division 8. – Review Process.

Section 125.820. ~~—~~ 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 125.821. – 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 this Section 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 125.822. – 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 15 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 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,

are 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 125.823. – 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.

Sections 125.824. – 125-864. ~~---~~ Reserved.

Article X. – DEFINITIONS.

Section 125.865. – 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 125.866. – 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 sub-rent 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~~ 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).

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)

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 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 owned 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~~ 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~~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~~ 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.

PROJECT: A development that is planned, developed or managed as a unit.

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

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

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

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

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 apiaries (bee keeping) and the keeping of domestic livestock and poultry 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.

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. This does not include solar facilities.

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 ~~as~~ electric facilities operated at 40 kilovolts or less, and well, water and sewer pump stations. This does not include solar and 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 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.

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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Appendix A. – Fees.

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