

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. [Insert Ordinance Number Here]

CA18-_____: Development Review Procedures

To amend County Code ("Code Amendment") Chapter 23, Zoning, Article 2, Definitions and Rules of Construction, and Article 4, Development Review Procedures, as part of an ongoing effort to review and update the Spotsylvania County Zoning ordinance. The proposed amendment includes: Section 23-2.1.4. Definitions, and Section 23-4.11. Site Plan Review.

PUBLIC HEARING:

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the Code Amendment with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 2, and Chapter 23, Article 4, Division 11, be and is hereby **amended** and reordained as follows:

ARTICLE 2. – DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 23-2.1.4. – Definitions.

The following definitions shall be used in the interpretation and administration of this chapter. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other chapters of the Code.

Abandonment means any component of a wireless telecommunication facility (e.g., antenna support structure, antenna, transmission cable, equipment shelter, etc.) is deemed abandoned when not utilized for the provision of wireless service for a period of twelve (12) consecutive months.

Abattoir means a type of agricultural processing facility, established as a commercial slaughterhouse.

Above ground level (AGL) means the distance measured from ground level at the base of a structure to the highest point of an object on the structure.

Accessory use means any use which:

1. Is subordinate to and serves a principal use;
2. Is subordinate in purpose, area and extent to the principal use served;
3. Contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and
4. Is generally located within the building housing the principal use served, except as qualified by the provisions of section 23-5.3.2.

Accessory structure means any structure which:

1. Is subordinate to, customarily found in association with, and serves a principal use;
2. Is subordinate in purpose, area or extent to the principal building served;
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal building served; and
4. Is located on the same lot as the principal building, except (1) any building that is customarily incidental to any agricultural use shall be deemed to be an accessory structure, whether or not it is situated on the same lot with the principal building; (2) except a mass drainfield serving multiple lots shall not be required to be on the lot it is serving.

Adult book stores shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, other printed matter, and other media including, but not limited to films, video tapes, video cassettes or video disks, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material. For purposes of this subsection, substantial or significant portion shall mean at least twenty-five (25) percent or more of stock in trade.

Adult booth means a separate enclosure inside an adult oriented business accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth or other booth used to view "adult merchandise." The term "adult booth" does not include a foyer through which any person can enter the establishment or a restroom.

Adult day care center. As defined in the Code of Virginia § 63.2-100, Definitions.

Adult theater shall mean an enclosed building or outdoor facility used for presenting live performances or recorded material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein, and including any so-called "peep show" or individual motion picture machines or similar viewing devices.

Adult entertainment shall mean dancing, modeling, live exhibition or performance, or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing

of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs streaming video, or other media, or other visual representations that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise shall mean magazines, books, other periodicals, and other printed matter, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio shall mean a commercial establishment, including a lingerie store or novelty store in which a person performs, or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel shall mean a motel, hotel, or similar commercial establishment that: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to newspapers, magazines, pamphlets, or leaflets, radio or television, internet web pages; or offers a sleeping room for rent for a time period of less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult nightclub shall mean a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult oriented business shall mean any adult book store, adult theater, massage parlor/health club adult video store, adult model studio, adult motel, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult store shall mean establishment dealing in adult merchandise as a principal portion of its business.

Agreement in lieu of plan means an agreement with the county signed by the property owner and contractor, if applicable, setting forth the minimum standards for construction of:

- (i) A single-family detached dwelling, or
- (ii) An accessory structure, where the land disturbance is less than two thousand five hundred (2,500) square feet; and includes an attached plan, commonly referred to as a "plot plan," which is a drawing showing the location of proposed and existing structures on the lot and the setback of the structures from the property lines.

Agricultural and forestal district means a district created by local ordinance under the authority of Chapter 43 of the Code of Virginia, 1950, as amended, the Agricultural and Forestal Districts Act.

Agricultural processing facility means higher intensity commercial agricultural operations for the processing of food, forestry products, organic fiber or fur for purposes of packaging and distribution for wholesale and/or retail sale.

Agriculture means the use of a tract of land not less than five (5) acres for the raising of poultry and livestock; (2) pasturage; (3) dairying. Agricultural activities not including poultry and livestock includes the use of a tract of land not less than two (2) acres in size for agricultural purposes outdoors, within an agricultural structure or within a greenhouse/plant nursery, including, but not limited to: (a) the tilling of the soil; (b) the cultivation of crops or plants and trees of any kind; (c) horticulture; (d) floriculture; (e)

agroforestry ; (f) *aquaculture* ; (g) *forestry* ; (h) *hydroponic cultivation* ; (i) *agritourism* ; (j) *farm winery* ; (k) *farm brewery* ; (l) *farm cidery* ; (m) *farm distillery* ; (n) *farm juicery* ; (o) *farm cannery* .

The term "agriculture" shall not include the following uses: the maintenance and operation of a: (a) *garden center* ; (b) *agricultural processing facility* ; (c) the feeding of garbage to animals. However, the definition of agriculture shall not be deemed to preclude: (a) retail and/or wholesale sales of agriculture products primarily (more than fifty-one (51) percent) sourced onsite.

Agritourism means any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Agroforestry means growing of both trees and agricultural/horticultural crops on the same piece of land. Operations are designed to provide tree and other crop products and at the same time protect, conserve, diversify and sustain vital economic, environmental, human and natural resources. Agroforestry differs from traditional forestry and agriculture by its focus on the interactions among components rather than just on the individual components themselves.

Airport, public or private means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Alternative support structure means any structure not designated for the primary purpose of supporting one (1) or more antennae but may be modified for such purpose, including, but not limited to, water towers and silos.

Amusement arcade means any location, premises, building, parcel, plot or lot where more than seven (7) amusement machines (devices) are placed for use for entertainment purposes.

ANSI Collapse Zone means American National Standards Institute established area within which an antenna support structure must be engineered to fall if damaged or overloaded.

Animal shelter , as differentiated from a *kenel* as defined herein, means any place so designed to provide for the temporary indoor accommodations and/or housing for sale and/or adoption of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated. The use includes facilities similar to the Society for the Prevention of Cruelty to Animals (SPCA).

Antenna means any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communications.

Antenna support structure means any structure designed for the primary purpose of supporting one (1) or more antennae including but not limited to self-supporting lattice towers, guyed towers and monopoles.

Anti-climbing device means a minimum six-foot high chain link fence shall surround the antennae support structure and appurtenances. The fence fabric shall have maximum one and one-quarter (1¼) inch openings or be provided with enclosing slats attached at the top and bottom restricting openings to one and one-quarter (1¼) inch or less. The fence fabric shall be minimum 11-gauge hot dipped galvanized. The fence fabric shall be installed so that at no point is the fabric or any portion of the fence enclosure more than four (4) inches above grade. The fence shall enclose the tower structure and appurtenances such that the vertical and horizontal distances from the top of the fence to the enclosed elements is not less than four (4) feet. All gates and access openings shall be equipped with locking arrangements to restrict unauthorized access.

Antique shop means a retail sales establishment of collectables, or aged materials that are at least fifty (50) years old.

Applicant means any means any person submitting any application required or permitted pursuant to any of the provisions of this Chapter, including its successors and assigns.

Aquaculture means the farming of freshwater and/or saltwater aquatic organisms such as fish, crustaceans, mollusks and aquatic plants under controlled conditions.

Architectural feature means a distinguishing or defining element of a structure, which contributes to the appearance and character of the structure or assists in defining the style of architecture. Windows, shutters, doors, chimneys, porches, roofs, columns, and decorative details are examples of architectural features.

Art and craft studio means the workshop of an artist, sculptor, photographer, craftsperson, furniture maker, glass blower, potter or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery. The primary use of art and craft studios is the retail sale of the custom goods as produced on-site, as evidenced through allocation of customer floor area or gross sales receipts of the business. The studio may include an onsite owner occupied residential dwelling.

