

PROPOSED
ZONING ORDINANCE
SHENANDOAH COUNTY, VIRGINIA

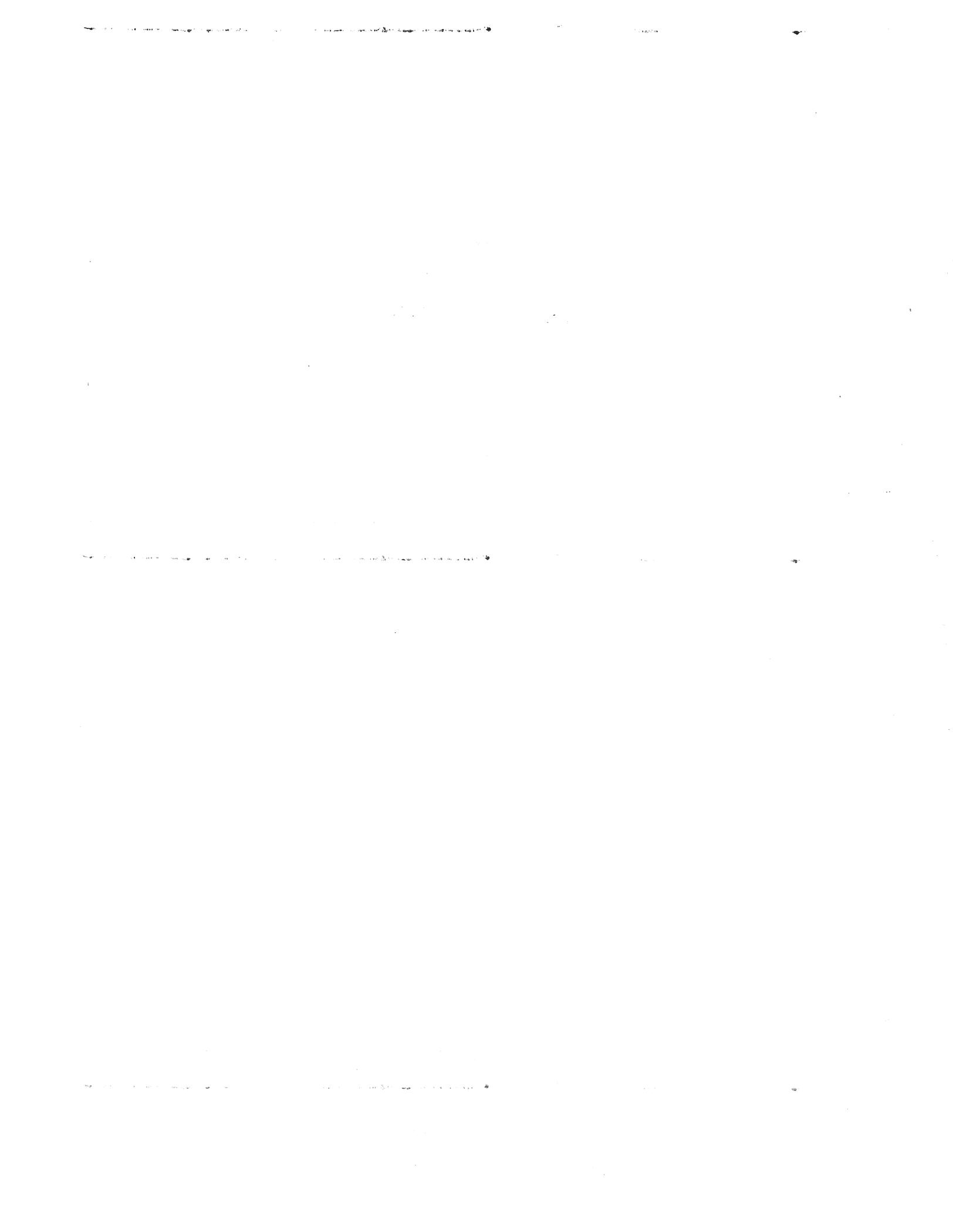
FOR DISCUSSION PURPOSES ONLY

*See marked-up comments (Suggestions)
by Jim Dawson*

May, 1974

REVISED

June, 1975



Article 1 - Definitions

- 1-22. DWELLING, SINGLE-FAMILY: A detached structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 1-23. DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 1-24. EXCEPTION, SPECIAL: The power of the Board of Zoning Appeals to grant the use of a structure or property under stated conditions.
- 1-25. FAMILY: One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel or motel.
- 1-25A. FEED LOT: An area or structure used for the concentrated confinement of livestock wherein more than fifteen (15) animals or 50 fowls are confined or fed.
- 1-26. FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a line on which no point shall be farther away from the street upon which the lot fronts.
THAN ANOTHER
- 1-27. 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 an accessory.
- 1-28. 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.
- 1-29. GENERAL STORE, COUNTRY: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale general merchandise. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 1-30. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 1-31. 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.
- 1-32. GOVERNING BODY: The Board of Supervisors of Shenandoah County, Virginia.
- 1-33. HEALTH OFFICIAL: The legally designated health authority of the State Board of Health for Shenandoah County or his authorized representative.

Article 1 - Definitions

- 1-34. HISTORICAL AREA: As indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.
- 1-35. HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use with no outside display.
- 1-36. 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).
- 1-37. 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.
- 1-38. 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 salvaged materials incidental to manufacturing operations.
- 1-39. KENNEL: A place prepared to house, board, breed, handle, or otherwise keep or care for five or more dogs over 6 months of age.
- 1-40. INDUSTRY: Includes warehousing and manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors.
- 1-41. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale.
- 1-42. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Article 1 - Definitions

- 1-43. 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.
- 1-44. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- 1-45. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 1-46. LOT, INTERIOR: Any lot other than a corner lot.
- 1-47. LOT, WIDTH OF: The average horizontal distance between side lot lines.
- 1-48. LOT OF RECORD: A lot, a plat or description of which has been recorded in the clerk's office of the Circuit Court.
- 1-49. 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.
- 1-50. MARINA, COMMERCIAL OR CLUB TYPE: A marina designed and operated for profit, or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.
