

SHENANDOAH COUNTY



Zoning Ordinance

Effective: October 1, 1978

Amended: June 13, 1995

ZONING ORDINANCE OF SHENANDOAH COUNTY, VIRGINIA

TABLE OF CONTENTS

	PAGE
ARTICLE I	
PURPOSE, SECTION 101	1
TITLE, SECTION 102	1
ARTICLE II	
OFFICIAL ZONING MAP, SECTION 201	2
CLASSES OF DISTRICTS, SECTION 202	2
INTERPRETATION OF DISTRICT BOUNDARIES, SEC. 203	3
ARTICLE III	
CONSERVATION DISTRICT, SECTION 301	4
AGRICULTURE DISTRICT, SECTION 302	7
LOW-DENSITY RESIDENTIAL, SECTION 303	11
MEDIUM-DENSITY RESIDENTIAL, SECTION 304	14
HIGH-DENSITY RESIDENTIAL, SECTION 305	17
LOCAL BUSINESS, SECTION 306	21
GENERAL BUSINESS, SECTION 307	24
GENERAL INDUSTRIAL, SECTION 310	28
LIMITED INDUSTRIAL, SECTION 311	32
ARTICLE IV	
NONCONFORMING USES, EXISTING USES, SECTION 401	35
CHANGES IN DISTRICT BOUNDARIES, SECTION 402	36
EXPANSION AND/OR REBUILDING OF NONCONFORMITIES SECTION 403	36
NONCONFORMING LOTS, SECTION 404	36
UTILITY FACILITIES LOTS, SECTION 405	37
ARTICLE V	
LOT AREAS AND LOT WIDTH FOR LOTS NOT SERVED WITH PUBLIC WATER AND/OR SANITARY SEWERS, SECTION 501	37
HOME OCCUPATION REGULATIONS, SECTION 502	37
HOME BUSINESS REGULATIONS, SECTION 502.1	38
ACCESSORY USES, STRUCTURES OR BUILDINGS, SECTION 503	39
MINIMUM OFF-STREET PARKING, SECTION 504	39
OFF-STREET LOADING REQUIREMENTS, SECTION 505	41
SIGN REGULATIONS, SECTION 506	42
CAR WASHES, SECTION 507	45
TOWNHOUSES, SECTION 508	45
APARTMENTS, SECTION 509	49
PERMANENT MOBILE HOME PARKS AND TEMPORARY TRAILER PARKS, SECTION 510	53
SITE PLAN REVIEW, SECTION 511	53
SHOPPING CENTERS, SECTION 512	57
FRONTAGE REDUCTION, SECTION 513	59
ADDITIONAL SETBACK REQUIREMENTS, SECTION 514	59
CLUSTER HOUSING DEVELOPMENT, SECTION 515	59
INTENSIVE POULTRY & HOG FACILITIES, SECTION 516	64

ARTICLE VI	
ZONING ADMINISTRATOR, SECTION 601	72
ZONING FEES, SECTION 601.1	72
ZONING PERMITS, SECTION 602	72
CERTIFICATE OF OCCUPANCY, SECTION 603	72
SPECIAL USE PERMITS, SECTION 604	73
PROVISIONS FOR APPEAL, BOARD OF ZONING APPEALS, SECTION 605	74
APPEAL OF THE DECISION OF BOARD OF ZONING APPEALS, SECTION 606	77
AMENDMENTS, SECTION 607	78
CONDITIONAL ZONING, SECTION 607.5	79
VIOLATION, SECTION 608	81
PENALTY, SECTION 609	81
PERMITS ISSUED PRIOR TO ADOPTION, SECTION 610	81
SEVERABILITY, SECTION 611	81
REPEAL OF CONFLICTING ORDINANCES, SECTION 612	82
EFFECTIVE DATE, SECTION 613	82
ARTICLE VII	
GENERAL USAGE, SECTION 701	83
SPECIFIC TERMS, SECTION 702	83
APPENDIX A - FLOOD PLAIN REGULATIONS	
APPENDIX B - AIRPORT SAFETY ZONING	

ZONING ORDINANCE OF SHENANDOAH COUNTY, VIRGINIA

TABLE OF CONTENTS

	PAGE
ARTICLE I	
PURPOSE, SECTION 101	1
TITLE, SECTION 102	1
ARTICLE II	
OFFICIAL ZONING MAP, SECTION 201	2
CLASSES OF DISTRICTS, SECTION 202	2
INTERPRETATION OF DISTRICT BOUNDARIES, SEC. 203	3
ARTICLE III	
CONSERVATION DISTRICT, SECTION 301	4
AGRICULTURE DISTRICT, SECTION 302	7
LOW-DENSITY RESIDENTIAL, SECTION 303	11
MEDIUM-DENSITY RESIDENTIAL, SECTION 304	14
HIGH-DENSITY RESIDENTIAL, SECTION 305	17
LOCAL BUSINESS, SECTION 306	21
GENERAL BUSINESS, SECTION 307	24
GENERAL INDUSTRIAL, SECTION 310	28
LIMITED INDUSTRIAL, SECTION 311	32
ARTICLE IV	
NONCONFORMING USES, EXISTING USES, SECTION 401	35
CHANGES IN DISTRICT BOUNDARIES, SECTION 402	36
EXPANSION AND/OR REBUILDING OF NONCONFORMITIES SECTION 403	36
NONCONFORMING LOTS, SECTION 404	36
UTILITY FACILITIES LOTS, SECTION 405	37
ARTICLE V	
LOT AREAS AND LOT WIDTH FOR LOTS NOT SERVED WITH PUBLIC WATER AND/OR SANITARY SEWERS, SECTION 501	37
HOME OCCUPATION REGULATIONS, SECTION 502	37
HOME BUSINESS REGULATIONS, SECTION 502.1	38
ACCESSORY USES, STRUCTURES OR BUILDINGS, SECTION 503	39
MINIMUM OFF-STREET PARKING, SECTION 504	39
OFF-STREET LOADING REQUIREMENTS, SECTION 505	41
SIGN REGULATIONS, SECTION 506	42
CAR WASHES, SECTION 507	45
TOWNHOUSES, SECTION 508	45
APARTMENTS, SECTION 509	49
PERMANENT MOBILE HOME PARKS AND TEMPORARY TRAILER PARKS, SECTION 510	53
SITE PLAN REVIEW, SECTION 511	53
SHOPPING CENTERS, SECTION 512	57
FRONTAGE REDUCTION, SECTION 513	59
ADDITIONAL SETBACK REQUIREMENTS, SECTION 514	59
CLUSTER HOUSING DEVELOPMENT, SECTION 515	59
INTENSIVE POULTRY & HOG FACILITIES, SECTION 516	64

ARTICLE VI	
ZONING ADMINISTRATOR, SECTION 601	72
ZONING FEES, SECTION 601.1	72
ZONING PERMITS, SECTION 602	72
CERTIFICATE OF OCCUPANCY, SECTION 603	72
SPECIAL USE PERMITS, SECTION 604	73
PROVISIONS FOR APPEAL, BOARD OF ZONING APPEALS, SECTION 605	74
APPEAL OF THE DECISION OF BOARD OF ZONING APPEALS, SECTION 606	77
AMENDMENTS, SECTION 607	78
CONDITIONAL ZONING, SECTION 607.5	79
VIOLATION, SECTION 608	81
PENALTY, SECTION 609	81
PERMITS ISSUED PRIOR TO ADOPTION, SECTION 610	81
SEVERABILITY, SECTION 611	81
REPEAL OF CONFLICTING ORDINANCES, SECTION 612	82
EFFECTIVE DATE, SECTION 613	82
ARTICLE VII	
GENERAL USAGE, SECTION 701	83
SPECIFIC TERMS, SECTION 702	83
APPENDIX A - FLOOD PLAIN REGULATIONS	
APPENDIX B - AIRPORT SAFETY ZONING	

ARTICLE I - PURPOSE AND TITLE

101

Purpose

For the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Section 15.1-489, Code of Virginia, as amended, the following is adopted as the Zoning Ordinance of Shenandoah County, Virginia, together with the accompanying map. This Ordinance is intended:

- (a) To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- (b) To reduce or prevent congestion in the public streets;
- (c) To assist with the creation of a convenient, attractive, and harmonious community;
- (d) To assist with 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;
- (e) To 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 or transportation; or loss of life, health, or property from fire, flood, or other dangers;
- (f) To encourage economic development activities that provide desirable employment and enlarge the tax base; and
- (g) To give effect to the policies and objectives set forth in the Comprehensive Plan of Shenandoah County.

102

Title

This Ordinance is known and may be cited as the "Zoning Ordinance of Shenandoah County, Virginia."

ARTICLE II - ZONING MAP AND ZONING DISTRICTS

201 Official Zoning Map

Shenandoah County is hereby divided into zones, as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be part of this Ordinance, together with all notations, references and amendments.

201.1 Identification of Official Zoning Map: The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the Clerk of that body, together with the date of the adoption of this Ordinance.

201.2 Changing the Official Zoning Map: If, in accordance with the provisions of this Ordinance and the Code of Virginia, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

201.3 Location of the Official Zoning Map: The Official Zoning Map shall be located in the office of the Zoning Administrator, and shall be the final authority as to the current zoning status of all areas in the County, regardless of unofficial copies which may have been made or published from time to time. The Official Zoning Map shall be available to the public for inspection during regular office hours.

202 Classes of Districts

For the purpose of this Ordinance, Shenandoah County is hereby divided into districts which shall be designated as follows:

- C-1 - Conservation
- A-1 - Agriculture
- R-1 - Low-Density Residential
- R-2 - Medium-Density Residential
- R-3 - High-Density Residential
- B-1 - Local Business
- B-2 - General Business
- M-1 - General Industrial
- M-2 - Limited Industrial

203 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

203.1 Designation of District Boundaries: Boundaries indicated as approximately following the center line of streets, railroad rights-of-way, streams, rivers, existing lot lines, or municipal boundary lines shall be considered as following such features indicated. Where a district boundary line does not follow such a line, its position may be shown on said Official Zoning Map by a specific dimension expressing its distance in feet from a street right-of-way line or other boundary line as indicated and running parallel to said line.

203.2 Boundary Questions: In disputes over the exact location of district boundaries as shown on the Map, the Zoning Administrator shall request the Board of Zoning Appeals to render its determination with respect thereto.

ARTICLE III - DISTRICT REGULATION

301

CONSERVATION DISTRICT (C-1)

Statement of Intent

This district covers portions of the County which are occupied by various open uses, such as forests, recreation areas, farms, lakes or streams. Uses not consistent with the existing character of this district are not permitted.

301.1

Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) General farming, agriculture, dairying, and forestry. (Amended 7/9/91) NOTE: See Section 516 for poultry and hog regulations.
- (b) Conservation preserves.
- (c) Single-family detached dwellings.
- (d) Kennels.
- (e) Churches, cemeteries, schools, parks and playgrounds, fire and rescue squad stations, office buildings, and other public and semi-public uses.
- (f) Roadside stand or market.
- (g) Country or general stores.
- (h) Sawmills or pulpwood concentration yards.
- (i) Manufactured houses on permanent foundations. (Amended 6/13/95)
- (j) Lines, poles, and pipes to provide electric, gas, telephone, water or sewer service to structures located on properties adjacent to said facilities.
- (k) Retail greenhouse and nursery operations under 10,000 square feet. (Site plan approval required as per Section 511) Amended 9/10/91.

301.2

Permitted Accessory Uses

- (a) Off-street parking for uses permitted in the district as provided in Section 504.

- (b) Signs as provided in Section 506.
- (c) Customary accessory uses and structures as provided in Section 503.
- (d) Home occupation as provided in Section 502. (Amended 11/14/89)

301.3 Uses Permitted by Special Permit

- (a) Home Business as provided in Section 502.1. (Amended 11/14/89)
- (b) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines and poles), and other facilities for the provision and maintenance of public utility service.
- (c) Garages, public.
- (d) Farm, lawn, and garden machinery and equipment sales and service.
- (e) Lodges, hunting clubs, camps, golf and country clubs.
- (f) Recreational uses or facilities, commercially operated or for private membership, such as game courts, swimming pools, campgrounds, archery ranges, fishing or boating lakes, ski slopes, picnic grounds, marinas, and accessory facilities (including the sale of food, beverages, bait, incidentals, supplies and equipment); provided that no such use, structure, or accessory use is located closer than fifty (50) feet to any adjoining property lines.
- (g) (Deleted 11/8/94)
- (h) Conversion of a single residential structure on a lot to contain a maximum of four (4) dwellings units provided such structure was in existence at the time of adoption of this Ordinance.
- (i) Wineries.
- (j) Nursing home.
- (k) Airports, commercial and private.
- (l) Flea markets.

- (m) Mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance. (Amended 6/9/87)
- (n) Retail greenhouse and nursery operations over 10,000 square feet. (Site plan approval required as per Section 511). (Amended 9/10/91)

301.4 Area Regulations

- (a) The minimum lot area shall be one hundred and twenty-five thousand (125,000) square feet.
- (b) There shall be a minimum of one (1) single-family detached dwelling or manufactured house per one hundred and twenty-five thousand (125,000) square feet. (Amended 6/13/95)
- (c) There shall be a maximum of two dwellings or manufactured houses or combination thereof per lot. (Adopted 6/13/95)

301.5 Frontage Regulations

The minimum frontage for each lot shall be two hundred and fifty (250) feet. (See Section 513 for cul-de-sacs).

301.6 Yard Regulations

NOTE: See Section 516 for residential setbacks from poultry facilities.

- (a) Front Yard. Structures shall be located sixty (60) feet or more from the front lot line. This shall be known as the "setback" line.
- (b) Side Yard. Each side yard for each main structure shall be a minimum of fifty (50) feet. No accessory building shall be located closer than twenty (20) feet to any side property boundary line.
- (c) Rear Yard. Each main structure shall have a rear yard of one hundred (100) feet or more. Accessory buildings may be built to within five (5) feet of rear property line. When the lot was recorded prior to October 1, 1978, the rear yard may be reduced to sixty (60) feet when it is determined by the Zoning Administrator that the required setback cannot be met because water and/or sanitation facilities are necessary to be located in front of the house as determined by the Health Director.

301.7 Building Coverage

The maximum building coverage on a lot shall be twenty (20) percent.

301.8 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height.
- (b) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, farm silos, barns, and other farm related structures, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers and other public communication facilities are exempt from height regulations.
- (c) New or replacement television, radio, or communications towers shall be prohibited from using white flashing aviation obstruction lights. (Amended 12/12/89)

302

AGRICULTURE DISTRICT (A-1)

Statement of Intent

This district is intended to preserve the character of those portions of the County, where agricultural and other low intensity uses predominate. The permitted uses should include mainly agriculture and related uses.

302.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) General farming, agriculture, dairying and forestry. (Amended 7/9/91)

NOTE: See Section 516 for poultry and hog regulations.

- (b) Conservation preserves.
- (c) Single-family detached dwellings.
- (d) Manufactured houses on permanent foundations. (Amended 6/13/95)

- (e) Schools, churches, parks, playgrounds, fire and rescue squad stations, libraries, cemeteries, office buildings, and other similar public and semi-public uses.
- (f) Sawmills or pulpwood concentration yards.
- (g) Kennels.
- (h) Country or general stores.
- (i) Livestock markets.
- (j) Lines, poles and pipes to provide electric, gas, telephone, water and sewer service to structures located on properties adjacent to said facilities.
- (k) Roadside stand or market.
- (l) Veterinary hospitals. (Amended 6/13/89)
- (m) Retail greenhouse and nursery operations under 10,000 square feet. (Site plan approval required as per Section 511). (Amended 9/10/91)
- (n) Cat Shelters. (Amended 3/23/93)

302.2 Permitted Accessory Uses

- (a) Off-street parking for uses permitted in this district as provided in Section 504.
- (b) Signs as provided in Section 506.
- (c) Customary accessory uses and structures as provided in Section 503.
- (d) Home occupation as provided in Section 502. (Amended 11/14/89)

302.3 Uses Permitted by Special Permit

- (a) Lodges, hunting clubs, camps, golf and country clubs.
- (b) Home Business as provided in Section 502.1. (Amended 11/14/89)
- (c) Garages, public.
- (d) Farm, lawn and garden machinery and equipment sales and service.

- (e) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines and poles), and other facilities for the provision and maintenance of public utility service.
- (f) Airports, commercial and private.
- (g) Recreational uses or facilities, commercially operated or for a private membership, such as game courts, swimming pools, campgrounds, archery ranges, fishing or boating lakes, ski slopes, picnic grounds, marinas, and accessory facilities (including the sale of food, beverage, bait, incidentals, supplies and equipment); provided that no such use, structure, or accessory use is located closer than fifty (50) feet to any adjoining property lines.
- (h) Commercial slaughter house.
- (i) DELETED
- (j) Rendering plant.
- (k) Blacksmith shop.
- (l) (Deleted 11/8/94)
- (m) Conversion of a single residential structure on a lot to contain a maximum of four (4) dwelling units provided such structure was in existence at the time of adoption of this ordinance.
- (n) Wineries.
- (o) Bulk petroleum products storage and distribution.
- (p) Nursing homes.
- (q) Asphalt mixing plants.
- (r) Flea market.
- (s) Mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance. (Amended 6/9/87)
- (t) Motor vehicle impoundment lots (Amended 11/8/88)
- (u) Retail greenhouse and nursery operations over 10,000 square feet. (Site plan approval required as per Section 511). (Amended 9/10/91)

- (v) Manufacture of deli sandwiches. (Amended 12/10/91)
- (w) Off-street parking area as a main use. (Amended 3/10/92)
- (x) Personal service establishments under 1500 square feet. (Adopted 4/12/94)

302.4 Area Regulations

- (a) The minimum lot area shall be sixty thousand (60,000) square feet.
- (b) There shall be a maximum of one (1) single-family detached dwelling or manufactured house per sixty thousand (60,000) square feet. (Amended 6/13/95)
- (c) There shall be a maximum of two dwellings or manufactured houses or combination thereof per lot. (Adopted 6/13/95)

302.5 Frontage Regulations

The minimum frontage for each lot shall be two hundred (200) feet. (See Section 513 for cul-de-sacs.)

302.6 Yard Regulations

NOTE: See Section 516 For Residential Setbacks From Poultry Facilities.

- (a) Front Yard. Structures shall be located forty (40) feet or more from the front lot line. This shall be known as the "setback" line.
- (b) Side Yard. Each side yard for each main structure shall be a minimum of forty (40) feet. No accessory building shall be located closer than twenty (20) feet to any side property boundary line.
- (c) Rear Yard. Each main structure shall have a rear yard of sixty (60) feet or more. Accessory buildings may be built to within five (5) feet of rear property line.
- (d) Lots adjoining an Industrial zoned district. No residential structure shall be constructed closer than one hundred (100) feet to any adjacent property line if that property is an industrial zoned district or contains an industrial use; however, this distance may be reduced to fifty (50) feet for

side or sixty (60) feet for rear yards if a screen buffer consisting of total screening is provided.
(Amended 6/9/87)

302.7 Building Coverage

The maximum building coverage on a lot shall be thirty (30) percent.

302.8 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height from grade.
- (b) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, farm silos, barns and other farm related structures, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers and other public communication facilities are exempt from height regulations.
- (c) New or replacement television, radio, or communication towers shall be prohibited from using white flashing aviation obstruction lights.
(Amended 12/12/89)

303

LOW DENSITY RESIDENTIAL (R-1)

Statement of Intent

This district is intended to encourage a suitable environment for family life; one which will blend with existing development. The district will permit residential and related uses in somewhat rural areas; development that will have to depend upon on-site water and sewer facilities. Low-density residential areas will mainly develop in clusters.

