

ARTICLE 2. DEFINITIONS AND USE TYPES

Section 2-1. Interpretation of term or words.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."
- (6) The interpretation of any word not herein defined shall be derived from the definition in the most current edition of Webster's Dictionary and the context in which the word is used. (check with Ted)**

Section 2-2. Definitions

Accessory structure, attached: An accessory structure or an accessory dwelling which is connected to the principal structure in substantial manner, as by a wall or roof, shall be considered a part of the principal structure.

Accessory use or structure: A use or structure on the same lot or on a contiguous lot, in the same ownership, and of a nature customarily incidental and subordinate to, the principal structure **or principal use** and operated and maintained for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use.

Acreage: **Area in acres.**

Acreage, gross: The total land area of a **site**.

Acreage, net: A unit of measure; gross acreage less the land area for (1) existing or proposed street rights-of-way; (2) ponds, lakes, or other impounded water bodies; (3) wetlands; (4) areas with slopes in excess of **twenty-five (25)** percent; (5) existing or proposed utility and stormwater management easements greater than twenty (20) feet in width; (6) existing or proposed sites for utility and stormwater management facilities; and (7) other property reserved or dedicated

for public ownership (parks, school sites, etc.) provided that the reduction for this purpose shall not exceed ten (10) percent of gross acreage.

Administrator, the: The zoning administrator of Gloucester County, Virginia. The official, appointed by the **county administrator or their designee**, charged with the **administration and** enforcement of the zoning ordinance.

Agricultural products: Crops, livestock, and livestock products, including **but not limited to:** field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, **aquatic organisms** and furs.

Alteration: Any change in the total floor area, height, use, **adaptation**, or external appearance of an existing structure.

Antenna: Any system of wires, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic frequency signals when such system is either external to or attached to the exterior of a structure or other support mechanism.

Aquaculture: The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

Aquatic organisms: **Any species or hybrid of aquatic animal or plant, including fish, shellfish, marine fish, and marine organisms as those terms are defined by State Code.**

***Architectural projections:* Unenclosed extensions of a structure such as stoops, landings, decks, porches, canopies, balconies, carports, awnings or other similar elements. This definition does not include steps, ADA accessible ramps, bay windows, chimneys, and on-grade features such as patios, walkways and driveways.**

***Art, freestanding:* (add definition?... Exclude from needing zoning permits, doesn't have to meet setbacks. What about height?) Ask PC and Board if we want to regulate.**

***Art, mural:* An artistic treatment or painting on a wall or structure which does not promote any product, activity, or service and also does not contain any lewd, obscene, or profane material, or any unlawful wording or material, or incite, encourage, or offer any unlawful activity. These shall not be considered signs and as such are not controlled by sections of this ordinance pertaining to signage.**

Automobile graveyard: Any lot or place **that** is exposed to the weather and upon which more than **five (5)** motor vehicles of any kind **that are** incapable of being

operated, and which would not be economically practical to make operative, are placed, located or found, outside a fully enclosed building.

Awning: A roof like cover designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or the like. Awnings are often made of fabric, metal, or flexible plastic supported by a rigid frame and may be retracted into the face of the supporting building. A canopy that is not ground supported shall be considered synonymous with an awning.

Board, the: The board of zoning appeals of Gloucester County, Virginia

Buffer: A strip of land planted with an evergreen hedge or dense planting of evergreen shrubs in healthy condition.

Buildable area: That portion of a lot excluding the required setbacks.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

Building footprint: The area that falls directly beneath and shares the same perimeter as a structure; **this area includes decks, open porches, and other architectural projections.** (Building footprint is utilized in the ~~accessory apt~~ ~~ord~~-secondary dwelling related to Commercial districts.)

Building height: The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building line: The line, parallel to any property line, that passes through the point of the principal building nearest that property line. (Was proposed to be removed, but it is utilized in the manufactured home park district.)

Building, accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business: A course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one (1) business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business or (ii) filing tax

returns, schedules and documents that are required only of persons engaged in a trade or business. (Matches COR's definition which we reference.)

***Camping unit:* Any tent, tent trailer, pickup camper, recreational vehicle, cabin, lean-to or similar structure designed as a temporary living accommodation for recreational and camping purposes **established or maintained and operated in a campground for recreation, education, or vacation purposes (?)**.**

Canopy: A roof like structure, often of fabric, metal or glass, designed and intended for protection from the weather which projects from a building and is ground supported and opened on three sides. The supports are confined in number and cross-section area to the minimum necessary for actual support of the canopy.

Capon: A neutered male chicken.

Central water and/or sewer system: A water or sewer system owned and operated by the county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the state corporation commission and meeting all standards of the state department of health.

Cluster development: A form of development that permits a reduction in lot area and bulk requirements, provided the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. Open space is generally to be contiguous.

Commercial - A use operated as a business as defined in Chapter 10 of Gloucester County Code. **(Do we want to define commercial? The terms commercial and business are used somewhat interchangeably throughout the code. Generally, though commercial is related to a type of use and business is a specific business. We could also just rely on Webster's definition of commercial for more flexibility.)**

Commercial communication facility: Any structure designed and constructed for commercial communication or broadcasting use, including towers and antennas, along with any associated equipment or accessory structures. This definition shall be broken down as **minor and major**. Commercial communication facilities may be considered either principal or accessory uses, provided all applicable requirements are met. Towers and other facilities used exclusively by federally licensed amateur radio operators, as well as other non-commercial communication facilities, are specifically excluded from this definition. Such towers are subject to building code requirements. Receive-only antennas are also excluded.

Commission, the: The planning commission of Gloucester County, Virginia.

Condominium: A building , or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Contractor: A service provider engaged in the on site construction, removal, repair, or improvement of structures and/or facilities ~~on property owned by others~~. (the term “service provider” was added to the use “Contractor / service provider storage yard”. Is that necessary given the definition of “contractor”?)

Density, gross: The number of dwelling units, **or portion thereof**, per acre of the gross acreage.

Density, net: The number of dwelling units per acre, **or portion thereof**, of the net acreage.

Development The establishment of any non-agricultural activity that results in a change in existing site conditions **or use and requires a zoning permit**.

Diameter at Breast Height (DBH): The diameter of a tree measured at 4.5 ft. (137 cm) above ground level.