Assisted living facility means a residential facility for the elderly that provides living areas, meals, personal services, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Services may be provided on a fee for service basis or as part of monthly rents.

Auction establishment means a place where objects of art, furniture, antiques and collectibles, and other goods are offered for sale to persons within a competitive bidding process. The term shall not include a *livestock exchange*.

Automobile graveyard means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

Balloon test means a technique utilizing a balloon to demonstrate the height above ground level of a proposed antenna support structure.

Banner sign means any sign of lightweight fabric or similar material. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Basement means a portion of a building partly underground, but having less than one-half (½) its clear height below the grade plane.

Bed and breakfast I means a stand-alone owner occupied dwelling, of sufficient capacity in terms of sewage treatment and parking needs in which up to five (5) guest rooms with private or shared bathroom facilities are available as lodging for persons, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Bed and breakfast II means a stand-alone dwelling and/or collection of other accessory buildings on the same lot that is occupied by the owner operators, of sufficient capacity in terms of sewage treatment and parking needs in which more than five (5), up to twenty (20) guests rooms total with private or shared bathroom facilities are available as lodging for persons onsite, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Billiards/pool hall means an indoor establishment whose principal use is pool/billiard tables available for play and/or tournament.

Biosolids means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution consistent with state law and regulations. For purposes of this article, biosolids does not include prepackaged biosolids sold commercially that are not otherwise regulated by Virginia Code § 5-585.10 et seq. Land application of biosolids is not permitted in the primary settlement area as defined in the Spotsylvania County Comprehensive Plan.

Brewery, winery, cidery, distillery means a type of industrial establishment where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or

wholesale sale in accordance with any manufacturing or wholesale license requirements by all applicable regulations. Beer production capacity may exceed fifteen thousand (15,000) barrels per year, distilled spirits, wine, or alcoholic cider may exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite restaurant, brewpub, retail sales, office, tasting rooms and uses as otherwise permitted in the zoning district.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory. See *Accessory use*.

Building group means a group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one (1) ownership and having any yard in common.

Building height. See *Height, building*.

Building, principal means a building in which is conducted the primary use of the lot on which it is situated.

Building materials yard means any facility that is designated to provide building materials either new, raw or reclaimed to contractors and/or homeowners.

Bulk regulations means regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

Bus station/depot/terminal means a transportation system distribution facility used for the loading and unloading of passengers and/or passenger luggage for transport from buses and temporary parking of buses, incidental to the primary use. For the purpose of this chapter, a bus stop shall not be deemed a bus station/depot/terminal.

Business service and supply service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. This term shall also include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

Camp or recreation ground means an area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a *manufactured home park* as defined herein.

Car wash means a structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

Carport means a roofed structure providing space for parking of motor vehicles and enclosed on not more than three (3) sides.

Cemetery means property used for the burial or interment of the deceased.

Chicken coop includes any fully enclosed and covered hen house, and associated run space providing a predator resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all season protection from the elements, designed to be easily accessed and cleaned where poultry and/or chicken lives.

Chicken tractor means a movable fully enclosed structure commonly used for pastured chickens who graze on fresh grass daily. The tractor is moved every day or week as needed for the chickens to have

fresh grass underneath them. Chicken tractors can be used as permanent or temporary housing for chickens; and are considered a type of chicken coop.

Child care center means any facility licensed and operated in accordance with the provisions of section 63.1-195 of the Code of Virginia, 1950, as amended, for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during a part of the day only.

Church. See *Place of worship*.

Civic, social or fraternal facility means a building or meeting facility which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses, such as temporary rental of the facility to nonmembers, recreational facilities, banquet facilities but not including the sale of goods or services to the general public on the premises on a regular basis.

Civic and sports arena means a large open or enclosed facility used for sports games and major events either partly or completely surrounded by tiers of seating for spectators.

Cluster subdivision/development. See *Subdivision, cluster*.

Co-location means the shared use of an antenna support structure by two (2) or more wireless service providers or other entities operating antennae.

College or university means an educational institution, including medical schools, authorized to award higher education, certification, associate, baccalaureate, masters or doctorate degrees.

Community center means a facility in which events, meetings and ceremonies, services are conducted by organizations including but not limited to civic clubs, businesses and individuals, for their own use or for rent. Such facilities may be publicly or privately owned and operated and include on-site kitchens or provide for catered meals. A hotel which includes meeting facilities is not considered a community center.

Contractor's offices and shops means establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services.

Contributing building, structure, or landscape means a building, structure, or landscape which has historic or cultural significance by reason of type, period, design, style, workmanship, form, materials, architectural details, or historic association to a significant event, or person, or has or may yield information important to prehistory or history.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, fresh fruits and vegetables, sandwiches and other freshly prepared foods, such as salads, for off-site consumption and containing less than seven thousand five hundred (7,500) square feet of gross floor area. The definition of convenience store shall not include fuel dispensing facilities unless such facilities are permitted or approved through special use permit consistent with zoning district provisions.

Convent, monastery, seminary and nunnery means an establishment of a religious order for the housing and/or education of male or female members.

Conventional subdivision. See *Subdivision, conventional*.

Correctional facility means a public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Country club means a recreational facility, restricted to members and their guests, which generally includes a clubhouse, dining, eating and/or drinking establishment, and recreational facilities including but not limited to golf course(s), tennis courts, and swimming pools.

Crematory or crematorium means a facility containing a furnace for cremation of deceased human bodies.

Cultural center, museum or similar facilities means establishments that document the social, environmental, or religious structures and intellectual and artistic manifestations that characterize a society including museums, art galleries, botanical and zoological gardens of a natural, historic, educational, or cultural interest.

Dam means a manmade structure across a watercourse use to retain water.

Dam break inundation zone, as defined by the Code of Virginia, § 10.1-604 means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be shown on the dam break inundation zone map filed with the state department of conservation and recreation and the county.

Deck line means the intersection of two (2) roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

Design standards means the County Design Standards Manual, adopted concurrently with this chapter, as the same may be amended from time to time, and incorporated by reference in this chapter.

Diameter at breast height means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Direct line of sight means the ability to directly view an area without the benefit or assistance of a mirror, video camera or similar aid.

Domestic laying hens include any varietal of egg laying chicken, either fertile or barren.

Dormitory, fraternity, sorority houses, or other residence halls means a building used as group living quarters for a student body as an accessory use to a college, university, boarding school, or similar institutional use. Such units may utilize shared bathrooms for unrelated residents, do not have individual kitchen units and are not designed for cooking.

Drive-in theater means an open lot devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles.

Driveway means that space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

Dustless surface means a surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or suitable material approved by the director.

Dwelling means a building or portion thereof, but not a *mobile home*, designed or used for residential occupancy. The term "dwelling" shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

Dwelling, manufactured home means a structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

For the purpose of this chapter, a manufactured home shall not be deemed a single-family detached dwelling.

Dwelling, modular unit means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this chapter, a modular unit shall be deemed a *single-family dwelling* and shall not be deemed a *manufactured home*.

Dwelling, multiple-family means a residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple-family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this chapter, a multiple-family dwelling shall not be construed to mean a *single-family attached dwelling* as defined herein.

Dwelling, single-family means a residential building for one (1) family containing only one (1) dwelling unit.

Dwelling, single-family attached means a group of two (2) or more closely placed, interrelated single-family dwelling units for one (1) family which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the director in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance. The total length of any one (1) group of units shall not exceed one hundred eighty (180) feet. The total number of units in any one (1) group of units shall not exceed nine (9). Architectural facades or treatment of materials in a townhouse development shall be varied from one (1) group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one (1) foot. For the purpose of this chapter, dwellings such as semidetached, garden court, patio house, zero lot line, "piggyback" town house, "back to back" town house and town house shall be deemed single-family attached dwellings.

