



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

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MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Jamie Rogers MacLean, CZO, CFM
Development Planner

DATE: June 1, 2011

SUBJ: Proposed Ordinance Amendment(s)

During the discussion of Urban Development Areas and Traditional Neighborhood Districts, staff discovered some needed amendments to the zoning ordinance. In an effort to maintain consistency between the zoning ordinance and comprehensive plan, staff has proposed amendment(s) and modifications to Chapter 10 of the Montgomery County Code, specifically sections 10-25, 10-26, 10-27, 10-33, 10-35, 10-36, and 10-61.

The proposed text amendments will modify the requirements of the existing ordinance and result in the following changes:

1. Amend section 10-61 entitled, Definitions, of the Code of the County of Montgomery, to add or modify the definition of the following terms: alley, accessory dwelling, financial services, green, natural area/preserve, open space, park, and retail sales and service.
2. Add the term Urban Development Area to the "qualifying lands" section for the following existing zoning districts: 10-25 Residential (R-2), 10-26 Residential (R-3), 10-27 Residential Multi-Family (RM-1), 10-33 Planned Industrial (PIN), 10-35 Planned Unit Development (PUD), and 10-36 Planned Mobile Home Residential Park (PMR).

Copies of the proposed amendment(s), in ordinance form, are enclosed for review. At the time this report was issued staff had not received any additional comments on the proposed amendments.

Enclosure(s): Proposed Amendments

PROPOSED ORDINANCE AMENDMENTS: QUALIFYING LANDS**Sec. 10-25. R-2 Residential District.**

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

Sec. 10-26. R-3 Residential District.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-3 zoning district shall be R-3 Residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be two (2) acres of total contiguous land.

Sec. 10-27. RM-1 Multiple-Family Residential District.

(2) *Qualifying lands.* Lands qualifying for inclusion in the RM-1 zoning district shall be RM-1 Residential on the date of adoption of this chapter and other lands within areas mapped as urban expansion, village, ~~or~~ village expansion, or urban development area in the comprehensive plan. The minimum area required to create a district is one (1) acre of total contiguous land.

Sec. 10-33. PIN Planned Industrial.

(2) *Qualifying lands.* Lands qualifying for inclusion in the PIN zoning district shall be PIN on the date of passage of this chapter, or other lands within areas mapped as urban expansion, urban development area, or village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

Sec. 10-35. PUD-RES Planned Unit Development-Residential district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ten (10) net acres of total contiguous land in the urban expansion area and five (5) net acres in the village or village expansion area.

Sec. 10-36. PMR Planned Mobile Home Residential Park.

(2) *Qualifying lands.* Land qualifying for inclusion in the district shall be PMR on the date of passage of this chapter, or other lands mapped as residential transition, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connection to public water and sewer service. New PMRs shall be serviced by connections to public sewer and water. Expanded PMRs shall have: (1) water and sewer as for new PMR, or (2) have water and sewer service meeting current VDH and DEQ standards

encompassing both established and expansion portions of the PMR. The minimum area required to create a district shall be six (6) acres of total contiguous land.

PROPOSED ORDINANCE AMENDMENTS: DEFINITIONS

Sec. 10-61. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the zoning administrator, established customs or practices of the County of Montgomery, Virginia, justify a different or additional meaning. Further, for the purpose of this chapter, certain words and terms are to be interpreted as follows:

- (1) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
- (2) The word "shall" is mandatory.
- (3) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- (4) Unless otherwise specified, the term "day" shall mean working day (Monday through Friday).
- (5) The word "lot" includes the word plot; the word "used" includes the terms designed, intended, arranged or to be used.
- (6) The terms "land use" and "use of land" shall include the use of buildings and structures.

Abutting: Contiguous, adjoining; having property or district lines in common; or being separated by a right-of-way, alley or easement.

Access: A means of approaching or entering a property; includes ingress and egress.

Accessory apartment: See "Apartment, accessory."

Accessory building: See "Building, accessory."

Accessory dwelling: See "Dwelling, accessory."

Accessory structure: See "Structure, accessory."

Accessory use: See "Use, accessory."

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

Activity: The natural or normal function of an act, that which is performed or the proper or characteristic action of anything.

Addition: Any construction which increases the bulk or gross floor area of a building or structure.

Adjacent: Lying near, but not necessarily contiguous.

Administrator: The county's zoning administrator, or authorized agent thereof, who is charged with the responsibility of interpreting and administering this zoning ordinance.

Agriculture: The use of land for purposes of raising plants and animals useful to humans, including field crops, pasture, fruits, vegetables, floral and greenhouse products, sod, viticulture, silviculture, aquaculture, apiculture, poultry and other fowl, horses and other livestock, including owning, breeding, leasing, training and recreational usage of livestock, and

the necessary accessory uses for packing, storing and treating produce, equipment and materials, including primary processing and storage of agricultural goods produced on the premises for distribution to final processing plants and markets; provided, however, that the necessary accessory uses shall be secondary to that of the main agricultural activities. The term does not include processing plants, livestock markets and slaughter houses.

Agriculture, intensive: The raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

Agriculture, intensive, facility (also livestock facility): Any enclosed field, range, pen or building where three hundred (300) or more total animal units are confined or housed for more than forty-five (45) total days in any part of any twelve-month period, and crops, vegetation, forage growth or post-harvest residues are not sustained over any significant portion of such field, range, pen, or building; any poultry operation containing ten (10) or more animal units in a single enclosed field, range, pen or building, or twenty (20) or more animal units on a single tract, shall constitute intensive agriculture.

Equivalent of 300 animal units:

- 300 slaughter or feeder cattle
- 750 swine
- 150 horses
- 3,000 sheep or lambs
- 200 mature dairy cattle
- 16,500 turkeys
- 30,000 laying hens or broilers

Agriculture, small scale: The production of plants and animals useful to humans as defined under general agriculture above, of no greater than three (3) animal units per acre and no more than ten (10) animal units total on the tract.

Alley: A private right-of-way, not less than eighteen (18) feet wide that provides secondary and/or service access for vehicles to the side or rear of abutting properties having principal frontage on another street or on a plaza, square or green.

Alteration: Any change in the total floor area, use, adaptability or external form or appearance of an existing structure, except for superficial, nonstructural changes such as paint color.

Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zoning district; or any repeal, change, addition or abolition of any part of the zoning map.

Amusement hall: See "Recreation establishment, indoor."