- 1-51. MARINA, PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.
- 1-52. 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.
- 1-53. 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.
- 1-54. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, 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.

Article 1 - Definitions

- 1-55. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.
- 1-56. PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals, a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 1-57. PLANNED UNIT DEVELOPMENT: A tract or parcel of land that is developed for residential purposes in accordance with procedures and standards contained in Article 12-9 of this ordinance, including commercial and public and semi-public uses accessory to the residential development.
- 1-58. PUBLIC WATER AND SEWER SYSTEM: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation.
- 1-58A. 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.
- 1-59. REQUIRED OPEN SPACE: Any space required in any front, side, or rear yard.
- 1-60. RESTAURANT: Any building in which for compensation, food, or beverages are dispensed for consumption on or off the premises.
- 1-61. 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).
- 1-62. SAWMILL, PERMANENT: A permanent sawmill located on public or private property for the processing of timber.
- 1-62A. SAWMILL, PORTABLE: A portable sawmill including chippers located on public or private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.
- 1-63. SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.
- 1-64. SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

HOW ABOUT
HOUSE NUMBERS?
SEE 10-3-9

Article 1 - Definitions

- 1-79-3. YARD, SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.
- 1-80. ZONING PERMIT: A certificate issued by the Zoning Administrator for authorizing the uses of land and/or structure as required by Article 12 of this ordinance.

ARTICLE 2 - DISTRICTS

- 2-1. For the purpose of this ordinance, the unincorporated areas of Shenandoah County, Virginia, are hereby divided into the following districts:

Conservation, C-1
Agricultural, A-1
Residential, R-1

Business, Local, B-1
Business, General, B-2
Industrial, M-1

ARTICLE 3 - CONSERVATION DISTRICT, C_1

Statement of Intent

This district covers portions of the County which are occupied by various open uses, such as forests, recreation areas, farms, lakes, or floodplains. This district is established for the specific purpose of facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. Uses not consistent with the existing character of this district are not permitted.

- 3-1. USE REGULATIONS

In this district, structures to be erected or land to be used shall be for one of the following uses:

- 3-1-1. Single-family dwellings.
- 3-1-2. General farming, agriculture, dairying, and forestry.
- 3-1-3. Conservation preserves and historical areas.
- 3-1-4. Lodges, hunting clubs, camps, and golf clubs.