Districts: Designated zones in Gloucester County best suited to carry out the various purposes of this ordinance. See Article 4 for specific districts.

Domestic chicken: A chicken of the species *Gallus gallus domesticus* kept for the owner's personal enjoyment and/or source of meat and/or eggs.

Dwelling unit: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including a **camping unit, recreational vehicle, manufactured home**, or room in a hotel or motel. (Does it still make sense to keep manufactured home as excluded from this definition?)

Event, commercial: A social, sporting, or charitable gathering open to the general public or invited guests held at a venue which is operated as a business pursuant to the definition in **Chapter 10 of the Gloucester County Code**. Typical events include, but are not limited to, weddings, performances, conferences, social, or other events. Excluded from this definition are events held by a property owner for their personal use and enjoyment, and events held for charitable purposes by a non-profit entity properly registered as a 501(c) organization with the Internal Revenue Service, both of which are not regulated by this ordinance. (We are proposing to add a definition for “business”. See above. Do we want to still add that definition and reference it or just reference Chapter 10 and not add the definition?)

Farm: One or more **parcels** of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

Farm tenant dwelling: A dwelling located on a farm for the purpose **and exclusive use** of housing an employee of that farm operation and his/her family. This use is accessory and subordinate to a bona fide agricultural use, as defined herein.

Fenestration: The arrangement, proportioning, and design of windows and doors on the exterior of a building fronting on a road, street, drive or parking area intended to establish traditional neighborhood design and pedestrian oriented environment within the county's designated village areas.

Flea market: A temporary (occasional or periodic) commercial market held in a structure or open area where one (1) or more individuals are involved in the setting up of tables, platforms, racks or similar display areas for the purpose of selling, buying, or exchanging merchandise, goods, materials, products or other items. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage/yard or rummage sales held in conjunction with residential uses or sponsored activities conducted by religious, civic, charitable or nonprofit organizations conducted not more than four (4) times a year. (should this be a use?)

Forest: **Well distributed trees of any size sufficient to meet the Virginia Department of Forestry minimum standards. Includes land that has been recently harvested of merchantable timber and is being regenerated into a new forest either by planting tree seedlings or naturally regenerating within 3 years.**

Forestral products: **Saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.**

Poultry: All domestic fowl and game birds raised in captivity.

Freight containers: Portable, weather resistant receptacles designed for the multi-modal shipment of goods, wares, or merchandise. This definition includes shipping containers, cargo containers, and similar containers designed for multi-modal transport. This definition does not include trailers, travel trailers, tractor trailers, truck bodies, manufactured homes, motor vehicles, and similar transportable units.

Frontage: The minimum width of a lot measured from one 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 as defined and required herein.

Frontage, building: The portion of the principal building of an establishment which faces a street or provides public access into the building. If the principal building(s) are arranged on the lot in such a manner as to face a parking area, then the area facing said parking area may be considered the building frontage.

Governing body: The board of supervisors of Gloucester County, Virginia.

***Grade, finished:* The final elevation of the average ground level adjoining a structure or building at all exterior walls.**

Gross floor area:* The total area of a building measured from the exterior faces of exterior walls, or the center line of walls separating two (2) attached buildings at each floor level intended for occupancy or storage. **This definition does not include decks, open porches, and other architectural projections.*

Gross living area: All living space that has heating, lighting and ventilation. The main rooms and bedrooms, hallways, bathrooms and kitchen footage is calculated to determine the gross living area. Finished attic space with a minimum of 5-foot walls and heat is calculated for gross living area. Patios, porches and garages are not included in this measurement unless a garage has been converted into living space or an enclosed porch is heated.

Historical committee: That committee appointed by the Gloucester County Board of Supervisors to promote and preserve properties and events of historical significance to the county.

Horse shows: Events open to paying guests and the general public. This definition does not include programs for students in riding academies.

~~*Incorporated:* Organized and maintained as a legal entity in the Commonwealth.~~
(We should be able to rely on Webster for this definition.)

***Junk:* Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. (need to revise per our discussions with Chris Hutson.)**

***Landfill, construction debris:* The use of land in accordance with State Code and VA DEQ regulations for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations consisting of stumps, wood, brush, and leaves. Facilities must be in accordance with State Code and the Virginia Department of Environmental Quality.**

***Landfill, sanitary:* A disposal facility, in accordance with State Code and VA DEQ regulations, for solid waste so located, designed and operated that it**

does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water. Facilities must be in accordance with State Code and the Virginia Department of Environmental Quality.

Livestock: Animals, and especially farm animals including horses, ponies, buffalo, cattle, sheep, goats, swine, poultry and other similar domesticated animals. (Animal control includes equine animals in their livestock definition, I think we can as well. The only difference is related to SF where horse stables are permitted, but that use doesn't include livestock, just horses. If someone wanted horses in an R-SC district, they could do it under private stable or livestock, personal use/enjoyment. Livestock, other than horses/ponies would not be permitted in SF.)

Lot: A parcel of land either shown on a plat of record or considered as a **single** unit of **real** property **by the commissioner of revenue.**

Lot line, front: The line separating the lot from a street on which it fronts. **On lots with multiple street frontages, the front line shall be determined at the time of application for the principal structure.**

Lot line, rear: The lot line opposite and most distant from the front lot line. **Where the rear lot line does not exist (triangular shaped lot), the rear lot line shall be the point opposite and most distant from the front.**

Lot line, side: Any lot line other than a front or rear lot line.

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

***Lot, contiguous:* Lots that share a common border or touch.**

Lot, corner: A lot abutting on two (2) or more streets at their intersection. *Lot, interior:* Any lot other than a corner lot **or through lot.**

Lot, through: **A lot that fronts on two (2) parallel street or that fronts on two (2) streets that do not intersect at the boundaries of the lot.**

Lot, width of: The average horizontal distance between side lot lines.

(Add some diagrams for the various lot definitions.)

Manufacture and/or manufacturing: The processing and/or converting of materials or products, into articles of different character or use.

Manufactured home park: A manufactured home park shall mean any parcel of land upon which two (2) or more occupied manufactured homes are located, or which is held out for the location of any such manufactured home.

