

## DIVISION 21. INDUSTRIAL (1) (I-1) DISTRICT

### Sec. 23-6.21.1. Purpose and intent.

The purpose of the industrial 1 (I-1) district is to provide for areas of light industrial activity.

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

### Sec. 23-6.21.2. Permitted uses.

The following uses may be established as permitted uses in the industrial 1 (I-1) district, subject to site plan approval:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Building materials yard;
- (3) Business service & supply establishment;
- (4) Car wash;
- (5) Civic, social, or fraternal facilities;
- (6) Contractor's offices & shops;
- (7) Convenience store;
- (8) Eating establishment;
- (9) Eating establishment, carry out, fast food;
- (10) Fuel dispensing service;
- (11) Indoor athletic facilities;
- (12) Indoor commercial recreation facilities;
- (13) Industrial/flex;
- (14) Industry, type I;
- (15) Lumberyard;
- (16) Medical care facilities;
- (17) Mini-warehousing establishments;
- (18) Offices;
- (19) Outdoor sports & recreation, commercial;
- (20) Public uses;
- (21) Public utility light;
- (22) Scientific research & development establishment;
- (23) Service station;
- (24) Transportation facilities;
- (25) Vehicle light service establishment;
- (26) Vehicle major service establishment;
- (27) Veterinary hospitals/services;
- (28) Warehouses;
- (29) Wholesale trade establishments.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97)

### Sec. 23-6.21.3. Special uses.

The following uses may be established as special uses in the industrial 1 (I-1) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Airports, public or private;
- (2) Bus or railroad station;
- (3) Civic and sports arena;
- (4) Correction facilities;
- (5) Crematory, human or animal;
- (6) Drive-in motion picture theater;
- (7) Heavy equipment repair service;
- (8) Heliport;
- (9) Helistop;
- (10) Recycling collection centers;
- (11) Tattoo parlors;
- (12) Telecommunications tower;
- (13) Truck stop;
- (14) Wetland mitigation bank;
- (15) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-78, 2-9-99; Ord. No. 23-81, 6-22-99; Ord. No. 23-82, 7-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03)

#### Sec. 23-6.21.4. Use limitations.

- (1) All operations, activities and storage shall be conducted within a completely enclosed building, except accessory uses and special uses which by their nature must be conducted outside a building.
- (2) Except as may be permitted as a principal use or by special use, wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use.
- (3) All premises shall be furnished with all-weather, dustless surface walks and driveways.

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

#### Sec. 23-6.21.5. Lot size requirements.

1. Minimum lot area: Forty thousand (40,000) square feet.
2. Minimum lot width: One hundred (100) feet.
3. Wood by-products recycling center: Ten (10) acres.
4. The lot size requirements do not apply to development in accordance with a proffered generalized development plan (GDP). The board of supervisors may waive or modify the lot size requirements by special use.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-100, 4-9-02; Ord. No. 23-105, 6-24-03)

#### Sec. 23-6.21.6. Bulk regulations.

1. *Maximum building height:* Forty (40) feet.
2. *Minimum yard requirements:*
  - A. Front yard: Forty (40) feet.
  - B. Side yard: Ten (10) feet, except none required when a side yard abuts a railroad right-of-way.

C. Rear yard: Twenty (20) feet, except none required when the yard abuts a railroad right-of-way.

D. Development in accordance with a proffered generalized development plan (GDP) shall be subject to the minimum yard requirements only with respect to development along its peripheral lines and in such cases parking lots shall be located no closer than thirty (30) feet to any public street or highway right-of-way.

3. *Maximum floor area ratio:* 1.0.

A. Floor area ratio limitation may be exceeded by means of a special use permit issued by the board of supervisors.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-90, 2-27-01; Ord. No. 23-104, 3-11-03; Ord. No. 23-105, 6-24-03)

Sec. 23-6.21.7. Open space.

Fifteen (15) percent of the gross area shall be landscaped open space. As used herein, "gross area" refers to either the total parcel area or, where applicable, the total aggregate land area subject to a proffered generalized development plan.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-105, 6-24-03)

Sec. 23-6.21.8. Additional requirements.

1. *General development standards:* Refer to article 5.

2. *Landscaping and screening:* Refer to article 5, division 5.

3. *Off-street parking:* Refer to article 5, division 9.

4. *Signs:* Refer to article 5, division 8.

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

## ARTICLE 5

### DIVISION 2. ACCESSORY USES AND STRUCTURES

#### Sec. 23-5.2.1. Use limitations.

(1) No accessory use or structure shall be occupied or utilized unless the principal structure to which it is an accessory to is occupied or utilized.

(2) All uses and structures accessory to single-family detached dwellings, to include such extensions permitted by section 23-5.1.2, shall cover no more than thirty (30) percent of the area within the minimum required rear yard.