Animal hospital: A facility for the provision of surgical or other medical treatment to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment only.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; or one hundred (100) rabbits.

Apartment, accessory: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal dwelling and shall conform with all use, set-back and other requirements of this ordinance.

Apartment house: See "Dwelling, multifamily."

Attic: The part of structure which is immediately below and wholly or partly within the roof framing; where there are dormers greater than fifty (50) percent of the length of the roof, then this area is not an attic.

Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five (5) inoperative vehicles are placed, located or found. An automobile graveyard is considered to be a junkyard.

Automobile: A car, light truck or van of not more than one and one-half (1 1/2) tons are classified as automobiles for the purposes of this ordinance. Motor vehicles of larger size or weight are classified as trucks for purposes of this ordinance.

Automotive service establishment: See "Repair shop."

Automotive sales establishment: A commercial establishment of which the principal use is sales of automobiles, light trucks and/or vans, with repair and maintenance services as an accessory use. No fuel sales shall be part of such an establishment.

Banner means cloth, paper, balloons or material of any kind intended to attract attention. Governmental flags or symbolic flags of religious, charitable, public or nonprofit organizations shall not be considered to be banners.

Base district: A type of zoning district established in this ordinance that requires a generally uniform group of land uses and lot requirements and does not require a concept development plan in advance of zoning approval, in contrast to the special and overlay districts.

Basement: A story with at least half of its height below grade (below ground level) on all sides. A basement shall not be counted as a story for the purpose of height regulations, but shall be counted as usable floor area in calculating floor area ratios.

Bed and breakfast homestay: An owner-occupied single-family dwelling, or portion thereof, where short-term lodging is provided, with or without meals, for compensation, to transient guests only. Meals may be provided to guests only. Up to five (5) guest rooms may be provided (also see "Bed and breakfast inn" and "Country inn").

Bed and breakfast inn: A single-family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator may or may not live on the premises. Meals may be provided to guests only. Up to fifteen (15) guest rooms may be provided (also see "Bed and breakfast homestay" and "Country inn").

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards, particularly from public streets and adjacent properties.

Boarding house: A dwelling, or part thereof, with three (3) or more rooms that are rented individually or collectively by long-term residents (at least month-by-month tenants) as opposed to overnight or weekly guest. A boarding house may make provisions for serving meals. See "Family."

Billboard: See "Sign, general advertising," in Article IV, section 10-45.

Bufferyard (also buffer area): A yard improved with screening and/or landscaping materials required between abutting uses or districts of differing intensities for the purpose of decreasing the adverse impacts of one differing use on another.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of any person, animal, activity or property of any kind.

Building, accessory: A subordinate building customarily incidental to and located upon the same lot occupied by the main structure or building. Garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building.

Building Code: The Virginia Uniform Statewide Building Code.

Building, principal: The principal or main structure or one of the principal buildings on a lot or the building or one of the principal buildings containing the principal use on the lot. The terms main and principal have the same meaning in this ordinance when referring to structures, buildings and uses.

Campground: A lot, or tract of land operated either as a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Campground does not mean "recreational vehicle park" nor "mobile home park" as defined herein.

Camp, boarding: As for campground, except that uses and structures shall be permitted for the lodging of guests engaged in outdoor recreation activities. Boarding camp does not mean "mobile home park" as defined herein.

Carnival: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

Cemetery: Property used for the interring of the dead, in which columbariums and mausoleums may be used.

Chipmill: See "Sawmill."

Church: A place of worship, an institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term "church" shall not carry a secular connotation and shall include any building used for religious services by any denomination.

Circus: A traveling or transportable show or exhibition consisting of performances by persons and/or animals under one tent or similar structure, with or without other sideshows.

Civic club or lodge: A facility used by a nonprofit organization or group of people organized for a common purpose to pursue civic-oriented goals, interests and activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. These clubs and organizations may engage in activities consistent with their nonprofit status.

Clinic: See "Medical care facility."

College: An institute of higher education authorized or accredited to award advanced degrees, which may include on-site student, faculty and/or employee housing facilities.

Compact development (also cluster development): A residential subdivision or a tract where, instead of subdividing the entire tract into house lots with conventional dimensions, a

similar number of housing units may be clustered on smaller lots, thereby increasing green space on other areas of the site.

Commercial-retail establishments: Places of business (1) for the display and sale of merchandise at retail to the public such as foods, drugs, clothing, hardware, household appliances, furniture, optical goods, music and entertainment goods, and (2) for the rendering of personal services to the public such as barber and beauty establishments, optician, seamstress and tailor services.

Commission: The planning commission of the county.

Common open space: See "Green space."

Communications tower: See "Telecommunications tower."

Community center: A place, structure, area or facility used for civic, cultural, educational, recreational and/or social activities which is open to the public and intended to serve the local community.

Comprehensive plan: The current comprehensive plan of the county, as amended, and adopted by the board of supervisors in accord with Code of Virginia, § 15.2-2226.

Concept development plan: A general graphic depiction of the layout and/or design of a land development project, which shall include written and quantitative information as required by the county, also may be referred to as "site development plan," but to be distinguished from a "site plan," as defined herein.

Conference or training center: Facilities for conducting meetings and conferences of business groups, civic groups or other large gatherings for purposes of sharing information. Such centers may have on-site lodging and eating facilities for the participants.

Congregate care facility: A structure other than a single family dwelling where more than eight (8) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Congregate living facility: See "Senior living facilities."

Conservation easement: An easement granting a right or interest in real property that retains land or water areas predominately in their natural, scenic, open, or wooded condition, preserving such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

Contiguous: See "Abutting."

Contractor's service establishment: Any establishment from which services are provided for building construction, building repair or building equipment installation or repair, such as, but not limited to flooring, heating and plumbing.

Contractor's storage yard: An area used for the storage of equipment and/or materials used for providing construction-related contracting services, including but not limited to flooring, heating, plumbing, roofing, landscaping and excavation.

Convenience store: Any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, not including gasoline or fuel sales, characterized by a rapid turnover of customers and high traffic generation. Includes "general store," as defined herein.

Copy service: A retail establishment providing convenient services for printing copies of flyers, brochures and the like, for small scale users (also see "Printing service").

Country club: A land area and buildings containing recreational facilities, club house and normal accessory uses, primarily open to members and their guests for a membership fee, and which may include but are not limited to swimming pools, tennis courts, golf courses, stables and riding facilities, equestrian events but not racetracks; overnight accommodations for

members and guests up to fifteen (15) guest rooms; and dining facilities up to a maximum of sixty (60) seats which may be for use by members, guests and the general public.