Manufactured homes in manufactured home parks shall not be required to have permanent foundations. (Do we require permanent foundations for manufactured homes not located in Manufactured home parks?)

Mine: Any underground mineral mine or surface mineral mine. Mines that are adjacent to each other and under the same management and which are administered as distinct units shall be considered as separate mines. A site shall not be a mine unless the mineral extracted or excavated therefrom is offered for sale or exchange, or used for any other commercial purposes.

Mineral: 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, exclusive of coal and those minerals which occur naturally in liquid or gaseous form.

Nonconforming lot: A lot of record that does not conform to the minimum requirements of this ordinance for the district in which it is located either at the effective date of this ordinance (7/1/1984) or as a result of subsequent amendments to the ordinance.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, ~~or is~~ designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located either at the effective date of this ordinance (7/1/1984) or as a result of subsequent amendments to the ordinance.

Nonconforming use: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance (7/1/1984) or as a result of subsequent amendments to the ordinance.

Off-street parking area: Space provided for vehicular parking not on a street or roadway.

Open space: An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic, or recreational purposes. Open space may include, but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, greenways and watercourses. The computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic.

Open space, common: Open space within or related to a development or subdivision that is not a part of individually owned lots or dedicated for general

public use, designed and intended for the common ownership, use, and enjoyment of the residents of the development or subdivision.

Outdoor display: The display of products for sale, rent or lease outside of a building or structure **associated with a commercial use**, located on the same **or contiguous** lot as the establishment offering the product for sale, rent or lease. Outdoor display includes but is not limited to vehicles, garden supplies, flowers, shrubs, and other plant materials, boats, farm equipment, motor homes, and the like. It does not include outdoor storage as defined herein.

Outdoor storage: The keeping, in an enclosed or unenclosed area outside of a building or structure **associated with a commercial use**, of any goods, materials, equipment or merchandise for storage **for a period of time greater than 72 hours** on the same **or contiguous** lot as the establishment or use for which it is providing the storage.

Parapet: The extension of the main walls of a building above the roof level.

Pedestrian walkway: An improved right of way for pedestrians, separate from vehicular traffic and including access ramps, stairs and routes that are available for public use. (See “sidewalk” p. 11. Do we need both?)

Photovoltaic (or "PV"): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned unit development: An area of land in which a variety of housing types and/or compatible commercial and industrial facilities is accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this ordinance. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. (Confirm definition is good.)

***Porta-john:* A portable toilet or mobile toilet is a toilet that may easily be moved around. A portable toilet is not connected to a hole in the ground (like a pit latrine), nor to a septic tank, nor is it plumbed into a municipal system leading to a sewage treatment plant; it can, by definition, be picked up and moved. (Add definition if we include regulations for these facilities.)**

Rated capacity: The maximum capacity of a project, typically wind or solar, based on the sum total of the individual components as rated by the manufacturer.

***Recreational vehicle:* A vehicular-type portable camping unit without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and**

camping purposes. Recreational vehicles include, but are limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition does not include manufactured homes or temporary portable storage containers.

Right-of-way: A strip of land dedicated for **public or private access**. It may incorporate the roadway, curbs, lawn strips, sidewalks, lighting, and drainage facilities.

Sand and gravel operation: Any operation involving the breaking or disturbing of the surface soil or rock, where the primary purpose of the operation is to extract or remove sand, soil, gravel, or other natural materials from the earth and to transport the material, or any portion thereof, off-site. Such operations which are incidental to and the result of other permitted uses are exempt from this definition.

Setback: The minimum distance by which any building or structure, **or use** must be separated from property lines.

***Setback, front:* The minimum distance by which any building , structure, or use must be separated from the front property line and extending across the full width of the lot.**

***Setback, rear:* The minimum distance by which any building, structure, or use must be separated from the rear property line and extending across the full width of the lot. Where the rear lot line does not exist (triangular shaped lot), the rear setback line shall be measured as an arc from the point opposite the front lot line.**

***Setback, side* The minimum distance by which any building, structure, or use must be separated from the side property lines and extending from the front setback line to the rear setback line.**

Shopping Center: Multiple **commercial** establishments planned, constructed and managed as a single entity with shared access and parking. For the purposes of Article 12 "Signs", shopping centers are categorized as small, medium, and large and further defined herein. **What about mixed use sites?**

Shopping Center, large: A shopping center containing a total combined **gross floor** area of over 100,000 sq. ft.

Shopping Center, medium: A shopping center containing a total combined **gross floor** area of 50,000 sq. ft. (minimum) to 100,000 sq. ft. (maximum).

Shopping Center, small: A shopping center containing a total combined **gross floor** area of less than 50,000 sq. ft.

***Shrub, deciduous:* A small to medium sized woody plant that sheds its leaves at the end of the growing season.**

***Shrub, evergreen:* A small to medium sized woody plant that has leaves throughout the year.**

Sidewalk: **An ADA accessible route** adjacent to the curb lines or lateral lines of a roadway designed and intended for use by pedestrians. (Referenced often. If we add ADA accessible route to the definition, we are requiring all sidewalks to be ADA accessible. See “pedestrian walkway”. Do we need both?)

Sign: Any display of letters, words, numerals, figures, devices, symbols, logos, trademarks, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or a part of a structure, surface, or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. Signs shall include billboards.

Sign structure: Includes the support, uprights, bracing, and frameworks of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

Sign, back-lit or channeled lettered: Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated.

Sign, building identification: Any sign that identifies a building or structure by its cultural or historical significance or that of the surrounding area and contains no advertising for the uses within the building.

Sign, construction : A freestanding non-illuminated sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

Sign, electronic display/variable message board/message center: Any sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens, or other internal illumination devices that are used to change the messages, intensity of light, or colors displayed by such sign. This term shall not include: a) signs defined as internally illuminated or back-lit or channeled lettered signs as defined in this section or b) fuel prices for on premise fuel sales which do not exceed fifty percent (50%) of the sign area or c) signs on which lights or other illumination devices display in a single color only the temperature, date, and/or time of day in alternating cycles of not less than five (5) seconds and for which the display of temperature, date, and or time does not exceed more than fifty percent (50%) of the sign area.

Sign, freestanding: Any sign not supported by or attached to or painted on a building.