303.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one of the following uses:

- (a) Single-family detached dwellings including double-wide mobile homes, if the running gear has been removed and the homes are located on permanent foundations.

- (b) Public or private schools.
- (c) Parks and playgrounds, cemeteries, police stations, fire and rescue squad stations, churches, libraries, and other similar public and semi-public uses.
- (d) Lines, poles and pipes to provide electric, gas telephone, water and sewer to structures located on properties adjacent to said facilities.

303.2 Permitted Accessory Uses: Located on the same lot with the principal use:

- (a) Off-street parking for uses permitted in this district, as provided in Section 504.
- (b) Signs as provided in Section 506.
- (c) Customary accessory uses and structures as provided in Section 503.
- (d) Home occupation as provided in Section 502. (Amended 11/14/89)

303.3 Uses Permitted by Special Permit

- (a) Home business as provided in Section 502.1. (Amended 11/14/89)
- (b) Public utility generating, booster and relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines and poles), and other facilities for the provision and maintenance of public utility service.
- (c) Conversion of single residential structure on a lot to contain a maximum of four (4) dwelling units provided such structure was in existence at the time of adoption of this Ordinance.
- (d) Country or general store.
- (e) Professional office and office building.
- (f) Flea market.
- (g) Livestock - Domestic use. (Amended 12/13/89)

303.4 Area Regulations

The minimum lot size shall be thirty thousand (30,000) square feet.

303.5 Frontage Regulations

The minimum frontage for each lot shall be one hundred and twenty-five (125) feet. (See Section 513 for cul-de-sacs).

303.6 Yard Regulations

NOTE: See Section 516 For Residential Setbacks from Poultry Facilities.

- (a) Front Yard. Structures shall be located thirty-five (35) feet or more from the front lot line. This shall be known as the "setback" line.
- (b) Side Yard. Each side yard on a lot shall be a minimum of fifteen (15) feet.
- (c) Rear Yard. Each rear yard on a lot shall be a minimum of thirty (30) feet for a principal structure. Accessory buildings may be built to within five (5) feet of the rear property line.
- (d) Lots adjoining an Industrial zoned district. No residential structure shall be constructed closer than one hundred (100) feet to any adjacent property line if that property is an industrial zoned district or contains an industrial use; however, this distance may be reduced to fifty (50) feet for side or sixty (60) feet for rear yards if a screen buffer consisting of total screening is provided. (Amended 6/9/87)

303.7 Building Coverage

The maximum building coverage on a lot shall be twenty-five (25) percent.

303.8 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height from grade.
- (b) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers, and other communication facilities are exempt from height regulations.

- (c) New or replacement television, radio or communication towers shall be prohibited from using white flashing aviation obstruction lights. (Amended 12/12/89)

303.9 Special Provisions for Corner Lots

- (a) The front corner of a lot shall be the shortest of the sides facing streets.
- (b) The yard facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings.
- (c) Each corner lot shall have a minimum width of one hundred fifty (150) feet.

304

MEDIUM DENSITY RESIDENTIAL (R-2)

Statement of Intent

This district will provide for residential areas of a moderate density in sections of the County where development is occurring and is likely to occur. Areas for various housing types, along with certain residentially related uses will be provided. This type of district will be limited to areas around the more developed centers of the County. An increase in density is permitted as the availability of public facilities increases.

304.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one of the following uses:

- (a) Single-family detached dwelling including double wide mobile homes, if the running gear has been removed and the homes are located on permanent foundations.
- (b) Two-family dwelling.
- (c) Public or private schools.
- (d) Parks and playgrounds, cemeteries, police stations, fire and rescue squad stations, churches, libraries, and other similar public and semi-public uses.
- (e) Lines, poles and pipes to provide electric, gas, telephone, water and sewer service to structures located on properties adjacent to said facilities.

304.2 Permitted Accessory Uses - Located on the same lot with the principal use:

- (a) Off-street parking for uses permitted in this district as provided in Section 504.
- (b) Signs as provided in Section 506.
- (c) Customary accessory uses and structures as provided in Section 503.
- (d) Home occupation as provided in Section 502. (Amended 11/14/89)

304.3 Uses Permitted by Special Permit

- (a) Home business as provided in Section 502.1. (Amended 11/14/89)
- (b) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines and poles), and other facilities for the provision and maintenance of public utility service.
- (c) Hospitals, nursing homes, convalescent homes.
- (d) Clinics.
- (e) Conversion of a single residential structure on a lot to contain a maximum of four (4) dwelling units provided such structure was in existence at the time of adoption of this Ordinance.
- (f) Professional offices and office buildings.
- (g) Flea market.

304.4 Area Regulations

- (a) For lots served by individual water and sewerage disposal systems, the minimum lot area shall be thirty thousand (30,000) square feet.
- (b) For lots served by either public water or public sewerage disposal but not both, the minimum lot size shall be twenty thousand (20,000) square feet.
- (c) For lots served by both public water and public sewerage systems, the minimum lot size shall be fifteen thousand (15,000) square feet.

- (d) An additional two thousand (2,000) square feet of lot area shall be required for each additional unit above two (2) with reference to uses permitted in Section 304.3(e).
- (e) A two-family dwelling may be located on one lot of the minimum size stated above. If the units are constructed side-by-side, and are intended for sale, each unit shall be assigned an equal area on the lot with an appropriate line being drawn to divide the lot between units, provided that minimum frontage requirements, as stated above, are divided equally between said lots and all other provisions of this ordinance are met. Irregular shaped lots or lots with erratic division lines shall not be permitted. (Amended 8/16/88)

304.5 Frontage Regulations

The minimum frontage for each lot shall be one hundred (100) feet. (See Section 513 for cul-de-sacs).

304.6 Yard Regulations

NOTE: See Section 516 For Residential Setbacks From Poultry Facilities.

- (a) Front Yard. Structures shall be located thirty-five (35) feet or more from the front lot line. This shall be known as the "setback" line.
- (b) Side Yard. Each side yard on a lot shall be a minimum of fifteen (15) feet.
- (c) Rear Yard. Each rear yard on a lot shall be a minimum of thirty (30) feet for a main structure. Accessory buildings may be built to within five (5) feet of the rear property line.
- (d) Lots adjoining an Industrial zoned district. No residential structure shall be constructed closer than one hundred (100) feet to any adjacent property line if that property is an industrial zoned district or contains an industrial use; however, this distance may be reduced to fifty (50) feet for side or sixty (60) feet for rear yards if a screen buffer consisting of total screening is provided. (Amended 6/9/87)

304.7 Building Coverage

The maximum building coverage on a lot shall be thirty (30) percent.

304.8 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height from grade.
- (b) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers and other public communication facilities are exempt from height regulations.
- (c) New or replacement television, radio or communication towers shall be prohibited from using white flashing aviation obstruction lights.
(Amended 12/12/89)

304.9 Special Provision for Corner Lots

- (a) The front of a corner lot shall be the shortest of the sides facing streets.
- (b) The yard facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings.
- (c) Each corner lot shall have a minimum width of one hundred and twenty-five (125) feet.

305

HIGH DENSITY RESIDENTIAL (R-3)

Statement of Intent

This district will provide the highest residential density in the County. Multi-family dwellings (apartments), and townhouses, along with residentially related uses are permitted. It is intended that these areas be concentrated only around existing major development centers in the County; i.e., the towns, where various services and facilities are readily available.

305.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one of the following uses:

- (a) Single-family detached dwelling.
- (b) Two-family dwelling.
- (c) Rooming or boarding house.
- (d) Tourist home.
- (e) Public or private schools.
- (f) Parks and playgrounds, cemeteries, police stations, fire and rescue squad stations, churches, libraries, and other similar public and semi-public uses.
- (g) Lines, poles, and pipes to provide electric, gas, telephone, water and sewer service to structures located on properties adjacent to said facilities.

305.2 Permitted Accessory Uses: Located on the main lot with the principal use.

- (a) Off-street parking for uses permitted in this district as provided in Section 504.
- (b) Signs as provided in Section 506.
- (c) Customary accessory uses and structures as provided in Section 503.
- (d) Home occupation as provided in Section 502. (Amended 11/14/89)

305.3 Uses Permitted by Special Permit

- (a) Home business as provided in Section 502.1. (Amended 11/14/89)
- (b) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installation (other than pipes), telephone facilities (other than lines and poles), and other facilities for the provision and maintenance of public utility service.
- (c) Mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance.
- (d) Hospitals, nursing homes, convalescent homes.

- (e) Clinics.
- (f) Townhouses as provided in Section 508.
- (g) Multi-family dwelling (apartments as provided in Section 509).
- (h) Conversion of single residential structure on a lot to contain a maximum of four (4) dwellings units provided such structure was in existence at the time of adoption of this Ordinance.
- (i) Professional offices and office buildings.
- (j) Flea market.
- (k) Cluster housing development as provided in Section 515.
- (l) Country club and amenities. (Amended 2/11/92)

305.4 Area and Frontage Regulations

- (a) For each lot served by individual water and sewerage disposal systems, the minimum lot area shall be thirty thousand (30,000) square feet with a minimum frontage of one hundred (100) feet.
- (b) For each lot served by either public water or public sewerage disposal but not both, the minimum lot area shall be twenty thousand (20,000) square feet, with a minimum frontage of one hundred (100) feet.
- (c) For each lot served by both public water and public sewerage, the minimum lot area shall be ten thousand (10,000) square feet with a minimum frontage of eighty (80) feet.
- (d) For each lot containing a two (2) family semi-detached dwelling, the minimum lot size with public water and public sewerage systems shall be fifteen thousand (15,000) square feet with a minimum frontage of one hundred (100) feet. If the units are intended for sale, each unit shall be assigned an equal area on a lot, with an appropriate line being drawn to divide the lot between the units, provided that minimum frontage requirements, as stated above, are divided equally between said lots and all other provisions of this ordinance are met. Irregular shaped lots or lots with erratic division lines shall not be permitted. (Amended 8/16/88)
- (e) See Section 513 for cul-de-sacs.

- (f) Townhouses and multi-family units (apartments) shall be governed by the regulations in Section 508 and 509, respectively.

305.5 Yard Regulations

NOTE: See Section 516 For Residential Setbacks From Poultry Facilities.

- (a) Front Yard. Structures shall be located thirty-five (35) feet or more from the front lot line. This shall be known as the "setback" line.
- (b) Side Yard. Each side yard on a lot shall be a minimum of ten (10) feet.
- (c) Rear Yard. Each rear yard on a lot shall be a minimum of twenty-five (25) feet. Accessory buildings may be built to within five (5) feet of the rear property line.

305.6 Building Coverage

The maximum building coverage on a lot shall be thirty-five (35) percent.

305.7 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height from grade.
- (b) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers and other public communication facilities are exempt from height regulations.
- (c) New or replacement television, radio or communication towers shall be prohibited from using white flashing aviation obstruction lights. (Amended 12/12/89)

305.8 Special Provisions for Corner Lots

- (a) The front of a corner lot shall be the shortest of the sides facing the streets.

- (b) The yard facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings.
- (c) Each corner lot shall have a minimum width of one hundred (100) feet.

LOCAL BUSINESS (B-1)

306

Statement of Intent

This district is designed to provide the concentration of limited range of commercial uses needed to serve daily convenience shopping and service needs of the residents of the County. Such districts shall be located primarily near residential centers in the County. This district should also have direct access to a major road; i.e., an arterial or collector.

306.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) General country stores.
- (b) Retail food stores.
- (c) Laundries and dry cleaners.
- (d) Drug stores.
- (e) Barber and beauty shops.
- (f) Bakeries.
- (g) Gift, antique, record, souvenir and tobacco shops.
- (h) Banks, savings and loans, and other financial institutions.
- (i) Household furnishings and appliance stores.
- (j) Bed and breakfast establishments.
- (k) Restaurants, excluding drive-in eating and drinking establishments.
- (l) Public and semi-public uses such as libraries, churches, community centers, governmental offices, police, fire and rescue squad stations, and parks and playgrounds.

- (m) Public utility generating, booster and relay stations, transformer substations, railroads, water and sewerage installation, telephone facilities, transmission lines and towers, pipes, meters, lines and poles and other facilities for the provision and maintenance of public utilities service.
- (n) Home occupations.
- (o) Automobile and farm machinery, lawn and garden equipment sales and service.
- (p) Hotels, motels, tourist homes, rooming and boarding houses.
- (q) Clinics.
- (r) Museums.
- (s) Flea Markets.

306.2 Permitted Accessory Uses

- (a) Off-street parking and loading spaces for permitted uses in the district as provided in Section 504 and 505.
- (b) Accessory uses and buildings including single-family dwellings in connection with commercial establishments as provided in Section 503.
- (c) Signs as provided in Section 506.

306.3 Uses Permitted by Special Permit

- (a) Planing mills, woodwork and craft shops provided employment is limited to the proprietor and one (1) other person.
- (b) Conversion of a single residential structure on a lot to contain a maximum of four (4) dwelling units provided such structure was in existence at the time of adoption of this Ordinance.
- (c) Professional offices and office buildings.
- (d) Public garages and automobile parts sales.

306.4 Area Regulations

The minimum lot size shall be ten thousand (10,000) square feet.

306.5 Frontage Regulations

The minimum frontage for each lot shall be seventy-five (75) feet.

306.6 Yard Regulations

(a) Front Yard. Structures shall be located forty (40) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the centerline of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback" line.

(b) Side Yard. Each side yard on a lot shall be a minimum of twenty (20) feet.

(c) Rear Yard. The minimum rear yard on a lot shall be twenty (20) feet.

306.7 Building Coverage

The maximum building coverage on a lot shall be twenty-five (25) percent.

306.8 Height Regulations

(a) Buildings may be erected up to thirty-five (35) feet in height from grade.

(b) All accessory structures shall be less than the main structure in height, Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, parapet walls, television antennae, radio aerials, microwave towers and other public communication facilities are exempt from the height regulations.

(c) New or replacement television, radio or communication towers shall be prohibited from using white flashing aviation obstruction lights.
(Amended 12/12/89)

Statement of Intent

This district covers the area of the County intended for general business to which the public requires direct and frequent access. Generally, this type of district will be a large area along arterial roads and in areas where such activities now exist.

307.1 Uses Permitted by Right: In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) Retail food stores.
- (b) Gift, antique, record, tobacco, souvenir shops.
- (c) Bakeries.
- (d) Department stores.
- (e) Laundries and dry cleaners.
- (f) Wearing apparel stores.
- (g) Drug and variety stores.
- (h) Barber and beauty shops.
- (i) Theaters, not including drive-ins, assembly halls.
- (j) Hotels, motels, tourist homes.
- (k) Office buildings, business offices, banks, savings and loans.
- (l) Churches and libraries.
- (m) Hospitals.
- (n) Funeral homes.
- (o) Printing offices.
- (p) Automobile, farm machinery, lawn and garden sales and service.
- (q) Restaurants, including drive-ins.
- (r) Automotive service stations (with major repair inside building).

- (s) Clubs and lodges.
- (t) Lumber and building supply (with storage under cover).
- (u) Plumbing and electrical supply (with storage under cover).
- (v) Machinery sales and service.
- (w) Public buildings.
- (x) Household furnishings and home appliance sales and service.
- (y) Car washes.
- (z) Auction houses and barns.
- (aa) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations, telephone facilities, transmission lines and towers, pipes, meters, lines poles, and other facilities for the provision and maintenance of public utilities service.
- (bb) Clinics.
- (cc) Bed and breakfast establishments.
- (dd) Museums.
- (ee) Flea Market.
- (ff) Boats Sales and Service. (Amended 2/9/93)
- (gg) Retail greenhouse and nursery operations. (Site plan approval required as per Section 511). (Adopted 3/22/94)
- (hh) Tool and die shops and other machine shops, provided that:
 - Shops containing punch presses and drop hammers that exceed forty (40) tons are excluded;
 - Total manufacturing area (excluding materials storage area) does not exceed 2,500 square feet;
 - Manufacturing and materials storage areas are completely enclosed; and
 - All machine equipment is located in a sound insulated portion of the building (STC 45 or

greater) for all shops constructed or beginning operation after July 12, 1994. (Adopted 7/12/94)

307.2 Permitted Accessory Uses

- (a) Off-street parking and loading spaces as provided in Sections 504 and 505.
- (b) Accessory uses as provided in Section 503.
- (c) Signs as provided in Section 506.

307.3 Uses Permitted by Special Permit

- (a) Wholesale and warehouse activities provided parking and loading areas have an all-weather surface.
- (b) Recreational uses or facilities, commercially operated or for private membership, such as: billiard parlors, pool rooms, bowling alleys, other indoor recreational or amusement uses, golf courses and clubs, miniature golf courses, golf driving ranges, skating rinks, swimming pools and clubs, tennis courts and clubs, game courts, archery ranges, riding stables, horse show rings and other facilities for recreational horseback riding, and velodromes, as long as the number of any animals for recreational use that are housed overnight for more than seven consecutive nights shall not exceed one animal unit per one and one half acres. (Amended 10/11/94)
- (c) Shopping centers as provided in Section 512.
- (d) Drive-in theaters.
- (e) Temporary trailer parks for construction workers on a construction site as provided in Section 510.
- (f) Public garages and automobile parts sales.
- (g) Motor Vehicle Impoundment Lot (Amended 11/11/87).

307.4 Area Regulations

The minimum lot size shall be twenty thousand (20,000) square feet.

307.5 Frontage Regulations

The minimum frontage for each lot shall be one hundred (100) feet.

307.6 Yard Regulations

- (a) Front Yard. Structures shall be located forty (40) feet or more from any street right-of-way. This shall be known as the "setback" line.
- (b) Side yard. Each side yard on a lot shall be a minimum of ten (10) feet except when adjacent to a residential district it shall be twenty (20) feet.
- (c) Rear yard. The minimum rear yard on a lot shall be twenty (20) feet.

307.7 Building Coverage

The maximum building coverage on a lot shall be twenty-five (25) percent.

307.8 Height Regulations

- (a) Buildings may be erected up to thirty-five (35) feet in height from grade.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flue, flagpoles, parapet walls, television antennae, radio aerials, microwave towers, and other public communication facilities are exempt from height regulations.
- (c) New or replacement television, radio or communications towers shall be prohibited from using white flashing aviation obstruction lights. (Amended 12/12/89).

308 REPEALED IN ITS ENTIRETY (9-22-92)

309 REPEALED IN ITS ENTIRETY (5-14-91)

GENERAL INDUSTRIAL (M-1)
(Amended 9/22/92)

Statement of Intent

The purpose of this district is to provide for and encourage general industries to locate and/or expand in order to foster development of the local economy. This district is to provide for more intensive uses in appropriate locations by providing adequate controls and review to insure beneficial development. Generally industries in this district are involved in refining or processing raw materials.