Dwelling, single-family, detached means a single dwelling unit for one (1) family, which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family means a building designed for or intended to be occupied by not over two (2) families living independently of each other. This includes both duplexes, one (1) dwelling unit above another, and semi-attached, two (2) dwelling units having a common vertical party wall.

Dwelling unit means one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of section of this chapter.

Eating establishment means any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment.

An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of chapter 11 of the County Code.

Eating establishment, carry-out/fast food means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings primarily for off-premises consumption including all eating establishments providing drive through service.

Electrical engineer means an individual or firm licensed by the Commonwealth of Virginia to practice electrical engineering.

Employees of adult oriented businesses shall mean an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

Entity means any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.

Equestrian event facility means a type of indoor and/or outdoor facility used for the for the display of equestrian skills and the hosting of events including but not limited to, show jumping, dressage, rodeos, and similar equestrian disciplines. Equestrian event facility may also include uses associated with an equestrian facility and accessory uses such as a clubhouse, dining, snack bar. Such facilities may be open to the public, may be lighted, and may be developed in conjunction with a public stable or developed separately.

Equestrian facility means a facility used for any of the following: (1) equestrian education and/or instruction, (2) boarding, (3) horseback riding and rentals, (4) tack sales as an accessory use occupying no more than two thousand five hundred (2,500) square feet of gross floor area, in conjunction with any of the foregoing activities.

Existing facility means any existing or proposed wireless telecommunication facility for which valid county permits has been issued.

Exterior wall means any exposed non-interior wall of a building including the principal facade.

Family means a group of people living together as a single housekeeping unit consisting of:

- (1) One (1) or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses, or therapists, and no more than two (2) roomers or boarders; or
- (2) No more than three (3) unrelated persons, provided that the foregoing limitation on the number of unrelated persons in a housekeeping unit shall be increased to no more than eight (8) persons, where such persons have a handicap within the meaning of section 3602 of the Fair Housing Act (42 USC 3601, et seq., as amended) and may also include one (1) resident counselor, supervisor or other staff; or
- (3) Any group identified in section 15.2-2291 of the Code of Virginia, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of the Code of Virginia, § 15.2-2291.

Farm Brewery is an establishment licensed as a limited brewery under Virginia Code 4.1-208(2) which may include accessory uses including, but not limited to, an onsite eating establishment and offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3:1.

Farm Cannery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cannery or its owner and (ii) agricultural products for the canning operation are grown on the farm, devoted to the production and storage for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Cidery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cidery or its owner and (ii) agricultural products, including cultivating fruit used by such cidery in the manufacture of its cider, either alcoholic or non-alcoholic, devoted to the production and storage of cider for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Distillery means an establishment (i) located on a farm in the Commonwealth owned or leased by such distillery or its owner and (ii) agricultural products, including cultivating grains used by such distillery in the manufacture of its distilled spirits, devoted to the production and storage of spirits for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code

of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Juicery means an establishment (i) located on a farm in the Commonwealth owned or leased by such juicery or its owner and (ii) agricultural products, including cultivating fruits and vegetables used by such juicery in the manufacture of juices, devoted to the production and storage of juice for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Winery is an establishment licensed as a farm winery under Virginia Code 4.1-207(5) which may include accessory uses including, but not limited to, an onsite eating establishment and offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3. Farm winery to also include the production of fruit wine or honey mead.

Federal Aviation Administration (FAA) means an agency of the federal government that regulates all activities affecting air navigation.

Federal Communications Commission (FCC) means an agency of the federal government that regulates all intrastate, interstate and international wire, wireless, satellite and cable communications.

Feed mill means a type of agricultural processing facility, established as a commercial enterprise engaged in the production of animal feed, which may include storing, processing and milling grain for agricultural use. Ancillary sales of bedding and accessories and farm and garden supplies (such as seed, hardware, pesticides, and fertilizers) to agricultural operations may be permitted.

Feed yard means a type of agricultural processing facility, established as a commercial operation, either part of (accessory to), or near a *livestock exchange*, where livestock are gathered to be fattened for market.

Financial institution means any establishment, to include an unmanned bank teller machine(s) and/or drive through window(s), wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment companies.

Floodplain means those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one-percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area greater than seventy (70) acres.

Floodplains shall include all areas of the county which are designated as a floodplain by the Federal Insurance Administration, by the United States Geological Survey or by the county. Areas designated as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Floor area, gross means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

The term "gross floor area" shall not include cellars, or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor area, net means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as

toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet, six (6) inches. For purposes of determining off-street parking requirements, the term "net floor area" shall exclude cellars used exclusively for storage.

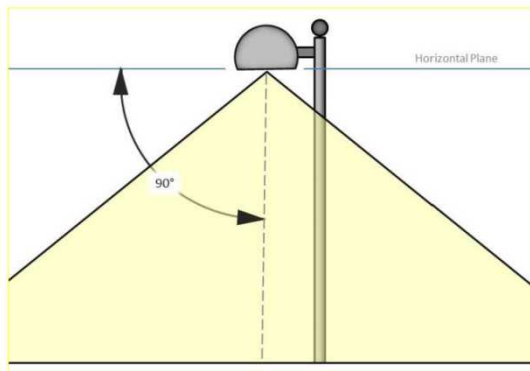
Floor area ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Forestry , also known as silviculture, means developing, caring for, cultivating forests or timbering operations associated with forest management.

Front yard. See *Yard, front*.

Fuel dispensing service means an establishment where liquids and gases used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles. A fuel dispensing service may include an onsite convenience store.

Full cutoff luminaire means an outdoor light fixture, independently certified by lighting manufacturers, shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.



Fully shielded luminaire means a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or visual assessment of an operating sample, or fixture photographs and/or diagrams.

Funeral home means a facility primarily used for human funeral services. Such a building may contain facilities for: (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.

Game land preserve, wildlife sanctuary and fish hatchery. A wildlife refuge or areas where human activities are limited and the natural environment is protected and preserved for game, vegetation and fish.

Garden center means a retail and/or wholesale sales establishment with or without a *greenhouse/plant nursery*, for the sale of plants, vegetation, trees and shrubs primarily (more than fifty-one (51) percent) sourced elsewhere or off-site and maintained and cared for onsite temporarily until sale. Accessory retail sales complementary to the primary use, including, but not limited to, (1) florist, (2) garden tools, (3) garden accent items, (4) lawn and garden care items (5) bulk landscaping materials; and, (6) water gardening, including sale of ornamental fish and aquatic plants, are also permitted.

Golf course and clubhouse is a tract of land so designed for at least nine (9) holes for playing the game of golf. Golf course and clubhouse may include accessory uses such as a clubhouse, *golf driving range* , dining, snack bar, pro-shop, or other practice facilities.

Golf driving range means an area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots. Golf course and clubhouse [driving range] may include accessory uses such as a clubhouse, dining, snack bar, pro-shop.

Grade means a reference plane representing the average of finished ground level adjoining a building at all exterior walls.

Grade plane. See definition of *Grade* .

Greenhouse, commercial means a type of horticulture, floriculture, hydroponic cultivation or aquaculture growing operation within a *greenhouse/plant nursery* and wholesale sales and distribution. Accessory offices and retail sales of such of *greenhouse, commercial* products are also permitted.

Greenhouse/plant nursery means a structure or structures, primarily of glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Group home means a type of medical care facility for developmentally disabled persons licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability.

Heavy equipment and specialized vehicle sale, rental and/or service establishment means buildings and premises for the sale, rental and servicing of trucks, buses, boats, manufactured homes, trailers and farm and construction machinery or equipment, but not including any vehicle designed primarily for the transportation of nine (9) or less passengers. For the purpose of this chapter, heavy equipment and specialized vehicle sale, rental and service establishments shall not be deemed to include *vehicle sale, rental and ancillary service establishments* ; however, vans and recreational vehicles may be sold, rented and serviced.