Sign, illuminated: Any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light.

Sign, internally illuminated: A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign on which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

Sign, monument: A free-standing sign, other than a pole sign, with sides parallel to or near parallel to each other in which the entire bottom is in contact with the ground or within twelve inches (12") of the ground.

Sign, off-premises: Any sign which directs attention to a business, profession, commodity, activity or service not offered on the premises where the sign is located. This definition shall not apply to shopping center signs as permitted in article 12 "Signs".

Sign, on-structure: Any sign attached to or supported by a building(s) or canopy structure(s).

Sign, pole: A sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is greater than twelve inches (12") above the ground.

Sign, projecting: An on-structure sign affixed to a wall and extending more than 12 inches from the surface of such wall, usually perpendicular to the wall surface. Projecting signs shall not extend into or above any portion of a public right-of-way or adjoining property.

Sign, temporary: A sign not permanently mounted to a building or into the ground.

Site Area: The **parcel(s)** ~~area~~ containing a development project; when multiple parcels are utilized, the area within the outside perimeter of all contiguous parcels shall constitute the site.

Special exception permit: A permit issued by the administrator upon approval by the board **of zoning appeals** to allow a special exception use to be established **on a site** within a district.

Specified anatomical areas: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

Story: That portion of a building, other than the basement or cellar, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Street classification: The functional classification of roads, as defined by the Virginia Department of Transportation.

Street or road: A public or private thoroughfare which affords principal means of access to abutting property.

Structure: **Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance. This definition does not include on-grade driveways, walkways, or patios, mailboxes, utilities pedestals, swing sets, or other similar features as determined by the zoning administrator.**

Support mechanism: A structure including but not limited to clock towers, steeples, silos, water towers, fire towers, free-standing chimneys, utility poles and towers, buildings or similar structures that may support telecommunications antennas or similar devices.

Tower, guyed: A tower design which uses guy wires as an external means of support and/or stabilization.

Tower, lattice or monopole: A single-pole tower design which uses no external means for support and/or stabilization.

Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Virginia Code Section 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (Virginia Code Section 36-70 et seq.) and the Uniform Statewide Building Code

(Virginia Code Section 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be permitted. **For the purposes of this section the following definitions apply:**

Caregiver: An adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person: A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia Code Section 63.2-2200, as certified in writing provided by a physician licensed by the Commonwealth.

Temporary portable storage container: A fully enclosed box-like container designed to permit ease of loading to and from a transport vehicle and for temporary storage purposes on a site (typically known as PODS, MODS, etc.). This definition does not include trailers, travel trailers, tractor trailers, truck bodies, manufactured homes, motor vehicles, and similar transportable units.

Temporary portable waste collection container: A container designed or used on a property for the collection and hauling of waste or debris including but not limited to roll-off containers or boxes and bin containers (dumpsters).

Travel trailer: A travel trailer shall mean a self-propelled vehicle or a transportable structure which can be pulled behind a motor vehicle which is constructed on a permanent chassis, designed without a permanent foundation. Travel trailers are further designed for temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel.

Tree, deciduous small: **A tree that sheds its leaves at the end of the growing season** having an average minimum mature crown spread of greater than twelve (12) feet, but less than or equal to thirty (30) feet.

***Tree, evergreen:* A tree that has leaves throughout the year and is a minimum of five (5) feet in height at the time of planting.**

Tree, deciduous large: **A tree that sheds its leaves at the end of the growing season** having an average minimum mature crown spread greater than thirty (30) feet.

Tower, guyed: A tower design which uses guy wires as an external means of support and/or stabilization.

Tower, lattice or monopole: A single-pole tower design which uses no external means for support and/or stabilization.

Variance: **A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.**

Visible: **Capable of being seen without visual aid by a person of normal visual acuity.**

Watercourse: A channel in which the flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

Wind energy facility: An electric generating facility, whose primary purpose is to supply electricity, consisting of one or more wind turbines, and other accessory structures and buildings including towers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Windmill: A machine designed to harness the energy of the wind to perform physical work, like grinding grain or pumping water; a windmill will have rotating blades or "sails" that will, typically through gears, levers, and/or pulleys, operate mechanical equipment.

Wind turbine: A machine designed to convert the energy of the wind into electrical power; a wind turbine will typically include such components as a nacelle, a rotor with multiple blades, a generator, and a transformer.

Yard: **Any open area on a lot not occupied by a structure.**

Yard, front: **The area between the front of the principal building** (excluding steps) and the front lot or street line and extending across the full width of the lot.

Zoning permit: A **permit** issued by the administrator authorizing the use of lots and/or structures, and the characteristics of uses **in conformance with this ordinance.**

Section 2-3. Use Types

Section 2-3.1. Agriculture, Animal and Outdoor Use Types

(a) *Agriculture Use Types*

Agricultural operation: **Any operation, including associated structures, devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This definition includes processing and storage of agricultural products, including grain, fruit, vegetables, meat, or animal products as accessory uses.**

Agritourism: Any activity carried out **on a farm or ranch** that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. **An activity is an agritourism activity** whether or not the participant paid to participate in the activity. **An activity shall not be deemed an agritourism activity solely by reason of it taking place on a farm or ranch. “Agritourism activity” does not include the following types of activity, among others not specifically listed: (i) the rental of a farm or ranch, or portion thereof, for events such as weddings, wedding receptions, parties, retreats, and other activities, unless such events themselves consists primarily of participation in an agritourism activity; or (ii) activities involving motor vehicle competitions or other activities involving the use of motor vehicles, other than farm vehicles. Such activities may be allowed with a conditional use permit for event facility or commercial outdoor amusement/entertainment/sport as defined herein.**

Application of Biosolids: **The distribution of treated wastewater or sewage sludge upon, or insertion into, the land as regulated by Gloucester County Code Chapter 9.5 Health and Sanitation, Article IV – Land Application of Biosolids.**

Aquaculture facility: Any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture. **The packing of whole organisms on ice for transport to market shall be permitted.** This ordinance shall not apply to aquaculture facilities that are located below mean low water (MLW) and regulated by other agencies or entities.