- 3-1-4.1. Home occupations as defined.
- 3-1-4.2. Kennel
- 3-1-5. Recreational uses or facilities, commercially operated or for a private membership, such as game courts, swimming pools, campgrounds, archery range, 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.
- 3-1-6. Planned unit developments in accordance with the requirements contained in Article 12.9 of this ordinance.
- 3-1-7. Public utility generating, booster or relay stations, transformer substations, pipes, railroads, water and sewerage installations, sanitary landfills, telephone, and other facilities for the provision and maintenance of public utilities.
- 3-1-8. Off-street parking as required by this ordinance.
- 3-1-9. Accessory uses and appurtenances as defined.
- 3-1-10. Churches, schools, parks and playgrounds, and other similar public and semi-public uses.
- 3-1-11. Country or general stores.
- 3-1-12. Portable sawmills or chipping mills.
- 3-2. AREA REGULATIONS

The minimum lot area for a single permitted use shall be ~~two (2)~~ ^{30,000 FT.²} acres or more, except for approved planned unit developments, WITH ~~60,000 FT.²~~ ^{MINIMUM AVERAGE LOT SIZE INCLUDING} SETBACK REGULATIONS PARKS & OTHER OPEN AREAS IN A

3-3. Structures shall be located ~~sixty (60)~~ ⁴⁰ feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred ~~(100)~~ ⁶⁰ feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except for approved planned unit developments. This shall be known as the "setback line."

3-4. FRONTAGE REGULATIONS ^{SUBDIVIDED}

The minimum frontage for a single permitted use shall be ~~three hundred (300)~~ ¹⁵⁰ feet, except for approved planned unit developments.

3-5. YARD REGULATIONS

3-5-1. Side Yard. ²⁰ The minimum side yard ⁴⁰ for each main structure shall be fifty ~~(50)~~ feet and the total ~~(width of the two (2) required side yards shall be one hundred (100) feet or more,~~ except for approved planned unit developments. No accessory building shall be located closer than 5 feet to any property boundary line.

3-5-2. ^{75'} Rear Yard. Each main structure shall have a rear yard of one hundred ~~(100)~~ feet or more, except for approved planned unit developments.

3-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty (30) feet in height from grade.

3-6-1. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of thirty-five (35) feet from grade.

3-6-2. All accessory buildings shall be less than the main building in height.

3-6-3. Church spires, belfries, cupolas, monuments, water towers, farm silos and other farm related structures, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

3-7. SIGN REGULATIONS

Sign regulations shall conform to Article 10 of this ordinance.

3-8. PLANNED UNIT DEVELOPMENTS

Special regulations for planned unit developments shall conform to requirements of Article 12-9 of this ordinance.

3-9.

EXISTING ROAD USE -- When a tract is subdivided into 4 or more lots, no more than 50% of the lots shall front on an existing public road. Such lots shall not be re-divided.
NOTE: --- ARTICLE 4 AGRICULTURAL DISTRICT, A-1

Statement of Intent

This district is intended to preserve the character of those portions of the County, where agricultural and other low intensity use predominate. To ensure the success of the above goal, it is necessary to maintain as low a density of development as possible. The permitted uses should include mainly agriculture, with industry allowed in when it will benefit the area without degrading the environment.

LUNDULY

4-1. USE REGULATIONS

In this district, structures to be erected or land to be used shall be for one of the following uses:

4-1-1. Single-family dwellings.

4-1-2. Individual mobile homes and mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance.

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NOTE: The subdividers shall not evade this rule by delayed timing of one, two, or three-lot subdivision of a tract.

- 4-1-3. Schools, churches, golf courses, parks and playgrounds, fire stations, libraries, cemeteries, and other similar public and semi-public uses.
- 4-1-4. General farming, agriculture, dairying, and forestry.
- 4-1-5. Preserves, historical, and conservation areas.
- 4-1-6. Lodges, hunting clubs, and boating clubs.
- 4-1-7. Portable sawmills and chipping mills.
- 4-1-8. Industry and retail stores and shops, with conditional use permit.
- 4-1-9. Home occupation as defined.
- 4-1-9-1. Kennel.
- 4-1-10. Public utility generating, booster or relay stations, transformer substations, pipes, railroads, water and sewerage installations, sanitary landfills, telephone, and other facilities for the provision and maintenance of public utilities.
- 4-1-11. Airports, with a conditional use permit.
- 4-1-12. Recreational trailer camps and marinas, with a conditional use permit.
- 4-1-13. Off-street parking as required by this ordinance.
- 4-1-14. Planned unit developments in accordance with the requirements contained in Article 12-9 of this ordinance.
- 4-1-15. Country or general stores.
- 4-1-16. Automobile and farm machinery sales and service.
- 4-1-17. Abattoirs, with a conditional use permit.
- 4-1-18. Wayside or roadside stand, with a conditional use permit.
- 4-1-19. Livestock markets and feed lots.
- 4-1-20. Rendering plant with a conditional use permit.
- 4-2. AREA REGULATIONS

~~4-2-1.~~

The minimum lot area for a single permitted use shall be ^{THIRTY} ~~forty~~ thousand (40,000) square feet, except for approved planned unit developments, ~~30,000~~

WITH 60,000 FT² MINIMUM AVERAGE LOT SIZE INCLUDING PARKS & OTHER OPEN AREAS IN A GIVEN TRACT, BEING SUBDIVIDED.