(3) The following use limitations shall apply to fences and walls except when modified by the issuance of a special use permit. These height limitations shall not apply to stormwater management facilities:

(a) Agriculture and rural districts (A-1, A-2, A-3, R-A, Ru). Fences and walls may be constructed to a maximum of ten (10) feet in height in any rear or side yard and four (4) feet in height in any front yard, except within the sight triangle. The use of barbed wire, electricity or similar contrivance that may cause bodily harm shall not be allowed in subdivisions, developments, or estates where the lot is less than one (1) acre in area or along any property line adjacent to a residential subdivision or development where any lot is less than one (1) acre in area.

(b) Residential districts (R-1, R-2, R-3, R-8, R-12, RR). Fences and walls may be constructed to a maximum height of ten (10) feet in any side or rear yard and to a maximum height of four (4) feet in any front yard, except within the sight triangle. The use of barbed wire, electricity or similar contrivance that may cause bodily harm shall not be allowed in these residential districts on any lot less than one (1) acre.

(c) Commercial districts (C-1, RC) and office districts (O-1, O-2). Fences and walls may be constructed to a maximum height of ten (10) feet in any side or rear yard and to a maximum of four (4) feet in any front yard, except within the sight triangle. The use of barbed wire, electricity or any similar contrivance that may cause bodily harm shall not be allowed in these commercial and office districts except when incorporated into a fence at a height of not less than seven (7) feet above the nearest adjacent grade and located on arms which do not protrude onto or over any adjacent property.

(d) Commercial (C-2, C-3) and industrial districts (I-1, I-2). Fences and walls may be constructed to a maximum height of ten (10) feet in any yard except for within the sight triangle. The use of barbed wire, electricity or any similar contrivance that may cause bodily harm shall not be allowed in these commercial and industrial districts except when incorporated into a fence at a height of not less than seven (7) feet above the nearest adjacent grade and located on arms which do not protrude onto or over any adjacent property.

(e) Planned development districts (PDH, PDC). Fences and walls shall conform to the criteria for fences and walls for the type of zoning district (residential or commercial) in which the fence is to be located within the planned development district.

(f) The use of razor wire shall be prohibited except in the instance of a correctional facility, penal facility or similar type use.

(4) The addition to an existing place of worship or a fellowship or meeting hall, gazebos or picnic shelters, indoor or outdoor recreation facilities, and related site improvements associated with an accessory use.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-67, 6-25-96; Ord. No. 23-73, 8-12-97; Ord. No. 23-80, 4-27-99; Ord. No. 23-114, 8-9-05)

### **Sec. 23-5.2.2. Location regulations.**

(1) If a building that otherwise would be considered accessory is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this chapter applicable to a principal building.

(2) The required minimum yards referenced in this section shall refer to the minimum yards in the applicable zoning district for the principal building(s) with which the accessory-type building is associated.

(3) Ground-supported antenna structures for the operation of private radio facilities authorized by the Federal Communications Commission regulations may be permitted in an A or R district provided that such structures shall not be located closer to any lot line than a distance equal to their height.

(4) Off-street parking and loading spaces shall be located in accordance with the provisions of this chapter and Article 5, of the Design Standards Manual.

(5) Tennis courts may not extend into any required yard.

(6) The following regulations shall apply to the location of all freestanding structures or uses except that specifically set forth in subsections (1)--(5) above:

(A) No accessory structure or use, except a state, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing less than two (2) acres or (c) in residential resort (RR) or resort agricultural (RA) district on any lot containing less than one (1) acre. When located in a

front yard, these exempt structures shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line.

(B) Any accessory structure or use may extend into required rear and side yards but shall be located no closer than ten (10) feet from the rear and side yard lot lines or in cluster subdivisions no closer than five (5) feet from the rear and side yard lot lines.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-67, 6-25-96)

## ARTICLE 5

### DIVISION 3. ACCESSORY SERVICE USES

#### **Sec. 23-5.3.1. Authorization.**

Accessory service uses, as defined in article 2 of this chapter, are permitted in connection with certain principal uses as set forth below when expressly authorized in the zoning district regulations.

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

#### **Sec. 23-5.3.2. Permitted accessory service uses.**

Accessory service uses shall include, but are not limited to, the following uses; provided that such use shall be in accordance with the definition of accessory service use contained in article 2 of this chapter:

(a) Accessory to a principal use of multiple-family dwellings when such dwelling or dwelling complex has a minimum of two hundred fifty (250) dwelling units:

- (1) Eating establishments, without drive-in windows.
- (2) Child care centers.
- (3) Personal service establishments.
- (4) Retail sales establishments selling convenience merchandise.