Height, building means the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the *grade* in all other cases.

Height, effective building means the vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building.

Heliport means an area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

Helistop means an area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

Home enterprise means a low impact home based business within any dwelling unit within zoning districts as permitted including but not limited to uses such as *art and craft studio* , cottage industry, photographic studio, custom gun-smith, schools of special education, beauty parlor or other personal service establishments. Home enterprise may include access by employees, customers or clients, subject to use limitations as defined. Such operations are clearly incidental and subordinate to the principle residential use permitted on the parcel, subject to development standards as established in chapter 23, division 4A, Home enterprises.

Home occupation means low impact home based business activities for individuals within any *dwelling* such as but not limited to home office, artist space, home crafts, internet sales, completely contained within residential dwellings that chiefly serve as a place of residence, subject to development standards as established in chapter 23, division 4, Home occupations.

Hospital means an institution for health care providing patient medical testing and treatment for the sick, aged or infirmed, including care of mental illness, drug and alcohol addiction cases by specialized staff and equipment, providing both inpatient and outpatient medical care services in the treatment of a wide variety of medical conditions. Such an institution is largely staffed by professional physicians, surgeons and nurses. This terminology shall include, but not be limited to mental health sanitariums.

Hotel, motel means a building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one (1) or more eating establishments as a subordinate use, provided that such establishment is located within the principal hotel/motel structure.

Hydroponic cultivation means a method of growing plants using mineral nutrient solutions, in water, without soil.

Impounding structure means a man-made structure, whether a dam across a water course or other structure outside a watercourse, used or to be used to retain or store waters or other materials as defined by Code of Virginia, § 10.1-604.

Indoor, commercial recreation/athletic facility means an indoor sports building or activity facility in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction. These include, but are not limited to, the following: roller or ice skating rink, batting cages, bowling alley, miniature golf, golf driving range, shooting ranges, tennis and other court games, swimming, aerobics and weight lifting, canine, feline, companion animal sporting event or exhibition, excluding livestock or equestrian event facility, but does not include billiard hall, bingo or dance hall.

Industrial/flex means any structure occupied by two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that the combined area of all office, both as a principal use and as an accessory use, shall not exceed thirty-five (35) percent of the total gross floor area of the structure. For the purpose of this chapter, when any of the above uses are permitted by right in the applicable zoning district, such uses may be combined within a single structure in accordance with the provisions of that district, and shall not be deemed industrial/flex.

Industry, type I means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included are assembly of electrical appliances, bottling and printing plants, brewery, winery, cidery, distillery, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical production of items made of stone, metal or concrete.

Industry, type II means enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Industry, type III means an establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Integrated photovoltaic material or *integrated PVM* means photovoltaic material incorporated into building materials, such as shingles.

Junk yard means the use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use as provided for in this chapter. A junk yard shall also be inclusive of an *automobile graveyard* as defined herein.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, training, renting, buying, boarding, selling, or showing for the purpose of sale or rental.

Lamp means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land disturbance activity as defined in chapter 8, erosion and sediment control, Spotsylvania County Code, including the disturbance of land areas two thousand five hundred (2,500) square feet in size or more. The term shall not include minor activities such as home gardening, planting of trees and shrubs and home maintenance.

Landfill means a disposal site in which refuse and earth, or other suitable cover material are deposited and compacted in alternating layers of specified depth.

Live entertainment, indoor shall mean entertainment or concert venues located within an enclosed building intended for musical performances, music played by disc jockeys, public speaking, performance art including dancing, modeling and similar uses, or comedy performances, whether operated for profit or not, providing live performances, entertainment, including dance halls/dance clubs, and bingo halls, but not including adult oriented business as defined herein. Outdoor deck or patio entertainment events may also be held accessory to the primary use.

Live entertainment, outdoor shall mean any permanent commercial establishment, excluding *civic and sports arena*, where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building in structures such as but not limited to a band shell or pavilion, outdoor stage. Live entertainment, outdoor shall be limited to no more than one thousand five hundred (1,500) attendees and shall not include music festivals or other outdoor special events of a temporary and/or infrequent nature, regulated elsewhere in chapter 3, article 2, Outdoor music or entertainment festivals.

Livestock includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, caprae animals, animals of the genus lama, ratites, enclosed domesticated rabbits or hares raised for food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals as defined in § 3-2.6500, Code of Virginia.

Livestock exchange means a type of agricultural processing facility, established as a commercial operation in which the public may consign livestock for sale by auction open to public bidding, or sold on a commission basis. Such use may include accessory uses, such as an eating establishment, for which service is generally provided for the convenience of patrons of the primary use itself. A *feed yard*, if part of the same operation, can be accessory to a *livestock exchange*.

Lot for the purpose of this chapter, a parcel of land that is designated at the time of application for a special permit, a site plan, a building permit, or occupancy permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

Lot area means the total horizontal area included within the lot lines of a lot.

Lot boundary. Same as *Lot line* as defined herein.

Lot, cluster subdivision. See *Subdivision, cluster*.

Lot, conventional subdivision. See *Subdivision, conventional*.

Lot, corner means a lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five (135) degrees; provided,

however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

Lot depth means the average horizontal distance between the front and rear lot lines.

Lot, interior means any lot, including a through lot, other than a corner lot.

Lot line means any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a *street line*. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot line, front means a street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

Lot line, rear means that lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side means a lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, pipestem means a lot approved in accordance with the provisions of the subdivision ordinance which does not abut a public street other than by its driveway which affords access to the lot.

Lot, reverse frontage means a residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot, through means an interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this chapter, a through lot shall be subject to the regulations of an *interior lot*.

Lot width means the width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

In the case of a lot which has an area in excess of five (5) acres, the width may be measured at any point where the minimum lot width is at least two hundred (200) feet, provided that such point shall also be where the front yard is established by location of the principal structure.

Lumberyard means a type of agricultural processing facility including area and structures used for the storage of any of lumber, either finished or rough cut, for transport to other locations, wholesale or retail sale from site.

Luminaire means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Manufactured home. See *Dwelling, manufactured home*.

Manufactured home park means any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more manufactured homes.

Marina, dock and boating facility, commercial. A marina, dock, or boating facility designed and intended to be used for mooring and launching of boats, hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, and storage or any combination of these are provided.

Medical care facility means any specialized institution, place, building, or agency, whether or not licensed or required to be licensed by the state board of health or the state hospital board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or

treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical. This terminology shall include, but not be limited to medical clinic, medical laboratory, cosmetic surgery and laser center, oral surgery center, urgent and outpatient care center, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This definition shall not include a physician's office, dentist's office, assisted living facility, nursing home, group home, hospital or a first aid station.

Medical clinic means a type of medical care facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Medical clinic includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Medical laboratory means a type of medical care facility in a building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of specialized or custom medical devices.

Micro-brewery, winery, cidery, distillery means a type of small scale brewery, winery, cidery, distillery where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia or other applicable law. Beer production capacity shall not to exceed fifteen thousand (15,000) barrels per year. Production of distilled spirits, wine, or alcoholic cider shall not exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite eating establishment, brewpub, retail sales establishment, office, tasting rooms and uses as otherwise permitted in the zoning district.

Mini/micro cell means an antenna support structure not exceeding eighty (80) feet in height.

Mini-warehousing establishment means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods, or contractors' supplies.

Miniature golf means an establishment for golf designed on a miniaturized scale and which may include accessory structures in which an accessory office, snack bar, facility for the retail sale of golf-related items and supplies, and video games or a video arcade may be located.

Mitigate means to reduce or eliminate adverse impacts.

Modular unit. See *Dwelling, modular unit.*

Motel. See *Hotel*.

Motor freight terminal means terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck, ship to truck, and truck to air.