Concentrated Animal Feeding Operation: **An animal feeding operation in which animals are raised in confinement—that has over 1000 "animal units" confined for over 45 days a year. An animal unit is an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef**

cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs., 125 thousand broiler chickens, or 82 thousand laying hens or pullets.

Farm brewery, limited: A brewery licensed as a limited brewery under Virginia Code § 4.1-208, located on one or more lots owned or leased by that brewery and in an agricultural zoning district, that manufactures no more than 15,000 barrels of beer per calendar year, provided the agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on that farm. The sale of beer-related items that are incidental to the sale of beer shall also be permitted at a licensed limited farm brewery.

Farm distillery, limited: A distillery licensed as a limited distillery under Virginia Code § 4.1-206, located on one or more lots owned or leased by that distillery and in an agricultural zoning district, which uses agricultural products grown on that farm to produce no more than 36,000 gallons of alcoholic beverages other than wine or beer in a calendar year. The sale of items related to alcoholic beverages, other than wine or beer, that are incidental to the sale of such alcoholic beverages shall also be permitted at a licensed limited farm distillery.

Farmers' market: A seasonal gathering of vendors in a predetermined, centralized location for the display of hand-made or regionally harvested agricultural, horticultural, silvicultural, and/or seafood products, excluding livestock, produced off-site and brought to the market for sale; the occasional sales of pumpkins, Christmas trees, and other annual products shall also be permitted.

Farm livestock market: A commercial establishment wherein livestock are collected for sale or auction.

Farm produce stand: Any structure or land used for the sale of agricultural, horticultural, silvicultural, and/or seafood products, excluding livestock, produced off-site and brought to the market for sale. A farm produce stand may be open seasonally or year-round, but is considered to be permanent in nature; the occasional sales of pumpkins, Christmas trees, and other annual products shall also be permitted.

Farm wayside stand: Any structure on, or area of, a farm where agricultural, horticultural, and/or hand-crafted products produced by the owner or his family are sold. This use excludes livestock.

Farm winery: A winery licensed as a farm winery under Virginia Code § 4.1-207, located on one or more lots owned or leased by that winery, and where at least 51 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such

farm and no more than 25 percent of the fruits, fruit juices or other agricultural products used shall be grown or produced outside the Commonwealth of Virginia. A farm winery licensee may also manufacture and sell cider per Virginia Code § 4.1-213.

Forestry operation: **The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut. Excluded from this definition shall be the cutting of timber associated with land development approved by the county, which shall be considered accessory to the development process and reviewed and approved by the county.**

(b) *Animal Use Types*

***Animal care facility/establishment* ~~boarding / breeding / day care establishment~~ *Kennel, commercial:* Any facility designed to shelter, board, breed, raise or otherwise keep or care for animals for any part of a 24 hour day or nightly basis for care, or sale. This definition excludes domestic pets as defined herein unless those animals are used commercially for one of the purposes above. This use can include training as an accessory use.**

***Animal grooming facility/establishment:* An establishment engaged in the grooming of domestic pets and does not include overnight boarding. This use does not include grooming that is secondary to another use such as an animal care facility/establishment kennel or retail sales pet store.**

***Animal shelter, private:* Any facility that is used to house or contain animals and that is owned or operated by an individual or incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.**

***Animal shelter, public:* Any facility operated by the Commonwealth, or Gloucester County, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals. Keep definition but remove as use in use table. Combined with public building.**

***Animal taxidermy and/or pet crematorium:* Should this use go here or in CP&S category?**

***Animal training facility/establishment:* An establishment engaged in the training or handling of domestic pets not involving an overnight**

stay. This use does not include training that is secondary to another use such as an animal care facility/establishment or retail sales pet store.

Chicken-keeping, backyard: The keeping of domestic chickens, **defined herein**, subject to the conditions specified in Section 9-26. **Chicken keeping in districts other than SF-1 is regulated under "Livestock, private use or enjoyment."**

Domestic pets: Animals **that are privately kept for companionship** or enjoyment, including dogs, cats, fish, birds, **rabbits** and other similar animals not herein defined as livestock. **This use includes animals kept in foster homes.**

Livestock, personal use or enjoyment: ~~The keeping of livestock for noncommercial purposes.~~ **Livestock that are privately kept exclusively for companionship or enjoyment. Chicken-keeping in the SF-1 district is regulated under "Chicken keeping, backyard".** (What if someone uses the fur to make things to sell as a home based business? The word exclusive makes me think they could not have livestock.)

Stable, commercial: A building and/or land where horses (**standard and miniature**), **ponies, donkeys, mules, and the like** are kept for remuneration, hire, sale, boarding, riding or show.

Stable, private: A building and/or land that shelters horses (**standard and miniature**), **ponies, donkeys, mules, and the like** for noncommercial purposes.

(c) *Outdoor Use Types*

Campground: Any lot or land used, maintained, or **made available to the public** as a place for use for camping or lodging purposes, either equipped with camping units or not so equipped, and by whatever name **such place** may be called, whether **or not** any fee is charged for the use thereof **and which meets the requirements of Section 35.1-17 of the Code of Virginia, as amended.** Congratulations

***Firing range, indoor:* An indoor specialized commercial facility designed for firearms qualifications, training or practice where the use is operated as a business pursuant to the definition in Chapter 10 of the Gloucester County Code. Paintball shooting ranges shall fall under the "Commercial amusement, entertainment, sports" use.**

***Firing range, outdoor:* The use of land for the discharging of firearms for the purposes of target practice, skeet, and/or trap shooting where the**

use is operated as a business pursuant to the definition in Chapter 10 of the Gloucester County Code. An indoor firing range can be accessory to the outdoor range use. General hunting, and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission in compliance with applicable state, federal and local requirements is not regulated under zoning. Commercial uses such as archery and paintball park shooting ranges shall fall under the “Commercial amusement, entertainment, sports” use.

Golf course: A publicly or privately owned course on which the game of golf is played, together with such necessary and usual accessory uses as a club house, caretakers' dwelling, dining and refreshment facilities, and other such uses provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

Hunting and fishing clubs: Uses and structures which serve as social and organizational gathering spots for persons engaged in hunting **or** fishing. This definition does not include firing ranges, **outdoor** which are defined herein.