SAME AS 3-7

4-3. SETBACK REGULATIONS

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 sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

4-4. FRONTAGE REGULATIONS

The minimum frontage for a single permitted use shall be ~~two hundred~~ ¹³⁰ ~~(200)~~ feet, except for approved planned unit developments.

4-5. YARD REGULATIONS

4-5-1. Side Yard. The minimum side yard for each main structure shall be twenty (20) feet and the total width of the two required side yards shall be forty (40) feet or more, except for approved planned unit developments. No accessory building shall be located closer than five (5) feet to any property boundary line.

4-5-2. Rear Yard. Each main structure shall have a rear yard of sixty (60) feet or more, except for approved planned unit developments.

4-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty (30) feet in height from grade except that:

4-6-1. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of thirty-five (35) feet from grade.

4-6-2. All accessory buildings shall be less than the main building in height.

4-6-3. Church spires, belfries, cupolas, monuments, water towers, farm silos and other farm related structures, chimneys, flues, flag poles, television antennae and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

4-7. SPECIAL PROVISIONS FOR CORNER LOTS

4-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

4-7-2. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory building.

4-8. SPECIAL REGULATIONS FOR INDUSTRY

4-8-1. Before a conditional use permit shall be issued for an industrial use, the plans in sufficient detail to show the operations and processes shall be submitted to the Governing Body for study. These plans shall be referred to the Planning Commission for recommendation. Modifications of the plans may be required.

4-8-2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

4-8-3. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner lot of intersecting streets.

4-8-4. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential districts, and (b) for off-street parking of vehicles incidental to the industry, and its employees and clients.

4-8-5. Buildings may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

4-8-6. Buildings or groups of buildings with their accessory buildings may cover up to sixty percent (60%) of the area of the lot not to conflict with other provisions of this ordinance.

4-9. SIGN REGULATIONS

Sign regulations shall conform with Article 10 of this ordinance.

4-10. PLANNED UNIT DEVELOPMENTS

Special regulations for planned unit developments shall conform to requirements to Article 12-9 of this ordinance.

4-11 SAME AS 3-9

ARTICLE 5 - RESIDENTIAL DISTRICT, R-1

Statement of Intent

This district is composed of certain low to medium concentrations of residential uses, plus certain open areas where residential and related uses will occur. This district is designed to promote and encourage a suitable environment for family life. To achieve this goal, this district is protected against encroachment of commercial or industrial uses. This district is not completely residential as it permits certain public and semi-public uses that are essential to the proper functioning of a residential area.

5-1. USE REGULATIONS

In this district, structures to be erected or land to be used shall be for one of the following uses:

5-1-1. Single-family dwellings.

5-1-2. Two-family dwellings *x NO MORE THAN 2 STORIES HIGH ABOVE GROUND OR ABOVE BASEMENT IF SUCH EXISTS.*

5-1-3. Multi-family dwellings, with a conditional use permit *x ---- SAME.*

5-1-4. Schools, parks and playgrounds, fire stations, churches, libraries, and other similar public and semi-public uses.

5-1-5. Home occupation as defined.

5-1-6. Public utility generating, booster or relay stations, transformer substations, pipes, railroads, water and sewerage installations, sanitary landfills, telephone service and other facilities for the provision and maintenance of public utilities.

5-1-7. Hospitals with conditional use permit.

5-1-8. Off-street parking as required by this ordinance.

5-1-9. Accessory uses and structures as defined.

5-1-10. Planned unit developments in accordance with the requirements contained in Article 12-9 of this ordinance.

5-1-11. Individual mobile homes and mobile home parks as authorized by the Shenandoah County Trailer Park Ordinance.

5-1-12. Country or General Store with a conditional use permit.

5-2. AREA REGULATIONS

5-2-1. A single family residential lot served by both public or central water and sewer systems shall be fifteen thousand (15,000) square feet or more in area, except for approved planned unit developments.