Multi-tenant complex is a group of buildings either housing one (1) tenant with multiple structures or multiple tenants on one (1) parcel. A multi-tenant complex is characterized by multiple buildings under one (1) controlling body. Government and university campuses are examples of multi-tenant complexes.

Multi-tenant structure is a structure with more than one (1) occupant, characterized by multiple exterior entrances into the structure. Office buildings (or non-residential condominiums) and strip malls with separate tenant spaces are examples of multi-tenant structures.

Non-contributing building, structure, or landscape means a building, structure, or landscape that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity, cultural value, or is capable of yielding important information about the period.

Nude means any state of dress less than seminude.

Nursing home means a type of medical care facility for extended or intermediate care for persons of advanced age, chronic illness, convalescent or infirmity are unable to care for themselves.

Office means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, computer programmers, financial advisors, auditors, travel agents, real estate brokers, insurance agents, dentists or physicians, psychologists, urban planners and landscape architects.

Any use shall be deemed an office use which: (a) involves the administration and conduct of investigation, examination or experimentation, but which does not include the operation of laboratory facilities, pilot plants, prototype production, or the assembly, integration, testing, manufacture or production of goods and products on-site; or (b) involves prototype production limited to computer software development, demographic and market research, technical or academic consulting services, and data processing facilities. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises unless such activities are otherwise permitted within the zoning district. A veterinary clinic shall not be deemed to be an office use.

Office building means a building used for conducting the affairs of a business, service, industry, or government.

Office complex means a tract of land that contains two (2) or more buildings designed and constructed for occupancy of, or occupied by, general, medical/dental and/or professional businesses and/or personnel.

Open air market means a site where outdoor stalls, booths, tables and/or the like that may be set aside and rented or otherwise provided that are intended for use by various retail vendors at which articles that are either homemade, homegrown (farmers market), handcrafted, antique, or collectible are displayed and sold.

Open space means that area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of article 5, division 5; provided, however, that the area required for interior parking lot landscaping shall not comprise more than twenty-five (25) percent of the total required open space; and provided further, however, that the area within wetlands, resource protection areas, floodplains and slopes greater than fifteen (15) percent shall not comprise more than fifty (50) percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots.

Open space, landscaped means that open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Outdoor luminaire means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Outdoor sports and recreation, commercial means a commercial sports or activity establishment open to the general public in an open or partially enclosed or screened facility; these include but are not limited to: batting and pitching cages, hard and soft courts, swimming pools, water slides, go-carts, pony rides, and ice skating rinks, canine, feline, companion animal sporting event or exhibition, excluding livestock or equestrian event facility, competitive racing facilities, shooting ranges, paintball or similar game fields.

Parking, commercial off-street means a facility, lot or structure used for the sole purpose of parking operative motor vehicles.

Personal service establishment means 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 chapter, personal service establishments shall include but are not limited to barber shops, beauty parlors, tanning salons, day spas, tattoo parlors, piercing studio, 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 offices of physicians, dentists, and veterinarians, or dry cleaning plants or laundries containing more than three thousand (3,000) square feet of net floor area devoted to cleaning, processing, etc., or linen or diaper service establishments.

Photovoltaic material or *PVM* means materials and devices that absorb sunlight and convert it directly into electricity.

Piercing studio shall mean any establishment where the piercing of body parts is performed for purposes of allowing the insertion of jewelry.

Pipestem driveway means a driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

Pipestem lot. See *Lot, pipestem.*

Place of worship means a use located in permanent building(s) and providing regular organized religious worship and related incidental activities, except primary or secondary schools and child day care centers.

Principal use means the main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this ordinance.

Private school means a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, dance, linguistic, scientific, religious, or other subjects, but not including (a) a child care center or adult day care center; or (b) a riding school, however designated. Private school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Property owner means any entity with fee simple title to any parcel of land within the county.

Public facility/use means any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the county government under the direct authority of the board of supervisors, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this chapter, uses sponsored by agencies such as the industrial development authority, the social services department or the juvenile court shall not be deemed public uses and shall be subject to the applicable zoning ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the board of supervisors, they shall be deemed public uses.

Public school means any area, building or structure held, used or controlled for public education purposes by the Spotsylvania County School Board. Public school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Public street. See *Street, public*.

Public utility means 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, transportation or communications.

Public utility, heavy means the following shall be deemed to be heavy public utilities:

1. Electrical generating plants and facilities.
2. Sewage treatment and disposal facilities.
3. Solid waste disposal and treatment facilities including incinerators and landfills.
4. Storage facilities for natural gas, oil and other petroleum products.
5. Supply yards for any public utility.
6. Water purification facilities.
7. Local office space and maintenance facilities incidental to any use set forth above.

Public utility, light means the following shall be deemed to be light public utilities:

1. Electric substations and distribution centers including transformer stations.
2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space incidental thereto and necessary for the operation of such station, but not including any storage facilities.
3. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations.
4. Sewerage pumping facilities.
5. Utility transmission facilities, including but not limited to poles, structures, wires, conduits, cables, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water.

For the purpose of this part, utility transmission facilities shall not include:

- (a) Ordinance distribution facilities for delivery of such utilities to customers where such facilities are located in the public right-of-way or are located in easements, or strips of property owned in fee simple not more than twenty-five (25) feet in width; or
- (b) Transmission lines approved by the state corporation commission pursuant to section 56-46.1 of the Code of Virginia, as amended.
6. Water storage, control, and pumping facilities.
7. Mobile and land based telecommunication facilities.

Quasi-public park, playground, athletic field and related facility means a use owned or operated by a nonprofit or religious institution and providing educational, recreational or similar types of programs.

Railroad station/depot/terminal means a transportation facility used for the loading and unloading of passengers and/or passenger luggage from railroad cars and temporary parking of rail cars and engines, incidental to the primary use.

Railway yard means an area having a network of railway tracks and sidings for the storage, loading and unloading of bulk goods in transport, maintenance, and switching of railroad cars and engines.

Rear yard. See *Yard, rear*.

Recreational vehicles means a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for

recreational and camping purposes including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recycling collection center means a lot or parcel of land, with or without buildings, upon which used recyclable materials are collected from the general public, are separated and shipped to a landfill, recycling plant or other similar facility.

Recycling plant means a facility in which recyclables, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products.

Religious retreat center means a facility, owned and operated by a non-profit corporation, at which said corporation provides services, including food and lodging, for religious retreats consisting of such customary religious retreat activities as quiet prayer, mediation, study, discussion, worship and contemplation. Each retreat shall be under the personal direction of (i) a cleric or member of a religious order, or (ii) a spiritual director, pastoral counselor or religious retreat master, all of whom shall be certified by an accredited college, university or seminary to conduct religious retreats.

Repair service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, computers, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any establishment wherein the primary occupation is interior decorating services which include reupholstering and/or the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

Restaurant. See *Eating establishment*.

Retail sales means the sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

Retail sales establishment means any establishment wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. This term shall also include establishments such as television and tool rental establishments and photographic and portrait studios, convenience stores. For the purpose of this chapter, however, retail sales establishment shall not be deemed to include *heavy equipment and specialized vehicle sale, rental and/or service establishments, vehicle, light service establishments, or vehicle sale, rental and ancillary service establishments*.

Reverse stacking means extending the height of a tower in order to accommodate co-location starting with the lowest height possible.

Road. See *Street*.

Rooming/boarding houses means a residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A *rooming/boarding house* shall not include a use that meets the definition of a *hotel, motel, dormitory, fraternity, sorority house or other residence hall, bed and breakfast, nursing home, convent, monastery, seminary and nunnery*. A *rooming/boarding house* may either involve or not involve the providing of meals to residents. A *rooming/boarding house* shall primarily serve persons residing on-site for five (5) or more consecutive days.