Marina: A boating establishment located on a navigable waterway, which may provide covered or uncovered boat slips or dock space, dry boat storage, boat repairs and/or construction, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and boat motor sales or rental **and other uses clearly incidental to watercraft activities, sales and maintenance.**

***Nature based tourism business:* A business that relies on and preserves natural and cultural resources. Typical businesses include but are not limited to ecotourism, outdoor guides, and nature camps/centers.**

***Outdoor recreational club:* Uses and structures which serve as social and organizational gathering spots for members and guests engaged in outdoor recreational activities, sports, and events. This definition does not include **golf courses, hunting/fishing clubs, or** commercial recreation and amusement enterprises which are defined herein. (I added the items in red for consideration.)**

***Wetland mitigation bank:* A wetland area that has been restored, established, enhanced, or preserved for the purpose of providing compensation for impacts to wetlands.**

Section 2-3.2 Civic and Institutional Use Types

Cemetery: **A place used for interment of human or animal remains, including a burial park for earth interments, chapels, administrative offices, maintenance/storage areas, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof in accordance with Section 57-26 of the Code of Virginia. Church and family cemeteries are exempt from local zoning regulations.**

Churches and other places of worship: **A building, structure or location where in persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purposes. Includes synagogue, temple, mosque, or other such place for worship and religious activities. May also include child day care centers as an accessory use.**

Day care center, adult: Any facility operated for the purpose of providing **supplementary care and protection**, to four (4) or more aged, infirm or disabled individuals over the age of eighteen (18) during only part of a 24-hour day. This term excludes any public or private educational facility, **any facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services**, and any home or residence of an individual who cares for only persons related to him by blood or marriage.

Day care center, child: **A facility or program that provides nonmedical care to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location. These facilities provide personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. This term includes nursery schools, preschools, and other similar uses except those exempt from licensure per Section 63.2-1716 of Virginia State Code. Child day care center does not include Family day homes as defined herein. For child care centers associated with churches and other places of worship see the definition herein for "Churches and other places of worship".**

Family day home, 5-12 children: **A child day facility offered in the residence of the provider or the home of any of the children in care during part of the twenty-four-hour day for five through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes shall comply with applicable state and local codes.**

Fire and/or EMS company stations: A facility primarily used for housing a firefighting and/or emergency medical services (EMS) organized pursuant to 27-8 in the Code of Virginia for the purpose of fighting fires, performing rescues or other emergency operations.

Funeral home and/or crematorium: A building or part thereof used for funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; facilities for cremation; and/or living quarters for the owner or operator of the facility.

Hospital: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and may include related facilities such as laboratories, outpatient facilities or training facilities.

Lodge halls and clubs: A building or property, or portion thereof, for use by civic or clubs, fraternal or sororal organizations, and similar organizations, primarily for the use of members and guests. Clubs are often associated with a golf course, marina, tennis courts, and/or swimming pools. (The PC didn't want the term private or social but I'm not sure it makes sense with out one or the other...“civic or private/social clubs”?)

Long-term care facility: A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, or mental illness. This definition includes life care facilities which provide continuing care for the elderly in independent living conditions, with or without kitchen facilities.

Museum: A building, property, or portion there of having public significance by reason of its architecture, former use, occupancy or a building equipped for displaying, preserving, and exhibiting objects of community and cultural interest with or without an admission charge, and which may include as an accessory use the sale of goods to the public.

Park, natural area, or community facility: A noncommercial, not-for-profit land or facility for recreational, educational, cultural, natural, or aesthetic purpose. Use may be public or for exclusive use by a development as common open space. Parks used for the exclusive use of a community shall be owned and maintained pursuant to 9-16.

Public building / facility: A facility building, portion of a building, belonging to, operated by, and/or used by a government agency for the

transaction of public or quasi-public business including but not limited to libraries, public animal shelters, and government offices.

Residential group homes, 1-8 individuals: A **residential** facility, designed to provide residential services to homeless, **aged, infirm, disabled**, physically handicapped, mentally ill, and other developmentally disabled persons, **with** no more than eight (8) **individuals** with one (1) or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia, as amended.

***Residential group homes, 9+ individuals:* A facility designed to provide residential services to the aged, infirm, disabled, physically handicapped, mentally ill, and other developmentally disabled persons with nine (9) or more individuals. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia, as amended.**

***Schools, public elementary/ secondary:* A public, ~~private, or parochial~~ educational facility to offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Virginia.**

Schools, private and post secondary:* A **private, parochial, or post-secondary institution for higher learning that provides education opportunities beyond secondary education and may have research facilities and/or professional schools that grant associate, bachelor, master and doctoral degrees. This may also include institutions that grant certificates of completion in business, vocational or technical fields.*

We may need to separate private schools and post secondary schools for clarity.

Transitional community facility, 9+ individuals: A residential facility for the temporary accommodations of **nine (9)** to a maximum of fifty (50) persons, including those on probation or parole, which provides supervision and appropriate levels of care, **which may** include counseling and rehabilitative services. **This definition shall include homeless shelters.**

Transitional home, 1-8 individuals: A residential facility for the temporary accommodations of no more than eight (8) persons, including those on probation or parole, which provides supervision and appropriate levels of care, **which may** include counseling and rehabilitative services.

Section 2-3.3 Consumer Products and Services Use Types

(a) Product and Service Use Types

Adult business: Any adult bookstore, adult video store, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to "specified sexual activities" or "specified anatomical areas" or regularly features live entertainment intended for the sexual stimulation or titillation of patrons, and as such terms are **hereinafter** defined. (Consider adding the definitions related to the terms in "" here instead of under the general definitions section.)

Automobile impound facility: A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents where no motor vehicle is kept for more than 14 days.

Automobile, vehicle and engine repair/service: The business of repairs and maintenance to any motor vehicle, small engine, construction equipment, commercial vehicles, agricultural implements and similar heavy equipment. This definition includes car washes.

Commercial indoor amusement, entertainment, or sports: Participant and/or spectator uses conducted within an enclosed building. Typical uses include game rooms, pool halls, video arcades, bingo parlors, theaters, concert halls, bowling alleys, ice and roller skating rinks, fitness and wellness centers, swimming, and/or indoor racquetball.

