

ZONING ORDINANCE

SHENANDOAH COUNTY, VIRGINIA

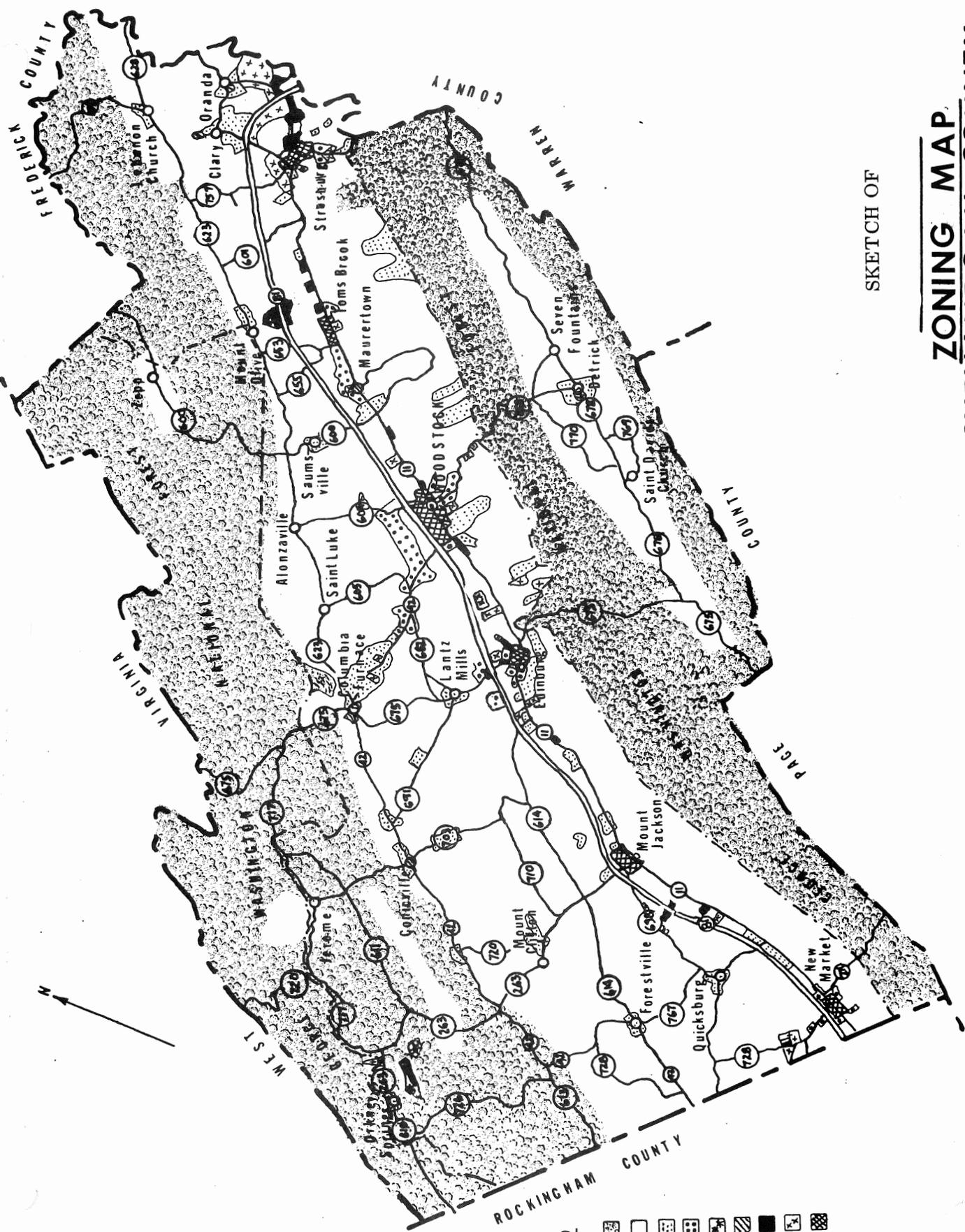
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Adopted: September 12, 1978
Effective: October 1, 1978

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Shenandoah Co.
510 sq. miles
326400 Acres