Country inn: A business which offers accommodations and dining in a rural area. Overnight lodging of up to thirty (30) rooms is available and a full-service restaurant may provide meals to guests and the general public (also see "Bed and breakfast inn").

Craft industry: The creation of original arts and crafts products such as pottery, baskets, wood sculpture and quilts, using traditional methods and materials.

Crematorium: A building containing a furnace for reducing dead bodies, either animal or human, to ashes by burning.

Dairy: A commercial establishment for the manufacture and sale of dairy products and does not include feed lots or other facilities for keeping livestock.

Day care center (child or adult): A licensed establishment operated as a commercial enterprise or public facility which is operated only during a part of any twenty-four-hour day for the purpose of providing care, protection and supervision for compensation to more than nine (9) children or more than four (4) aged, infirm, or disabled adults who mainly reside elsewhere.

Density, gross: The ratio of the total number of lots or dwellings on a tract to the total number of acres within the tract.

Density, net: The ratio of the total number of lots or dwellings on a tract to the total number of acres of the tract not within the defined 100-year floodplain (also see "Lot, net area").

Development: Any manmade change to improved or unimproved real estate including, but not limited to, construction or alteration of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

District: Zoning districts as referred to in the Code of Virginia, §§ 15.2-2280 and 15.2-2281 et seq.

Disposal facility: See "Landfill."

Domestic animals: See "Pet, household" and "Pet, farm."

Dormitory: A building used as a group living quarters for a student body, fraternal organization or religious order as an accessory use for a college, boarding school, orphanage, convent or similar institution; group kitchen facilities only are permitted.

Duplex: See "Dwelling, two-family."

Dwelling: A building or portion thereof used for residential purposes, including one-family, two-family and multifamily dwellings, and bed and breakfast establishments, but not including hotels, motels, boardinghouses, dormitories, fraternity/sorority houses, tourist cabins, or automobile trailers (also see "Dwelling unit").

Dwelling, accessory: A subordinate dwelling located on the same lot as the principal dwelling, and which may be within the same structure as the principal dwelling, or which may be a detached structure, but which shall not include duplex or two-family dwellings. **See section 10-41(2) for additional information.**

Dwelling, multifamily (multiple-family): A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including apartment buildings, but not including group, row or town houses (also see "Apartment").

Dwelling, single-family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit, with the exclusion of mobile or manufactured homes and trailers, except as otherwise provided in this chapter.

Dwelling, single-family attached: One (1) of two (2) or more residential buildings, each having separate ground floor access, and having a common or party wall separating the dwelling units, such party walls having no openings. For purposes of this definition, living space on the ground floor may include a garage or porch. Includes duplex, triplex, quadraplex and townhouse units (also see "Townhouse").

Dwelling, single-family detached: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

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

Dwelling unit: One (1) or more rooms in a dwelling designed for independent living and sleeping purposes by one (1) family and having at least one (1) separate kitchen. A dwelling unit shall not be occupied by more than four (4) individuals unrelated by blood or marriage except that no more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons, as defined by the Code of Virginia, may occupy a single dwelling unit, together with resident counselors or other staff persons.

Easement: A grant of one (1) or more property rights by the owner to, or for the use by another specified party or parties, such as the public, a corporation, or another person or entity, including easements appurtenant and easements in gross (also see "Conservation easement").

Exploratory activity: Includes, but is not limited to, drilling, the excavation of pits, shafts, adits, or other openings in the ground and the removal of materials therefrom; the conduct of any seismic surveys requiring the drilling of holes and/or detonation of explosives; the conducting of any other surveys or investigations that change the ground surface.

Extractive industry: An enterprise which is involved in the exploration, excavation or extraction of mineral, oil or gas resources for sale, exchange or commercial use.

Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated persons; or up to eight (8) mentally or developmentally disabled persons living in a residential group home facility. See "Boarding house" and "Group home."

Farm enterprise: An agricultural or silvicultural based process, activity or business use of a property that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural, aquaculture or silvicultural operation. Activities of a farm enterprise may include, but are not limited to, the following uses such as secondary processing and/or retail sale of agricultural, horticultural or silvicultural products, farm tours, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, animal walks and horse and pony rides. This definition would not include land application of sludge, sawmills, meat processing plants, slaughterhouses, wood processing and similar uses that are regulated by Special Use Permit in the Agricultural (A-1) zoning district, nor does it include any uses that are specified and limited to zoning districts other than Agriculture (A-1).

Fence, boundary: Any man-made barrier, other than a building or a berm, of any material or combination of materials erected for the purpose of physically enclosing an area of land.

Fence, privacy: Any fence erected for the purpose of providing visual, audio, or other screening of buildings or areas of land.

Festival: Any fair, celebration, jamboree or similar temporary public gathering, held mainly outdoors, with or without admission fees, where patrons watch or participate in entertainment, including but not limited to music shows, concerts and revivals.

Financial Institutions ~~*Financial services*~~: **Businesses** activities in which customers frequent the site for purposes of buying and selling securities, obtaining loans, depositing and withdrawing money, and the like.

Flea market: A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade or barter any goods regardless of whether they are new, used antique, or homemade; and regardless of whether they are offered for sale in open air buildings or temporary structures. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales," provided that such sales do not occur more frequently than once every sixty (60) days. The term "flea market" also shall not include any business or occupation, which has a valid business license or special use permit which pertains to the sale, trade or barter of goods.

Flex industrial: Light industrial activities that occur in buildings of no more than two (2) stories in height, with one (1) or more loading docks, and not more than half of the gross floor area used for offices.

Flood: A general and temporary inundation of normally dry land areas.

Floodplain: The land shown as being within the 100-year flood boundary on the applicable current flood insurance rate map issued under the National Flood Insurance Program. Such boundaries may be refined by site specific floodplain surveys conducted by a licensed engineer if such surveys are approved by the zoning administrator. The 100-year flood is a flood that, on average is likely to occur once every 100 years, i.e. that has a one percent chance of occurring each year, although may occur in any year.

Floodway: The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area, gross: 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 "floor area" shall include basements, elevator shafts and stairwells at each story, floor space for mechanical equipment with headroom of seven (7) feet or more, attic space, 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 and rooftop mechanical structures are excluded from gross floor area.