Sawmill means a type of agricultural processing facility intended for processing of raw timbers into usable wood products including but not limited to lumber, planks, posts, poles, paneling or shavings. Sawmill may also include lumberyard.

Scientific research and development establishment means a facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

Seasonal wayside stand means the sale from a structure to the public of crafts and agricultural products grown or collected on the parcel on which the stand is located, or on a contiguous parcel under

the same ownership. The stand shall have direct access to a public road and be on one (1) ground floor which shall not exceed two hundred fifty (250) square feet. The stand shall not provide facilities for on-premises food consumption by the public nor for public seating, but may provide overhead shelter of customers while they are inspecting or purchasing goods. The stand shall be open to the public on at least one (1) side, which may be by way of doors or other openings in a wall. The stand shall be closed at least three (3) months of the year. The stand may be of a permanent or nonpermanent construction.

Seminude means any state of dress with less than completely and opaquely covered male and/or female pubic region, buttocks, or female breasts below a point immediately above the top of the areolae excepting any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered male and/or female genitals, anus, or areolae of the female breast.

Secondary support structure means any structure designed primarily for other purposes that can be utilized to support antennae including but not limited to buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks and silos.

Setback. Except for division 28, Mixed use district, in this chapter the term setback is not used, as such term represents a distance that is established in like manner as that for a *yard*.

Shopping center means 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 are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one (1) continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on-site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this chapter, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Side yard. See *Yard, side*.

Sight triangle means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign means any display of letters, words, numerals, figures, devices, emblems or pictures or any combination thereof, by any means which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

Sign, building-mounted means any sign affixed to a building. A sign, tenant is a type of a sign, building-mounted.

Sign, electronic or digital display means any portable or permanent sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged electronically through light, digital, LED or other display.

Sign, freestanding means any permanently mounted monument or pylon sign not attached to a building facade.

Sign, ground-mounted means any sign affixed to or supported off of the ground. A sign, monument is a type of a sign, ground-mounted.

Sign, monument means a permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three (3) feet or less of ground level.

Sign, pinnacle means a sign, building mounted placed on the exterior wall of the top floor or parapet above the top floor of a multi-story building within a single uniform horizontal band running the length of an exterior wall to advertise primary tenants or building name. Roof signs shall not be considered sign, pinnacle.

Sign, pylon means a freestanding sign supported from the ground by one or more supports where the sign face is mounted on the top of the support.

Sign, roof means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary means any sign, valance, or advertising display constructed of plastic, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.

Sign, tenant means a permanent, building-mounted sign, not exceeding one (1) square foot in size. A sign, tenant is used to demarcate an entrance to or the tenants of a building.

Silviculture. See Forestry.

Site plan means the proposal for a development or subdivision, except:

- (i) Individual single-family detached dwellings, and
- (ii) Accessory structures where the land disturbance is less than two thousand five hundred (2,500) square feet, including all covenants, grants or easements and other conditions relating to use location and bulk of buildings, density of development, common open space, public facilities and other information as required by the zoning ordinance to which the proposed development is subject.
- (iii) Building or structure additions that disturb less than 2,500 square feet unless it amends other site features or utilities, which shall require a minor site plan.

Site plan, building addition is a plan for modification to an existing building or structure that disturbs less than 2,500 square feet, and does not require amendments to parking, landscaping, or the extension of public water or sewer lines and may be completed with approval of building plans, zoning use approval, and meeting the Chesapeake Bay water quality standards.

Site plan, linear trail is a plan for land disturbance of equal to or greater than 2,500 square feet exclusively for trail construction. A plan that includes parking or accessory structures shall be submitted as a Site Plan, major or minor.

Site Plan, infrastructure is a plan which demonstrates that all required infrastructure is feasible within the proposed project and that shows the location of all property lines, topography, and monuments and the possible locations of rights-of-way, water and sewer lines, and vehicle and pedestrian access.

Site plan, major is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than 10,000 square feet.

Site plan, minor is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than 2,500 square feet but less than 10,000 square feet and for development projects proposing modification to public water and sewer lines, access onto a public right-of-way, or parking.

Solar energy facility or *SEF* means a renewable energy facility that generates electricity from sunlight, consisting of one or more photovoltaic material (PVM) systems and other appurtenant structures and facilities within the boundaries of the site, and which is interconnected with the local transmission or distribution system for the purposes of wholesale electric generation. A solar energy facility shall not include net metered solar energy systems installed in accordance with the Code of Virginia, § 56-594.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttock; and
 - (c) Female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1) Human genitals in a stage of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse or sodomy.

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stealth technique means any technique designed to conceal or disguise wireless telecommunication facilities.

Storage yard means a facility used for outdoor storage of products as delineated on an approved site plan.

Street means a strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

Street line means the dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, private means a local or collector street, not a component of the state primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of the Design Standards Manual.

Street, public means a platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Structure means that which is built or constructed. The term "structure" shall be construed as though followed by the word "or parts thereof."

Structural alteration means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Structural engineer means an individual or firm licensed by the Commonwealth of Virginia to practice structural engineering.

Subdivider means any person who subdivides land pursuant to chapter 20 of this Code, the subdivision ordinance.

Subdivision means the land subdivided as defined in chapter 20 of this Code, the subdivision ordinance, and when appropriate to the context, the process of subdividing or resubdividing.

Subdivision, cluster means an alternate means of subdividing a lot premised on the concept of reducing lot size requirements for the provision of open space within the development, all in accordance with the provisions of article 6 of this chapter.

Subdivision, conventional means a conventional subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district regulations.

Summer camp means any area or place, which is operated or used (1) for the entertainment, education, recreation, religious instruction or activities, physical education or health of persons under eighteen (18) years of age, or (2) for the bona fide members of a civic, charitable or fraternal organization exempt from state or federal taxation.

Tannery means a type of agricultural processing facility where hides are tanned to make leather.

Tasting room means a facility, or portion of a facility, accessory to a brewery, winery, cidery, distillery, cannery where customers may sample the manufacturer's products.

Tattoo parlor means a type of personal service establishment involving the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Telecommunications tower means any self-supporting lattice, guyed, or monopole structure that is designed and constructed for the purpose of supporting one (1) or more telecommunication facilities and equipment utilized by commercial telecommunication companies, governmental, or other public and quasi-public users, including all infrastructures and equipment including but not limited to antenna support structures, antennae, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of radio frequencies. The term "tower" does not include commercial or home use radio and television antennas and supporting structures, satellite dishes or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission. These shall be considered as accessory uses and structures.

Theater means a building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this ordinance, a dinner theater shall be deemed an eating establishment and a drive-in motion picture theater shall be deemed a separate and distinct use as defined herein.

Tower developer means any entity that develops structures for the purpose of leasing space to entities operating antennae.

Transportation facility means a facility for the purpose of repair, storing or dispatching of fleet vehicles for either public or private transportation needs.

Truck stop means any building, premises, or land involving the maintenance, servicing, storage, or repair of commercial vehicles including the dispensing of motor fuel or other petroleum products directly into commercial motor vehicles and the sale of accessories or equipment for trucks or other similar commercial vehicles. A truck stop may also include overnight accommodations and/or restaurant facilities primarily for the use of truck crews and accessory retail sales.

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Use, accessory. See *Accessory use*.

Use, public. See *Public use*.

Vehicle, light service establishment means buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle and boat accessories, such as the following: sparks plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a *vehicle light service establishment* shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle major service establishment means buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle sale, rental, and ancillary service establishment, large scale means any use of two (2) acres or greater of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Vehicle sale, rental, and ancillary service establishment, small scale means any use of fewer than two (2) acres of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Veterinary hospitals/services means a place where animals are given medical care and may include the boarding of animals as a secondary use. This use includes veterinary clinics.

Viewing area means any area within an adult oriented business where a motion picture, film, videotape, moving picture, live entertainment, live exhibition or performance is taking place, being shown, and/or viewed. Viewing area shall also include an adult booth.