- 5-2-2. A single family residential lot served by only one of public or central water or sewer systems shall be twenty thousand (20,000) square feet or more in area *with a 40,000 sq ft minimum average lot size including parts of other open areas in a given tract being subdivided.*
- 5-2-3. *SAME AS 3-2* A single family residential lot served by neither central or public water nor central or public sewer systems shall be thirty thousand (30,000) square feet or more in area *with 60,000 sq ft minimum average lot size including parts of other open areas in a given tract being subdivided.*
- 5-2-4. Except for approved planned unit developments, residential lots containing or intended to contain two-family or multi-family residential units served by public water and sewage disposal systems, the minimum lot area per unit shall be:

Keep above single residence

Two (2) units... ~~twelve thousand (12,000)~~ ^{16,000} square feet or more;
 three (3) units... ~~fourteen thousand (14,000)~~ ^{18,000} square feet or more; for each additional unit above three (3)...one thousand (1,000) square feet.

- 5-2-5. For a single permitted use utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

5-3. SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

5-4. FRONTAGE REGULATIONS

The minimum street frontage for a single permitted use shall be one hundred (100) feet, except for approved planned unit developments. For residential lots served by neither public water nor public sewer systems, the street frontage shall not be less than one hundred fifty (150) feet in width.

5-5. YARD REGULATIONS

- 5-5-1. Side. The minimum side yard for each main structure shall be ten (10) feet and the total width of the two required side yards shall be twenty (20) feet or more, except for approved planned unit developments. No accessory building shall be located closer than five (5) feet to any property boundary line.

- 5-5-2. Rear. Each main structure shall have a rear yard of thirty (30) feet or more, except for approved planned unit developments.

5-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty (30) feet in height from grade except that:

- 5-6-1. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of thirty-five (35) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each additional foot in height over thirty-five (35) feet.
- 5-6-2. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 5-6-3. All accessory buildings shall be less than the main building in height.

5-7. SPECIAL PROVISIONS FOR CORNER LOTS

- 5-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 5-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 5-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum lot width at the street line of one hundred fifty (150) feet or more.

5-8. SIGN REGULATIONS

Sign regulations shall conform to Article 10 of this ordinance.

5-9. PLANNED UNIT DEVELOPMENTS

Special regulations for planned unit developments shall conform to requirements of Article 12-9 of this ordinance.

5-10
SAME AS 3-9

ARTICLE 6 - VACANT

ARTICLE 7 - BUSINESS, LOCAL, 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. This district should have direct access to a major thoroughfare and should be compatible with a residential environment. In particular uses which are objectionable because of odor, noise, vibration, dust, smoke, or other similar causes shall be prohibited.

7-1. USE REGULATIONS

In this district, structures to be erected or land to be used shall be for one of the following uses *X OR AS OTHERWISE APPROVED:*

- 7-1-1. General country stores.
- 7-1-2. Laundries and dry cleaners.
- 7-1-3. Drug stores.
- 7-1-4. Barber and beauty shops.
- 7-1-5. Bakeries.
- 7-1-6. Gift, record and tobacco shops.
- 7-1-7. Branch banks.
- 7-1-8. Household furnishings and appliance stores.
- 7-1-9. Professional offices.
- 7-1-10. Restaurants, excluding drive-in eating and drinking establishments.
- 7-1-11. Public and semi-public uses such as libraries, churches, community centers, governmental offices, police and fire stations, and parks and playgrounds.
- 7-1-12. Antique shops.
- 7-1-13. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, telephone, and water and sewage installations.
- 7-1-14. Off-street parking as required by this ordinance.
- 7-1-15. Home occupations, as defined.
- 7-1-16. Automobile and farm machinery sales and service.
- 7-1-17. Single family dwellings.

7-2. AREA REGULATIONS

None, except that for a single permitted use utilizing individual sewage disposal systems, the Administrator may require a greater area if deemed necessary by the Health Official.

7-3. SETBACK REGULATIONS

7-3-1. Buildings shall be located thirty (30) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or forty (40) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

7-4. FRONTAGE AND YARD REGULATIONS

For a single permitted use, the minimum side and rear yards adjoining or adjacent to a residential or agricultural district shall be twenty (20) feet, and off-street parking shall be in accordance with the provisions contained herein. The minimum side and rear yards shall be landscaped and maintained in a manner appropriate to the residential or agricultural surroundings.

7-5. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

7-5-1. The height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.