The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten (10) feet of height or fraction thereof as being equal to one (1) floor.

Floor area, net: 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 sale, rental and display of vehicles, equipment and other products, but shall exclude areas designed for permanent uses such as toilets, utility closets, enclosed parking areas, mechanical equipment rooms, public and fire corridors, stairwells, elevators, escalators,

and areas under a sloping ceiling where headroom in at least half of such area is less than seven (7) feet.

Floor area ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the total lot area less the area within the 100-year floodplain (net lot area). The floor area ratio multiplied by the net lot area produces the maximum amount of gross floor area that may be constructed on a lot.

Fraternity house: See "Dormitory."

Frontage: The minimum width of a lot measured from one (1) side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line (front yard depth) as defined and required in this chapter.

Funeral home: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures, and storage of funeral-related supplies and vehicles, but does not include facilities for cremation.

Game preserve: An area of land upon which a fee is charged for public or private hunting or fishing and/or upon which game or fish are grown or stocked specifically for hunting or fishing thereon, or for transport to other sites for similar purposes.

Garage, private: Accessory building designed or used for the storage of not more than three (3) automobiles sport utility vehicles or similar small trucks per dwelling unit served, such vehicles being owned or leased and used by the occupants of the principal building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature. On a lot occupied by a multi-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1.5) times as many automobiles as there are dwelling units. Maximum height and area shall be eighteen (18) feet and twelve hundred (1,200) square feet respectively unless authorized by special use permit.

Garage, public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles as a business enterprise (also refer to "Repair shop" and "Parking deck").

Garbage dump: See "Junkyard."

Garden shop or garden center: An establishment for the retail sale of nursery stock, garden equipment, tools, seeds and supplies.

Gas or natural gas: All natural gas, whether hydrocarbon or nonhydrocarbon or any combination or mixture thereof, but does not refer to gasoline or diesel fuel for motor vehicles.

Gasoline station: See "Service station."

General store: A single store of not more than two thousand (2,000) square feet of gross floor area, which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Does not include sales of gasoline or other fuels.

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

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

Green (public or private): Green means an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A Green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

Green space: Land which remains undeveloped and is maintained for the benefit and enjoyment of residents of adjacent dwellings, or the public, in a residential development, in accord with the requirements of this chapter. Green space preserved to meet the purposes and requirements of this chapter may be held in either public or private ownership, unless otherwise specifically stated herein. Green space may or may not include the right of public access.

Gross leasable area: That area contained within a business or commercial enterprise located in a shopping center or commercial building, and includes the entire area leased or rented or intended to be leased or rented including storage, retail area, shipping and offices and all other areas for the sole use of that business or commercial enterprise.

Gross floor area: 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, including basements, elevator shafts and stairwells at each story, but not parking structures.

Group home: A dwelling shared by no more than eight (8) psychologically disordered, mentally or developmentally disabled persons, including resident staff, who live together as a single housekeeping unit, and shall for the purposes of this ordinance be considered a residential single family. Psychological disorders and developmentally challenged shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. See "Family" and "Boarding house."

Height, building: The vertical distance measured from the adjoining grade at the front entrance of the building to the top of the building. The top of the building shall be defined as the highest point for flat roofs, and the average height between eaves and the ridge for gable, hip, gambrel and other pitched roofs. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the building.

Height, structure: The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

Home business: A business activity carried on by the resident(s) of a dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling or accessory structure, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Home occupation: A business activity carried on solely by the resident(s) of a dwelling, as a clearly incidental and subordinate use of the residential dwelling or accessory structure, in which the on-site business activity generates no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Homeless shelter: A facility providing temporary housing primarily to indigent, needy, homeless or transient persons and which may also provide ancillary services such as counseling and/or vocational training.

Homeowner's association: A formally constituted, private, nonprofit association or corporation of property owners for the purpose of owning, operating and maintaining various common properties and/or facilities.

Hospital: An institution providing general health services primarily for human in-patient medical or surgical care for the sick or injured, including related accessory facilities such as

laboratories, out-patient departments, training facilities and staff offices that are an integral and essential part of the institution's principal function.

Hotel: A building designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provisions may or may not be made for cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not provide a motor vehicle parking space adjacent to each individual room as does a motel.

Hunting club: See "Game preserve."

Identification sign: A sign which indicates the identity of a piece of property such as a public or private institution, a private estate or home and other similar places. The sign must be located on the parcel of land it identifies.

Inoperative motor vehicle: Any motor vehicle which is not in operating condition or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. This definition shall not apply to vehicles exempted under the provisions of Code of Virginia, §§ 46.2-650 through 46.2-653, 46.2-663 through 46.2-680, 46.2-723 and 46.2-750. This definition shall also not apply to vehicles in a public landfill.

Junkyard: A lot on which junk material and/or inoperable vehicles are collected, stored, salvaged, exchanged or sold. The term shall include garbage dumps, nonsanitary landfills and automobile grave yards. The term shall not include facilities for the disposal or storage of fuel, chemicals or other hazardous wastes (also see "Automobile grave yard").

Kennel, commercial: An establishment for keeping, training, breeding, handling, selling, treating or boarding dogs, cats, or other household pets as a business. Does not include establishments in which the sole function is grooming.

Laboratory: A facility for scientific laboratory research in technology-intensive fields or a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials.

Land area, gross: The total area of a tract of land as shown on a certified survey or on a concept development plan.

Land area, net: The total area of a tract of land as shown on a certified survey or on a concept development plan, less land in the 100-year floodplain and land with slopes in excess of twenty-five (25) percent.

Land bay: A distinct area of land clearly depicted on an approved concept development plan for the purpose of generally defining the boundaries of different types and densities of land uses. Boundaries of land bays may be centerlines of existing or planned streets, centerlines of streams or drainage ways, or other lines of convenience, accurate to within three (3) percent of the actual acreage of the land bay.

Landfill, sanitary also *landfill:* A landfill accepting nonhazardous debris, trash or waste, which is covered with clean fill after each day's operation, and which meets all standards of, and is licensed by, the Virginia State Department of Health (also see "Junkyard").

Length/width ratio: The ratio of the length of a lot to its width, calculated by dividing the lot depth as defined herein, by the lot width as defined herein.

Livestock: Domesticated animals commonly raised for the purpose of providing meat, wool, skin or fur for human use or consumption, such as cattle, bison, goats, swine, llamas and sheep (also see "Pet, farm").

Livestock market: A commercial establishment wherein livestock is collected for sale and auctioned off.