(b) Accessory to a principal use of offices, industrial establishments, or institutional buildings:

- (1) Business service and supply service establishments.
- (2) Child care centers.
- (3) Eating establishments, without drive-in windows.
- (4) Indoor athletic facility.
- (5) Personal service establishments.
- (6) Prescription establishments and the selling of pharmaceutical supplies.
- (7) A dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.
- (8) Repair service establishments.
- (9) Retail sales establishments selling convenience merchandise.

(c) Accessory to a principal use of public or private school:

- (1) Child care center.
- (d) Accessory to a principal use of a place of worship:
  - (1) Child care center.
  - (2) Religious retreat facilities.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-114, 8-9-05)

#### **Sec. 23-5.3.3. Use limitations.**

In addition to the use limitations applicable in the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

- (a) All accessory service uses shall be located in the same building as the principal use, or with the approval of the zoning administrator, located on the same property as the principal use.
  - (b) The aggregate gross floor area of all accessory service uses shall not exceed fifteen (15) percent of the total gross floor area of the principal use. This maximum shall not apply to child care centers in a place of worship, public school, or private school.
  - (c) No accessory service use shall be located above the second floor of the building in which located, with the exception of:
    - (1) The residence of a proprietor or owner, which may be located on any floor.
    - (2) An eating establishment which may be located in a top floor.
  - (d) Accessory service uses shall be certified in compliance with the VA Uniform Statewide Building Code by the building official.
- (Ord. No. 23-66, 10-24-95; Ord. No. 23-114, 8-9-05)

## ARTICLE 2. RULES OF CONSTRUCTION

### Sec. 23-2.1.1. General rules of construction and interpretation.

The following rules shall apply for construing or interpreting the terms and provisions of this chapter:

- (a) The provisions of this chapter shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and general welfare, and shall be liberally construed to achieve the purposes for which this chapter is adopted.
  - (b) In the event of any conflict in the limitations, requirements, or standards contained in this chapter as applied to an individual use or structure, the more restrictive provision shall apply.
  - (c) In the event of a conflict between the text of this chapter and any caption, figure, illustration, table, or map contained herein, the text shall control.
  - (d) The following sources may be referred to in interpreting any term of this chapter for which no definition is given:
    - (1) *Webster's 10th New Collegiate Dictionary* (1991) by Merriam-Webster Inc.;
    - (2) Tracy Burrows, ed., *A Survey of Zoning Definitions*, American Planning Association, Planning Advisory Service Report No. 421 (1989); or
    - (3) Harvey S. Moskowitz and Carl G. Lindbloom, *The New Illustrated Book of Development Definitions*, Center for Urban Policy Research (1981).
- (Ord. No. 23-66, 10-24-95)

### Sec. 23-2.1.2. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the official zoning map, the following rules shall be used to interpret the map:

- (a) Where the map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the map, then the actual location shall control.
- (b) Where the map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
- (c) Where the map shows a district boundary to approximately coincide with a property line or municipal border, the property line or municipal border shall be considered to be the district boundary, unless otherwise expressly indicated on the map.
- (d) Where the map shows a district boundary to not coincide or only approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by using the scale appearing on the map.
- (e) Where the map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this chapter for the zoning district in which that part is located.

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

Sec. 23-2.1.3. Conflict or inconsistency with other public laws or with private covenants and restrictions.

- (a) This chapter is not intended to abrogate any other law, ordinance, or permit. However, where conditions, standards, or requirements imposed by any provision of this chapter are either more restrictive or less restrictive than comparable standards imposed by any other provision of this chapter, or by any other law or ordinance, the provisions which are more restrictive or which impose higher standards or requirements shall govern.
- (b) This chapter is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, the requirements of this chapter shall govern. Nothing in this chapter shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this chapter.

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

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.

*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 service use* means accessory service uses as permitted by this chapter are subject to the provisions of article 5, division 3 of this chapter. An accessory service use is a use which:

1. is subordinate to and serves a principal use; and
2. is subordinate in purpose, area and extent to the principal use served; and
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 23-5.3.3.

*Accessory use* means accessory uses as permitted by this chapter are subject to the provisions of article 5, division 2 of this chapter. An accessory use is a use or building which:

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

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

*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.

*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.

*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.



*Anti-climbing device* means a minimum six (6) foot high chain link fence shall surround the antennae support structure and appurtenances. The fence fabric shall have maximum one and one-quarter (1 1/4) inch openings or be provided with enclosing slats attached at the top and bottom restricting openings to one and one-quarter (1 1/4) 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.

*Applicant* means any entity requesting approval to construct/install wireless telecommunication facilities through the county's permitting process.

*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 that is permanently mounted to a building by a permanent means. 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 its clear height below the grade plane.

*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 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.

*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.

*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.

*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.

*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.

*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.

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

*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.

*Convenience store* means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines and 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.

*Correction 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.

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

*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.

*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.

*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 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.