Warehouse means a building used primarily for the holding or storage of goods and merchandise. For the purpose of this chapter where a warehousing establishment is permitted a mini-warehousing establishment shall also be permitted.

Wayside stand means a temporary structure or use designed for the retail sale of agricultural products, subject to the following limitations:

1. Shall be permitted only on a lot containing at least two (2) acres.
2. Structures shall not exceed four hundred (400) square feet in gross floor area.
3. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
4. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this chapter, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
5. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
6. Notwithstanding the provisions of article 5, division 8, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area, but no other signs shall be permitted.
7. A tent may not be used as a wayside stand.

Wetland mitigation bank means an area of land on which wetlands are to be restored, created, enhanced or preserved in a manner that will qualify the land for the purpose of engaging in the sale, exchange or transfer of wetlands mitigation credits required by federal or state authorities to compensate for adverse impact to wetlands. This definition shall not include wetlands mitigation banks owned and controlled by the United States, the Commonwealth of Virginia, the county, or any department or agency thereof.

Wholesale sales means the sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

Wholesale trade establishment means any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this chapter, a warehouse shall not be deemed a wholesale trade establishment.

Width, lot. See *Lot, width*.

Wildlife refuge. See *Game preserves, wildlife sanctuaries and fish hatchery*.

Winery means a facility utilized for growing or processing grapes into wine for bottling, tasting and selling.

Wireless service provider means any entity providing commercial mobile radio services.

Wood by-products means a substance, which is principally composed of woody materials such as stumps, logs, limbs, brush, leaves, and similar items that can be chipped or ground into smaller components.

Wood by-products recycling center means a type of agricultural processing facility in a building and/or associated land area and equipment primarily used for the processing of wood by-products into mulch, wood chips, topsoil and similar materials. On-site retail sales of the processed materials and other similar commodities such as sand, gravel and rock shall be considered an auxiliary use.

Yard means any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

For the purpose of this chapter, there shall be a distinction between "yard" and "minimum yard required." The minimum yard requirements set forth in this chapter represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

On a non-residential lot where a service drive is to be dedicated to the county or to the department of highways and transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original lot line, except in no instance shall a building be erected closer than fifteen (15) feet from the nearest street line.

In instances where future roadway improvement plans have been listed on the VDOT Primary or Secondary Road 6-year Improvement Plan, Comprehensive Plan, or are on a county approved road bond project list, for the widening, opening, or relocation of any street or highway within the county, it shall be required that the minimum yard required for any new construction be calculated based on the planned right-of-way in order to protect and preserve the right-of-way for such proposed street or highway. The zoning administrator may consider modifications to minimum front, rear, or side yards on a case by case basis in instances where it compromises the by-right development, code compliance of a lot.

Yard, front means a yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in section 20-5.2.1, subdivision regulations for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley. On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of article 6 of this chapter.

Yard, privacy means a small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

Yard, rear means a yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

Yard, residential manufactured home park means any open space on the same lot within a manufactured home park lying between any manufactured home or group of manufactured homes or other building or building group and the nearest lot line of a residential manufactured home park parcel, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter.

Yard, side means a yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be.

Zoning administrator means the administrative officer designated by the board to administer the zoning ordinance and issue zoning certificates.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-82, 8-24-99; Ord. No. 23-89, 12-12-00; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-111, 1-11-05; Ord. No. 23-119, 9-11-07; Ord. No. 23-120, 10-9-07; Ord. No. 23-124, 2-12-08; Ord. No. 23-126, 9-23-08; Ord. No. 23-131, 3-10-09; Ord. No. 23-135, 12-8-09; Ord. No. 23-142, 2-8-11; Ord. No. 23-144, 11-10-11; Ord. No. 23-151, 1-8-13; Ord. No. 23-153, 2-12-13; Ord. No. 23-154, 2-26-13; Ord. No. 23-160, 1-13-15; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-163, 9-13-16; Ord. No. 23-166, § 1, 12-13-16; Ord. No. 23-173, § 1, 11-9-17; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23- , -18)

State Law reference— Definitions and rules of construction generally, § 1-2.

DIVISION 11. - SITE PLAN REVIEW

Sec. 23-4.11.1. - Purpose and applicability.

- (a) Site Plan review is intended to provide information to enable the County staff to determine whether a proposed use complies with the development standards of this Chapter and with other applicable regulations.
- (b) Site Plan approval shall be a prerequisite to any development or redevelopment.
- (c) Site Plan review and approval is applicable to:
 - (1) Single family detached dwellings or accessory structures. Agreement in Lieu of Plan Approval may be substituted for Site Plan approval in accordance with Section 23-4.1.1.(i);
 - (2) Site Plan, major;
 - (3) Site Plan, minor;
 - (4) Site Plan, linear trail; and
 - (5) Site Plan, infrastructure.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-131, 3-10-09; Ord. No. 23-__, ____)

Sec. 23-4.11.2. - General application requirements.

- (a) An application for Site Plan approval may be filed only by the owner or attorney-in-fact of the lot which is the subject of the Site Plan, or by any person specifically authorized in writing by the owner to file such application.

- (b) An application for Site Plan approval shall be filed with the Planning Department on a form provided by the Department, together with a fee in accordance with Section 23-4.1.3, copies of the Site Plan and any other plans, permits, documents and information as specified in the application packet. Applicants are advised to familiarize themselves with the application before preparing plans or documents.
- (c) The required Site Plan shall be drawn to the size and scale specified on the application and shall be prepared by an architect, engineer, landscape architect or surveyor licensed in the Commonwealth of Virginia. The application for Site Plan approval shall contain the information listed in this subsection, and, in addition, if the development is proposed within a Chesapeake Bay Preservation Area, the information described in the County's Chesapeake Bay Preservation Ordinance (CBPO), unless the CBPO Administrator determines that some of the information is unnecessary due to the scope and nature of the proposed development or the information has been previously submitted and approved:
 - (1) A Title Page containing the following:
 - (i) Title block denoting the type of application, name of project, tax map reference, voting district, magisterial district, and street address;
 - (ii) The name, address and phone number of the applicant and property owner;
 - (iii) The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;
 - (iv) Vicinity map, 1" = 2000', a north arrow, scale, and scale graphic;
 - (v) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;
 - (vi) A table (with computations) stating the types of proposed uses, the number of residential dwelling units and densities, and the gross and net floor areas of non-residential structures.
 - (vii) Signature and seal of professional person certifying the plan;
 - (viii) Revision block for date, reasons for revision, and signature of person making revision; and
 - (ix) Signature block for approving agent.
 - (2) Plan Sheets containing:
 - (i) The distance to and identification of the nearest intersection;
 - (ii) The boundary of the entire parcel with courses and distances;
 - (iii) Any existing or proposed parcel lines, easements, or rights-of-way within the subject parcel;
 - (iv) The present zoning and principal use of the subject parcel and all contiguous properties;
 - (v) The boundaries of any overlay zoning districts described in Article 6 of this Chapter;
 - (vi) The locations, dimensions, height, and setbacks of all existing and proposed buildings, structures and other improvements;
 - (vii) The boundaries of any lakes, rivers, streams, ponds, or wetlands;
 - (viii) A landscape plan showing the location, dimensions and material descriptions of all existing and proposed screens, bufferyards, or landscaping;
 - (ix) The location and dimensions of existing and proposed parking and loading areas and any other impervious surfaces, such as driveways, streets (and names), sidewalks, and playing surfaces;
 - (x) The location and description of all points of access;