Loading space: A motor vehicle space on a lot situated for allowing the loading and unloading of trucks and other motor vehicles, with minimum dimensions of fourteen (14) feet in width, forty (40) feet in length and a vertical clearance of fifteen (15) feet.

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

Lot, corner: A lot abutting on two (2) or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees. The front shall be deemed to be the shortest of the sides fronting on streets. For purposes of regulation, all corner lots shall be designated at the time of subdivision as fronting on a single street, and all yard and building requirements shall be based upon that designation.

Lot, coverage: The percentage of a lot area occupied by the ground floor area of principal and accessory buildings on such lot.

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

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

Lot, net area: That portion of a lot which has no land within the defined 100-year floodplain.

Lot, parent: See "Parent parcel."

Lot, through: An interior lot in which the front and rear yards each abut a street.

Lot, width: The distance between side lot lines, measured in one of the following ways, whichever is most applicable:

- (1) In the case of regular-shaped lots, the width shall be measured along the front lot line;
- (2) In the case of irregular-shaped lots, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten-foot intervals beginning at the front lot line;
- (3) In the case of a pipestem lot, the pipestem portion shall not be considered as part of the lot in determining the lot's width;
- (4) In the case of a lot which has a curvilinear front lot line, the width shall be measured from a line tangent to the required minimum front yard line at its midpoint in the lot.

Lot of record: A lot which has been recorded in the clerk's office of the circuit court.

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

Manufactured home, Class A: A multisectional manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Manufactured home, Class B: A traditional single section manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from

"modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Manufactured home, Class C: A manufactured home constructed before July 1, 1976, and consequently does not meet the criteria of a Class A or Class B manufactured home. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Medical care facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities; includes physician's and other medical offices, and may include emergency medical care facilities.

Minimum zoning district area: The minimum contiguous land area required to establish a given zoning district as defined herein. Such land area may be in separate parcels and/or separate ownership, and may be rezoned to the district at different times or through separate application and approval processes.

Mineral: Coal, clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth and those minerals which occur naturally in liquid or gaseous form.

Mobile home: See "Manufactured home."

Mobile home, double-wide: See "Manufactured home, double-wide."

Editor's note: There is no definition for "manufactured home, double-wide."

Mobile home park: Any lot or tract of land designed to accommodate three (3) or more mobile homes (trailers).

Modular home: A residential dwelling unit for which the walls, floor and roof structure are built in a manufacturing plant and transported to the site for final assembly on a permanent foundation, and which meets the BOCA and Virginia Uniform Statewide Building Code standards.

Monument sign: A freestanding sign attached to a continuous structural base, which base is not less than half the width of the message portion of the sign and is permanently affixed to the ground. Monument signs do not include freestanding signs supported by poles.

Motel: A building, or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle travelers and having a parking space adjacent to each sleeping room. Includes motor lodge, tourist court, tourist cabin or motor court.

Motor vehicle fuel: Gasoline or diesel fuel.

Moving (animated signs) means signs which involve the use of motion, rotation, or the appearance of motion.

~~*Natural area:* An area retained in a largely natural state for the purpose of protecting natural resources such as air quality, water quality, wildlife and vegetation, and for providing opportunities for passive recreational activities such as hiking, camping and fishing, but not hunting (also see "Game preserve").~~

Natural Area/Preserve: Preserve means open space that preserves or protects endangered species, a critical environmental feature, or, other natural feature. Access to a Preserve may be controlled to limit impacts on the environment.

Development of the Preserve is generally limited to trails, educational signs, and similar improvements.

Night club: A restaurant, coffee house or similar establishment where a dance floor or entertainment is provided.

Nonconforming activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nonconforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either on April 15, 1969, or as a result of subsequent amendments to this chapter.

Nursing home, convalescent home, rest home: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons, in which not less than three (3) persons live, or are kept, or are provided for on the premises for compensation, excluding clinics, hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured (also see "Senior living facilities).

Office: The facility in which the administrative activities, record-keeping, clerical work and other similar functions of a business, professional service, industry, or government are conducted, and in the case of professions such as dentists, lawyers or engineers, the facility where such professional services are rendered.

Office, professional: See "Office."

Off-street parking area: The space provided for vehicular parking outside the dedicated street right-of-way, and which has a distinct and separate access or driveway to the public street.

Oil: Natural crude or refined oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at a well in liquid form.

One hundred-year flood or 100-year flood: See "Floodplain."

Open space: See "Green space."

Open space easement: See "Conservation easement."

Outpatient mental health and substance abuse center: Establishments with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders, alcohol, and other substance abuse. These establishments may provide counseling and/or refer patients to more extensive treatment programs, if necessary. Included in this use type are outpatient alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers.

Overlay district: A type of zoning district established in this chapter that may be mapped for a particular land area and functions as an additional set of zoning requirements in addition to the zoning requirements of the underlying base district that applies to the tract.

Parent parcel: Any lot of record existing on December 13, 1999, which has subsequently been subdivided into one (1) or more additional lots of record.

Parent tract: See "Parent parcel."

~~*Park:* Any public or private open land area available for recreational, educational, cultural or aesthetic use, of an active or passive nature (also see "Natural area"; also see "Playground").~~

***Park:* Park means an open space, available for recreation, its landscape consisting of paved paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural, or formally landscaped areas (also see "Playground").**

Park and ride lot: A public or private parking lot located, designed and used solely by commuters to park their automobiles, light trucks or light vans while they travel to and from their place of work using buses, car pools or other means. Such lot may be lighted for security purposes.

Parking lot: An off-street, ground level area, usually surfaced and improved, for temporary parking of motor vehicles.

Parking deck or garage: An off-grade structure used solely for the parking of motor vehicles (other than a carport or garage in a residential or agricultural district), but does not include repair, storage, sales or maintenance of vehicles.

Pet, farm: Large domestic animals kept in small numbers in rural areas and used for recreational and sporting purposes such as horses, ponies, swine, goats, mules and donkeys.

Pet, household: Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties.

Place of worship: See "Church."

Plant types: The following standards apply to the requirements of section 10-43(3)(c):

- (1) *Canopy tree:* A deciduous tree, usually single-trunked, with a definitely formed crown of foliage, which attains a mature height of at least thirty (30) feet.
- (2) *Understory tree:* A deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees.
- (3) *Evergreen tree:* A nondeciduous tree used for the purposes of screening, weather barrier, or accent planting.
- (4) *Shrub:* An evergreen multi-trunked woody plant that usually attains a mature height of no greater than ten (10) feet.