POLES PER A - 160
Sq. ft. PER A. 43,560



LEGEND

- C- [Pattern]
- A- [Pattern]
- R-1 [Pattern]
- R-2 [Pattern]
- R-3 [Pattern]
- B-1 [Pattern]
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SKETCH OF

**ZONING MAP
SHENANDOAH COUNTY
VIRGINIA**

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ZONING ORDINANCE
SHENANDOAH COUNTY, VIRGINIA

General Authority

WHEREAS, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Code of Virginia, as amended, the Board of Supervisors may by ordinance classify the area it governs into districts of such number, shape and size best suited to carry out the purposes of this Ordinance, and in each district it may provide standards for the following:

- (a) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in sizes of lots based on whether a public or community water supply or sewer system is available and used;
- (d) The excavation or mining of soil or other natural resources.

THEREFORE, be it ordained by the Board of Supervisors of the County of Shenandoah, Virginia, for the purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of Chapter 11, Article 8, Code of Virginia, as amended, that the following be adopted as the Zoning Ordinance of the County of Shenandoah, Virginia, together with the accompanying map.

Adopted by the Board of Supervisors in regular session on Tuesday, September 13, 1978, by unanimous vote, as follows:

Supervisor Neese - Aye
Supervisor Myers - Aye
Supervisor Sollenberger - Aye

Supervisor Hammond - Aye
Supervisor Morris - Aye
Supervisor Richman - Aye

Teste: John D. Castle
Clerk to the Board of Supervisors

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 and 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 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 | - | Conservation |
| A | - | Agriculture |
| R-1 | - | Low-Density Residence |
| R-2 | - | Medium-Density Residence |
| R-3 | - | High-Density Residence |
| B-1 | - | Local Business |
| B-2 | - | General Business |
| M-1 | - | Industry |
| | | Floodplain Conservation |

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 REGULATIONS

301

CONSERVATION DISTRICT, C

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.
- (b) Conservation preserves.
- (c) Single-family detached dwellings.
- (d) Kennel.
- (e) Churches, cemeteries, schools, parks and playgrounds, fire and rescue squad stations, and other public and semi-public uses.
- (f) Roadside stand or market.
- (g) Country or general stores.
- (h) Sawmills or pulpwood concentration yards.
- (i) Individual mobile homes and mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance.
- (j) Lines, poles, and pipes to provide electric, gas, telephone, water or sewer service to structures located on properties adjacent to said facilities.

301.2 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.

301.3 USES PERMITTED BY SPECIAL PERMIT

- (a) Home occupation as provided in Section 502.
- (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 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, 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) Commercial feed lots.
- (h) 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.
- (i) Wineries
- (j) Nursing home

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 maximum of one (1) residential structure per one hundred and twenty-five thousand (125,000) square feet.

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

- (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 (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.

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.

302

AGRICULTURAL DISTRICT, A

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.
- (b) Conservation Preserves.
- (c) Single-family detached dwellings.
- (d) Individual mobile homes and mobile homes parks as authorized by the Shenandoah County Trailer Park Ordinance.
- (e) Schools, churches, parks, and playgrounds, fire and rescue squad stations, libraries, cemeteries, 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.

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.

302.3 USES PERMITTED BY SPECIAL PERMIT

- (a) Lodges, hunting clubs, camps, golf and country clubs.
- (b) Home occupation as provided in Section 502.
- (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.
- (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, 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.

- (h) Commercial slaughter house.
- (i) Roadside stand or market.
- (j) Rendering plant.
- (k) Blacksmith shop.
- (l) Commercial feed lots.
- (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.

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) residential structure per sixty thousand (60,000) square feet.

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

- (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.

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 aeriels, microwave towers and other public communication facilities are exempt from height regulations.

303

LOW-DENSITY RESIDENCE - 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.
 - (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.
- 303.3 USES PERMITTED BY SPECIAL PERMIT:
- (a) Home occupation as provided in Section 502.
 - (b) Public utility generating, booster or relay stations, transformer substation, 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 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.
 - (d) Country or general stores.

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

- (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.

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 public communication facilities are exempt from height regulations.

303.9 SPECIAL PROVISIONS 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 fifty (150) feet.

304

MEDIUM-DENSITY RESIDENCE - 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.
- (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.