Commercial outdoor amusement, entertainment, or sports, major: Large participant and/or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motorized cart and motorcycle tracks, motor vehicle or animal racing facilities, and outdoor amusement parks.

Commercial outdoor amusement, entertainment, or sports, minor: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, wellness and fitness centers, swimming pools, tennis courts, and outdoor racquetball courts.

Event facility: A place of public assembly used for commercial events as defined herein.

Micro beverage production establishment: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are

brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment. A portion of the establishment sells directly to the consumer on site within a retail shop, bar, tasting room, tap room, restaurant, or similar facility.

Office, general: **Use of a site for business, professional, administrative offices, or medical offices. Typical uses include real estate, insurance, management, travel, financial, medical, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices; or contractors offices that do not include outside storage.**

Parking lots or structures: **An off-street area or structure used for temporary parking of automobiles, whether or not for a fee (compensation – need to define compensation). Typical uses include but are not limited to public/private parking lots, parking structures and park and ride lots not associated with or incidental to a permitted use.**

Personal service establishment: **Establishments primarily engaged in providing services to people, their pets, or their belongings. Uses in this classification tend to serve the day to day needs of the community and include but are not limited to the following: laundry, including cleaning and pressing services; beauty shops; barber shops; shoe repair; pet grooming; and clothing rental.**

Restaurant and catering facilities: **Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises. Drive through food service is specifically excluded from this definition**

Restaurant, drive through: **Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises where ordering and pickup of food may take place from a vehicle within a drive lane specifically designated for that service.**

Sales, general store, country: **A single store, the ground floor area of which is four thousand (4,000) square feet or less and which primarily provides frequently or recurrently needed goods for household consumption, such as prepackaged or prepared food and beverages, and limited household supplies and hardware. This use may include fuel pumps and/or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.**

Sales, retail / wholesale, indoor: Establishments engaged in the selling or rental of goods or merchandise primarily indoors (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods. Excludes those classified more specifically by these use type classifications.

Sales, retail / wholesale, outdoor: The display and sale or rental of products, primarily outside of a commercial building, including vehicles, boats, farm and lawn equipment, recreational vehicles, gasoline, structures, building and landscape materials such as garden supplies, flowers, shrubs, and lumberyards. Includes both retail and wholesale sales. The facility may provide on-site facilities for the repair and service of the items sold or leased by the business. This use does not include flea markets.

Sales, seasonal: The sales of goods and products - such as pumpkins and Christmas trees - that are associated with a particular season or holiday and sold on a temporary and/or annually recurring basis.

Studio, fine and performing arts: A place of work by and artist, artisan, or craftsperson including persons engaged in the application, teaching or performance of fine, craft or performing arts such as but not limited to drawing, dance, music, painting, pottery, sculpture and writing.

Taxidermy and/or pet crematorium: A facility established to provide taxidermy and/or pet cremation services. Such facility may contain space and facilities for the performance of other services used in the preparation of the dead for burial; the storage of urns, and other related funeral supplies; facilities for cremation; and/or living quarters for the owner or operator of the facility.

Veterinary clinic and other animal-related services: A facility established to supply examination, diagnostic and prophylactic services and medical and surgical treatment to companion animals and equipped to provide housing and nursing care for them during illness and/or convalescence. **Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a kennel. Use also includes other animal related services such as taxidermy and pet crematoriums.**

Automobile / Vehicle storage facility: A facility that provides outdoor storage of vehicles. All vehicles stored must remain mechanically operable and licensed at all times. This definition does not include the

areas designated for the storage of motorized vehicles in a private development.

(b) Lodging Use Types

Bed and breakfast: An owner/**operator**-occupied building or structure, other than a hotel or **inn**, containing no more than five (5) **guest** bedrooms, where lodging is provided to transient guests, and which provides no food or beverage service other than breakfast for the guests.

Hotel: **A building or group of buildings containing sleeping and/or living accommodations used only for transient occupancy. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms, personal services, and/or recreation facilities.**

Inn: **A building or group of buildings, other than a hotel or bed and breakfast home, with no more than 30 (50?) rooms containing sleeping and/or living accommodations used only for transient occupancy. Such uses generally provide additional services such as daily maid service, meals, and personal services. Facilities may also include restaurants, meeting rooms, and/or recreation facilities.**

Section 2-3.4 Industrial and Utilities Use Types

(a) Industrial Use Types

*Airport, **commercial:*** Any runway, land area, or other facility designed and used for the landing and taking off of **manned** aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Airstrip, **private:*** Any runway, land area, or other facility designed and used privately for the landing and taking off of **manned** aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Contractor / **service provider storage yard:*** **An unenclosed portion of a lot or parcel upon which a construction contractor or service provider uses to store and maintain equipment and other materials customarily used in the trade or service. The lot or parcel may also include a business office.**

Dredge spoil site: An area specifically designated and designed effectively to contain dredged material from a dredging operation, and to prevent dredge spoil return to state waters or transport to areas beyond approved spoil site limits. Spoil sites and dredging operations covered by this definition are subject

to approval by the local wetlands board, the Virginia Marine Resources Commission, the U. S. Army Corps of Engineers, and all other applicable requirements.

Industry, light: Manufacturing, **research**, or industrial uses which are controlled operations; clean, quiet, and free of smoke, noise, **soot, vibration**, odor, dust, or similar objectionable elements; operation and storage **is entirely** within enclosed structures.

Industry, medium: Manufacturing, **research**, or industrial use which **includes outdoor operations or storage. It may produce limited external effects such as smoke, noise, soot, vibration, odor, dust or similar objectionable elements.**

Industry, heavy: Manufacturing, research, or other industrial use which produces moderate or high levels of external effects such as smoke, noise, soot, dirt, vibration, odor, heavy truck traffic, or other similar objectionable element, and/or includes the storage of highly flammable, toxic matter or explosive materials. This use may involve outdoor operations or storage as part of their manufacturing process.

Junkyard/landfill: An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk; the maintenance or operation of an automobile graveyard; garbage dumps; sanitary **landfills; and construction/demolition/debris landfills.**

Manufacturing, craft: The production, construction or arrangement of materials primarily by hand or with individually operated machine tools, primarily within enclosed structures, resulting in a finished products or commodities such as apparel, home decorations, candles, jewelry, toys, furniture, leather goods, metal works, wood products, dried flowers, hand-blown glass, pottery, edible products, or similar merchandise.