Playground: Any public or private outdoor recreational area containing slides, swings or other recreational equipment.

Poultry: Domesticated fowl commonly raised for human consumption of eggs or meat, including chickens, turkeys, ducks, emus, and the like.

Printing service: A printing plant which produces large runs of printed materials, including books, reports and the like, mainly for businesses, organizations and large scale users (also see "Copy service").

Private club: See "Civic club."

Professional office: See "Office, professional."

Public use, public facility: Any use or facility for exclusively public purposes, without reference to the ownership of the building or structure or the realty upon which it is situated, by any department or branch of the federal, Commonwealth of Virginia, or Montgomery County governments.

Public open land: Land given to the county for parks, playgrounds or undeveloped open space with the intention of making it available for public use.

Public utility, other: A business or service and the facilities and appurtenances thereto, which is engaged in regularly supplying the public with electricity, gas, storm sewer, telephone or cable communications, and other similar public commodities or services. Does not include public water or sewer services or facilities, or telecommunications towers.

Public utility, water or sewer (public water or sewer system): A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the Commonwealth of Virginia and subject to special regulations as set forth in this chapter. Does not include private septic systems and wells serving individual lots.

Public utility plant, other: The central facility for the storage, generation, processing of a public utility commodity, service or product such as electricity, gas, storm sewer, telephone or cable communications, but not including treatment or storage of water or sewerage.

Public utility plant, water or sewer: The central facility for treatment and purification of water or wastewater, as part of a public water or sewer system.

Public utility lines, other (distribution and collection facilities): The lines, pipes, pumps and similar facilities, used for transmitting, collecting or distributing the service or commodity to customers. Does not include water or sewer systems.

Public utility lines, water or sewer (distribution and collection facilities): The lines, pipes, pumps, tanks and other appurtenant parts of the distribution/collection facilities of a public water or sewer system.

Public utility substation: An appurtenant structure for collecting, processing or distributing a public utility commodity, including electric substations but not including any part of a water or sewer system.

Public water or sewer system: See "Public utility, water or sewer."

Recreation club: A sports facility principally for the use of members and guests, may include indoor or outdoor facilities, and may be subject to the Virginia Health Spa Act; such facilities may include, but are not limited to, squash, racquetball, tennis, health spa or club, weight lifting, exercise and aerobics and may include locker rooms, sauna, and pro shop.

Recreation establishment: A commercial sports or amusement facility open to the general public for a fee, including but not limited to:

Indoor: Any facility containing such indoor amusement facilities such as billiard tables, pinball machines, bowling, video games, roller rinks, ice rink, swimming pools, bingo parlors, hard or soft courts, and the like, but not including amusement rides or regular live entertainment. Fewer than four (4) video games or pinball machines shall be deemed an accessory use to a retail commercial establishment or restaurant.

Outdoor: Any facility containing such outdoor amusement facilities such as golf driving range, miniature golf, batting and pitching cages, hard or soft courts, go-carts, pony rides, swimming pools, water slides, ice rink, and the like, but not including amusement rides or regular live entertainment.

Recreational vehicle: A unit primarily designed as temporary living quarters for leisure, recreation, camping or travel use which either has its own motive power or is mounted on or

drawn by another vehicle. A recreational vehicle placed on a site for more than one hundred eighty (180) days shall be considered a manufactured home for purposes of this chapter.

Recreational vehicle park: A plot of land upon which two (2) or more recreational vehicles are located, established or maintained, temporarily or otherwise, as temporary living quarters for recreation, leisure, camping or travel purposes (also see "Campground").

Recycling facilities: This broad category of facilities includes the following types:

Recycling center: An enclosed building in which used material such as newspapers, glassware and metal cans is separated and processed prior to shipment to another facility where the materials will be used to manufacture new products. Such a facility is not a junkyard.

Recycling collection point (transfer station): An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclable materials such as newspapers, glassware and metal cans, including the temporary storage of domestic waste materials. No processing of such items occurs at such facility.

Recycling plant: A facility that is not a junkyard and in which recyclable materials such as paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production and/or sale.

Repair shop: A building or portion thereof, other than a private garage, designed or used for servicing and repairing automobiles, light trucks and lawn equipment, as a business enterprise, and which may include auto body repair (also refer to "Garage, public").

Required open space: Any space required in any front, side or rear yard (also see "Green space").

Restaurant: A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale. May include one (1) or more of the following:

Restaurant, full-service: A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carry-out service, if any, shall be a limited portion of the facility and activity.

Restaurant, limited-service: A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes fast-food, food delivery, carryout, public snack bars and delicatessens, but not specialty food stores.

Restaurant, drive-in: A restaurant where the customers are either served in their vehicles or at a drive through or walk up window or service unit.

Retail floor space: That part of a commercial or retail structure wherein one (1) or more articles of merchandise or commerce are sold at retail, excluding that used exclusively for storage, shipping or offices for employees of the business, and other non-sales areas.

Retail sales and service: A business establishment that sells consumer merchandise or services to the general resident population and/or to tourists, including household goods, clothing, hair care, and other such items.

Road, arterial: A publicly owned and maintained road, designed to carry high volumes of motor vehicles at high speeds, usually requiring four (4) lanes for through traffic and generally planned for restricted or controlled access.

Road, collector: A publicly owned and maintained road generally serving an intra-county and in some cases, an inter-county function. Collector roads carry traffic from local streets to arterial roads. Collector roads may be four (4) lanes but are often two (2) lanes.

Road, local access: A public or privately owned and maintained road with a limited function for through traffic, predominantly providing access to individual lots, and in some cases linking neighborhoods, designed for moderate to low traffic volumes and speeds.

Roof line means the lowest portion of a roof for any building with a pitched roof and the highest point of building with a flat roof.

Rural resort: A private establishment consisting of a detached structure or structure located in a rural setting in which lodging of greater than thirty (30) rooms is available to transient guests for compensation as the principal use, and which may include conference and meeting facilities, restaurant and/or banquet facilities and/or recreational amenities of a rural nature.

Sanitary landfill: See "Landfill, sanitary."

Sawmill: A sawmill permanently located for the processing of timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill.

Sawmill, temporary: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous or adjacent thereto.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools, either public or private (also see "College").