310.1 Uses Permitted by Right: In this district, any structure to be erected or expanded or land to be used shall be for one of the following uses or accessory uses:

- (a) All uses permitted in a Limited Industrial Zone.
- (b) Contractor's yard with outside storage.
- (c) Blacksmith shop - welding or machine shop, excluding punch presses and drop hammers which exceed forty (40) tons.
- (d) Building, plumbing, electrical supply and sales with outside storage.
- (e) Coal and wood yards.
- (f) Feed mills - mixing, sales and distribution.
- (g) Public utilities - poles, lines, pipes to provide electric, gas, telephone, water and sewer service to structures located on properties adjacent to said facilities.
- (h) Automobile assembling, painting, upholstering, repairing, rebuilding, etc., truck repair, tire recapping.
- (i) Farm machinery, contractor equipment sales and service, manufacturing, compounding, processing, packaging.
- (j) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, poultry and poultry products, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and seafood products.

- (k) Manufacturing, compounding, assembling, or treatment of articles of merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, paint, fiberglass, iron, and steel.
- (l) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- (m) Cabinet and furniture manufacturing.
- (n) Boat manufacturing.
- (o) Processing of products being recycled.

310.2 Permitted Accessory Uses

- (a) Accessory uses as defined in Section 702.
- (b) Off street parking and loading areas as provided in Sections 504 and 505.
- (c) Signs as provided in Section 506.

310.3 Uses Permitted with a Special Use Permit

- (a) Petroleum storage.
- (b) Public utility generating plants.
- (c) Sawmill and planing mills.
- (d) Truck stops and service centers.
- (e) Asphalt and concrete mixing plants.
- (f) Brick and block manufacture.
- (g) Crushed stone, sand and gravel operations.
- (h) Fertilizer manufacturing.
- (i) Quarrying, mining operations.
- (j) Airports.
- (k) Auto grave yards.

- (l) Junk yards.
- (m) Slaughter houses.
- (n) Rendering plant.
- (o) Foundries.
- (p) Manufacturing involving punch presses or drop hammers exceeding forty (40) tons.
- (q) Manufacturing of prefabricated building sections, insulation, roofing materials and major building components.
- (r) Battery manufacturing.
- (s) Research and development establishments - excluding those establishments which may pose a health or safety hazard to the population or environment such as; but not limited to, nuclear, biochemical, munitions, biological warfare, biomedical research and/or development.
- (t) Flea market (Amended 7/11/89)

310.4 Area Requirements

The minimum lot size shall be forty-five thousand (45,000) square feet.

310.5 Setback Regulations

Buildings shall be located forty (40) feet or more from any street right-of-way. This shall be known as the "setback" line.

310.6 Frontage and Yard Regulations

The minimum frontage shall be one hundred and fifty (150) feet. Each side and rear yard shall be a minimum of thirty (30) feet from principal structure and accessory structures may be located to within fifteen (15) feet of a side or rear property line. No structure shall be constructed closer than one hundred (100) feet to any adjacent property line if that property is a residential zoned district or contains a residential use; however, this distance may be reduced to fifty (50) feet if a screen buffer consisting of opaque screening is provided. Where opaque screening is provided and the setback distance is reduced to fifty (50) feet, parking lots may be permitted to abut such screening.

The side yard facing the side street of corner lots shall be forty (40) feet or more.

The front of a corner lot shall be the shortest of the two (2) sides.

310.7 Height Regulations

Buildings may be erected up to a height of thirty-five (35) feet. Chimneys, flues, flagpoles, parapet walls, radio and television aerials, microwave towers and other public communications facilities and/or other accessory facilities not normally occupied by workmen are exempt from height regulations.

- (a) New or replacement television, radio, or communication towers shall be prohibited from using white flashing aviation obstruction lights.

310.8 Coverage Regulations

The maximum building coverage on a lot shall be 80% with a required minimum green area of 20%.

310.9 Requirements for Permitted Uses

- (a) Before any permit shall be issued or construction commenced on any permitted use in this district, site plans and other documentation, in sufficient detail to show the location of the structure and accessory uses and the operations and processes of the proposed use, shall be submitted to the Zoning Administrator for study. The Administrator shall refer these plans to the Planning Commission for review and recommendation as provided in Section 511, except that the Zoning Administrator shall have the right to review and approve site plans for additions of 5,000 square feet or less to a main structure, provided that said addition is of less size than the existing structure to which it is being added.
- (b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards.
- (c) Sufficient area and/or planting as detailed in the site plan review shall be provided to adequately screen and/or separate uses and parking areas from adjacent districts.

LIMITED INDUSTRIAL (M-2)
(Adopted 9/22/92)

Statement of Intent

The purpose of this district is to provide for and encourage limited industries to locate and/or expand in order to foster development of the local economy. These industries are generally light industries which are office oriented or oriented toward the manufacturing, processing, assembling, warehousing and/or distributing of goods and materials which are dependent upon previously prepared raw materials refined or processed elsewhere. It is expected that uses in this district are to be operated from within a building.

- 311.1 Uses Permitted by Right: In this district, any structure to be erected or expanded or land to be used shall be for one of the following uses or accessory uses:
- (a) Office buildings, including medical practice offices.
 - (b) Data processing and computer service, including development, assembly, distribution, sales and service of computer hardware and software.
 - (c) Business machine sales, rental and/or service.
 - (d) Wholesale business.
 - (e) Cold storage, frozen foods or bottling plant and operations (when conducted within a building).
 - (f) Vending machine sales and services, including assembly and distribution.
 - (g) Plumbing and electrical supplies and sales with storage (within a building).
 - (h) Electronic equipment and components assembly, processing, and distribution.
 - (i) Laboratory operation including pharmaceutical, medical and dental, but excluding research and development establishments.
 - (j) Warehousing and distribution operation excluding hazardous materials or petroleum products.
 - (k) Publishing and printing facilities.
 - (l) Farm and garden sales.

- (m) Upholstery shop.
- (n) Manufacture of musical, optical, medical instruments, toys, etc.
- (o) Contractor equipment sales/service or rental (when conducted within a building or enclosure).
- (p) Public utilities - lines, poles and pipes to provide electric, gas, telephone, water or sewer to structures located on the properties adjacent to said facilities.
- (q) Police, fire, rescue stations.
- (r) Schools, including business or commercial trade or vocational.
- (s) Communication stations, earth stations, etc.
- (t) Assembly and/or packaging of deli food products.
- (u) Governmental, administrative or public service building.
- (v) Commercial greenhouses and nurseries.
- (w) Veterinary hospitals, kennels.
- (x) Farm machinery sales and service (when conducted within a building).

311.2 Permitted Accessory Uses

- (a) Accessory uses as defined in Section 702.
- (b) Off street parking and loading areas as provided in Sections 504 and 505.
- (c) Signs as provided in Section 506.

311.3 (Intentionally left blank)

311.4 Area Requirements

The minimum lot size shall be thirty thousand (30,000) square feet.

311.5 Setback Regulations

Buildings shall be located forty (40) feet or more from any street right-of-way. This shall be known as the "setback" line.

311.6 Frontage and Yard Regulations

The minimum frontage shall be one hundred (100) feet. Each side and rear yard shall be a minimum of thirty (30) feet for principal structures and accessory structures may be located to within fifteen (15) feet of a side or rear property line. No structure shall be constructed closer than one hundred (100) feet to any adjacent property line if that property is a residential zoned district or contains a residential use; however, this distance may be reduced to fifty (50) feet if a screen buffer consisting of opaque screening is provided. Where opaque screening is provided and the setback distance is reduced to fifty (50) feet, parking lots may be permitted to abut such screening.

The side yard facing the side street of corner lots shall be forty (40) feet or more.

The front of a corner lot shall be the shortest of the two (2) sides.

311.7 Height Regulations

Buildings may be erected up to a height of thirty-five (35) feet. Chimneys, flues, flagpoles, parapet walls, radio and television aerials, microwave towers and other public communications facilities and/or other accessory facilities not normally occupied by workmen are exempt from height regulations.

- (a) New or replacement television, radio, or communication towers shall be prohibited from using white flashing aviation obstruction lights.

311.8 Coverage Regulations

The maximum building coverage on a lot shall be 80% with a required minimum green area of 20%.

311.9 Requirements for Permitted Uses

- (a) Before any permit shall be issued or construction commenced on any permitted use in this district,

site plans and other documentation, in sufficient detail to show the location of the structure and accessory uses and the operations and processes of the proposed use, shall be submitted to the Zoning Administrator for study. The administrator shall refer these plans to the Planning Commission for review and recommendation as provided in Section 511, except that the zoning Administrator shall have the right to review and approve site plans for additions of 5,000 square feet or less to a main structure, provided that said addition is of less size than the existing structure to which it is being added.

- (b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards.
- (c) Sufficient area and/or planting as detailed in the site plan review shall be provided to adequately screen and/or separate uses and parking areas from adjacent districts.

ARTICLE IV - NONCONFORMING USES

401 Existing Uses

- 401.1 All buildings, uses, and lots existing at the time of adoption of this Ordinance may continue to be used even if they do not meet the standards of this Ordinance. They may also be maintained and repaired in the interest of safety and/or appearance. No nonconforming use, except a single-family residence, may be re-established where such use has been discontinued for a period of more than two (2) years.
- 401.2 If any change in title or possession or renewal of a lease of any such lot or structure occurs, the existing use may be continued.
- 401.3 A nonconforming structure, activity or lot may be changed to a structure, activity or lot which is more in conformance with this Ordinance with a Special Permit.
- 401.4 Subject to the approval of the Zoning Administrator, an existing lot may be enlarged unless, by doing so, the lot or parcel from which the addition is taken becomes less conforming.

402 Changes in District Boundaries

Whenever the boundaries of a district are changed, any structures or uses of land or buildings which become nonconforming shall be subject to the standards of this Article.

403 Expansion and/or Rebuilding of Nonconformities

403.1 Any existing nonconforming use may be expanded to occupy all of an existing structure(s) or enlargement of an existing structure(s) provided all yard setbacks are met in the respective zones and may be reconstructed if destroyed.

403.2 Any structure existing at the time of adoption of this Ordinance, and not meeting the requirements of the Ordinance may be continued and said structure may be repaired, rebuilt, or altered if other provisions of this Ordinance are met.

403.3 Any television, radio or communications tower existing at the time of the adoption of the Zoning Ordinance, if repaired or replaced, shall not be increased in height unless a Special Use Permit is approved by the Board of Supervisors. (Amended 4/10/90)

404 Nonconforming Lots

Any lots recorded in the office of the Clerk of the Circuit Court of Shenandoah County prior to the adoption of this Ordinance which is less in area and/or frontage than required may be used for a permitted use in the district, sold, rented, or leased if the other standards of this Ordinance are met. Where the lot of record is nonconforming because of width (frontage), each side yard may be reduced to ten (10) feet in any district. This reduction shall occur where the Zoning Administrator determines that the side yard standards for the district in which the lot is located cannot be met. This shall be the case for the building of any new structure on a nonconforming lot. All lots platted and recorded prior to October 1, 1978, and which are subject to recorded restrictive covenants containing building setback lines, side yard, and/or rear yard lines, or have such lines shown on the recorded plat shall be allowed to adhere to such lines. All other variances of yard requirements shall be obtained through action of the Board of Zoning Appeals. Waivers to restrictive covenants pertaining to

402 Changes in District Boundaries

Whenever the boundaries of a district are changed, any structures or uses of land or buildings which become nonconforming shall be subject to the standards of this Article.

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403.1 Any existing nonconforming use may be expanded to occupy all of an existing structure(s) or enlargement of an existing structure(s) provided all yard setbacks are met in the respective zones and may be reconstructed if destroyed.

403.2 Any structure existing at the time of adoption of this Ordinance, and not meeting the requirements of the Ordinance may be continued and said structure may be repaired, rebuilt, or altered if other provisions of this Ordinance are met.

403.3 Any television, radio or communications tower existing at the time of the adoption of the Zoning Ordinance, if repaired or replaced, shall not be increased in height unless a Special Use Permit is approved by the Board of Supervisors. (Amended 4/10/90)

404 Nonconforming Lots

Any lots recorded in the office of the Clerk of the Circuit Court of Shenandoah County prior to the adoption of this Ordinance which is less in area and/or frontage than required may be used for a permitted use in the district, sold, rented, or leased if the other standards of this Ordinance are met. Where the lot of record is nonconforming because of width (frontage), each side yard may be reduced to ten (10) feet in any district. This reduction shall occur where the Zoning Administrator determines that the side yard standards for the district in which the lot is located cannot be met. This shall be the case for the building of any new structure on a nonconforming lot. All lots platted and recorded prior to October 1, 1978, and which are subject to recorded restrictive covenants containing building setback lines, side yard, and/or rear yard lines, or have such lines shown on the recorded plat shall be allowed to adhere to such lines. All other variances of yard requirements shall be obtained through action of the Board of Zoning Appeals. Waivers to restrictive covenants pertaining to

building setback lines, side yard and/or rear yard lines, granted by the Sky Bryce Association for Sections I through XII of the Bryce Mountain Development shall be accepted and need not be processed through the Board of Zoning Appeals. (Amended 6/9/87).

404.1 Where a lot was recorded prior to October 1, 1978, and is nonconforming because of depth, the rear setback may be reduced down to thirty (30) feet on approval of the Zoning Administrator.

404.2 Where a lot is nonconforming due to inadequate front or rear yard, an addition to the main structure shall not make the lot more nonconforming.

405 Utility Facilities Lots

Lots to be used solely for the location and operation of electric substations, or booster, relay or pump stations for natural gas, telephone, water, sewer, and similar public utilities shall not be required to comply with area, frontage and yard regulations except that they shall be required to maintain a minimum of fifteen (15) feet setback for front, side and rear yards. This Section shall not apply to lots used for the location and operation of primary utility facilities.

ARTICLE V - GENERAL PROVISIONS

501 Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers: Where a lot is not served by a public water supply and/or sanitary sewerage system and the Health Official requires a higher standard for lot area or lot width than this Ordinance, such higher standards shall apply.

✓502 Home Occupation Regulations: Home occupations may be permitted by right, as an accessory use, in zoned districts which allow residential uses, provided the requirements of this section are met and a home occupation permit has been issued by the Zoning Administrator's Office;

The person conducting the home occupation must be the owner of the dwelling in which the home occupation is to

be located, or if the applicant is a tenant, written approval of the owner must be provided;

The home occupation shall be operated only by members of the family residing in the dwelling.

The home occupation shall be clearly incidental or secondary to the use of the dwelling as a residence and shall be restricted to the dwelling only. Home occupation activities shall not occupy more than twenty-five (25) percent of the floor area. No accessory building shall be constructed or used for storage of inventory in conjunction with the home occupation.

The home occupation shall not generate any additional traffic beyond what is customary to residential use;

The exterior of the dwelling shall show no evidence of the attendant home occupation. There shall be no outside display of products, goods, or commodities in conjunction with the home occupation. The use of a sign shall also be prohibited. (Amended 11/14/89).

✓ 502.1 Home Business Regulations: A home business is a commercial activity which is incidental and secondary to the use of dwelling as a residence, but generally exceeds the requirements for home occupations as set forth in Section 502. A home business may be permitted, with the issuance of a Special Use Permit, in zoned districts which allow residential uses.

The person conducting the home business must be the owner of the dwelling in which the home business is to be located, or if the person is a tenant, written approval of the owner must be provided;

The home business shall be operated only by members of the family residing in the dwelling, unless otherwise authorized during approval of the Special Use Permit.

The home business, with its storage area, shall not occupy more than twenty-five (25) per cent of the living area within the dwelling. An accessory building may be used only for storage of inventory in conjunction with the Home Business, unless otherwise authorized during approval of the Special Use Permit.

The home business shall give no evidence of non-residential use other than through the use of a sign meeting requirements as set forth in Section 506.3(c). There shall be no outside display of products, goods or commodities in conjunction with the home business. (Amended 11/14/89).

503 Accessory Uses, Structures, or Buildings: No accessory structures or buildings shall be erected in any required front yard, except that the structures or buildings necessary to provide for required off-street parking may be allowed where terrain, narrowness of lot, or other peculiar features will not allow such structure or building in other areas of the lot.

504 Minimum Off-Street Parking

504.1 There shall be provided, at the time of erection of any building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by automobiles as approved by the Department of Highways and Transportation. A parking space for one vehicle shall be a minimum of 200 square feet (10 feet x 20 feet). Such space shall be provided as follows:

504.2 In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of two (2) automobiles for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building, except for multi-family dwellings designed and approved as housing for elderly, the number of parking spaces may be reduced not to exceed a minimum of one-half (1/2) spaces per dwelling unit to be approved as part of the site plan review.

504.3 For churches, high schools, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly at least one (1) parking space for every five (5) fixed seats provided in said building.

504.4 For hospitals, at least one (1) parking space for each two (2) beds capacity, including infants cribs and children's beds.

504.5 For medical and dental offices, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three (3) doctors or dentists.

- 504.6 For fraternal lodges, hunting clubs, and marinas, at least twenty-five (25) parking spaces shall be provided.
- 504.7 Parking spaces for post offices, one (1) for each fifty (50) boxholders but not less than ten (10) spaces.
- 504.8 Restaurants (except drive-ins): one (1) parking space per table or booth, plus six (6) for employees.
- 504.9 Drive-in Restaurants: one (1) space for each fifty (50) square feet of gross floor area.
- 504.10 Tourist homes, rooming houses, boarding houses, hotels, and motels shall provide on the lot parking space for one (1) automobile for each guest room or residence unit, plus one (1) additional space for each ten (10) guest rooms or residence units, required parking for any restaurant and/or assembly space, and one (1) space for each employee on maximum shift.
- 504.11 For nursing and convalescent homes, there shall be provided at least one (1) parking space for each six (6) beds.
- 504.12 For shopping centers, see Section 512.
- 504.13 For funeral homes and mortuaries, there shall be one (1) parking space for each four (4) seats in chapels or parlors with fixed seats, and one (1) parking space for each hundred (100) square feet of floor area for assembly rooms without fixed seats for services, plus five (5) parking spaces for employees in both instances noted above.
- 504.14 For bowling alleys: Five (5) spaces for each lane.
- 504.15 Roadside stand: At least five (5) spaces.
- 504.16 For office buildings, and personal services establishments, there shall be provided one (1) parking space for each two hundred (200) square feet of floor space occupied by the office of personal service.

- 504.17 For industrial establishments or wholesale establishments, not selling directly to the public, there shall be provided one (1) parking space for each employee computed on the basis of maximum number of individuals employed within an 8-hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 504.18 Any commercial building not listed above and hereafter erected, converted, or structurally altered, shall provide one (1) parking space for each two hundred (200) square feet of business floor space in the building.
- 504.19 Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate guard rails, parking blocks, etc. where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises if in a residential district and/or from adjoining streets.
- 504.20 Parking spaces as required shall at no time be considered sufficient for any other use of the premises, and additional spaces shall be provided to meet requirements when there is any change to a different use.
- 504.21 Collective provisions of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements. Before such spaces are collectively provided or used, a written agreement assuring their retention for parking purposes shall be drawn and executed by the parties concerned, approved by the Commonwealth's Attorney, and filed with the Zoning Administrator.

505 Off-Street Loading Requirements

- 505.1 On the same premises with every building, structure or part thereof, erected and occupied for uses involving the

receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for loading, and unloading of service material in order to avoid interference with public use of the streets and alleys.

505.2 Such space or spaces shall be a minimum of fifteen (15) feet wide and thirty-five (35) feet in length with a minimum clear height of fifteen (15) feet. Off-street truck loading space shall be provided at a rate of one (1) space for the first ten thousand (10,000) square feet or less gross floor area, plus a minimum of one (1) additional space for each additional forty-thousand (40,000) square feet of gross floor area or part thereof. For the purpose of this Section, gross floor area shall also include outdoor storage area, whether covered or uncovered.