Manufacturing, extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any natural resource including but not limited to coal, oil, and natural gas. This definition excludes retail establishments that sell crushed stone, woodchips, mulch, or similar material for general household purposes.

Manufacturing, food and beverage production and/or processing: An establishment in which food and/or beverages are processed or otherwise prepared for eventual consumption. Samples may be offered to individuals visiting the premises, for on-site consumption.

Mine, surface mineral: The pit and other active and inactive areas of surface extraction of minerals; the on-site mills, shops, loadout facilities, and related

structures appurtenant to the excavation and processing of minerals; the impoundments, retention dams, tailing ponds, and other areas appurtenant to the extraction of minerals from the site; the on-site surface areas for the transportation and storage of minerals excavated at the site; the equipment, machinery, tools and other property used in, or to be used in, the work of extracting minerals from the site; the private ways and roads appurtenant to such area; and the areas used for surface-disturbing exploration (other than by drilling or seismic testing) or preparation of a site for surface mineral extraction activities. A site shall commence being a surface mineral mine upon the beginning of any surface-disturbing exploration activities other than exploratory drilling or seismic testing, and shall cease to be a surface mineral mine upon completion of initial reclamation activities. The surface extraction of a mineral shall not constitute surface mineral mining unless (a) the mineral is extracted for its unique or intrinsic characteristics, or (b) the mineral requires processing prior to its intended use.

Mini-warehouse: A self-storage warehouse facility consisting of individual, small self-contained units that are used to accommodate primarily individual households and general public, not intended for use by heavy commercial users and not involving frequent heavy trucking.

***Organic waste recycling facility:* An enterprise that receives untreated lumber and/or vegetative waste such as stumps, limbs, bark, and brush associated with land clearing operations or construction, and processes such material for use.**

***Recycling facility, indoor:* A building within which used materials are separated and processed for shipment for eventual reuse in new products. Use does not include junkyards or any outdoor storage.**

***Recycling facility, outdoor:* A building and/or outdoor area where used materials are separated and processed for shipment for eventual reuse in new products. Use does not include junkyards.**

***Sawmills:* A facility where logs or unfinished limber is processed to produce wood products.**

***Seafood processing plant:* The uses and structures associated with the harvesting, preparing, and/or selling of commercial seafood. (adding the “or” would allow someone to simply sell commercial seafood. Don’t think that is the intention. Suggest stating that “The selling of commercial seafood may be permitted as an accessory use.”)**

Truck and freight terminals: A facility for the unloading, transferring, and storing of goods and materials being transported by truck. A truck and freight

terminal may include facilities for the repair and servicing of **transportation vehicles**.

Warehouse and distribution: Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses, moving/storage firms.

(b) Utility Use Types

Commercial communication facility, minor: **A commercial communication facility that is either: a small cell facility as defined in State Code, a support structure for a small cell facility that is not taller than 50' and not located within a historic district, or a colocation on any existing structure of a wireless facility that is not a small cell facility.**

Commercial communication facility, major: **Any commercial communication facility that does not qualify as a minor facility.**

Solar energy facility, large -scale: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 20 kilowatts (kW) of electrical power but not more than one (1) megawatt (MW) of electrical power.

Solar energy facility, small system: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 20 kilowatts (kW) of electrical power.

Solar energy facility, utility-scale: An energy conversion system, whose primary purpose is to produce power for consumption by a utility provider or other purchaser authorized under Virginia law to purchase such power, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than one (1) megawatt (MW) of electrical power.

Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable. These services may be provided by a public or private agency. This definition does not include solar or wind energy facilities as defined herein.

Wind energy facility, small system: A wind energy conversion system consisting of a single wind turbine, a single tower and/or mounting bracket, and its

associated control and conversion hardware and/or electronics, which has a rated capacity of less than or equal to twenty-five (25) kilowatts (kW).

Section 2-3.5 Residential Use Types

*Ancillary residential structure **or use***: A noncommercial structure **or use, being** of a nature customarily incidental and subordinate to a permitted principal use within the district, and which is owned and maintained for the personal use, benefit and enjoyment of the property owner, their family members or guests. Ancillary residential structures include sheds, garages, workshops, carports, gazebos, greenhouses, pools, docks, piers and similar unoccupied accessory residential structures located on property without an existing principal structure. This definition does not apply to structures listed in the official schedule of district regulations for the district or regulated elsewhere in the ordinance, such as private stables and freight containers.

Domestic pets: Animals **privately** kept for **companionship or enjoyment**, including dogs, cats, fish, birds, rabbits and other similar animals not herein defined as livestock. **This use includes animals kept in foster homes.**

Dwelling, multifamily: A building, or portion thereof, containing three (3) or more **primary** dwelling units.

***Dwelling, secondary*: A dwelling unit clearly subordinate to the use of the principal structure, whether as part of the same structure or as a detached dwelling unit on the same lot.**

Dwelling, single family attached (townhouse): A one-family dwelling in a row or combination of no less than three (3) such units and no more than ten (10) **primary dwelling** units, with each unit having separate outside access, each unit separated from any other by one (1) or more common fire-retardant walls, and each unit located on a separate lot.

***Dwelling, single-family detached, cluster*: A building consisting of one (1) primary dwelling unit in a cluster subdivision.**

***Dwelling, single-family detached, conventional*: A building consisting of one (1) primary dwelling unit (not in a cluster subdivision?).**

Dwelling, two-family: A building consisting of two (2) **primary** dwelling units.

***Home occupation, Type I*: An accessory use of a dwelling unit involving the provision of goods and/or services in accordance with section 9-9 of this ordinance, and which does not generate any employee, **volunteer** or customer traffic.**

Home occupation, Type II: An accessory use of a dwelling unit involving the provision of goods and/or services in accordance with section 9-9 of this ordinance, and which generates employee, **volunteer** and/or customer or **other** traffic **in excess of what would typically be expected from a single family home.**

Manufactured home: A structure which is subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) feet or more in width and forty (40) body feet or more in length in traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. For the purposes of this ordinance, a manufactured home shall not be deemed a single family detached dwelling or an accessory dwelling.