304.3 USES PERMITTED BY SPECIAL PERMIT

- (a) Home occupation as provided in Section 502.
- (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.

304.4 AREA REGULATIONS

- (a) For lots served by individual water and sewerage disposal systems, the ~~maximum~~ ^{MIN.} 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 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.

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

- (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.

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.

304.9 SPECIAL PROVISIONS 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 building.
- (c) Each corner lot shall have a minimum width of one hundred and twenty-five (125) feet.

305

HIGH-DENSITY RESIDENCE - 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 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.

305.3 USES PERMITTED BY SPECIAL PERMIT

- (a) Home occupation as provided in Section 502.
- (b) Public utility generating, booster or relay stations, transformer sub-station, 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) Multiple-family dwellings (apartments) as provided in Section 509.
- (h) 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.

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 systems, 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 detached dwelling, the minimum lot size with public water and public sewerage systems shall be fifteen thousand (15,000) 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 units.
- (e) See Section 513 for cul-de-sacs.
- (f) Townhouses and multi-family units (apartments) shall be governed by the regulations in Sections 508 and 509, respectively.

305.5 YARD REGULATIONS

- (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 feet (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.

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 building.
- (c) Each corner lot shall have a minimum width of one hundred (100) feet.

306

LOCAL BUSINESS (B-1)
Statement of Intent

This district is designed to provide for the concentration of a limited range of commercial uses needed to serve the 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) Professional offices.
- (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 or relay stations, transformer substations, railroads, water and sewer installations, telephone facilities, transmission lines and towers, pipes, meters, lines, 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.

306.2 PERMITTED ACCESSORY USES

- (a) Off-street parking and loading spaces for permitted uses in the district as provided in Sections 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.

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 height regulations.

307

GENERAL BUSINESS (B-2)Statement of Intent

This district covers the areas 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, and 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) Household furnishings and home appliances sales and services
- (x) Public buildings.
- (y) Car washes.
- (z) Auction houses or barns.
- (aa) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewer 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.

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) Public billiard parlors, pool rooms, bowling alleys, miniature golf course, golf driving ranges, and skating rinks.
- (c) Shopping centers as provided in Section 512.
- (d) Drive-in theatres.
- (e) Temporary trailer parks for construction workers on a construction site as provided in Section 510.

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, flues, flagpoles, parapet walls, television antennae, radio aërials, microwave towers, and other public communication facilities are exempt from height regulations.

308

INDUSTRIAL DISTRICT M-1

Statement of Intent

The primary purpose of this District is to permit certain industries in order to encourage development of the local economy. The protective standards contained in this section are imposed to protect adjacent districts and land uses while permitting industries to locate near a labor supply in areas which are reserved for industrial uses.

308.1 USES PERMITTED BY RIGHT

In Industrial District M-1, any structure to be erected or land to be used shall be for one of the following uses and its accessory uses:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
- (b) Automobile or mobile homes assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- (c) Blacksmith shop, welding or machine shop.
- (d) Farm machinery sales and service.
- (e) Laboratories - pharmaceutical and/or medical.
- (f) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, poultry and poultry products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and seafood products.
- (g) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared 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, fibreglass, iron and steel.
- (h) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (i) Processing of products being recycled.

- (j) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- (k) Building material sales and storage yards, plumbing supplies sales and storage yards.
- (l) Coal and wood sales and storage.
- (m) Feed and seed stores.
- (n) Saw mills and pulpwood concentration yards.
- (o) Contractors' equipment storage yard or plants, or rental of equipment commonly used by contractors.
- (p) Cabinet, furniture and upholstery shops.
- (q) Boat manufacture.
- (r) Stone monument works.
- (s) Veterinary hospitals, kennels.
- (t) Wholesale business, storage warehouses.
- (u) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewer installations, telephone facilities, transmission lines and towers, pipes, meters, lines, poles, and other facilities for the provision and maintenance of public utilities service.
- (v) Country or general stores.
- (w) Mining and quarrying operations and the processing of materials taken from mines and/or quarries.
- (x) Truck stops, terminals and service centers.
- (y) Printing and publishing establishments.

308.2 PERMITTED ACCESSORY USES

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

308.3 USES PERMITTED BY SPECIAL PERMIT

- (a) Automobile graveyards and junkyards.
- (b) Bulk petroleum products storage and distribution.