7-5-2. A public or semi-public building such as a church or library, may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

7-5-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

7-5-4. All accessory structures shall be less than the main structure in height.

7-6. SIGN REGULATIONS

Sign regulations shall conform to Article 10 of this ordinance.

ARTICLE 8 - BUSINESS, GENERAL, DISTRICT B-2

Statement of Intent

Generally this district covers the areas of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, restaurants and taverns, and garages and service stations.

8-1. USE REGULATIONS

In this district, structures to be erected or land to be used shall be for one of the following uses *X OR AS OTHERWISE APPROVED:*

- 8-1-1. Retail food stores.
- 8-1-2. Bakeries.
- 8-1-3. Department stores..
- 8-1-4. Dry Cleaners.
- 8-1-5. Laundries.
- 8-1-6. Wearing apparel stores.
- 8-1-7. Drug and variety stores.
- 8-1-8. Barber and beauty shops.
- 8-1-9. Auto and home appliance services.
- 8-1-10. Theaters, assembly halls.
- 8-1-11. Hotels, motels, tourist homes.
- 8-1-12. Office buildings, business offices, and banks.
- 8-1-13. Churches.
- 8-1-14. Libraries.
- 8-1-15. Hospitals, general.
- 8-1-16. Funeral homes.
- 8-1-17. Printing offices.
- 8-1-17a. Automobile and farm machinery sales and service.
- 8-1-18. Restaurants.

- 8-1-19. Individual mobile homes with conditional use permit in accordance with provisions of the Shenandoah County Mobile Home Ordinance.
- 8-1-20. Service stations (with major repair under cover).
- 8-1-21. Clubs and lodges.
- 8-1-22. Auto sales and service.
- 8-1-23. Lumber and building supply (with storage under cover).
- 8-1-24. Plumbing and electrical supply (with storage under cover).
- 8-1-25. Wholesale and processing activities not objectionable because of dust, noise, ^{or odors with a conditional use permit.}
CHEMICAL RELEASE,
- 8-1-26. Machinery sales and service.
- 8-1-27. Public buildings and public utilities.
- 8-1-28. Off-street parking as required by this ordinance.
- 8-1-29. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the Governing Body on an application submitted to the body for such use. The Governing Body shall request that the commission submit a recommendation to them concerning such use applications. In approving any such application the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- 8-2. AREA REGULATIONS
- None, except as required by the Health Official.
- 8-3. SETBACK REGULATIONS
- Buildings shall be located thirty (30) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or forty (40) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."
- 8-4. FRONTAGE AND YARD REGULATIONS
- For a single permitted use, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be twenty (20) feet and off-street parking shall be in accordance with the provisions contained herein.

8-5. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

- 8-5-1. The height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 8-5-2. A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 8-5-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 8-5-4. No accessory structure which is within ten (10) feet of any property line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height. No accessory building shall be located closer than five (5) feet to any property boundary line.

8-6. SIGN REGULATIONS

Sign regulations shall conform to Article 10 of this ordinance.

ARTICLE 9 - INDUSTRIAL DISTRICT M-1

Statement of Intent

The primary purpose of this district is to permit certain industries, which do not in any way detract from adjacent districts. The provisions relating to height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent districts while permitting industries to locate near a labor supply.

9-1. USE REGULATIONS

In Industrial District M-1, any structure to be erected or land to be used shall be for one of the following uses ~~X~~ *OR AS* OTHERWISE APPROVED:

- 9-1-1. 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.
- 9-1-2. Automobile assembling, painting, upholstering, repairing, re-building, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- 9-1-3. Blacksmith shop, welding or machine shop.
- 9-1-3.1. Farm machinery sales and service.
- 9-1-4. Laboratories - pharmaceutical and/or medical.
- 9-1-5. 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.
- 9-1-6. Manufacture, compounding, ^{METALS} 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 semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint ~~& AS OTHERWISE APPROVED.~~
- 9-1-7. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas. ?
- 9-1-8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
- 9-1-9. Building material sales yards, plumbing supplies storage.
- 9-1-10. Coal and wood yards, lumber yards, feed and seed stores.
- 9-1-10b. Abattoir.
- 9-1-10c. Automobile graveyards, with a conditional use permit.
- 9-1-11. Bulk oil storage, with conditional use permit.
- 9-1-12. Contractor's equipment storage yard or plants, or rental of equipment commonly used by contractors.
- 9-1-13. Cabinets, furniture and upholstery shops.
- 9-1-14. Boat building.
- 9-1-15. Monumental stone works.
- 9-1-16. Veterinary or dog or cat hospital, kennels.