506 Sign Regulations

506.1 Outdoor Advertising Regulations

No person shall post any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

506.2 The following shall not be subject to these regulations:

- (a) Signs of a duly-constituted governmental body, including traffic or similar regulatory devices or warnings at railroad crossings.
- (b) Memorial tablets or signs.
- (c) Signs which are within a ball park or other similar private recreational use and which cannot be seen from a street or adjacent properties.
- (d) Flags, emblems of civic, charitable, educational or religious organizations, temporary in nature.
- (e) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances, no trespassing and posted signs or the like.

- (f) Signs directing traffic on private property but bearing no advertising matter, with a total surface area not exceeding eight (8) square feet of each side per sign on any lot or parcel and provided that no parts of such signs other than columns and supports shall be located between three and one-half (3 1/2) and seven (7) feet above grade, except that home business shall be limited to one (1) such sign not to exceed two (2) square feet on each side.
- (g) Signs placed by a public utility showing the location of underground facilities.
- (h) Temporary signs.

506.3 Signs will be permitted in various districts as follows:

Conservation (C-1)

- (a) Church bulletin boards and church identification signs, with a total surface area on each side not exceeding forty (40) square feet per sign.
- (b) Directional signs, with a total surface area on each side not exceeding four (4) square feet per sign.
- (c) Home business signs, with a total surface area on each side not exceeding two (2) square feet per sign. There shall not be more than one such sign per home business. (Amended 11/14/89).
- (d) Sign, only to advertise the sale or rental of the premises upon which sign is erected with a total surface area on each side not to exceed sixteen (16) square feet per sign.
- (e) Identification signs, with a total surface area each side not exceeding twelve (12) square feet.

Agriculture (A-1)

- (a) Any sign listed as permitted in Conservation District (C-1).
- (b) General advertising signs, with a total surface area on each side not exceeding four hundred (400) square feet.

Residential Districts (R-1), R-2, R-3)

- (a) Any sign listed as permitted in Conservation District (C-1).

Business (B-1), Business (B-2), and Industrial (M-1)

- (a) Any sign listed as permitted in Conservation District (C-1).
- (b) Business signs, with a total surface area limited to two (2) square feet on each side for each linear foot of horizontal building frontage or lot frontage if there is no structure.
- (c) General advertising signs, with a total surface area on each side not exceeding four hundred (400) square feet.

506.4 Setback Requirements

Signs shall be located fifteen (15) feet or more from any street right-of-way, and this shall be known as the "setback" line. However, signs advertising the sale or rental of the premises or signs not larger than twelve (12) square feet per side placed on a single post or column may be erected up to the property line.

506.5 Height

No sign shall be extended above the height of the building. However, freestanding signs may be erected up to the height requirements of the particular district in which they are located. Such signs may be constructed to a higher limit only after a Variance is issued.

506.6 Signs at Intersections

Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of a two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

506.7 Nonconforming Signs

Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this Ordinance. Such nonconforming signs shall comply in all respects with the requirements of Article IV relating to nonconforming uses.

506.8 Permit Required

A sign shall be deemed a structure and therefore each sign shall require a zoning and building permit.

506.9 Signs Attached to Buildings

Signs attached to new or existing buildings shall conform to the sign regulations for their respective zoning districts.

507 Car Washes

Parking shall be required on the lot to accommodate a minimum of three (3) cars per wash bay for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare.

508 Townhouses

508.1 Area Regulations

- (a) Minimum lot size for townhouse construction - One (1) acre.
- (b) Minimum lot area per dwelling unit - Two thousand and five hundred (2,500) square feet.

508.2 Minimum Lot Width

- (a) Minimum lot width for development - One hundred and twenty-five (125) feet at setback line.
- (b) Minimum lot width per dwelling unit - twenty (20) feet.
 - (1) In the case of a lot at the end of a row of townhouses, the lot width shall be thirty (30) feet.
 - (2) For corner lots at street intersection, the minimum lot width shall be forty (40) feet.

508.3 Minimum Yard Requirements

- (a) Front Yard. Forty (40) feet from road right-of-way line. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way.

- (b) Rear Yard. Forty (40) feet for each townhouse dwelling unit.
- (c) Side Yard. Ten (10) feet for each end unit. Twenty (20) feet for each corner lot at street intersections.

508.4 Maximum Building Height

Two and one-half (2 1/2) stories but not to exceed thirty-five (35) feet.

508.5 Other Regulations for all Townhouse Construction

- (a) Each dwelling unit shall be separated by a noncombustible party wall going to the roof, with a fire resistance of not less than two (2) hours duration.
- (b) Each townhouse and/or townhouse parking area shall front on a dedicated public street, meeting State Department of Highways and Transportation and County standards, or on a private way or access easement, at least thirty (30) feet in minimum width, which is to be maintained by owners or owners of such townhouse or townhouses or an association of property owners.
- (c) Concrete curb and gutter shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for townhouse developments, curb and gutter need only to be installed on the side of the street adjacent to the development.
- (d) Sidewalks of at least four (4) feet in width, constructed of concrete, asphalt or brick shall be installed from parking areas to all townhouse structures served by such parking areas.
- (e) The radius of cul-de-sacs shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall be located on any cul-de-sac.
- (f) Accessory buildings are not permitted except on any lot there may be an enclosed storage shed not exceeding seven (7) feet in height, and not exceeding ten (10) feet by ten (10) feet in area.
- (g) All townhouse developments must be connected to a public water and public sewer system.

- (h) A ten (10) foot easement along side and rear of properties shall be provided in addition to yard requirements in developments of under three (3) acres.
- (i) Variation in Townhouse design: The facades of dwelling units in a townhouse structure shall be varied by changed front yards of not less than two (2) feet and variation in materials and design so that not more than four (4) abutting units will have the same front yard depth or the same architectural treatment of facades and roof lines.
- (j) Site plan Review and Approval: A site plan drawn and submitted in accordance with Section 511 is required.

508.6 Special Regulations for Townhouse Developments of Three (3) Acres and Over: For townhouse developments of three (3) acres or more, the following regulations shall apply in addition to those previously noted:

- (a) There shall be provided 0.25 square feet of open space (not including parking or driveway areas) devoted to recreational use, for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc., and shall not include front, rear or side yard areas of individual townhouse units.
- (b) Management of Open Space
 - (1) All open space shall be preserved for its intended purpose as expressed on the Site Plan.
 - (2) There shall be established a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the development to insure the maintenance of open spaces or other facilities.
 - (3) When the development is to administer open space and other facilities through an association, nonprofit corporation, trust, or foundation, said organization shall conform to the following requirements:
 - The developer must establish the organization prior to the sale of any property.

- Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.
 - The organization shall manage all open space, and recreational and cultural facilities, shall provide for the maintenance, administration, and operation of said land and improvements and any other land within the development and shall secure adequate liability insurance on the land.
 - The organization shall conform to the Condominium Act, Code of Virginia (1950), as amended.
- (4) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
- (c) Parking shall be provided on the lot, as carports, or as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
- (d) Open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with approved plans.
- (e) Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts if other than R-3. A plan specifying type, size, and location of existing and proposed material shall be submitted with the application for the permit.
- (f) Parking Facilities
- (1) Required parking spaces shall be provided on the same lot as the building served or on a joint facility in the development.
- (a) All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
 - (b) Parking areas shall not be designed or located so as to require or encourage

cars to back into a street in order to leave the lot.

(c) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line.

(d) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

(e) All access ways and parking areas shall be paved with a double surface treatment or concrete covering.

(g) Drainage

A storm run-off and drainage system shall be installed by the developer so as to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit.

(h) Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause annoyance to building occupants or surrounding property owners or residents.

(i) Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers. Interior storage areas for trash and rubbish shall be at all times be kept in an orderly and sanitary fashion.

509 Apartments

509.1 Area Regulations: The number of dwelling units to be constructed shall be determined by providing fifteen thousand (15,000) square feet of lot area for the first two (2) dwelling units, and an additional two thousand (2,000) square feet of lot area for each additional unit above two (2).

509.2 Minimum Lot Width: One hundred twenty-five (125) feet at the setback line.

509.3 Minimum Yard Requirements for Development Site:

(a) Front Yard. Forty (40) feet from road right-of-way. Required parking may be located in a front yard, but no closer than ten (10) feet to the ultimate street right-of-way.

(b) Rear Yard. Forty (40) feet.

(c) Side Yard. Thirty-five (35) feet.

509.4 Maximum Building Height: Not to exceed thirty-five (35) feet.

509.5 Regulations for Apartment Development Construction:

(a) Each apartment structure and/or apartment parking area shall have access on a dedicated public street or access easement approved by the County and meeting State Department of Highways and Transportation standards.

(b) Concrete curb and gutter shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for an apartment development, curb and gutter need only to be installed on the site of the street adjacent to the development.

(c) Sidewalks of four (4) feet in width, constructed of concrete, asphalt or brick shall be installed from parking areas to all apartment structures served by such parking areas.

(d) The proposed development shall be served by both public water and public sewer systems.

(e) The radius of cul-de-sacs shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall have sole principal access to any cul-de-sac.

(f) For apartment construction of twenty-four (24) dwelling units or more there shall be provided 0.25 square feet of open space (not including parking or driveway areas) devoted to recreational use, for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.

(g) Management of Open Space

- (1) All open space shall be preserved for its intended purpose as expressed on the Site Plan.
 - (2) There shall be established a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the development to insure the maintenance of open spaces and other facilities.
 - (3) When the development is to administer open space and other facilities through an association, nonprofit corporation, trust, or foundation, said organization shall conform to the following requirements:
 - The developer must establish the organization prior to the sale of any property.
 - Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.
 - The organization shall manage all open space, recreational and cultural facilities, shall provide for the maintenance, administration, and operation of said land and improvements and any other land within the development and shall secure adequate liability insurance on the land.
 - The organization shall conform to the Condominium Act, Code of Virginia (1950), as amended.
 - (4) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
- (h) Open space devoted to recreational use as herein required shall be designed for use by residents of the development and shall be improved and equipped by the developer in accordance with approved plans.
- (i) Parking shall be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking

facilities and methods of assigning charges for maintenance, snow removal and repairs.

- (j) Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts if other than R-3. A plan specifying type, size and location of existing and proposed material shall be submitted with the application for the permit.
- (k) Parking Facilities
 - (1) All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
 - (2) Parking areas shall not be designed or located so as to require or encourage cars to back into a street.
 - (3) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line.
 - (4) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
 - (5) All access ways and parking areas shall be paved with a double surface treatment or concrete covering.
- (l) Drainage - A storm run-off and drainage system shall be installed by the developer to adequately dispose of all run-off and drainage from the project site, so as not to permit excess flow of water across streets or adjoining properties.
- (m) Lighting - Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause annoyance to building occupants or surrounding property owners or residents.
- (n) Storage of Trash and Rubbish - Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

- (o) Site Plan Review and Approval - A Site Plan drawn and submitted in accordance with Section 511 is required.

510 Permanent Mobile Home Parks and Temporary Trailer Parks

The location of mobile home parks and temporary trailer parks shall require a special use permit issued by the governing body in appropriate districts where permitted. Such parks shall comply with the Shenandoah County Trailer Park Ordinance.

511 Site Plan Review

511.1 For the purpose of assuring good arrangement, appearance and harmony with the surrounding uses, and compliance with the objectives of the Shenandoah County Comprehensive Plan, site plans for certain uses shall be submitted to and reviewed by the Zoning Administrator and by the Planning Commission before a zoning permit shall be issued. Approval by the Board of Supervisors is required for uses needing a special permit. Site plans shall be required for the following uses:

- (a) Mobile home parks.
- (b) Shopping centers.
- (c) Multiple-family dwellings (apartments).
- (d) Townhouses.
- (e) Schools, churches and other public buildings.
- (f) Offices(s) and/or industrial parks.
- (g) Hotels and motels.
- (h) Business and industrial buildings, if the building is to contain a floor area of more than five thousand (5,000) square feet.
- (i) Hospitals, nursing homes, convalescent homes.
- (j) Cluster housing development. (Amended 7/7/87)
- (k) Motor vehicle impoundment lot. (Amended 11/11/87)
- (l) Retail greenhouse and nursery operations. (Amended 9/10/91)

511.2 Preliminary Site Plans

- (a) The preliminary Site Plans shall be clearly drawn to a scale of not more 1" = 200' on paper at least 12" x 24" and shall show the following:
- (b) The proposed title of the project and the name of the engineer, architect, or landscape architect, and the developer.
- (c) The northpoint, scale and date.
- (d) Existing zoning and zoning district boundaries on the property and immediately surrounding properties.
- (e) Present use of the property and all abutting properties.
- (f) The boundaries of the properties involved, county or municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings or waterways, major tree masses and other physical features in or adjoining the project.
- (g) Topography of the project area with contour intervals of two (2) feet or less, unless waived by the Administrator as clearly unnecessary to a review of the project or proposal.
- (h) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project. Other provisions for the disposition of storm water shall also be shown where necessary.
- (i) Proposed changes in zoning, if any.
- (j) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including number of parking and loading spaces), outdoor lighting systems, storm and sanitary sewer facilities.
- (k) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, playgrounds, school sites and open spaces.
- (l) Location and character of all proposed buildings with respect to each other and to lot lines or

major excavations and approximate height of main and accessory buildings. The location should be drawn to scale, but full dimensioning is not required on the preliminary plan.

- (m) General location, height, and material of all fences, walls, planting screen, and landscaping.
- (n) General location, character, size, and height and orientation of proposed signs.
- (o) A tabulation of total number of acres in the project, and the percentage thereof proposed to be devoted to dwelling types, commercial uses, other uses, off-street parking, streets, parks, schools, and other reservations.
- (p) A tabulation of the total number of dwelling units of various types in the project and the overall dwelling units per acre.
- (q) The Zoning Administrator or Planning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

511.3 Procedure

- (a) Five (5) copies of the Site Plan, both preliminary and final, shall be submitted to the Administrator. The Administrator shall circulate the plan to the relevant departments, boards, and Planning Commission for written comments, and request the applicant to appear at the next Planning Commission meeting. The Planning Commission shall notify the applicant of the action taken.
- (b) Site Plans for Planning Commission review shall be submitted to the Administrator by the submission deadline for the next Planning Commission meeting as specified in the Commission's adopted schedule of application submission deadlines. (Amended 4/11/95)
- (c) The final Site Plan shall be considered approved unless the Planning Commission and Board of Supervisors, when required, act within sixty (60) days from the date of submission of the final site plan.

- (d) The final Site Plan shall comply with all regulations governing the approval of subdivisions and in addition shall show all of the features required on the preliminary site plans with sufficiently accurate dimensions and construction specifications to support the issuance of a zoning permit.
- (e) For uses requiring a special permit for which a site plan has been submitted:
 - (1) The Planning Commission shall review all preliminary plans submitted to them and shall submit these plans, with recommendations thereon, to the Board of Supervisors for approval. The Board of Supervisors shall have the power of approval or disapproval of these plans.
 - (2) Public hearings, as required by the Code of Virginia, as amended, shall be advertised and held.
 - (3) Upon approval of the preliminary plan, the developer shall submit, within not more than one (1) calendar year, unless otherwise extended by the governing body, a final development plan to the Administrator to be forwarded to the Planning Commission for its review and recommendations.
 - (4) The Planning Commission shall determine that each stage of all of the final development plan conforms to the intent of the preliminary plan. The Commission, having reviewed the final development plan for any and all stages of the development and finding that it is in compliance with the intent of the preliminary plan shall present its recommendations to the governing body.
 - (5) Upon approval of the final plan by the Board of Supervisors, a Zoning Permit shall be issued by the Administrator, and construction shall begin in accordance with the approved plan.

511.4 Site Plan Termination or Extension

An approved final site plan shall expire and become null and void if no building permit has been obtained for the site within twelve (12) months after approval.

511.5 Amendments to Approved Site Plan

If it becomes necessary for an approved site plan to be changed, the Administrator shall at the applicant's request either administratively approve an amendment to the site plan; or, if the change is major, require that a new site plan be drawn and submitted to review and action in accordance with Section 511.3.

512 Shopping Centers

512.1 All shopping centers shall comply with the following requirements in order to be issued a special permit:

- (a) No more than thirty (30) percent of the lot area shall be occupied by buildings.
- (b) The distance at the closest point between any two (2) buildings or groups of attached buildings in the shopping center shall not be less than twenty (20) feet.
- (c) No building may be located closer than one hundred (100) feet to the ultimate right-of-way of any public street or within twenty-five (25) feet of any other property line. No building shall be closer than fifty (50) feet to a side or rear property line which is adjacent to an agricultural, conservation, or residential district.
- (d) The maximum height of any building shall be thirty-five (35) feet.
- (e) Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles, servicing of shops by refuse collection, fuel and other service vehicles; automobile access ways, and pedestrian walks. The above service areas shall be screened from view from any abutting roadway.
- (f) Provisions shall be made for safe and easy access to and from public roads servicing the center without undue congestion to or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines. The Planning Commission shall satisfy itself as to the adequacy of the road to carry the additional traffic created by the shopping center. Special

merging or entrance lanes may be required to avoid congestion and hazards. The State Department of Highways and Transportation shall be consulted by the County.

- (g) No parking, access, or service area may be located closer than twenty-five (25) feet to a side or rear property line adjacent to a conservation, agricultural or residential district.
- (h) No less than (1) automobile parking space with suitable access shall be provided for each one hundred (100) square feet of floor area devoted to patron use.
- (i) Parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be separated from public streets.
- (j) Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- (k) The shopping center shall be permanently screened from adjoining residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of three (3) feet and a maximum height of seven (7) feet. The Planning Commission may waive the requirements for a screening enclosure and/or screening area if equivalent screening is provided by existing vegetation, parks, recreational areas, or by topography or other natural conditions.
- (l) A landscaped planting area shall be provided along street frontage occupied by a shopping center at least ten (10) feet in depth.
- (m) No shopping center shall be erected or used that is not adequately served with both public sanitary sewers and public water unless authorized upon submission of evidence deemed satisfactory by the Planning Commission to the fact that sanitary sewers and public water supply are not feasible in the particular location in question.
- (n) A site plan shall be drawn and submitted in accordance with Section 511.

513 Frontage Reduction

When lots front on a cul-de-sac, the minimum frontage standard (measured at the setback line) in the respective district shall be reduced to sixty (60) percent of that number set for the district.

514 Additional Setback Requirements

The building setback line shall be a greater distance than the minimum specified in the various districts if required by the Virginia Department of Highways and Transportation or the Health Official for safety or health reasons.

515 Cluster Housing Development (Adopted 7/7/87)

515.1 Purpose an Intent of a Cluster Housing Development

The regulations established in this Section are intended to permit greater flexibility and consequently more creative and imaginative designs for the development of detached, single-family dwellings in R-3 zoned areas. Other objectives are as follows:

- (a) To protect and preserve natural resources, trees, watersheds, contours and the topographic features of the land, while enhancing the natural scenic beauty of the land.
- (b) To encourage and protect open spaces.
- (c) To encourage more imaginative solutions to environmental design problems.
- (d) To establish procedures to assure adequate maintenance and restricted use of open space areas.

To accomplish these objectives, deviations from the regulations for an R-3 district regarding minimum lot size, setback lines, frontage requirements and maximum percentage of lot coverage may be approved by the County. The County, during final site plan approval for a Cluster Housing Development, may permit deviations from the Zoning Ordinance and Subdivision Ordinance.