- (c) Airports.
- (d) Rendering plants.
- (e) Commercial slaughter houses.
- (f) Refuse disposal facilities.
- (g) Temporary trailer parks for construction workers on a construction site as provided in Section 510.

308.4 AREA REGULATIONS

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

308.5 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."

308.6 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 built closer than fifty (50) feet to a residential district.

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.

308.7 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.

308.8 COVERAGE REGULATIONS

The maximum building coverage on a lot shall be fifty (50) percent.

308.9 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.

(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.

309

FLOODPLAIN CONSERVATION

Statement of Intent

The Floodplain Conservation District is intended to protect areas subject to floods and necessary to carry flood waters. In carrying out these principles and the general purposes of the Zoning Ordinance and Comprehensive Plan, the specific intent of this district is:

- (a) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
- (b) To reduce the financial burdens imposed on individuals, the community, and its governmental units by periodic floods,
- (c) To permit certain uses which can be appropriately located in the floodway as herein defined and which will not impede the flow of flood waters, or otherwise cause danger to life, and property at, above, or below their locations along the floodway.
- (d) To locate only those uses in the floodway compatible to the preservation of natural conditions by (a) withholding rapid water runoff contributing to downstream flooding, and (b) providing area for groundwater absorption for maintenance of the subsurface water supply.

309.F

When any discrepancy or conflict of these Ordinances with the Flood Plain Ordinance adopted July 27, 1978 ~~come in conflict~~, the July 28, 1978 Ordinance shall take precedence. *APPEAR*

309.1

BOUNDARIES OF THE FLOODPLAIN CONSERVATION

- (a) The Floodplain Conservation Area is defined and established to include those areas indicated in the "Flood Insurance Study, Shenandoah County," U. S. Department of Housing and Urban Development, Federal Insurance Administration, and the maps provided with that Study.
- (b) Studies used to establish the boundaries shall be available in the office of the Zoning Administrator.

309.2

OVERLAY DISTRICT

- (a) The Floodplain Conservation Area shall be called an overlay on any lot established within the Floodplain.

- (b) Should the Floodplain Conservation Area be declared inapplicable by the county or by court direction, the zoning of such lot shall be that of the District in which said lot is located without consideration of this Section.

309.3 USES PERMITTED BY RIGHT

One or more of the following uses shall be permitted in the Floodplain Conservation Area:

- (a) Cultivating and harvesting crops.
- (b) Pasture and grazing of animals.
- (c) Outdoor plant nursery or orchard.
- (d) Amend Sect. 309.3 (f) by adding the following:
- . . . disposal systems, *except that for dwellings (or structures or lots) existing prior to October 1, 1978, said on-site sewage disposal systems may be installed provided they are approved by the State Health Department and are designed so as to prevent impairment to them or contamination from them due to flooding.*
- (e) disposal systems.
- (f) Normal accessory uses (other than enclosed structures) permitted under the zoning in the underlying district.
- (g) Lines and poles for the provision of telephone and electric service.

309.4 USES PERMITTED BY SPECIAL PERMIT

- (a) Recreational use, and its accessory uses, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures except toilet facilities but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage system.
- (b) Outlet installations for sewage treatment plants, sewage pumping stations, with the approval of the State Water Control Board.
- (c) Sealed public water supply wells with the approval of the Bureau of Water Supply Engineering of the State Health Department.
- (d) Dams, culverts, and bridges with the approval of appropriate authorities.
- (e) Sanitary or storm sewers or impoundment basins.
- (f) Roads, driveways, or parking areas.
- (g) Structures, except for mobile homes, accessory to the uses and activities in Section 309.3.

309.5

BOUNDARY DISPUTES AND APPEALS PROCEDURES

*SEE ARTICLE IV
of Flood Plain Ordinance*

- (a) In a boundary dispute, an initial judgment shall be made by the Zoning Administrator.
- (b) Any party challenging this decision may appeal to the Board of Zoning Appeals.
- (c) The burden of proof shall be on the person questioning the Administrator's ruling.
- (d) If a landowner believes that his land should not be included in the Floodplain Conservation Area, he must present to the Board of Zoning Appeals appropriate testimony from a registered professional engineer that his land should not be considered as part of said area.
- (e) All changes approved in boundaries shall be made on the Floodplain Map.