*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 facilities* mean an equestrian facility for activities including, but not limited to, the following: (i) boarding and/or training of horses; (ii) rodeos and horse shows; (iii) horseback riding rentals; (iv) horseback riding instructional classes; and (v) tack sales, 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.

*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.

*Financial institution* means any establishment, to include an unmanned bank teller machine(s), wherein the primary occupation is concerned with such state regulated

businesses as banking, savings and loans, loan companies and investment companies; however, for the purpose of this chapter, any financial institution having a drive-in window(s) or drive-in unmanned bank teller shall be deemed a *drive-in bank* defined herein.

*Floodplain* means those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the one hundred-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.

*Front yard:* See *Yard, front*.

*Fuel dispensing* means an establishment where liquid used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles.

*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 dead 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 dead human bodies.

*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* .

*Heavy equipment and specialized vehicle sale, rental and 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.

*Heavy equipment repair service* means an establishment primarily engaged in the mechanical repair and servicing of heavy equipment including, but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, earthmovers, and equipment having a gross weight of two and one-half (2.5) tons or more. Such repair and service work shall occur within a fully enclosed building.

*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.

*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.

*Indoor, athletic facility* means a building or structure in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis and other court games, swimming, aerobics and weight lifting.

*Indoor, commercial recreation facility* means a sports or activity facility open to the general public and operated for a profit; these include, but are not limited to, the following: roller or ice skating rink, batting cages, bowling alley, miniature golf, shooting ranges, but does not include billiard hall, bingo, 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, 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.

*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.

*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.

*Live entertainment* means an establishment whether operated for profit or not, providing live performances, entertainment, including dance halls, bingo halls.

*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 (10) 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.

*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.

*Medical care facility* means any 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, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including but not limited to general hospitals, medical laboratory, sanatorium, sanitarium, nursing home, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or non-profit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office, or a first aid station for emergency medical or surgical treatment.

*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.

*Mitigate* means to reduce or eliminate adverse impacts.

*Motel* : See *Hotel* .

*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, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. In addition, 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. An office shall not be deemed to include a veterinary clinic.

*Open air market* means a site where outdoor stalls, booths, tables and/or the like are used by vendors for the display and/or sale of merchandise.

*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 sports and recreation, commercial* means a sports or activity open to the general public in an open or partially enclosed or screened facility; these include but are not limited to: driving range, golf course, miniature golf, batting and pitching cages, hard and soft courts, swimming pools, water slides, go-carts, pony rides, and ice skating rinks.

*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 need not be limited to barber shops, beauty parlors, 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.

*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.

*Private school* means a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.

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

*Public school* means any area, building or structure held, used or controlled exclusively for public purposes by the Spotsylvania County School Board.

*Public street:* See *Street, public.*

*Public 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 Spotsylvania 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 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 parks, playgrounds, athletic field and related facilities* means a use owned or operated by a nonprofit or religious institution and providing educational, recreational or similar types of programs.

*Rear yard:* See *Yard, rear*.

*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, 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. For the purpose of this chapter, however, retail sales establishment shall not be deemed to include heavy equipment and specialized vehicle sale, rental and 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.*

*Service station* means buildings and premises in which the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made, but only as accessory and incidental to the primary occupation:

1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;
4. Washing and polishing, and sale of automotive washing and polishing materials;
5. Greasing, lubrication and radiator flushing;
6. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;
7. Emergency wiring repairs;
8. Adjusting and repairing brakes;
9. Sales, limited to service station customers, of soft drinks, packaged foods, and tobacco products from machines;
10. Provision of road maps and other information material to customers, and provision of restroom facilities.

Uses permissible at a service station shall not include major mechanical and body work, 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.

For the purpose of this chapter, any combined service station-car wash facility shall be deemed a *car wash*.

*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.* 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 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, temporary* means any sign, valance, or advertising display constructed of cloth, canvas, light fabric, 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.

*Site plan* means the proposal for a development or subdivision, except individual single family detached dwellings, 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.

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

*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 The Code, The Subdivision Ordinance.

*Subdivision* means the land subdivided as defined in Chapter 20 of The 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.

*Tattoo parlor* means any place in which is offered or practiced 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. 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.

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

*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.

*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 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, wiperblades, 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.

*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.

*Vehicle sale, rental, and ancillary service establishment* means any use of land whereon the primary occupation is the sale, rental and ancillary service of vehicles in operating



condition such as automobiles, motorcycles, ambulances, taxicabs, vans and recreational vehicles. For the purpose of this chapter, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles such as pick-up trucks may be sold, rented and serviced as a n ancillary use.

*Warehousing establishment* 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, Spotsylvania 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.

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

*Wireless telecommunication facility* means 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.

*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 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 lot where a service drive is to be dedicated to the county or to the Virginia 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. This provision shall not apply to a lot(s) which contains a single-family detached dwelling unit.

*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, 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)

**State law references:** Definitions and rules of construction generally, § 1-2.