- 515.2 A Cluster Housing Development project must consist of at least five (5) and no more than twenty-five (25) contiguous acres, under one ownership or control. An

application for a Cluster Housing Development must include a preliminary site plan as set forth in Section 511 of the Zoning Ordinance. A final site plan shall be required before action shall be taken on the application. If the project area is to be developed in stages, a phasing plan shall be submitted with the final plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase.

515.3 A Cluster Housing Development project area must be located where public water and sewer systems are available. For the purpose of this Section a public water and sewer system is that system owned and operated by either a Municipality, County, Sanitary District, or Water and/or Sewer Authority.

515.4 An application for a Cluster Housing Development may be denied if from investigation by the County it is determined that the land is not suitable for development because of inadequate road access, inadequate community services, negative environmental impact, nonconformity with the County Comprehensive Plan or other health, welfare or safety objectives.

515.5 The maximum density of Cluster Housing Development shall not exceed eight (8) single-family detached dwellings per acre.

515.7 Streets

515.7-1 Private streets are permitted in Cluster Housing Development. Private streets need not meet the requirements of the Virginia Department of Transportation; however, the County may require that such streets be constructed to certain standards in order to provide adequate access.

515.7-2 All streets, private or public, shall be coordinated with existing or planned streets shown on the Cluster Housing Development final plan and/or Virginia Department of Transportation's existing or planned streets.

515.7-3 Any dedicated public streets in the Cluster Housing Development shall meet all the requirements for acceptance into the Virginia Department of Transportation Secondary Road System.

515.7-4 In all Cluster Housing Development's involving private roads, the applicant must submit assurances, such as a covenant agreement satisfactory to the County, that a homeowners' association will be legally established under which the owners of the lots within the area of the Final Plat will be assessed on a pro-rata basis for the cost of maintaining the private streets, and that such assessments shall constitute a lien upon the individual lots shown on the Final Plat.

Every Final Plat for a Cluster Housing Development involving a private road shall contain a statement by the subdivider which clearly states that all private roads within that Cluster Housing Development are not publicly maintained and shall be collectively maintained by the owners of all lots which are served by the private roads.

Each deed of conveyance for a lot included in a Cluster Housing Development served by a private road shall include the following restrictions:

- (1) The private road is not publicly maintained and shall be maintained by all of the owners of lots which are provided access by the way of said private road.
- (2) No request will be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated.

515.7-5 The uniqueness of each proposal for a Cluster Housing Development requires that the specifications for the width, grades, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for stormwater drains shall be subject to modification from specifications otherwise applicable under laws or ordinances of the County. If such modifications are requested by the applicant, or if the engineering plans for such improvements discloses that modifications are needed, the same shall be granted if the County finds that rigid adherence to such specifications are not required in the interest of the residents of the Cluster Housing Development and that such modifications are not inconsistent with the interests of the County.

515.7-6 It shall be the responsibility of the applicant to demonstrate to the satisfaction of the County with respect to any requested modification:

- (a) That the modification will result in design and

construction that is in accordance with accepted engineering standards;

- (b) That the modification is reasonable because of the uniqueness of the Cluster Housing Development;
- (c) That any modification as to streets is reasonable with respect to generation of vehicular traffic that is estimated to occur within the area of the development;
- (d) That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case shall have a roadway (road surface and ditches) less than eighteen (18) feet wide.

515.7-7 Street names and signs shall comply with Sections 4-4-1-9 of the Shenandoah County Subdivision Ordinance.

515.7-8 Streets should be designed so as to discourage thru traffic. The radius of any cul-de-sac in a Cluster Housing Development shall be determined by the County. No more than twenty-five (25) dwelling units shall be served by a cul-de-sac.

515.7-9 Off-street parking shall be provided in adequate amounts and in convenient locations. Whenever possible, parking areas should be designed to preserve natural surroundings. One and one-half (1 1/2) off-street parking spaces shall be provided for each dwelling unit.

515.8 Management of Open Space

- (a) All open space shall be preserved for its intended purpose as expressed on the final site plan.
- (b) There shall be established a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the development to insure the maintenance of open spaces and other facilities.
- (c) When the development is to administer open space and other facilities through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:
 - (1) The developer must establish the organization prior to the sale of any property.

- (2) Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.
 - (3) The organization shall manage all open space, and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other land within the development and shall secure adequate liability insurance on the land.
 - (4) The organization shall conform to the Condominium Act, Code of Virginia (1950), as amended.
- (d) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.

Open space devoted to recreational use as herein required shall be designed for the use by residents of the development and shall be equipped by the developer in accordance with approved plans.

515.9 Site Plan Review

Site plan review shall be conducted in accordance with Section 511 of the Zoning Ordinance. In addition to the requirements found in Section 511, the following shall also be required:

- (a) Drainage - The Final Site Plan shall include a plan for adequate drainage. The street or lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way with traverses the project area, an easement or right-of-way with adequate improvements to curtail the drainage flows from the tributary area upstream of the watershed shall be shown on the Final Plan.
- (b) Easements - Easements through the project area shall be provided on the Final Site Plan for water, sewer, gas, telephone, power and other utilities as required by the respective
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ts, agencies or companies.

515.10 Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for other such uses as may increase danger of health, life or property. Such land within the project area shall be used as common open areas. Land located in the 100-year flood plain shall be used in accordance with the Shenandoah County Flood Plain Ordinance.

516 Intensive Poultry and Hog Facilities (Adopted 7/9/91; Amended 11/8/94)

516.1 Setback Regulations

A. Setbacks for Intensive Poultry Facilities Only

Intensive poultry facilities shall be constructed no closer than the following distances (setbacks) from the specified use or property line:

- (1) For intensive poultry facilities located on a parcel included in an agricultural and forestal district created pursuant to Section 15.1-1511, Code of Virginia:
 - (a) 300 feet from any existing dwellings, schools, churches, and other non-agricultural uses;
 - (b) Distance from property line as specified in Section 301.6(a), (b), and (c) when poultry facility is located in Conservation (C-1) Zoning District, or as specified in Section 302.6(a), (b), and (c) when poultry facility is located in Agriculture (A-1) Zoning District.
- (2) For intensive poultry facilities located on a parcel not included in an agricultural and forestal district created pursuant to Section 15.1-1511, Code of Virginia:
 - (a) 600 feet from any existing dwellings, schools, churches, and other non-agricultural uses in a sparsely settled area;
 - (b) 900 feet from any existing dwellings, schools, churches, and other non-agricultural uses in a densely settled area;

- (c) 150 feet from any property line, except a property line shared with an interstate highway;
- (d) Distance from a property line shared with an interstate highway as specified in Section 301.6(a), (b), and (c) when poultry facility is located in Conservation (C-1) Zoning District, or as specified in Section 302.6(a), (b) and (c) when poultry facility is located in Agricultural (A-1) Zoning District;
- (e) Setback specified in 516.1 A(2)(c) may be reduced to less than 150 feet but greater than or equal to 75 feet by mutual consent of the grower and adjacent property owner. Consent shall be evidenced by written formal agreement: 1. referencing both parcels by deed book reference, 2. signed by both parties, 3. notarized, and 4. recorded in the Office of the Clerk of the Circuit Court with a copy provided to the Zoning Administrator at the time of recordation and prior to application for a zoning permit.

B. Setbacks for Intensive Hog Facilities Only

Intensive hog facilities shall be constructed no closer than the following distances (setbacks) from the specified use or property line:

- (1) For intensive hog facilities on a parcel included in an agricultural and forestal district created pursuant to Section 15.1-1511, Code of Virginia:
 - (a) 300 feet from any property line.
- (2) For intensive hog facilities on a parcel not included in an agricultural and forestal district created pursuant to Section 15.1-1511, Code of Virginia:
 - (a) 600 feet from any existing dwellings, schools, churches, and other non-agricultural uses in a sparsely settled area;
 - (b) 900 feet from any existing dwellings, schools, churches, or other non-agricultural uses in a densely settled area;

(c) 300 feet from any property line.

C. Additional Setbacks for Both Intensive Poultry and Intensive Hog Facilities

Intensive poultry and/or hog facilities shall be constructed no closer than the following distances (setbacks) from the specified zone, boundary, feature, or facility:

- (1) 900 feet from any residential (R-1, R-2, or R-3) and commercial (B-1 or B-2) zoning districts located outside an existing town or designated growth area;
- (2) 1,000 feet from any existing town boundaries and designated growth areas;
- (3) 100 feet from any streams, rivers, springs, sinkholes, water intakes, and public wells; and 100 feet from any private wells on adjoining properties.

D. Application of Setbacks to Intensive Poultry and Intensive Hog Facilities

Setbacks presented in Section 516.1 A, B, and C are considered minimum setbacks. Where applicable setback minimums differ, the more stringent of the setbacks shall apply. All applicable setbacks shall be met concurrently.

E. Setbacks for Residential Dwellings

Any residential dwelling constructed on land that was once within an agricultural and forestal district created pursuant to Section 15.1-1511, Code of Virginia, but was withdrawn at the request of the owner before the period of the district lapsed, such dwelling shall be located no closer than 300 feet from any existing intensive poultry or hog facility in the agricultural and forestal district.

516.2 Entrance Location

A permit for the proposed entrance to the intensive poultry or hog facility access road must be obtained from the Virginia Department of Transportation prior to application for a zoning permit.

516.3 Poultry Development Plans (Optional)

A grower or potential grower may file with the Zoning Administrator a development plan which indicates the number, size, and location of poultry facilities planned for the subject parcel. When a poultry development plan has been approved and filed with the Zoning Administrator and during the period in which it remains in effect, the planned poultry facilities shall be obliged to meet setbacks only from those dwellings, schools, churches, other non-agricultural uses, zoning districts, town boundaries, designated growth areas, water intakes, and wells existing at the time the poultry development plan is approved.

- A. The poultry development plan shall be based on the requirements of this section and shall be accompanied by a plat prepared and signed by a land surveyor certified by the Commonwealth of Virginia verifying the accuracy of the distances shown in the poultry development plan.
- B. The poultry development plan shall remain in force only so long as the poultry facilities proposed are constructed in accordance with the poultry development plan and are placed in service in a timely manner.
- C. At least one (1) poultry facility indicated in the poultry development plan must be constructed within twelve (12) months of the date of plan approval, unless at least one (1) poultry facility is already constructed on the subject parcel at the time the poultry development plan is filed.
- D. In the event a grower fails to build a poultry facility indicated in the poultry development plan within twelve (12) months of obtaining zoning approval or if a poultry facility existed at the time the plan was approved and the grower fails to obtain zoning approval for any of the additional poultry facilities as indicated on the plan within a ten (10) year period, the Zoning Administrator shall review the poultry development plan. If the plan could still be implemented as is, or revised, to comply with the poultry regulations in effect at the time of review, then it may be renewed as revised for five additional years with five (5)-year review periods continuing thereafter. If the plan does not comply with current poultry regulations, it shall be revoked and all future development of poultry facilities on the subject parcel shall conform to the ordinance in effect at the time of zoning permit application.

516.4 Nutrient Management Plan

- A. After July 9, 1991, a permit for poultry operation shall not be issued until a nutrient management plan for the proposed poultry operation has been reviewed and accepted by the Zoning Administrator. Each poultry operation already in operation or approved by the County prior to July 9, 1991 shall have an approved nutrient management plan on file with the Zoning Administrator on or before July 9, 1996, or at such time as additional poultry facilities are placed into service on the same parcel, whichever shall occur first. After July 9, 1996, no poultry operation shall operate without such nutrient management plan.
- B. The nutrient management plan shall provide for the safe disposal or use of one hundred percent (100%) of the animal waste produced by each poultry facility. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Cooperative Extension Service or other appropriate agencies. Alternative methods of disposal may be used, as approved by appropriate state and/or local agencies. The nutrient management plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs and sinkholes, and slopes and geological formations that indicate a high susceptibility to ground or surface water pollution. Each nutrient management plan shall be subject to review and approval by an agent of the Virginia Cooperative Extension Service or other appropriate agency.
- C. If off-site disposal is part of the nutrient management plan, the grower shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's poultry facility. Documentation shall specify the duration of the agreement and the nature of the application or use of the poultry wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The grower shall notify the Zoning Administrator whenever such an agreement is terminated before its stated expiration.

D. The nutrient management plan shall also provide for a site, with or without a permanent structure, the storage of poultry wastes. The site shall be located on the same parcel as the poultry house to which it is an accessory use. If, however a grower whose facilities were in operation prior to July 9, 1991, is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the grower's engineer, may permit the storage site to be located on adjacent land owned by the grower; or if the grower has a valid agreement for off-site disposal, as provided for above, the Zoning Administrator may permit the storage site to be located on a parcel specified in the agreement for off-site disposal. A professional engineer registered in Virginia, a representative of the Lord Fairfax Soil and Water Conservation District or a representative of the U.S. Department of Soil Conservation Service shall certify that the site:

- (1) is out of all drainage ways;
- (2) is protected from the elements; and
- (3) has sufficient capacity to accomodate one hundred percent (100%) of the waste produced by the poultry facility's operation on the parcel during the four consecutive months in which the maximum number of cleanouts of such poultry facilities may occur.

The nutrient management plan shall be reviewed and updated every five (5) years by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, or more frequently if the County or its agent documents that the grower is not complying with the nutrient management plan.

The provisions of this division notwithstanding, a poultry house permit approved by the County prior to the adoption of this ordinance shall remain valid, as issued, on condition that all requirements set forth in the permit are met and construction is completed within twelve (12) months from July 9, 1991.

516.5 Zoning Permit Required

- A. All proposed poultry or hog house construction shall be approved by the County Planner/Zoning

Administrator, before any construction is begun. To obtain an approval of the County Planner/Zoning Administrator, a site plan, nutrient management plan, and sedimentation and erosion control plan must be submitted to the County Planner/Zoning Administrator. Said approval of the County Planner/Zoning Administrator must be obtained regardless of whether or not a building permit is needed for said construction. (Adopted 6/10/86; amended 11/8/94).

B. The site plan required in Section 516.5 A shall be drawn upon a plat prepared and signed by a land surveyor licensed by the Commonwealth of Virginia certifying that the proposed poultry or hog facility meets all applicable setback requirements of the ordinance. Said site plan shall also show:

(1) the location of the following:

(a) existing and proposed buildings and structures on the subject parcel;

(b) the size of the parcel and size of proposed buildings and structures;

(c) proposed entrances and access roads;

(d) existing streams, rivers, and sinkholes on the parcel;

(2) the approval signature by an official representative of the Virginia Department of Transportation.

516.6 Nonconformities

A. No intensive poultry or hog facility permitted under this ordinance shall continue in operation if, after meeting requirements for obtaining a zoning permit, land is divided from the parcel on which the poultry or hog facility is located, such that the poultry or hog facility or the parcel no longer conforms to the requirements of this ordinance.

B. Intensive poultry and hog facilities in operation as of 11/8/94 that do not meet setback requirements herein may be improved by additional poultry or hog facilities provided that:

(1) the additional facilities shall be located no closer than existing facilities to existing

dwellings, schools, churches, non-agricultural uses, residential (R-1, R-2, or R-3) and commercial (B-1 or B-2) zones, town boundaries, and designated growth areas;

- (2) the grower shall obtain the consent of those landowners or towns that would have a setback reduced by the proposed facility improvement. Consent shall be evidenced by written formal agreement: (a) referencing both parcels by deed book reference, (b) signed by both parties, (c) notarized, and (d) recorded in the Office of the Clerk of the Circuit Court with a copy provided to the Zoning Administrator at the time of recordation and prior to application for a zoning permit.

C. Replacement or reconfiguration of poultry or hog facilities that do not meet the requirements of this ordinance, when such facilities have been destroyed or damaged by fire, wind, snow, or other phenomena out of the control of the landowner, may be permitted provided that;

- (1) The replacement facilities may be located no closer than the facilities being replaced to existing dwellings, schools, churches, non-agricultural uses, residential (R-1, R-2, or R-3) and commercial (B-1 or B-2) zones, town boundaries, and designated growth areas;
- (2) Any additions to or expansions of facilities that replace facilities originally in operation as of 11/8/94 shall meet the requirements of Section 516.6 B.

517 Alternative Discharging Sewage Treatment Systems for
Single Family Dwellings (Deleted in its Entirety
11/10/94)

ARTICLE VI - ADMINISTRATION

- 601 Zoning Administrator: A Zoning Administrator shall be appointed by the Board of Supervisors to administrator and enforce this Ordinance. He shall have such duties as are conferred on him by this Ordinance and the Code of Virginia, as amended. The Zoning Administrator may also hold another office in the County.
- 601.1 Fees: The governing body shall establish, by resolution, a schedule of fees, charges, expenses, and collection procedures for the review of rezoning and text amendment requests, special use permit applications, zoning applications and site plans. Such fees shall be displayed in the office of the Zoning Administrator. (Amended 9/12/89)
- 602 Zoning Permits: A zoning permit is required for any change of the use of land or building or the construction of a new building or the reconstruction, enlargement, or alteration of an existing building.
- 602.1 Application: Application for permits shall be submitted to the Zoning Administrator on forms provided by the Administrator. Such application may be made at the same time and on the same form as the building permit.
- The permit application shall be acted upon within thirty (30) days from the date of the application. In case of refusal, the applicant shall be informed that he can appeal to the Board of Zoning Appeals. If the proposed building and/or use meets the standards in this Ordinance, a permit shall be issued to the applicant by the Administrator.
- 602.2 Expiration: A zoning permit shall expire six (6) months after the date of issuance, if work described in any permit has not yet begun. If work has begun within this period, said permit shall expire two (2) years from the date of issuance. The Administrator shall have the power to extend the time limit of a zoning permit for an additional period not to exceed two (2) years.
- 603 Certificate of Occupancy: A certificate of occupancy shall be applied for at the same time as the zoning

permit. Such a certificate shall be issued after the building, or the proposed activity, or the use of the land complies with the provisions of this Ordinance.

604 Special Use Permit: Where uses are permitted by Special Permit, the location and beginning of such uses shall require, in addition to the zoning permit and certificate of occupancy, a Special Use Permit. These permits shall be subject to such conditions as required in this Ordinance and those that the Board of Supervisors deems necessary to carry out the intent and general purpose of this Ordinance. The review needed to obtain this permit will insure that the use will not have a harmful effect on the surrounding area. The effects of each use will be studied and conditions set to reduce any problems due to the operation or type of use being studied. Application for such permit shall be made to the Administrator and shall be accompanied by a Preliminary Site Plan as set forth in Section 511.2. A public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, shall be held, and Planning Commission review shall be obtained. In addition to the public hearing being advertised, written notice shall be mailed by the Zoning Administrator at least five (5) days prior to the hearing to the owner or owners, their agent or the occupant, of each parcel abutting the property and parcels immediately across the road from the parcel for which the Special Use Permit is requested, except that if there are more than twenty-five (25) such abutting parcels or parcels across the road, such written notice shall not be required. Such permits shall be issued in accordance with the following regulations:

604.1 Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board of Supervisors to be advisable and appropriate.

604.2 Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

604.3 Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

604.4 Such use shall not conflict with development in accordance with the Shenandoah County Comprehensive Plan.

605 Provisions For Appeal - Board of Zoning Appeals: In accordance with Section 15.1-494, Code of Virginia, as amended, a board consisting of five (5) residents of the County shall be appointed by the Circuit Court of Shenandoah County. One (1) of the five (5) appointed members may be a member of the Planning Commission. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest. The Board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

605.1 Duties of the Board of Zoning Appeals

- (a) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Ordinance.
- (b) To hear and decide applications for the interpretation of the Official Zoning Map where there is uncertainty as to the location of a district boundary.
- (c) To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:
 - (1) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the Ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where

the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstratable hardship approaching confiscation, as distinguished from special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this Ordinance.