309.6

COUNTY LIABILITY

The grant of a zoning permit or approval of a subdivision plat in the Floodplain Conservation Area shall not be a representation, guarantee or warranty of any kind by the County, or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the County, its officials, or employees.

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 don't meet the standards of this ordinance. They may also be maintained and repaired in the interest of safety and/or appearance. No non-conforming 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 [REDACTED] may be changed to a structure, activity, [REDACTED] which is more in conformance with this ordinance with

Add Sect. 401.4 to read:

Subject to the approval of the Zoning Administrator, an existing lot may be enlarged unless, by so doing, the lot, or parcel from which the addition is taken becomes less conforming.

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 lot(s) or enlargement of an existing structure(s) or lot(s) 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.

404 NONCONFORMING LOTS

Any lot recorded in the Office of the Clerk of the Circuit Court of Shenandoah County prior to 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 non-conforming 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, or the enlargement of any existing structure on a nonconforming lot.

Amend Sect. 404 by adding the following:

All lots platted and recorded prior to October 1, 1978, and which are either 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 County Planning Commission in the case of lots platted and recorded prior to October 1, 1978, and through action of the Board of Zoning Appeals for lots created after that date.

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: Dwelling units may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that the occupation does not change the character of the dwelling or have any exterior evidence of such secondary use other than a sign as provided in Section 506.
- 502.1 Standards:
- (a) Two off-street parking spaces, in addition to those required for the residence units, shall be required for any single home occupation.
 - (b) Home occupations shall be subject to Health Department Requirements.
 - (c) Home occupations shall be subject to such standards as determined by the Board of Supervisors and appropriate regulatory agencies.
- 503 Accessory Uses, Structures, or Buildings: No accessory structures or buildings shall be erected in any required front yard.
- 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.
- 504.3 For churches, high school, 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) box holders 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 automobile for each guest room or residence unit, plus one additional space for each ten guest rooms or residence units, required parking for any restaurant and/or assembly space, and one 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 one 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 provision 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 of 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 persons 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 or emblems of a civic, charitable, educational or religious organization, 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 on 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 (3½) and seven (7) feet above grade.
- (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 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 occupation signs, with a total surface area on each side not exceeding eight (8) square feet per sign.
- (d) Signs, only to advertise the sale or rental of the premises upon which the sign is erected with a total surface area on each side not exceeding sixteen (16) square feet per sign.

Agricultural A-1

- (a) Any sign listed as permitted in the 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 and R-3

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

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

- (a) Any sign listed as permitted in the 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 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 may be erected up to property line.

506.5 Height

No sign shall extend 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 Special Permit 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 two and one-half (2½) 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 sign 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.

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 Townhouses508.1 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 intersections 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 (2½) 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 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 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 the 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 for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

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

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 and 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 not 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 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 on 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 feet 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, 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.
- (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 any 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 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 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 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 dwelling (apartment).

(d) Townhouses.

(e) Schools, churches and other public buildings.

(f) Office(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.

511.2 Preliminary Site Plans

(a) The preliminary Site Plans shall be clearly drawn to a scale of not more than 200' = 1" 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 property 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 numbers 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 at least seven (7) days prior to a regularly or specially scheduled Planning Commission meeting.
- (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 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 or 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 the 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 be not 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 services vehicles; automobile accessways; and pedestrian walks. The above service areas shall be screened from view from any abutting roadway.
- (f) Provision 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 one (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 maximum height of seven (7) feet. The Planning Commission may waive the requirement 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.

575: AIRPORT APPROACH ZONE! SEE ATTACHED

ARTICLE VI - ADMINISTRATION

601 Zoning Administrator: A Zoning Administrator shall be appointed by the Board of Supervisors to administer 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.

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 date of 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 begun. If work has begun within this period, said permit shall expire two (2) years from 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. A public hearing in accordance with Section 15.1-431, Code of Virginia, as amended, shall be held, and planning commission shall be obtained. Such permits shall be issued in accordance with the following regulations: SITE PLAN TO ACCOMPY APPLICATION

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.