- 9-1-17. Airports with conditional use permit.
- 9-1-18. Wholesale businesses, storage warehouses.
- 9-1-19. Off-street parking as required by this ordinance.
- 9-1-20. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, ^{telephones,} and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 9-1-21. Country or general stores.
- 9-1-22. Mining and quarrying operations.

9-3. AREA REGULATIONS

None, except that for a single permitted use utilizing individual sewage disposal systems, the administrator may require a greater area if considered necessary by the Health Official.

9-4. SETBACK REGULATIONS

Buildings shall be located forty (40) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty-five (65) feet or more from the center line of any street right-of-way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

9-5. FRONTAGE AND YARD REGULATIONS

For a single permitted use the minimum side yard adjoining or adjacent to a residential or agricultural district shall be thirty (30) feet. The side yard of corner lots shall be sixty (60) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

9-6. HEIGHT REGULATIONS

Buildings may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

9-7. COVERAGE REGULATIONS

Buildings or groups of buildings with their accessory buildings may cover up to sixty percent (60%) of the area of the lot.

9-8. SIGN REGULATIONS

Sign regulations shall conform to Article 10 of this ordinance.

ARTICLE 10 - SIGN REGULATIONS

10-1. Purpose

The following sign regulations are established to assure compatibility of sign with surrounding land usage, to enhance the economy of the County, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly, and effective display of outdoor advertising.

10-2. Advertising Outdoors Regulated

No person shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten 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. Public officers or employees in performance of a public duty shall be exempted.

10-3. Excluded Signs

The following shall not be deemed to be included within the definition of "sign":

10-3-1. Signs of a duly-constituted governmental body, including traffic or similar regulatory devices or warnings at railroad crossings.

10-3-2. Memorial tablets or signs.

10-3-3. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.

10-3-4. Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.

10-3-5. Flags or emblems of a civic, philanthropic, educational or religious organizations, temporary in nature.

10-3-6. 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.

10-3-7. Signs directing traffic on private property but bearing no advertising matter, with a total surface area not exceeding eight (8) square feet per sign on any lot or parcel and provided that no parts of such signs other than columns and supports shall be located between three and one-half (3 1/2) and seven (7) feet above grade.

ADD
? 10-3-8. Signs placed by a public utility showing the location of underground facilities.
10-3-9
~~10-3-4~~

~~STREET ADDRESS NUMBERS~~

10-4. Signs will be permitted in various districts as follows:

10-4-1. Conservation C-1

- a. Church bulletin boards and identification signs
- b. Directional signs
- c. Home occupation signs
- d. Temporary signs

10-4-2. Agricultural A-1

- a. Church bulletin boards and identification signs
- b. Directional signs
- c. General advertising signs
- d. Home occupation signs
- e. Temporary signs

10-4-3. Residential R-1

- a. Business signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding sixteen (16) square feet per sign.
- b. Church bulletin boards and identification signs, with a total surface area not exceeding forty (40) square feet per sign.
- c. Directional signs, with a total surface area not exceeding four (4) square feet per sign.
- d. Home occupation signs, with a total surface area not exceeding eight (8) square feet per sign.
- e. Temporary signs with special permission from Zoning Administrator.

10-4-4. Business B-1, Business B-2, and Industrial M-1

- a. Business signs
- b. Church bulletin boards and identification signs
- c. Directional signs
- d. General advertising signs
- e. Home occupation signs
- f. Temporary signs

10-5 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". There shall be excepted from this setback, business signs advertising the sale or rent of the premises which may be erected up to the property line.

10-6. Height Regulations

Signs shall not exceed a height of twenty (20) feet above ground level or the street to which it is oriented, whichever is higher, without special permission from the Zoning Administrator.

10-7. General Regulations

No sign shall be erected, maintained, or operated:

10-7-1. 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 (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

10-7-2. Which imitates or resembles any official traffic sign, signal, or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.

10-7-3. Which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.

10-7-4. Which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.

10-7-5. Which is obsolete or inconsistent with State law or the provisions of this ordinance.

10-7-6. 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 11 relating to nonconforming uses.