- (xi) The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;
 - (xii) The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;
 - (xiii) Typical roadway pavement and design section for all proposed streets, roads, and driveways;
 - (xiv) Points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;
 - (xv) Topographic contour lines at two-foot intervals based on field or aerial survey, for the existing site and after the completion of the proposed development;
 - (xvi) The location and dimensions of on-site and off-site facilities for the retention or detention of stormwater;
 - (xvii) The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a statement of whether such open areas are to be dedicated to the public;
 - (xviii) For large-scale, phased developments, identification of the location and timing of each phase of the development;
 - (xix) Any known historic building or features;
 - (xx) Any known places of burial, cemetery easements, or objects or structures marking places of burial;
 - (xxi) The 100 year floodplain limits and dam break inundation zone limits;
 - (xxii) A table estimating the daily public water usage and sewage flow attributable to the proposed development in gallons per day, including the timing of any necessary connections;
 - (xxiii) Location of water mains, sewer lines, fire hydrants, gas lines, electrical lines, easements, outdoor lighting, and outdoor trash receptacles;
 - (xxiv) An Erosion and Sediment Control Plan including the information required under Chapter 8 of the County Code;
 - (xxv) Any wetland permits required under applicable State or Federal law;
 - (xxvi) Preliminary engineering for all required improvements, drawn to the specifications provided by the County;
 - (xxvii) GPS coordinates for all new storm sewer outfalls, including outfalls from permanent stormwater management facilities. Every Site Plan shall reference at least two (2) concrete monuments at the subdivision corners to the VCS 1983. All information required under Chapter 20, Article 8 of the County Code applies;
 - (xxviii) A legend for all symbols shown on the plan;
 - (xxix) Signature and seal of professional person certifying the plan;
 - (xxx) Revision block for date, reasons for revision and signature of person making revision; and
 - (xxxi) Signature block for approving agent placed at the same location on each sheet.
- (d) For purposes of clarity, any of the items listed in subsection (c) above- may be shown on additional sheets drawn to the same size and scale as all other Site Plan sheets, or may be included in a separate plan such as an Erosion and Sediment Control Plan or Stormwater Management Plan.

- (e) An executed infrastructure agreement and any improvement guarantees as required under Article 6 of the Subdivision Ordinance shall be submitted, approved, and posted prior to approval.
- (f) A sealed engineer's estimate for all infrastructure (including necessary off-site improvements) required to service the lot.
- (g) An executed best management practices agreement for any storm water management facilities proposed on the plan shall be submitted, approved, and recorded prior to approval.
- (h) A complete plat application for any required public or private easements and right-of-way dedication shall be submitted prior to approval.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-112, 2-8-05; Ord. No. 23-136, 1-12-10; Ord. No. 23-____, ____)

Sec. 23-4.11.3. - Determination of completeness.

Within ten (10) working days after receiving an application for Site Plan approval, the County staff shall determine whether the application is complete based upon the requirements of Section 23-4.11.2. If the County staff determines that the application is not complete, they shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-____, ____)

Sec. 23-4.11.4. - Review by staff and government agencies.

- (a) After the application and Site Plan are determined to be complete, County staff shall review the application and Site Plan to determine whether the proposed use is in compliance with the standards set forth in Section 23-4.11.8 of this Chapter.
- (b) The County staff shall forward the application to any State, County or other government departments or agencies as appropriate, including the Chesapeake Bay Local Assistance Department (CBLAD), and request review and written comments. Comments from agencies other than CBLAD shall be received within forty-five (45) days of the request. Any comments by CBLAD on a water quality impact assessment shall be received within ninety (90) days of the request under state law.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-____, ____)

Sec. 23-4.11.5. - Decision by staff.

- (a) No later than sixty (60) days after the application for Site Plan approval is determined to be complete in accordance with the provisions of Section 23-4.11.5, or no later than thirty-five (35) days after receipt of the approvals from all state agencies, whichever is later, after review in accordance with Section 23-4.11.6, County staff shall either:
 - (1) Approve the Site Plan, by marking approval on the Site Plan if staff finds that the Site Plan meets the standards set forth in Section 23-4.11.6; or
 - (2) Disapprove the Site Plan if staff finds that the Site Plan does not meet the standards set forth in Section 23-4.11.6.
- (b) County staff shall give the applicant written notice of the action taken on a proposed Site Plan, and shall describe any modifications and corrections that are necessary conditions prior to receiving approval.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-__, ____)

Sec. 23-4.11.6. - Standards for evaluation of Site Plans.

The County staff shall base its decision to approve or disapprove an application for Site Plan approval on consideration of:

- (1) Whether the proposed use complies with the requirements and standards set out in Articles 5, 6, and 7 of this Chapter and with Chapter 20, if applicable;
- (2) Whether the proposed use complies with the Design Standards Manual.
- (3) Whether the proposed use complies with any applicable State and Federal regulations, including, but not limited to regulations pertaining to Chesapeake Bay Preservation Areas and wetlands.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-__, ____)

Sec. 23-4.11.7. - Submission of revised Site Plan, construction drawings and performance guarantees.

- (a) Upon receipt of written notice from County staff that a Site Plan has not been approved in accordance with Section 23-4.11.5, the applicant shall submit a revised Site Plan within sixty (60) days of the date of notice showing any corrections or modifications which are required as conditions for approval, construction drawings for required improvements and required performance guarantees, such as improvement, bond or maintenance agreements, prepared in accordance with the standards of the county's Subdivision Ordinance. The revised Site Plan shall be reviewed and acted upon in accordance with Subsections 23-4.11.4 through 23-4.11.6. The applicant may request a resubmission extension in writing for a period not to exceed sixty (60) days. A second extension may be requested in writing for a period not to exceed thirty (30) days.
- (b) If staff approves the Site Plan consistent with Section 23-4.11.5, the applicant must acquire the Site Plan permit and pay all associated permit fees within six (6) months of approval or the Site Plan will be void and a new application and fees will be required.
- (c) If the approved Site Plan indicates that any easements, land, or right-of-way is to be dedicated to the public, the applicant shall submit appropriate legal documents to the County Attorney for approval and for acceptance by the Board of Supervisors. After the dedication has been approved by the County Attorney and accepted by the Board of Supervisors, the applicant shall record a plat and an original warranty deed containing a metes and bounds description of all lands dedicated as part of the approved Site Plan. Such plat and deed shall be recorded no later than the time limit established for recording of deeds for required dedications under the County's Subdivision Ordinance and shall occur prior to issuance of a Final Zoning Certification and Occupancy Permit.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-81, 6-22-99; Ord. No. 23-__, ____)

Sec. 23-4.11.8. - Effect and duration of Site Plan approval.

- (a) Approval of a Site Plan shall authorize the applicant to proceed with any application for land-disturbing permits, building permits, and other permits and approvals required in order to develop the property in conformity with the approved Site Plan.
- (b) An approved final Site Plan shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the County staff may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A Site Plan shall be deemed final once it has been reviewed and approved by the County staff, the

review fees have been paid by the applicant, and the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows.

- (c) Upon application of the developer filed prior to expiration of a final Site Plan, the County staff may grant one or more extensions of such approval for additional periods as the County staff may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension. If the County staff denies an extension requested as provided herein and the developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the Circuit Court having jurisdiction of land subject to the final Site Plan, provided that such appeal is filed with the Circuit Court within sixty (60) days of the written denial by the County staff.
- (d) For so long as the final Site Plan remains valid in accordance with the provisions of this section, no amendment to this chapter adopted subsequent to the date of approval of the final Site Plan shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the Site Plan unless the amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety, or welfare.
- (e) Application for minor changes to final Site Plans made during the periods of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of such minor changes extend the period of validity of such plans.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-81, 6-22-99; Ord. No. 23-__, ____)

Sec. 23-4.11.9. - Appeal to Circuit Court.

If the County staff fails to make a decision within the time limits prescribed in Sections 23-4.11.5 of this Division, or disapproves an application for Site Plan approval, the applicant may appeal to the Circuit Court of the County in accordance with the provisions of Virginia Code, Section 15.1-475.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-__, ____)