- (2) No such variance shall be authorized by the Board unless it finds: (a) that the strict application of the Ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- (3) No such variance shall be authorized except after notice and hearing, as required by Section 15.1-431 of the Code of Virginia, 1950, as amended.
- (4) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
- (5) In authorizing a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

605.2 Rules and Regulations

- (a) The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.
- (b) The meeting of the Board shall be held at the call of its chairman or at such times as a quorum

of the Board may determine. All meetings of the Board shall be open to the public. A quorum shall be at least three (3) members. A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the application on any matter upon which the Board is required to pass.

- (c) The Board 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 a public record.

605.3 Appeal to the Board of Zoning Appeals

An appeal to the Board may be taken by any person aggrieved or by any office, department, board or bureau of the County or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board 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 otherwise, than 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.

605.4 Appeal Procedure

Appeals shall be mailed to the Board of Zoning appeals, c/o the Zoning Administrator, and a copy of the appeal mailed to the Secretary of the Planning Commission. A third copy should be mailed to the individual official, department or agency concerned, if any. The County Planning Commission may send a recommendation to the Board of Zoning Appeals or appear as a party at the hearing. Appeals shall be accompanied by a certified check for one hundred

(\$100.00) dollars made payable to the Treasurer, Shenandoah County. (Amended 9/12/89)

605.5 Public Hearing

The Board shall fix a reasonable time for the hearing of an application or appeal, give notice thereof as well as due notice to the properties in interest and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

606 Appeal of the Decision of Board of Zoning Appeals

606.1 Any person or persons jointly or individually aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the County or municipality, may present to the Circuit Court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.

606.2 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

606.3 The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

606.4 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct

and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

607 Amendments

The regulations, standards and boundaries established in this ordinance may, from time to time, be amended by the Board of Supervisors provided:

607.1 The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law. Such public hearing may be held jointly with the Supervisors as its public hearing.

607.2 Before approving and adopting any amendment, the Supervisors shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; provided, however, that no additional land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.

607.3 Repealed 9/12/89

607.4 To apply for rezoning, the applicant must complete a form which can be obtained in the Zoning Administrator's Office. This form will show where the property is located, identify the intent of the applicant, and provide other necessary information for review and advertisement. In addition, three (3) copies of a certified plat of the property proposed for rezoning shall be submitted to the Administrator along with a legal description of the property. A vicinity map shall also be submitted showing land use surrounding the property within five hundred (500) feet, existing zoning of the tract and abutting lots, an indication of the availability of water and sewer facilities, and principal highway access to the property.

607.5 Conditional Zoning (Amended March 23, 1993)

607.5-1 Any owner of real property who is an applicant for a zoning map amendment (rezoning) may, as a part of his application, proffer in writing reasonable conditions, prior to the public hearing before the Planning Commission and governing body, provided that (1) the rezoning itself must give rise for the need for the conditions; (2) such conditions shall have a reasonable relation to the rezoning; (3) such conditions shall not include a cash contribution to the County; (4) such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Section 15.1-466(A)(5) of the Code of Virginia, as amended; (5) such conditions shall not include payment for or construction of off site improvements except the subdivider or developer's pro-rata share of the cost of providing reasonable and necessary sewerage, water and drainage facilities as set forth in Section 15.1-466(A)(10) of the Code of Virginia, as amended; (6) no condition shall be proffered that is not related to the physical development or physical operation of the property; (7) and all such conditions shall be in conformity with the Comprehensive Plan as defined in Section 15.1-446.1 of the Code of Virginia, as amended.

607.5-2 Any proffered conditions shall be set forth with clarity and specificity in a "Proffer Statement", which shall follow this format:

PROFFER STATEMENT

RE: Applicant's Name
Date
Rezone File Number (To be added by the Planning Office if unknown to the applicant)

I hereby proffer that the use and development of this property shall be in strict accordance with the following conditions:

- 1.
- 2.
- 3.
- etc.

Any revision to the proffer statement shall be submitted in the same format, with a new date, and

shall include at the end of the statement the following:

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as a part of this application.

- 607.5-3 The governing body, when acting on an application for a zoning map amendment, may adopt as a part of the zoning map the proffered conditions in whole or in part, as set forth by the applicant. Once adopted by the governing body, such proffered conditions shall be binding on the use and development of the property, and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance and/or map.
- 607.5-4 Proffered conditions adopted by the governing body shall be in addition to the regulations provided for the zoning district by the text of the zoning ordinance, and shall not provide for altering the standards of the zoning ordinance except when specifically authorized in the zoning ordinance.
- 607.5-5 Enforcement of Conditions - The Zoning Administrator shall keep records of all conditions attached to rezoning, which shall be readily accessible to the public. The zoning map shall show by appropriate symbol the existence of conditions accepted for rezonings. In addition, the Zoning Administrator shall maintain a conditional zoning index which shall be provided for ready access to the conditions created. Failure to meet all conditions shall constitute cause to deny the issuance of building or occupancy permits. The Zoning Administrator shall enforce the conditions attached to the rezoning using the following means:
- (a) The ordering in writing of the remedy of any noncompliance with such conditions.
 - (b) The bringing of legal action to insure compliance with such conditions, including injunction abatement or other appropriate actions.

607.5-6 The County may require a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for the construction of any improvements required by the conditions or a contract for the construction of such improvements. The applicant's guarantee shall be reduced or released by the County upon the completion of the improvements.

608 Violation

All departments, officials, and employees of the county which have the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

609 Penalty

Any person, firm or corporation violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars (\$1,000.00). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued or permitted by such persons, firm or corporation.

610 Permits Issued Prior to Adoption

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, such construction must commence within thirty (30) days after this Ordinance becomes effective. If, construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

611 Severability

Should any provision of this Ordinance be declared by the Courts to unconstitutional or invalid, such decision shall not effect the validity of the

Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

612 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed.

613 Effective Date

This Zoning Ordinance of Shenandoah County, Virginia, shall be effective at and after 12:01 a.m., on the first day of October, 1978.

ARTICLE VII - DEFINITIONS

701

GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are defined as follows:

Words used in present tense include the future tense; words used in the singular number include the plural number, and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise. Any reference to gender shall include both the masculine and the feminine.

The word "shall" is mandatory; "may" is permissive.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcels".

The word "used" includes "erected", "reconstruct", "altered", "placed", or "moved".

The terms "land use" and "use of land" include "building use" and "use of building".

The word "State" means the Commonwealth of Virginia.

The word "County" means the County of Shenandoah, Virginia.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

702

Specific Terms

Access: A public or private right-of-way providing the ability to enter, approach, or pass to and from one area to another area.

Accessory Use: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Administrator, The: A person who is, by resolution of the Board of Supervisors, charged with the enforcement of the Zoning Ordinance.

Aerobic Treatment Unit: Deleted 11/8/94

Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping and raising of animals, fish and fowl.

Airport, Commercial: (Including Air Park, Flight Strip, Airfield, and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored, provide flight instructions, and where fees are charged for one or more of these services.

Airport, Private: An area of land, with the consent of the owner thereof, aircraft may take off or land, be stored or repaired and where no fee is charged by said owner.

All-Weather Surface: Crushed rock, gravel, concrete, blacktopping and macadam or similar surface.

Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Alternative Discharging Sewage Treatment System: Deleted 11/8/94

Amendment: A change in the Zoning Ordinance and/or Zoning Map granted by the Board of Supervisors after a public hearing and review and comment by the County Planning Commission.

Amusement Park: A commercial recreational activity of a permanent nature offering amusements and operating either seasonally or all year long.

Animal Unit, One: One thousand pounds of animal(s), as defined by the Virginia Department of Agriculture and Consumer Affairs. For example, one horse usually qualifies as one animal unit. (Adopted 10/11/94)

Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

Architect, Registered: A licensed professional architect, registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an "Architect".

Asphalt Mixing Plant (Bituminous Mixing Plant): A facility that mixes asphaltic or bituminous liquid with stone aggregate to form a bituminous concrete and/or asphalt mixture which is normally used for surfacing roads, driveways, and parking lots to form a hard, non-porous, relatively smooth surface.

Assembly Plant: A structure used for the fitting together of parts or components to form a complete product.

Attic: The space between the ceiling beams of the top habitable story and the roof rafters. An attic shall be considered a half-story, and shall be included in the calculation of the building height.

Automobile Graveyard: Any lot or place which is exposed to the weather upon which five (5) or more motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found.

Automobile Parking Lot, Commercial: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Automobile Sales Lot: A lot arranged, designed, or used for the storage and display for sale any three (3) or more new or used motor vehicles capable of independent operation or any type of travel trailer and/or recreational vehicle provided the travel trailer and/or recreational vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

Automobile Service Station: Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles, but not including a paint or body shop, machine shop, or vulcanizing shop.

Automobile Wrecking Yard: An area where destroyed, abandoned, and/or obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold, and where the remaining automobile bodies and their components are stored until they can be removed or reduced to scrap metal.

Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes, by other than a janitor employed on the premises.

Board: The Board of Zoning Appeals of Shenandoah County.

Boarding House: A building where, for compensation, lodging and meals are provided for five (5) to thirteen (13) persons.

Boat Sales and Service: The sale and service of boats and boat accessories. The term service shall mean routine maintenance as well as minor repairs to hulls, decks and other boat components as long as the repair does not involve the use of fiberglass or gel coat. Service shall also include engine replacement, repair or complete overhaul. (Amended 2/9/93)

Buffering (Screening): Any decorative or ornamental device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties or a property and street, wherever required by this Ordinance. Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean bushes, trees or shrubbery.

Building: Any structure having a roof supported by columns or walls for the housing, shelter, or enclosure of persons, animals, or property of any kind.

Building, Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.

Building Coverage: The maximum area of a lot which can be located under the roof or projection from buildings.

Building Front: That one (1) face or wall of a building which is architecturally designed as the front of a building which normally contains the main entrance(s) for use by the general public.

Building, Height of: The height shall be measured from the average elevation of the ground surface along the front of the building.

Building, Main: The principal building or one of the principal buildings on a lot, or the building or one

of the principal buildings housing the principal use on the lot.

Building, Office: A building constructed or converted for a principal use as space(s) for business, professional and/or administrative, offices, but shall not include storage yards or warehousing operations. No permit for any "office building" exceeding 1,500 square feet shall be approved in Conservation, Agriculture, or Residential Districts unless a Special Use Permit is secured.

Bulk Petroleum Products Storage: A structure(s) and/or container(s) designed for and used as storage facilities for oil, fuel oil, or other petroleum products, usually stored in large quantities. Such use may also consist of facilities for the distribution of said products to customers and storage and services of associated vehicles.

Camps and Campgrounds, Recreational: An area, whether publicly or privately owned, upon which are located sites for two (2) or more travel trailers, camping trailers, truck trailers, motorhomes, or tents for seasonal or temporary recreational occupancy. Camps include land and buildings used by recreational vehicle parks, civic, religious, and social organizations for social, recreational, educational and/or religious activities on a seasonal basis.

Camping Trailers: A vehicular portable structure mounted on wheels, constructed with collapsible, partial sidewalls of fabric, plastic, or other pliable materials for folding compactly while being transported.

Carport: A roofed space having at least one side permanently open to the weather, primarily designed or used for parking motor vehicles.

Car Wash: A building or portion thereof containing facilities for washing and/or waxing two (2) or more automobiles, using a chain conveyor, blower, steam cleaning device, or other mechanical devices either by the patron or others.

Cat Shelters: A place prepared to house and care for stray cats until adopted by new owners or euthanized. The operation of such cat shelters shall be restricted to the Shenandoah County Humane Society or similar non-profit organization chartered with the responsibility to care for animals. (Amended 3/23/93)

Cellar: A space having more than one-half (1/2) of its height below grade. A cellar shall not be counted

as a story but the exposed portion in the front of the structure shall be counted as part of the height requirements.

Centerline: A line lying between the side lines of a street right-of-way.

Certificate of 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 the Zoning Ordinance, and/or that a building, structure, sign and/or land may be lawfully used for specific purposes, as specified herein.

Circuit Court: The Circuit Court of Shenandoah County, Virginia.

Clinic: An establishment where people who are not lodged overnight are admitted for examination and/or treatment by doctors or dentists.

Club (Lodge), Private: Building(s) and other facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Cluster Housing Development: A Cluster Housing Development shall be defined as a complex of detached, single-family residential dwellings, to be constructed on a plat of land of at least five (5) and not more than twenty-five (25) contiguous acres under one ownership or control, not to be subdivided into the customary street and lot patterns. In order to maintain a greater degree of flexibility in regard to a Cluster Housing Development, the County reserves the right to modify existing Zoning and Subdivision regulations in regard to minimum lot size, minimum setback lines, maximum percentage of lot coverage, minimum frontage requirements and street design.

Commercial: Any retail, or service business activity established to carry on trade for a profit.

Commission: The Planning Commission of Shenandoah County, Virginia.

Common Open Space: An open tract or parcel of land owned in undivided interest, not devoted to structures but directly related to a development, as herein provided.

Comprehensive Plan: The Shenandoah County Comprehensive Plan, 1990, adopted November 13, 1973.

Conservation Preserve: An area specifically designated for the protection and/or increase in number or type of wildlife, forestry or unique forms of vegetation.

Construction Site: The total necessary land required for all buildings or uses within a unified development before a Zoning Permit may be issued.

Contiguous: For the purpose of implementing Section 516, contiguous shall mean sharing a common boundary line or located directly across a public road (other than an interstate highway), a private road, or private access easement. (Adopted 11/8/94)

Convalescent Home: See Nursing Home.

Conventional on-site Sewage Disposal System: Deleted 11/8/94.

Country Club and Amenities: Shall include a golf course, club house and accessory uses and buildings which are publicly or privately owned and may include other uses such as restaurants, snack bars, tennis courts, swimming pools, pro shops, riding stables, tack shops. (Amended 2/11/92)

Cul-De-Sac: A local street, on one end of which is closed and consists of a circular turn around.

Dairy: A commercial establishment for the manufacture, processing and/or sale of dairy products.

Densely Settled Area: An area composed of five (5) or more parcels of less than six (6) acres each, which are contiguous to each other and on each of which is situated an existing dwelling, school, church, and/or non-agricultural use. (Adopted 11/8/94)

Designated Growth Area: The Strasburg Annexation Area, the Toms Brook Maurertown Sanitary District, and any other designated growth area approved by the Shenandoah County Board of Supervisors by adoption of an ordinance amending and adding to this definition. (Adopted 11/8/94)

Development: The process of erecting or causing to be erected buildings or structures on a lot.

District: A division of territory within Shenandoah County within which certain uniform standards apply under the provisions of this Ordinance.

Drive-In Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a "fast food" or primarily a "carry out" establishment.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to the public street.

Duplex: A two-family residential structure; the residential units may be arranged one above the other, or be semi-detached.

Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, motels, mobile homes and travel trailers. All dwellings shall be constructed in accordance with the Shenandoah County Building Code.

Dwelling, Existing: For the purpose of implementing Section 516, either of the following shall constitute an existing dwelling, provided however that the dwelling is not owned by the poultry or hog grower proposing or operating the poultry or hog facility:

- a. A structure, designed for residential use, which is occupied on the date a completed application for a poultry or hog facility permit is received by the office of the Zoning Administrator; or
- b. A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the two (2) years immediately preceding the date on which a completed application for a poultry facility permit is received by the office of the Zoning Administrator. (Adopted 11/8/94)

Dwelling, Multiple-family: A structure arranged or designed to be occupied by more than two (2) families.

Dwelling, Semi-Detached: A dwelling unit attached to another dwelling unit by a common wall without openings. Such structure shall be considered a two-family structure.

Dwelling, Single-Family: A detached structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling Unit: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen. All dwelling units shall be constructed in accordance with the Shenandoah County Building Code.

Easement: A right given by the owner of land to another party for specific limited use of that land.

Engineer: A person who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

Erected: Constructed, reconstructed, moved or structurally altered.

Family: One (1) or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit; or a number of persons, but not exceeding four (4) persons, living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage.

Feed Lot, Commercial: Deleted 11/8/94.

Fence: A free standing structure of metal, masonry composition or wood or any combination thereof resting on, or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes. Trees, shrubbery, or other foliage does not constitute a fence.

Flea Market: An assembly of vendors, selling new or used products in the open air or within structures, who sell their products on the property of another for a consideration more often than three (3) days per calendar year. This term shall not apply to an assembly of vendors selling agricultural or marine products.

Flood Plain: Sections of land which are subject to periodic flooding as defined or approved by the Department of Housing and Urban Development "Flood Insurance Study" and accompanying maps and such other areas may be determined by local, state or federal

governmental officials for sections of land not included in the above mentioned study.

Floor Area: The floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot measured from the exterior faces of exterior walls. Floor area shall include the areas of basements when used for residential, commercial or industrial purposes when such are permitted, but shall not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

Frontage: The minimum width of a lot at the building setback line measured from one side lot line to the other.

Funeral Parlor, Home or Mortuary: An establishment used for human funeral services, and may or may not include facilities for the performance of autopsies, other surgical procedures, embalming or cremation.

Garage, Private: Accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is accessory.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor vehicles.

Gasoline Service Station: See Automobile Service Station.

General Store, Country: A single store, the ground floor area of which is a maximum of four thousand (4,000) square feet and which offers general merchandise for sale. Gasoline may also be offered for sale but only as a secondary activity.

Golf Course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings, but excluding golf driving ranges.

Golf Driving Ranges: A limited area in 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 Shenandoah County, Virginia.

Grade: The average of the finished ground level adjoining a building.

Greenhouse: (Retail) A glassed or transparent enclosure used for the growing and cultivation of plants for sale directly to the consumer.

Health Official: The legally designated health authority of the State Board of Health for Shenandoah County or his authorized representative.

Hog Facility, Intensive: The housing, feeding, or confining of more than ten (10) swine and their farrow, if the farrow are removed prior to reaching twelve (12) weeks of age, and related accessory uses or structures. (Adopted 11/8/94)

Hog Grower: The owner of the hog facility or of the land on which the facility is located. (Adopted 11/8/94)

Home Business: An occupation which is incidental and secondary to the use of the property as a residence but exceeds the requirements for a home occupation as set forth in Section 502. (Amended 11/14/89)

Home Occupation: An occupation entirely within a dwelling unit by residents of that unit, provided that such occupation is clearly incidental and secondary to the use of the property as a residence. Home occupations must meet the standards as set forth in Section 502. (Amended 11/14/89)

Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanitariums, but in all cases excluding institutions primarily for mental or feebleminded patients, epileptics, alcoholics, or drug addicts, (certain nursing homes, and homes for the aged may be "home occupation" if they comply with the definitions herein).

Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Industry: Includes warehousing and manufacturing uses which produce some noise, or traffic congestion, but which are of limited scale or character.

Junk Yard: Any place or area in excess of two hundred (200) square feet where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled including auto wrecking yards, automobile graveyards, house wrecking

yards, used lumber yards and places or yards for the storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where uses are conducted entirely within a completely enclosed building; and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in inoperable condition or salvage materials incidental to manufacturing operations.

Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for five (5) or more dogs over six (6) months of age.

Landscaping: The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include grading of soil, addition of pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Laundromat: A place where patrons wash, dry, or dry clean clothing and fabrics in machines operated by the patron.

Livestock - Domestic Use: Livestock for domestic use shall mean horses, ponies, cattle and sheep, which shall be for the pleasure of the landowner or landowner's family. Minimum acreage for the keeping of domestic livestock shall not be less than three (3) acres.

Livestock Market: A commercial establishment wherein livestock is collected for sale.

Lodge, Private: Associations and organizations of a fraternal or social character not operated or maintained for profit, but shall not include night clubs or other institutions operated as a business.

Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot Area: An area of land which is determined by the limits of the property lines bounding that area and expressed in square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot areas.

Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

Lot, Depth of: The average horizontal distance between the front and rear lot lines.

Lot, Utility Facilities: A parcel of land occupied or to be occupied by electric substations, or booster, relay or pump stations for natural gas, telephone, water, sewer and similar public utilities.

Lot, Interior: Any lot other than a corner lot.

Lot Line: Any boundary line of a lot.

Lot, Width of: The average horizontal distance between side lot lines. (See frontage)

Lot of Record: A lot, a plat or description of which has been recorded in the Office of the Clerk of the Circuit Court of Shenandoah County at or before the date of adoption of this Ordinance.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Manufacture and/or Manufacturing: The process and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufacture of Deli Sandwiches: The assembly and packaging of ready to eat sandwiches; including cooking, baking and preparation of the various components which are needed to produce sandwiches. Does not include on premise sales to the public. (Amended 12/10/91)

Manufactured House: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Adopted 6/13/95)

Marquee: A roof-like structure or awning projecting over an entrance, as to a theater.

Mobile Home: As defined by the Shenandoah County Trailer Park Ordinance.

Mobile Home, Double-Wide: Two or more industrialized building units constructed on a chassis for towing to the point of use, such units separately towable but designed to be joined together at the point of use to form a single dwelling.

Mobile Home Lot: As defined by the Shenandoah County Trailer Park Ordinance.

Mobile Home Park: As defined by the Shenandoah County Trailer Park Ordinance.

Motel: A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to auto courts, motor courts, motor inns, tourist courts, motor lodging, or roadside hotels. Cooking facilities may be provided for each unit.

Motor Home: A portable structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, containing living facilities.

Motor Vehicle Impoundment Lot: Any lot or place which is exposed to the weather, where motor vehicles are temporarily parked or stored. Motor vehicle disassembly or repair shall not be conducted from a Motor Vehicle Impoundment Lot nor shall a Motor Vehicle Impoundment Lot be used as an Automobile Graveyard. Motor vehicles stored in impoundment lots shall be completely screened from view on all sides by using a visually opaque fence at least eight (8) feet in height. Vehicles placed in an Impoundment Lot shall not be permitted to remain there longer than 120 days. Operators of impoundment lots shall maintain a permanent record identifying the vehicle by the manufacturer's vehicle identification number and its date of placement on the lot. The permanent record shall be made available for inspection by County Officials. (Amended 11/11/87)

Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located.

Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located.

Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance for the district in which it is located.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors, and which enjoys tax exempt privileges.

Nursery: (Retail) Land used to raise trees, shrubs, flowers and other plants for sale directly to the consumer.

Nursing Home: Also known as extended care home, rest home, or convalescent home. A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care of chronic or convalescent patients and which is properly licensed by the State. Such terms shall include group homes serving mentally retarded or other developmental disabled persons.

Official Zoning Map: The legally adopted zoning map of Shenandoah County.

Off-Street Parking Area: Space provided for vehicular parking outside the dedicated street right-of-way.

Off-Street Parking Area, Agriculture Zoned District: Space provided for vehicular parking outside the dedicated street right-of-way, as a main use with the issuance of a Special Use Permit, when such land used for off-street parking is adjacent to an existing use in a zoning district other than an Agriculture (A-1) zone. (Amended 3/10/92)

Open Space: Open space is that area located within the boundaries of development, designed and permanently set aside for use by all residents of the development, and not dedicated as public lands. The location of open spaces shall be planned as a contiguous area located for maximum benefit of the residents, preserving and where possible enhancing natural features. Open spaces shall not include road right-of-ways or utility strips. (Adopted 7/7/87)

Parcel: A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded with the Clerk to the Circuit Court. (Adopted 11/8/94)

Parking Lot: An off-street area with an all-weather surface designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space.

Parking Space: An area of not less than ten (10) feet by twenty (20) feet for each automobile or motor vehicle. Such space shall be exclusive of necessary drives, aisles, entrances, or exits and shall be fully accessible for the storage or parking of vehicles.

Permanent Foundation: Permanent Foundations for manufactured houses or mobile home include any of the following types of foundations selected by the owner, dealer or contractors:

1. Masonry piers and anchoring systems, specified by the manufacturer of the home in the installation instructions, as required and approved in accordance with the Federal Manufactured Housing Construction and Safety Standards.
2. Concrete foundations or permanent wood foundation systems constructed in compliance with ANSI A225.1 Manufactured Home Installation Standard.
3. Foundations meeting the requirements of the U.S. Department of Housing and Urban Development Handbook 4930.3, Permanent Foundations Guide for Manufactured Housing.
4. Foundation systems for manufactured homes over basements.
5. Any other foundation system approved as a permanent foundation by the authority having jurisdiction as outlined in Section 107.1 of the Virginia Uniform Statewide Building Code. (Amended 6/13/95)

Personal Service Establishment: Any building under 1500 square feet wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include but need not be limited to barber shops, beauty shops, pet grooming establishments, laundering, cleaning and other garment servicing establishment, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business, but not including retail stores, offices of physicians, dentists, and veterinarians, or linen or diaper service establishments. (Amended 4/12/94)

Planning Commission: The Shenandoah County Planning Commission.

Poultry Facility, Intensive: The housing, feeding, or confining of more than two hundred (200) chickens, one hundred thirty two (132) turkeys or one hundred (100) other type of fowl and related accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds. (Adopted 11/8/94)

Poultry Grower: The owner of the poultry facility or of the land on which the facility is located. (Adopted 11/8/94)

Principal Use: The main use of land or structures as distinguished from a secondary or accessory use.

Professional Offices: A structure designed for use by a person or persons in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry and other like endeavors, and requiring licensing and regulation by the Commonwealth of Virginia.

Public Utility: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewer, transportation and communications.

Public Water and Sewer System: A water or sewer system owned and operated by a municipality, county, public authority, or owned and operated by a private individual or a corporation as approved by State regulatory agencies.

Pulpwood Concentration Yard: An area wherein pulpwood is collected for shipping to pulp and paper mills for future processing.

Recreational Area, Commercial: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreational area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

Recreational Vehicle (Travel Trailers): A vehicle thirty-two (32) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle.

Refuse Disposal Facility (Sanitary Landfill): Any site or operation used for the disposal of refuse and which meets the standards and/or specifications of the State Department of Health and/or the County of Shenandoah.

Rendering Plant: A facility used or designed to be used for the purpose of converting dead animals into a product or products for other than human consumption.

Required Open Space: Any space required in any front, side or rear yard or other open areas as specified in this Ordinance.

Restaurant: Any building in which compensation, food or beverages are dispensed for consumption on or off premises.

Retail Floor Space: Interior floor area devoted to display and sale of goods open to the public. Excludes storage area, shipping docks and outside displays where permitted.

Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards).

Road: See street.

Roadside Stand or Market: Any structure or land used solely for the sale of agricultural or marine produce.

Rooming House: A building in which more than two (2) rooms are let for hire and lodging only is provided for compensation to three (3) or more persons, but not exceeding thirteen (13) persons. A building which has accommodations for hire for more than thirteen (13) persons shall be defined as a "hotel".

Sawmill: A sawmill located on public or private property for the processing of timber.

School: A public or private educational organization or institution, which may include educational, recreational, vocational instruction, and parking uses. Vocational instruction uses may include automobile repair, machine shop, electronics, light assembly and processing, personal service, business secretarial, data processing, and recycling uses and shall be secondary or accessory to the general educational uses. (Adopted 3/28/95)

Screen Buffer: Screen buffers are evergreen trees planted to lessen the impact of noise or visual interaction between adjacent activities. One of three levels of screen buffering may be designated by the approving body at the time of Special Use Permit or Site Plan approval. The approving body shall have discretionary authority in deciding if screen buffering is required, and if so, which level shall be employed. The definitions of the three levels are as follows:

Light Screen Buffer: A single row of evergreen trees, four (4) foot tall and planted six (6) foot on center.

Medium Screen Buffer: A staggered double row of evergreen trees, four (4) foot tall and planted six (6) foot on center.

Opaque Screen Buffer: A staggered triple row of evergreen trees, six (6) foot tall and planted eight (8) foot on center.

Any screen buffer requirement shall also include the maintenance of trees after they are planted and replacement of same if any should die. (Amended 9/22/92)

Setback: The minimum distance by which any building or structure must be separated from the front lot line.

Shopping Center: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are inter-connected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

Sign: Any display of letters, words, numbers, pictures, or any parts of combinations thereof, made visible for the purpose of making anything known, which display is visible beyond the boundaries of the parcel of land on which the same is located.

Sign Structure: Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

Sign Business: A sign which directs attention to a product, commodity, or service available on the premises.

Sign, Directional: A sign (one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the farm, or business responsible for the erection of the same.

Sign, General Advertising: A sign which directs attention to a product, commodity or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.

Sign, Home Business: A sign directing attention to a product commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

Sign, Identification: A sign which directs attention to a product, commodity, or service available upon the same lot where such sign is located.

Sign, Temporary: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of property. Provided that no sign is displayed longer than seven (7) days after the conclusion of the activity.

Site Plan: A map of a tract or parcel of land showing the information as required under Section 511.

Sparsely Settled Area: Any area in the Conservation (C-1) or Agriculture (A-1) zone that does not meet the definition of a densely settled area. (Adopted 11/8/94)

Special Use Permit: A permit issued for a use permitted in a particular district by the Board of Supervisors upon recommendation of the Planning Commission to occupy or use land and/or a building or structure erected thereon for a specific purpose not permitted by right, but permitted in accordance with standards or conditions established in this Ordinance.

STC: Sound Transmission Class of building materials and assemblages of materials as determined by ASTM Standard E 413-73. (Adopted 7/12/94)

Story: That portion of a building, other than the cellar, included between the surface of any floor and the surface of the next highest floor. If there be no floor above, the space between the floor and the ceiling next above it.

Street (Road): A highway, street, avenue, boulevard, road, lane, alley, or any public or private right-of-way designated for vehicular use.

Streets, Center Line of: A line lying midway between the street right-of-way lines.

Street, Line: The dividing line between a street or road right-of-way and the contiguous property.

Structural Alteration: Any change, modification, addition or deletion to an existing structure.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Surveyor, Professional: A licensed professional surveyor, registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as a "Surveyor". This term shall also include Land Surveyors.

Theater, Indoor: A building designed and used primarily for the commercial exhibition of motion pictures to the general public or used for the performance of plays.

Tourist Home: A building where lodging only is provided for compensation for up to fourteen (14) persons (in contradiction to hotels and boarding houses) and open to transients.

Townhouse: A building consisting of dwelling units arranged, designed, and each intended for and occupied exclusively by one family; said building consisting of not less than three (3) nor more than eight (8) attached dwellings units with a semi-detached unit on each end thereof being included within the aforesaid minimum and maximum numbers; each dwelling unit shall be separated by an unpierced party wall going to the roof and contain at least two (2) and not more than two and one-half (2 1/2) stories, and each dwelling unit having at least one (1) separate entrance from the outside.

Trailer: As defined by the Shenandoah County Trailer Park Ordinance.

Trailer Park or Trailer Camps: As defined by Article I of the Shenandoah County Trailer Park Ordinance.

Travel Trailer Park or Travel Trailer Camp: A site where travel trailers (recreational vehicles) are parked temporarily in conjunction with travel, recreation or vacation.

Truck Stop, Truck Terminal: Any establishment open to the public that has five (5) or more diesel fuel pumps along with provisions for parking and/or servicing of five (5) or more tractor trailers.

Use: The purpose or activity for which a piece of land or its building is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of 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.

Veterinary Hospital: A facility rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations for such animals.

Wholesale (Stores, Business, Establishments): Sale of goods for resale and not for direct consumption. Sales primarily to retailers and consumers.

Winery: A commercial establishment for the processing of agricultural products into wine and related products and for the sale thereof.

Yard: An open space on a lot other than court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

Yard, Front: The minimum area between the street line and the nearest edge of the main building, excluding steps.

Yard, Rear: The minimum open unoccupied space on the same lot as a building or use, between the rear line of the building (excluding steps and accessory building), or use where applicable, and the rear line of the lot and extending the full width of the lot.

Yard, Side: The minimum open unoccupied space on the same lot as a building or use between the side line of the building (excluding steps) or use and the side line of the lot, and extending from the front yard line to the rear yard line.

Zoning Administrator: See Administrator.

Zoning Map: The Official Zoning Map of Shenandoah County, Virginia, and all amendments thereto.

Zoning Permits: A certificate issued by the Zoning Administrator for authorizing the uses of land and/or structure(s) as required by this Ordinance.

APPENDIX A

FLOOD PLAIN REGULATIONS

ADOPTED ON MAY 14, 1991

(AMENDED 10/11/94, 12/13/94, and 6/13/95)

APPENDIX A
FLOOD PLAIN ORDINANCE

ARTICLE I - GENERAL PROVISIONS

1.1 Purpose

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood prone districts to be protected and/or flood proofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

1.2 Applicability

These provisions shall apply to all lands within the jurisdiction of Shenandoah County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

1.3 Compliance and Liability

- A. No land shall hereinafter be developed nor shall a structure be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory

purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

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

1.4 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

1.5 Severability

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

1.6 Penalties

- A. Any person who fails to comply with any of the requirements or provisions of this ordinance or direction of the zoning officer or any other authorized employee of the Shenandoah County shall be guilty of a misdemeanor of the first class and subject to the penalties therefor.
- B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance to permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this ordinance may be declared by the Board of Supervisors to

be a public nuisance and abateable as such. Flood insurance may be withheld from structures constructed in violation of this ordinance.

ARTICLE II DEFINITIONS

- A. Base Flood/One Hundred Year Flood - A flood that, on the average, is likely to occur once every 100 years (i.e., that has one (1) percent chance of occurring each year, although the flood may occur in any year).
- B. Board of Zoning Appeals - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- C. Development - Any man-made change to improve or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, drilling operations, or storage of equipment or materials.
- D. Enhanced Flow Distribution - The initiation of the effluent flow to the on-site sewage disposal system distribution box by pump or siphon for the purpose of insuring more uniform flow splitting to percolation lines. (Adopted 10/11/94)
- E. Flood - A general and temporary inundation of normally dry land areas.
- F. Flood-Prone Area - Any land area susceptible to being inundated by water from any source.
- G. Floodplain - (a) A relatively flat or low land area adjoining a river, stream or water course which is subject to partial or complete inundation; (b) an area subject to the usual and rapid accumulation or runoff of surface water from any source.
- H. Floodway - The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.
- I. Historic Structure - Any structure that is:
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the

Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

J. Manufactured Home - A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; it is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structures.

K. New Construction - For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on/or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

L. Recreational Vehicle - A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;

- (c) Designed to be self-propelled or permanently towable by a vehicle.
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- M. Start of Construction - The date the building permit was issued, provided 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 grading, clearing and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a 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.
- N. Special Use Permit - A permit issued for a use permitted in a particular district by the Board for Supervisors upon recommendation of the Planning Commission to occupy or use land and/or a building or structure erected thereon for a specific purpose not permitted by right, but permitted in accordance with standards or conditions established in this ordinance.
- O. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- P. Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary,

or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS

3.1 Description of Districts

- A. The various Floodplain Districts shall include areas subject to inundation by waters of the 100 year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Shenandoah County prepared by the Federal Insurance Administration, U.S. Department of Housing and Community Development, dated February, 1978, as amended.
1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying waters of one of the 100 year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table II of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
 2. The Flood-Fringe District shall be that area of the 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of the District shall be the 100 year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.
 3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100 year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the 100 year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, known

highwater from the past 100 year floods, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County of Shenandoah.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain Districts shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

3.2 Official Flood Plain Map

The boundaries of the Floodplain Districts are established as shown on the (Flood Boundary and Floodway Map) which is declared to be a part of this ordinance and which shall be kept on file at the County offices.

3.3 District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

3.4 Interpretation of District Boundaries

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

ARTICLE IV - DISTRICT PROVISIONS

4.1 General Provisions

- A. Permit Requirement - All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinances, such as the Virginia Uniform Statewide Building Code and the Shenandoah County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- B. Alteration or Relocation of Watercourse - Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

4.2 Flood Plain District

In the Flood Plain District (Floodway, Floodfringe and Approximate Flood Plain Districts) the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses,

activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

In addition, in the Floodway District no encroachment, including fill, new construction, substandard improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100 year flood elevation.

A. Permitted Activities - In the Flood Plain District the following activities are permitted provided that they are in compliance with the provisions of this ordinance and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment.

1. Agriculture uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
3. Accessory residential uses such as yard areas, gardens, play areas, and previous parking and loading areas, airport landing strips, etc.
4. Septic drainfields serving on-site sewage disposal systems for single family homes, not including septic tanks, pumps, or pretreatment facilities, provided:
 - (a) no other site for a septic drainfield can be found on the lot outside the Floodplain District that meets the requirements of the State Health Department's Sewage Handling and Disposal Regulations; and (Amended 10/11/94)
 - (b) the septic drainfield is designed and installed to meet the design criteria in Section 4.5.F of these Floodplain Regulations. (Amended 10/11/94)
 - (c) The design criteria in Section 4.5.F. shall not apply to drainfields in the 100-year floodplain serving dwellings or lots of record existing

prior to October 1, 1978 for which a valid permit was issued by the Health Department prior to October 11, 1994, and such permit has not expired. (Amended 12/13/94)

B. Activities Permitted by Special Use Permit

1. Single family detached dwellings, manufactured houses on permanent foundations, and industrial structures which are to be constructed on lots of record which were recorded prior to July 27, 1978 and structures accessory to the uses and activities in Section A above, provided that all dwellings and manufactured houses are elevated according to the standards set forth in Section 3107 of the BOCA National Building Code and Section 420.3.2 of the Virginia Uniform Statewide Building Code. (Amended 6/13/95)
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewerage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
4. Extraction of sand, gravel, and other materials.
5. Temporary uses such as circuses, carnivals, and similar activities.
6. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

C. Site Plans and Permit Applications

All applications for development in the Floodplain District and all building permits issued for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
3. The elevation of the 100 year flood.

4. Topographic information showing existing and proposed ground elevations.
5. Within the Approximated Floodplain District, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100 year flood elevation more than one (1) foot at any one point. The engineering principle -- equal reduction of conveyance - shall be used to make the determination of increased flood heights.

D. Deleted 6/13/95

E. Recreation Vehicles

Recreation vehicles placed on sites in the Flood Plain shall not be on the site longer than two consecutive weeks.