School of business or trade: A facility that provides training for employment in business skills such as clerical, data processing and the like, or in trades such as construction skills, heavy equipment operation and the like.

School of special instruction: A facility for the private instruction of skills or activities not directly related to academic pursuits or employment, which may include, but not be limited to, dance studio, music studio, gymnastics, craft and/or art studios, exercise studio (not having locker or shower facilities and not required to comply with the Virginia Health Spa Act).

Self-service storage facility: See "Warehouse, mini."

Semi-detached dwelling: A dwelling unit attached to another dwelling unit with only part or common wall.

Senior living facilities: This broad category of housing accommodation includes the following types of facilities:

Senior housing facility: A residential facility for independent living, containing dwellings where the occupancy is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains convalescent or nursing facilities.

Square/Plaza: Square/Plaza means open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings. A Square/Plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

Congregate living facility: A residential facility for semi-dependent living, containing two (2) or more dwelling units for four (4) or more persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older, within which

are provided living and sleeping facilities, as well as various other services such as meal preparation, laundry services and the like.

Life care facility: A facility which may include a full range of living arrangements, for elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where semi-dependent residents share various common facilities and services, to a nursing home facility for dependent residents providing a full range of support services and nursing care (also see "Nursing home").

Service station: Buildings and premises, including but not more than three (3) interior service stalls, wherein the primary use is the supply and dispensation at retail of motor vehicle fuel, oil, batteries, tires and motor vehicle accessories, and where, in addition, the minor maintenance services may be rendered and sales made, such as lubrication, brake repair, muffler replacement, washing and polishing and the like; and sales of cold drinks, packaged foods and similar convenience items, but only when such sales are conducted inside the principal building as accessory and incidental to the primary use. Permissible uses do not include major mechanical and body work, painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent greater than normally found at service stations.

Setback: The distance by which any building, structure or other defined object shall be separated from the front lot line or other lot line as may be specified (also refer to "Yard").

Shooting range: An establishment at which patrons may use firearms for target practice at fixed targets in a protected area, either indoors or outdoors.

Shopping center: A group of commercial enterprises offering a range of commercial goods and services and which is characterized by one (1) or more of the following:

- (1) It is designed as a single commercial group, whether on the same parcel or not;
- (2) It is under one (1) common ownership or management, or has one (1) common arrangement for the maintenance of the grounds;
- (3) It is connected by party walls, partitions, covered canopies or other structural members to form one (1) continuous structure;
- (4) It shares a common parking area; or
- (5) It otherwise presents the appearance of one (1) continuous commercial area.

Shrubs, medium: Woody plants usually three (3) to six (6) feet high and face (or have branches to the ground) down themselves. Large shrubs may or may not be known for flower, fruit production or branching pattern but usually have good, full foliage either all season long or at least in the deciduous growing season.

Shrubs, large: Woody plants usually six (6) to fifteen (15) feet high and face (or have branches to the ground) down themselves. Large shrubs may or may not be known for flower, fruit production or branching pattern but usually have good, full foliage either all season long or at least in the deciduous growing season.

Sign means any device or display of any letters, words, numerals, figures, emblems, pictures, trademark, symbol, flag, banner, pennant or any parts or combinations thereof, by any means whereby such are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any natural object, 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 bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises not having commercial purpose is excluded from this definition. Detailed definitions of sign types and related terms are contained in detailed sign regulations herein below.

Sign background means the surface on which a sign is affixed, not meant to include the base, poles, pedestals, walls, or fences under three feet six inches (3' 6") in height; which background is determined by computing the entire area within a single geometric form that encloses the background.

Sign, billboard, means any sign where the product, business or thing so advertised or displayed is not located on the premises of the site or property on which said sign is erected or displayed.

Sign, business, means a sign which directs attention to a product, commodity or service available on the premises.

Sign, construction, means a temporary sign identifying those engaged in construction of any building site.

Sign, directional, means a sign indicating the direction to which attention is called giving the name and approximate location only of the business or service.

Sign, directory, means a sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

Sign, farm identification, means a sign which identifies or otherwise describes the name, ownership and/or type of agricultural operation of the lot or parcel of land upon which it is situated.

Sign, freestanding, means any nonmovable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to nor printed on a building.

Sign, general advertising, means a sign which directs attention to a product, commodity or service not necessarily available on the premises and which is licensed by the state.

Sign, ground mounted, means any sign which is supported by structures or supports in or upon the ground and independent of any support from any building, not a pole sign.

Sign, home occupation, means a sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises but which product, commodity or service is clearly a secondary use of the dwelling.

Sign, identification, means a sign which identifies or otherwise describes the name, ownership or location of a business, tenant or service.

Sign lighting:

1. *Direct*. A direct lighted sign shall mean a sign illuminated internally or on the surface of the sign itself.

2. *Indirect*. An indirect lighted sign shall mean a sign that is illuminated from a source separate from the sign.

Sign, marquee, means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Sign, monument, means a type of ground mounted sign which is built on grade and which the sign and structure are an integral part of one another.

Sign, multifamily housing, means a sign which identifies the name of a multifamily housing development. The message content shall be limited to the name of the multifamily housing development.

Sign, nonshielded illumination of, means a light source of which the bulb or light source is visible to a motorist, pedestrian or first floor window on from off of the property on which the light is located.

Sign, on-premises, means any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located.

Sign, planned mobile home park, means a sign which identifies the name of a planned mobile home park. The message content shall be limited to the name of the planned mobile home park.

Sign, pole or pole-mounted, means a sign that is mounted on one (1) or more freestanding poles or similar columnar supports.

Sign, portable, means any sign not permanently affixed to the ground nor to a structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment. Any such vehicle shall, without limitation, be considered to be used for the express purpose of advertising if it fails to display current license plates, inspection sticker, municipal decal or if evidence of paid-to-date local taxes can not be made available. Portable signs may be used only as temporary signs, as defined in this section

Sign, projecting, means any sign, other than a wall, awning or marquee sign, which is affixed to a building.

Sign, roof, means any sign erected or constructed, in whole or part, above a roof line.

Sign structure means the supports, uprights, bracing and framework of any structure be it single-faced, double-faced, V-type or otherwise, exhibiting a sign. Sign structures shall be of sound construction and shall be maintained in a reasonably good state of repair.

Sign, residential, means a sign which identifies the name of a residential project. The message content shall be limited to the name of the subdivision.