PROPOSED AMENDMENTS TO ZONING ORDINANCE

Amend Article V, by adding Sect 515: AIRPORT APPROACH
ZONE REQUIREMENTS

No building, structure, object nor plant, which exceeds the height limitations as established by appropriate regulations and guidelines of the Federal Aviation Administration, shall be constructed, developed, placed, grown or maintained within the approach zone of a Federal Aviation Administration approved airport runway.

*. . . . Administrator, * and shall be accompanied by a Preliminary Site Plan as set forth in Sect. 511.2.*

- 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 any uncertainty as to the location of a district boundary.
- (c) To authorize upon appeal in specific cases such variance 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 demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the 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 from 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 twenty dollars (\$20) made payable to the Treasurer, Shenandoah County.

- 605.5 Public Hearing: The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties 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 at 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 Fees for review of rezoning and amendment requests shall be established by the Board of Supervisors. Such fees shall be displayed in the Office of the Zoning Administrator. Such fees shall cover the costs of reviewing the proposal and advertising for a public hearing.

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.

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). 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 be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so 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 the 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 "parcel."

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.

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 (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.

AIRPORT APPROACH ZONE: SEE ADDITION

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.

Amendment: A change in the Zoning Ordinance and/or Zoning Map granted by the Board of Supervisors after 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.

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."

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 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

Amend Article VII, Sect. 702 by adding definition of:

Airport Approach Zone: That area of land situated at the ends of the primary surface of airport runways, including all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to airport runways approved by the Federal Aviation Administration.

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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 ($\frac{1}{2}$) 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.

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 trees, bushes, 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 roof or projection from buildings.

Building Front: That one (1) face or wall of a building which is architecturally designed as the front of the 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.

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 service of associated vehicles.

Camps and Campgrounds, Recreational: An area, whether publicly or privately owned, upon which are located sites for two 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.

Cellar: A space having more than one-half ($\frac{1}{2}$) 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 midway 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 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.

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

Commission, The: 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.

Convalescent Home: See Nursing Home.

Cul-de-Sac: A local street, 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.

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 a 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, 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: A facility providing a confined area for feeding or holding animals, but not including areas used for growing crops or vegetation for animal feed, and holding or designed to hold for 30 consecutive days or longer, one thousand or more animal units. (animal units shall mean one (1) cow, one (1) horse, five (5) sheep, or five (5) swine, one hundred (100) chickens, sixty-six (66) turkeys or one hundred (100) other fowl.)

Fence: A freestanding 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.

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 area 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 Range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing Body: The Board of Supervisors of Shenandoah County, Virginia.

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

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

Home Occupation: An occupation carried on by the occupant of a dwelling as a secondary use with no outside display of merchandise or signs other than permitted in Section 506.

Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded 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 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 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 operable 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 dryclean clothing and fabrics in machines operated by the patron.

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 space, 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 area.

Lot, Corner: A lot abutting on two or more streets at their intersection. Of the two 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, Double Frontage: An interior lot having frontage on two (2) streets.

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.

Manufacture and/or Manufacturing: The processing 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.

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 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 a 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.

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 the 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.

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 developmentally 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.

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.

Personal Service Establishment: Any building 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 establishments, 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 dry-cleaning plants or laundries containing more than 3000 square feet of floor area, or linen or diaper service establishment.

Planning Commission: The Shenandoah County Planning Commission.

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 State 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 or 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.

Recreation 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 recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

Recreation 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 motive 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 for compensation, food, or beverages are dispensed for consumption on or off the 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.

Screening: See Buffering.

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 (3) otherwise present the appearance of one (1) continuous commercial area.

Sign: Any display of letters, words, numbers, pictures, or any parts or 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 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 Occupation: 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, 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.

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.

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/or 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 nor more than eight (8) attached dwelling 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 (2½) 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 Camp: As defined by Article I of the Shenandoah County Trailer Park Ordinance.

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

Use: The purpose or activity for which a piece of land or its buildings 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 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, Businesses, Establishments): Sale of goods for resale and not for direct consumption. Sales primarily to retailers and not 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 a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

Yard, Front: The minimum open space on the same lot as a building, between the front line of the building (excluding steps), or use where applicable, and the front lot or street line, and extending across the full width of the lot.

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.