4.5 Design Criteria for Utilities and Facilities

A. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

C. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

F. Septic Drainfields (Adopted 10/11/94)

All septic drainfields shall meet standards set forth in the Virginia Health Department's Sewage Handling and Disposal Regulations or the following standards, whichever are the more restrictive:

1. For drainfields having any portion within 100 feet of the edge of the stream or river,
 - (a) the sewage disposal system shall be designed using enhanced flow distribution;
 - (b) no drainfield on a lot created after October 1, 1978, shall be located closer than 200 feet to another drainfield;
 - (c) no drainfield shall be located closer than 20 feet to a stream or river;
 - (d) the minimum separation from the bottom of the drainfield trench to the water table shall be 24 inches.
 - (e) sewage entering the drainfield shall be pretreated by either a recirculating sand filter or an intermittent sand filter constructed according to the plans and specifications in Virginia Health Department regulations (GMP-33 or the most current regulations) as modified by the following standards:
 - Recirculating sand filter: The loading rate shall not exceed 10 gallons per square foot and shall have a minimum of 45 square feet of surface area;
 - Intermittent sand filter: The loading rate shall not exceed 2 gallons per square foot;

(f) however, if the drainfield is located 50 feet or more from the adjacent river or stream and separation from the bottom of the drainfield trench to the water table is 48 inches or more, pretreatment as described in Section 4.5 F.1 (e) above shall not be required.

2. For drainfields located in their entirety more than 100 feet from the edge of the stream or river but within the Floodplain District,

(a) the minimum separation from the bottom of the drainfield trench to the water table shall be as follows:

Minimum Separation Distances to Water Table

<u>Soil Texture Group</u>	<u>Percolation Rate (minutes per inch)</u>	<u>Separation Distance (inches)</u>	
		<u>without treatment</u>	<u>with treatment¹</u>
Group I	1 to 16	24	18
Group II	17 to 45	18	12
Group III	46 to 90	18	12
Group IV	90 to 120	18	12

¹Pretreatment in this context refers to sewage that has been treated to reduce both BOD and suspended solids to 30 mg/l or less.

3. For all drainfields located within any portion of the Floodplain District,

(a) the minimum depth from the ground surface to the bottom of the drainfield trench shall be 18 inches;

(b) sewage disposal systems shall be designed so that the nitrate concentration of treated effluent at the adjacent river or stream does not exceed 5 mg/l. Mounding and nitrate concentration calculations shall be submitted with the permit application to the Health Department when the proposed system and adjacent systems within 100 feet would treat more than a total of 1000 gallons per day;

(c) a permit shall be obtained from the State Health Department. (Adopted 10/11/94)

ARTICLE V - VARIANCE APPEALS

In passing upon applications for variances or appeals to the provisions of this ordinance, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in Section 605 through 606.4 of the Zoning Ordinance. In addition the following factors shall also be considered:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the 100 year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the

variance is the minimum necessary to preserve the historic character and design of the structure.

- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters. The expense of any additional technical assistance that may be required by the Board of Zoning Appeals shall be the responsibility of the applicant.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances will be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100 year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

ARTICLE VI - EXISTING STRUCTURES IN FLOODPLAIN DISTRICT

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which

is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100 year flood elevation.
- B. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty (50) per cent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code.

APPENDIX B

AIRPORT SAFETY ZONING

ADOPTED ON OCTOBER 8, 1991

APPENDIX B
AIRPORT SAFETY ZONING

ARTICLE I - GENERAL PROVISIONS

1.1 Purpose

This Ordinance is adopted pursuant to the authority conferred by Chapter 11 of Title 15.1, and specifically to satisfy the requirements of Section 15.1-491.02 of the Code of Virginia 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents of Shenandoah County; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the investment therein. Accordingly, it is declared:

1. That is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That Shenandoah County derives economic development and enhanced interstate commerce from the Sky Bryce/Basye Airport and the New Market Airport when such airports and their surrounding vicinity is held strictly to the highest possible safety standards; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

ARTICLE II - DEFINITIONS

- 2.1 As used in this ordinance, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

2.2 Administrator

The official charged with the enforcement of this ordinance shall be the Zoning Administrator.

2.3 Airport

Airport shall mean either the Sky Bryce/Basye airport or the New Market Airport.

2.4 Airport Elevation

The highest point on any usable landing surface expressed in feet above mean sea level.

2.5 Approach Slope

An imaginary surface, longitudinally centered on the extended runway centerline, beginning one hundred (100') feet from the end of the runway and extending outward and upward at a 15:1 slope for a distance of five thousand (5,000) feet. The inner edge of the approach slope is the same width as the primary surface and expands uniformly to a width of one thousand and two hundred (1,200) feet. The geometric design of the approach slope coincides with the Commonwealth of Virginia Rule 19 Surfaces in effect on August, 1991.

2.6 Approach, Clear and Transitional Zones

The airspace zones as set forth in Article 3 of this ordinance.

2.7 Hazard to Air Navigation

An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

2.8 Height

For the purpose of determining the height limits in all zones set forth in Article 4 of this ordinance and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

2.9 Nonconforming Use

Any pre-existing structure or object of natural growth which is inconsistent with the provisions of this ordinance or any amendment to this ordinance.

2.10 Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Article 4 of this ordinance.

2.11 Permit

A certification issued by the Zoning Administrator of Shenandoah County allowing a person to begin an activity in accordance with this ordinance.

2.12 Person

Any individual, firm, partnership, corporation, company, association, joint stock association, or government entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

2.13 Primary Surface

A surface, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

2.14 Runway

A specified area on an airport prepared for landing and takeoff of aircraft.

2.15 Structure

Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

2.16 Side Slope Area

An area included in the transitional surface.

2.17 Transitional Surface

An imaginary surface extending outward and upward at right angles from the edge of the primary surface for a horizontal

distance of 1666.7 feet on an upward slope of 5:1. The transitional surface gradually tapers from the 1666.7 foot mark until it connects with the outermost edge of the approach slope. The side slope area is included in the transitional surface. The geometric design of the transitional surface coincides with the Commonwealth of Virginia Rule 19 Surfaces in effect on August, 1991.

2.18 Vegetation

Any object of natural growth.

2.19 Zone

All areas provided for in Article 3 of this ordinance, generally described in three dimensions by reference to ground elevation, horizontal distances from the runway centerline and the primary surface and, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this ordinance.

ARTICLE 3 - AIRPORT SAFETY ZONES

3.1 In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of Shenandoah County lying equal to and above the approach surfaces, and transitional surfaces as they apply to the Sky Bryce/Basye airport and the New market airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Articles 4 and 5 of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

3.2 Approach Zone

A zone that extends away from the runway and ends along the extended runway centerline, with the floor set by the approach surfaces.

3.3 Transitional Zone

A zone that is perpendicular to the runway centerline and tapers to connect the outermost edge of the approach surface

with the floor set by the transitional surface.

3.4 Clear Zone

A zone that stands away from the runway and ends along the extended runway centerline for a horizontal distance of one thousand (1,000) feet, with the floor set by the approach surfaces.

- 3.5 The source and the specific geometric design standards for these zones are defined in Rule 19 of the Rules and Regulations of the Virginia Department of Aviation. A copy of these design standards is found in the Appendix of this ordinance.

ARTICLE 4 - AIRPORT SAFETY ZONE HEIGHT LIMITATIONS

- 4.1 Except as otherwise provided in this ordinance, in any zone created by this ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in Article 3 of this ordinance at any point.
- 4.2 The height restrictions, or floors, for the individual shall be those planes delineated as surfaces in Rule 19 of the Rules and Regulations of the Virginia Department of Aviation. A copy of these design standards is found in the appendix of this ordinance.

ARTICLE 5 - USE RESTRICTIONS

- 5.1 Notwithstanding any other provision of this Ordinance, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such manner as to:
- 5.2 Create electrical interference with navigational signals or radio communications between the airport and the aircraft;
- 5.3 Diminish the ability of pilots to distinguish between airport lights and other lights;

- 5.4 Result in glare in the eyes of pilots using the airport;
- 5.5 Impair visibility in the vicinity of the airport;
- 5.6 Create the potential for bird strike hazards; or
- 5.7 Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.

ARTICLE 6
NONCONFORMING USES

- 6.1 Excepted as provided in Section 6.2 and 7.2 of this Ordinance, the regulations prescribed by this Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Ordinance shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.
- 6.2 Notwithstanding the provision of Section 6.1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

ARTICLE 7
PERMITS AND VARIANCES

- 7.1 Except as provided in Section 7.1, 7.2, and 7.3 of this article, no structure shall be erected or otherwise established in any zone created by this Ordinance unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired and with sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless a variance has been approved as provided in Section 7.4
- 7.2 No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto other than with relief as provided for in Section 7.4.
- 7.3 Whenever the Administrator determined that a nonconforming structure has been abandoned or more than fifty (50) per cent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in Section 7.4
- 7.4 Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this ordinance may apply for a variance from such regulations to the Shenandoah County Board of Zoning Appeals (Board). No such variance shall be authorized except after notice and hearing, as required by Section 15.1-431 of The Code of Virginia, as amended. Prior to being considered by the Board, the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance.

- 7.5 Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owners expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the Board, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.
- 7.6 Applications for permits and variances shall be made on forms available from the Administrator, with such forms allowing for enough specific detail such that proper analysis can be given the request.

ARTICLE 8 ENFORCEMENT

- 8.1 The Administrator shall administer and enforce the regulations prescribed in this Ordinance. He or she shall be vested with the police power incumbent to carry out and effectuate this Ordinance, including the action of injunction, prosecution and other available means through the Courts having jurisdiction in Shenandoah County.

ARTICLE 9 APPEALS

- 9.1 An appeal to the Board may be taken by any person aggrieved or by any office, department, board or bureau of the County or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board, all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board 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 otherwise, than by a restraining order, on application and on notice to the Zoning Administrator and for good cause shown.

9.2 Appeals shall be mailed to the Board of Zoning Appeals, C/O the Zoning Administrator, and a copy of the appeal mailed to the Secretary of the Planning Commission. A third copy should be mailed to the individual official, department or agency concerned, if any. The County Planning Commission may send a recommendation to the Board of Zoning Appeals or appear as a party at the hearing. Appeals shall be accompanied by a certified check for One Hundred (\$100.00) Dollars made payable to the Treasurer, Shenandoah County.

9.3 The Board shall fix a reasonable time for the hearing of an application or appeal, give notice thereof as due notice to the properties in interest and decide the same within ninety (90) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to affect any variance from the ordinance.

ARTICLE 10 JUDICIAL REVIEW

10.1 Any person or persons jointly or individually aggrieved by any decision of the Board may present to the Circuit Court of Shenandoah County a petition specifying the grounds on which aggrieved within a thirty (30) days after the Board has reached its decision.

ARTICLE 11 PENALTIES

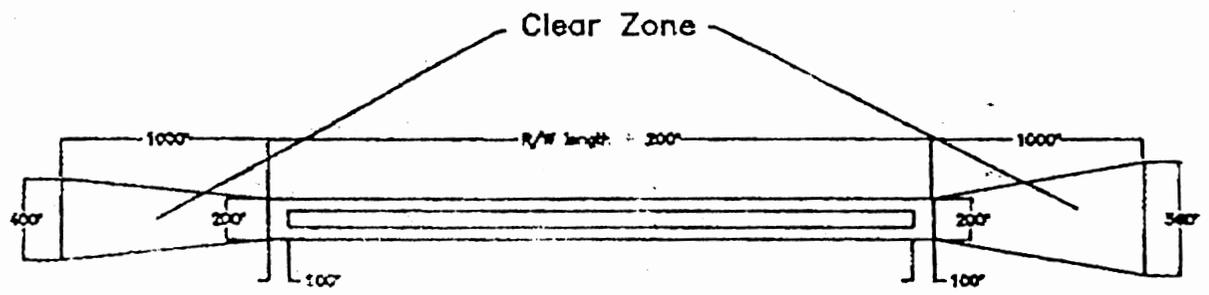
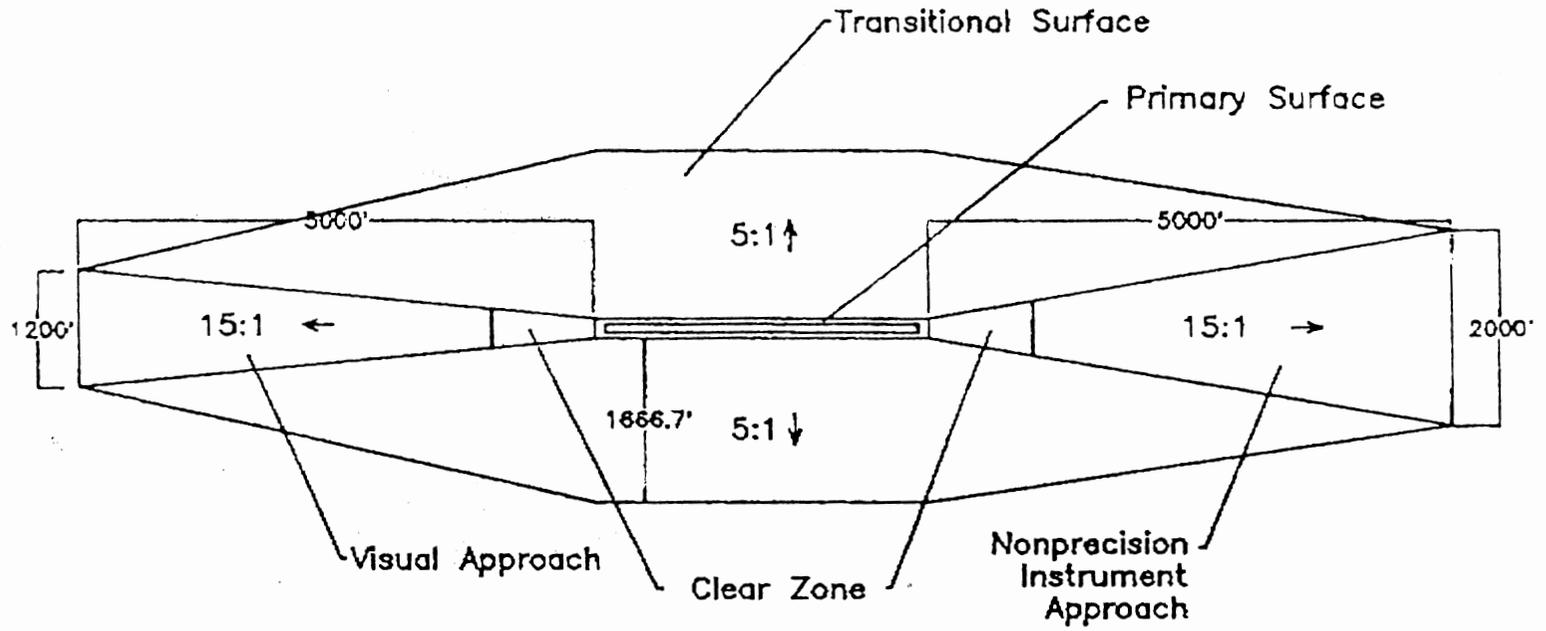
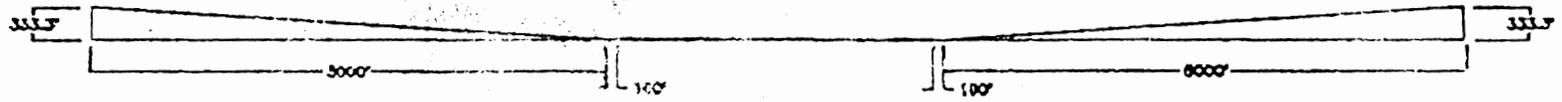
11.1 Each violation of this Ordinance or of any regulation, order, or ruling promulgated under this ordinance shall constitute a misdemeanor and be punishable by a fine of no more than Five Hundred (\$500.00) Dollars. Each day on which a violation occurs shall constitute a separate offense.

ARTICLE 12
CONFLICTING REGULATIONS

- 12.1 Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

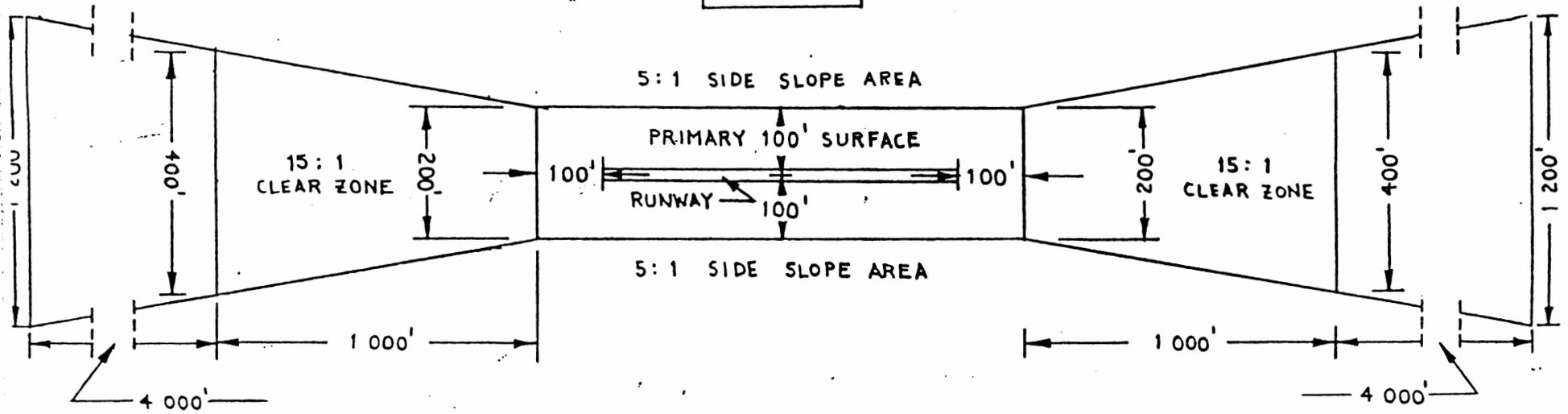
ARTICLE 13
SEVERABILITY

- 13.1 Should any portion or provision of this Ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the Ordinance other than the part held to be unconstitutional or invalid.

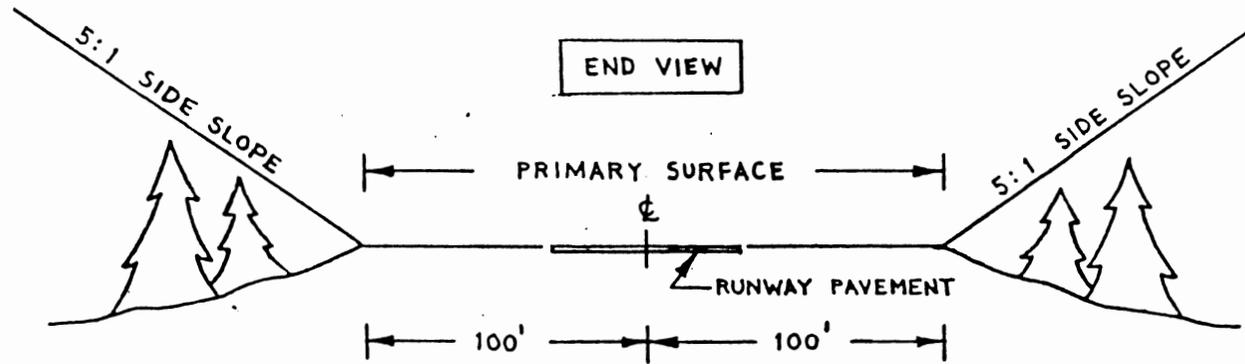


Commonwealth of Virginia
Rule 19 Surfaces

PLAN VIEW



END VIEW



PROFILE VIEW