Sign, temporary, means any sign not permanently attached to a structure nor permanently mounted in the ground, which can be transported to other locations. Such signs may include, but are not limited to, paper or poster signs, portable signs or other moveable signs, which may announce or advertise seasonal or other brief activity such as weekly specials, special services offered for a limited time by a business establishment, summer camps, fairs, auctions, sale of property or other similar temporary or nonrecurring offers or notices. A temporary sign shall not remain on the property for more than ninety (90) days in any one calendar year, with the exception of signs advertising the sale of the property on which the sign is placed.

Sign, wall, means any sign attached to a wall or painted on or against a surface of a structure that is designed and used for human occupancy, which sign displays only one (1) advertising surface and which extends not more than eighteen (18) inches from the wall.

Sign, window, means any sign attached to or applied directly onto the surface of a window or any sign visible from a public right-of-way through a window.

Sinkhole: An area of surface collapse resulting from an erosion of underlying bedrock by groundwater.

Site plan: A detailed, engineered drawing of the full proposed development of a site, including location, design and dimensions of grading, buildings, parking, streets, sidewalks, utilities, plantings, fences, etc.

Slaughterhouse: A place where livestock is slaughtered and may be cut, packaged and/or processed.

Solid waste collection point: A facility for the collection and temporary storage of residential trash or garbage for immediate transfer to a landfill or recycling facility.

Sorority house: See "Dormitory."

Special district: A type of zoning district established in this ordinance that generally provides for a broader mix of land uses than permitted in the base districts and for which an approved concept development plan in advance of zoning approval is required.

Specialty shop: A business of a local nature selling specialty items including, but not limited to, items such as crafts, sewing supplies, antiques, and souvenirs.

Stable, commercial: A structure and/or use of land where horses or ponies are kept, maintained and/or boarded for a fee, or in connection with which saddle horse or ponies are rented to the general public, made available to members of a private club, or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered accessory uses to a stable.

Stone engraving and sales: An establishment used for the engraving, polishing and sales of pre-cut tombstones and other stone monuments.

Storage yard: A yard area in which materials, equipment and/or vehicles used for construction, excavating or building activities are stored, kept and/or maintained. Storage yards may be partially covered, enclosed or screened.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it.

Story, half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street, private: Streets or roads that are privately owned and maintained for providing direct access to individual lots, including streets owned and/or maintained by a Homeowner's Association or other private entity.

Street, public: Streets or roads that meet the Virginia Department of Transportation standards for acceptance into the state system, and bonded as provided for in the county subdivision ordinance; also includes all other streets or roads owned and maintained by a local, state or federal government agency.

Street line: The dividing line between a street or road right-of-way and the contiguous property (also lot line; property line).

Structure: An assemblage of materials constructed or built for use, occupancy or ornamentation and installed on or above the surface of the land or water, including buildings, towers, tents, platforms, signs, bridges, railways, and the like, but not including paved surfaces such as roads, driveways and sidewalks, nor landscaping features such as berms, fences and retaining walls.

Structure, accessory: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to the principal structure; is subordinate in area, extent and purpose to the principal structure; is customarily provided or required for the principal structure.

Structure, principal: The principal or main structure or one (1) of the principal structures on a lot or the structure or one (1) of the principal structures containing the principal use on the lot. The terms main and principal have the same meaning in this chapter when referring to structures, buildings and uses.

Telecommunications facilities: Any land area, structure, and/or equipment affixed to land or structures (singly or in any combination), used in telephone, telegraph, radio, television, or other operations involving the transmitting, receiving or exchange of information over wires, cables, fibers, light beams or by electromagnetic energy through the atmosphere.

Telecommunications tower, attached: A telecommunications antenna which is placed on an existing building or other non-telecommunications structure, and increasing the height of the existing structure by not more than ten (10) feet.

Telecommunications tower, freestanding: An independent structure of skeletal framework or a pole, guyed or self supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower.

Townhouse: A single-family dwelling forming one (1) of a group or series of three (3) or more attached single-family dwellings separated from one (1) another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof and having roofs which may extend from one (1) such dwelling unit to another (also see "Single-family attached").

Tract: One (1) or more contiguous lots.

Traffic impact statement: A statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The traffic impact statement shall comply with the requirements contained in the Virginia Department of Transportation Traffic Impact Analysis Regulations, Chapter 155, 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement.

Transfer station: See "Recycling collection point" under "Recycling facilities."

Transition house: An establishment providing accommodations, rehabilitation, counseling, and supervision of up to six (6) persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution, enabling them to live independent.

Travelway: That portion of a street or other roadway which is designed and constructed for motor vehicles to travel and/or park, whether a paved or unpaved surface.

Truck terminal: Any structure or land devoted principally to the servicing, fueling, repair, storage, sales and/or leasing of two (2) or more large trucks or similar heavy equipment such as tractor-trailers or tandem or tri-axle dump trucks or grading equipment; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in a zoning district where a truck terminal is permitted.

Use, principal: The primary use, activity and purpose for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained. The terms main and principal have the same meaning in this chapter when referring to structures, buildings and uses. Only one (1) principal use is permitted per lot **with the exception of mixed uses in Traditional Neighborhood Design Districts.**

Use, accessory: A use that is clearly incidental and subordinate to and customarily found in connection with the principal use; and serves a principal structure or use; and is located on the same lot as the principal use; except as may be provided for under the provisions for off-street parking.

VDOT: Virginia Department of Transportation

Veterinary hospital: See "Animal hospital."

Warehouse, mini: A structure consisting of individual, enclosed, small, self-contained units that are leased or owned for the storage of business or household goods or contractor's supplies.

Warehouse, storage: A structure or part of a structure for storing goods, wares, and merchandise whether for the owner or others for hire.

Watershed area: See "Natural area."

Well: Any shaft or hole sunk, drilled, bored or dug into the earth or into the underground strata for the extraction, injection or placement of any gaseous or liquid substance, or any shaft or hole sunk or used in conjunction with such extraction, injection or placement. The term "well" does not include any shaft or hole sunk, drilled, bored or dug into the earth for the purpose of core drilling, pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use.

Wholesale sales or wholesale business: A business establishment that sells merchandise in bulk to large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident population and/or to tourists.

Width: See "Lot width."

Yard: An open space in a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter:

Front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

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

Zoning administrator: See "Administrator."

Zoning permit: An application form, used administratively, to designate the nature of the proposed use of a building or land and to provide additional pertinent information concerned with such development.