ARTICLE 11 - NONCONFORMING USES

- 11-1-1. If at the time of the enactment of this ordinance any lot, or structure or structures located thereon, are being utilized in a lawful manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use and purpose may be continued and said structure or structures may be repaired, altered, enlarged or rebuilt. However, any new uses or purposes commenced, or structure erected, after the adoption of this ordinance shall comply with the requirements of this ordinance as they relate to the applicable zoning districts.

Why should all current uses require a permit?

ARTICLE 12 - GENERAL PROVISIONS

12-1. ZONING PERMITS

WHERE A CHANGE IN PRESENT USE IS PLANNED,

?

- 12-1-1. Land shall be used or occupied and buildings (structures) shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the administrator.
- 12-1-2. The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 12-1-3. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance a permit shall be issued to the applicant by the Administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.

12-2. CERTIFICATE OF OCCUPANCY

WHERE A CHANGE IN CURRENT USE IS PLANNED,

- Land may be used or occupied and buildings may be structurally altered or erected only after a certificate of occupancy has been issued by the Administrator. Such a permit shall state that the building, or the proposed activity, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining,

*25% not enough for adequate play area
& public.*

50

- 12-9-3-2. That a minimum of ~~twenty-five (25%)~~ percent of the entire tract shall be devoted to open space and recreational facilities. In calculating the minimum area for open space and recreational facilities, the measurements shall not include the area of any dedicated streets and alleys.
- 12-9-3-3. That the density of residential development within the entire tract of land shall not exceed six (6) dwelling units per acre for single-family, twelve (12) dwelling units per acre for townhouses, and eighteen (18) dwelling units per acre for apartments.
- 12-9-3-4. That the development is well integrated into its setting, will not require excessive earth moving or grading or destroy desirable natural features, will not be visually obtrusive, will not substantially harm major views for surrounding residents, and will harmonize with surrounding areas and facilities.
- 12-9-3-5. That the location and nature of the development conforms with official plans and policies of the County and the Lord Fairfax Planning District Commission relative to land use, circulation, and community facilities.
- 12-9-3-6. That the location is such that traffic generated by the development can be accommodated safely and without congestion on major streets and roads and will avoid use of local neighborhood streets and roads.
- 12-9-3-7. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services. That the site is accessible to public or central water and sewer systems, or that the installation of such service by the developer is assured.
- 12-9-3-8. That an adequate plan exists for the handling of surface drainage water and the prevention of erosion.
- 12-9-3-9 *that no building shall be more than 2 stories above ground or above basement if such exists.*

ARTICLE 13 - PROVISIONS FOR APPEAL

13-1. BOARD OF ZONING APPEALS

- 13-1-1. A board consisting of five (5) members shall be appointed by the Circuit Court of Shenandoah County. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions and construction specifications to support the issuance of a zoning permit.

12-9. PLANNED UNIT DEVELOPMENTS

The purpose of planned unit developments is to promote cluster-type developments as a means of creating a well-planned living environment, to encourage variety in housing and well-located community facilities, to protect the natural beauty of the landscape, to conserve open space land, and to offer an opportunity for innovative design which may result in improved relationships between land uses of different types.

12-9-1. USE REGULATIONS

In Planned Unit Developments, land to be used or structures to be erected shall be for one or more of the following uses:

- 12-9-1-1. Residential uses, including single-family, two-family, and multi-family dwellings.

- 12-9-1-2. Commercial uses accessory to the development as a whole, such uses, together with accessory off-street parking and loading spaces incident to such commercial use not to exceed ~~one (1)~~ acre for each one hundred (100) dwelling units in the planned development.

1 unit enough
3

- 12-9-1-3. Uses permitted in Conservation District.

12-9-2. AREA REGULATIONS

The minimum area for a planned unit development shall be as follows:

- | | | | |
|-----------|--|------------------------------------|----------------------------------|
| 12-9-2-1. | In Conservation District (C-1) | 100 ²⁰ acres | } OR--WHY NOT REMOVE SIZE LIMIT? |
| 12-9-2-2. | In Agricultural District (A-1) | 50 ²⁰ acres | |
| 12-9-2-3. | In Residential District (R-1) | 20 acres | |

- 12-9-2-4. Additional land area may be added to an approved PUD if it adjoins or forms a logical addition to an existing PUD.

12-9-3. PLANNED UNIT DEVELOPMENT CRITERIA

- 12-9-3-1. A planned unit development shall be approved and developed only after the Governing Body and the Planning Commission have reviewed an economic feasibility study, an environmental impact statement, and held a public hearing, and find that the development conforms to the following criteria: