

ADOPTED

SEP 11 2012

Board of Supervisors  
James City County, VA

ORDINANCE NO. 31A-277

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions.

Article I. In General

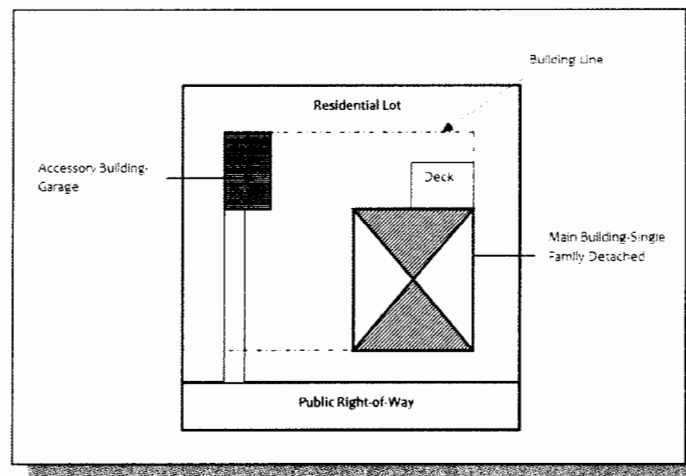
Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*A*

*Accessory apartment.* A separate, complete housekeeping unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling. The accessory apartment may not occupy more than 35 percent of the floor area of the dwelling.

*Accessory building or structure.* A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building. No such accessory building or structure shall be used for housekeeping purposes. Garages or other accessory structures such as carports, porches, decks and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located ten feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards. (*Refer to the definition of "structure."*)



*Accessory use.* A subordinate use customarily incidental to and located upon the same lot occupied by the main use or building.

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

*Administrator; zoning administrator.* The official charged with the *administration, interpretation and enforcement* of this chapter.

*Adult day care center.* ~~A facility that provides care to adults during part of the day only and which includes personal supervision of the adults and promotes social, physical and emotional well-being through companionship, self-education and leisure time activities. Any facility that is either operated for profit or that desires licensure from the Virginia Department of Social Services (VDSS) and that provides supplementary care and protection during only a part of the day to four or more aged, infirmed or disabled adults who reside elsewhere.~~

*Affordable housing.* ~~Units with sales prices targeted to low and moderate income households, as defined by the U.S. Department of Housing and Urban Development (HUD). Such sales prices shall be those endorsed annually by the board of supervisors after receiving recommendations from the James City County Office of Housing and Community Development based on the then-current HUD area-wide income limits and identified local needs.~~

*Agriculture, general.* The tilling of the soil, the raising of crops, orchards, horticulture, forestry and gardening, including the keeping of animals and fowl but not intensive agriculture as herein defined or the commercial slaughtering or processing of animals or poultry.

*Agriculture, intensive.* Those intensive agricultural operations commonly known as confinement operations where large numbers of animals or poultry are confined to a relatively small space such as hog, veal and poultry pens or houses, feedlots for livestock and dairy farming operations. Any enclosure, pen or building for the concentrated confinement of livestock or poultry wherein more than 300 veal animals, slaughter or feeder cattle, 200 dairy cattle, 750 swine, 150 horses, 500 sheep, lambs, goats or similar animals, 5,500 turkeys, or 10,000 laying hens or broilers are confined or housed shall constitute intensive agriculture. Enclosed pasture or range where grass is maintained for at least ten months of the year or where animals are confined at no more than 15 adult animals per acre for no longer than 120 continuous days shall not constitute intensive agriculture.

*Alteration.* Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

*Antenna.* A device of which the surface is used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas shall include the following types:

- (1) Omni directional (or 'whip') antenna. An antenna that receives and transmits signals in a 360-degree pattern.
- (2) Directional (or 'panel') antenna. An antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- (3) Dish (or parabolic) antenna. A bowl shaped device, less than two meters in diameter, that receives and transmits signals in a specific directional pattern.

*Apartment house.* ~~A building used or intended to be used as the residence of three or more families living independently of each other.~~

*Aquaculture.* The growing, farming and husbandry of freshwater and marine organisms under controlled conditions, including, but not limited to, hatcheries, *fish farms*, the propagation of ornamental fish and plants and pearl culture. ~~Includes fish farming.~~

~~*Arterial streets.* A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets shall include all U.S. Highways, state primaries with one, two or three digit numbers, state secondary roads with three digit numbers, and any other street which the subdivision agent determines is functionally equivalent to these transportation department classifications. This definition shall not include three digit numbered streets which are part of a recorded subdivision or an extension thereof.~~

*Assisted living facility.* Any ~~congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirmed or disabled in a primarily residential setting. For the purpose of this definition, an assisted living facility is an institutional use and therefore it does not count toward residential density calculation.~~

*Attic.* That part of a building which is immediately below and wholly or partly within the roof framing.

~~*Automobile* A motor vehicle designed to transport property and/or passengers on its own structure and having a gross registered weight of 10,000 pounds or less. Automobile is inclusive of "passenger car," "pickup truck" "panel truck" and "van."~~

~~*Automobile and gasoline service station.* A facility for fueling, minor repairs and maintenance of automobiles. An automobile or gasoline service station may include no more than four enclosed service bays for maintenance and minor repair of automobiles and may also include retail sale of lubricants, tires, batteries and similar accessories.~~

~~*Automobile graveyard.* Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. (Code of Virginia, section 33.1-348)~~

## **B**

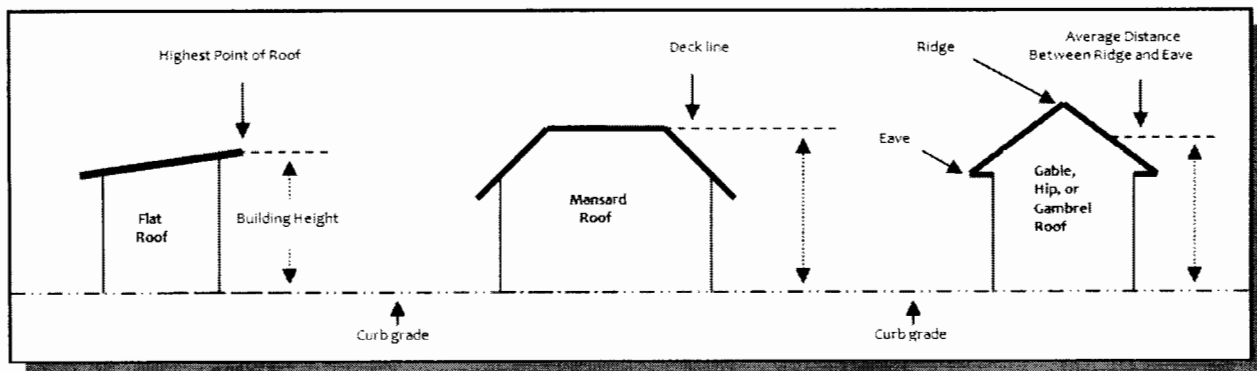
*Base flood/100-year flood.* A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year although the flood may occur in any year).

*Base flood elevation.* The Federal Emergency Management Agency (FEMA) designated 100-year water surface elevation.

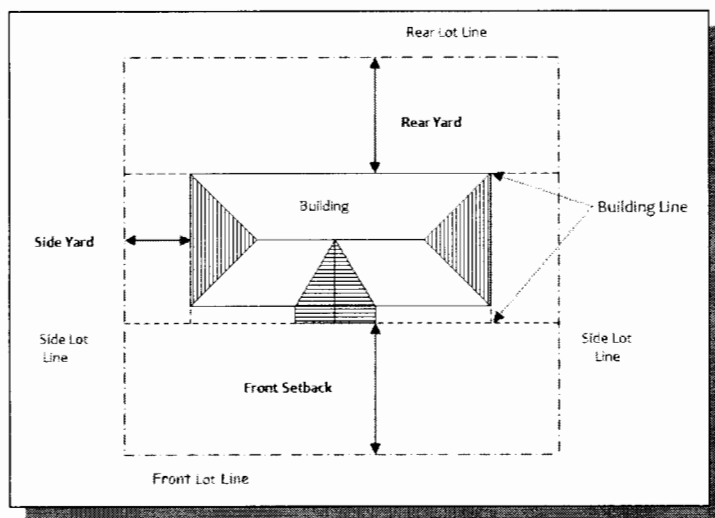
*Basement.* A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes or for dwelling purposes by other than a janitor employed on the premises. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean any area of the building having its floor subgrade (below ground level) on all sides.

*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 of any kind or nature.

*Building, height of.* The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall measured from the average elevation of the ground surface along the front of the building.



*Building line.* The line marking the intersection of the vertical building face and the ground plane. For the purpose of this definition, the building face shall be deemed to exclude exterior steps, chimneys and architectural features such as canopies, cornices, belt courses, pilasters, sills and eaves which project no more than three feet into the yard.



*Building, main.* The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

**C**

*Caliper.* The diameter of a tree trunk measured ~~six inches above ground level~~ at *breast height* for ~~nursery stock trees~~.

*Campgrounds.* Any area, place, parcel or tract of land of four acres or more on which three or more campsites are occupied or intended for occupancy or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants,

restrictions and easements. "Campground" includes, but is not limited to, a travel *trailer* camp, recreation camp, family campground, camping resort, recreational vehicle park and camping community. "Campground" does not include a summer camp, migrant labor camp or park for ~~manufactured mobile~~ homes as defined in sections 32.1-203, ~~35-1-1~~ and ~~36-71~~ of the Code of Virginia, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions for providing his sanitary facilities within his property lines.

*Camping unit.* A tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, recreational vehicle or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel. To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight or other reasons. For purposes of this definition, "temporary shelter device" shall mean a unit not occupied by the same persons in the campground for more than ~~30~~ 90 days in any ~~60~~ 120-day period. A mobile home or manufactured home shall not be considered a camping unit.

*Campsite.* Any plot of ground within a campground used or intended for occupation by the camping unit.

*Cellar.* A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

*Certificate of occupancy (C.O.).* A document issued by the James City County building official after completion of the final inspection and when the building or structure is in compliance with the Virginia Uniform Statewide Building Code (USBC) and any pertinent laws and ordinances. A certificate of occupancy indicates completion of the work for which a permit was issued and allows the occupancy or use of a building or structure.

*Child day care center.* An establishment offering group care to six or more children away from their own home for any part of a day.

*Co-location.* The use of a single support structure and/or site by more than one wireless communications service provider.

*Commission, the.* The planning commission of James City County, Virginia.

*Community character corridor.* A road shown and identified on the Land Use Plan Map in the Comprehensive Plan as a community character corridor.

*Continuing care retirement community (CCRC).* An age-restricted development that is planned, designed and operated to provide a full range of accommodations for senior citizens, including independent living, assisted living and a skilled nursing component.

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

*Convenience store.* A single store, the ground floor area of which is *consists of* 4,000 square feet or less of retail floor area and which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general

hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a convenience store.

## **D**

*Dairy.* A commercial establishment for the manufacture, processing, distribution and sale of dairy products.

*Detectable warnings.* A standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired people of hazards on a circulation path.

*Developable area.* *The total land area of the site minus resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the 100-year storm event (FEMA zones A and AE), and areas of 1,000 square feet or greater containing steep slopes. (Refer to definitions of "non-developable area" and "steep slopes.")*

*Development.* Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, storage of equipment or materials.

*Development plans.* Any site plan, ~~or subdivision plan, plat, or subdivision construction plan.~~

*Diameter breast height.* The diameter of a tree trunk measured four and five-tenths feet from the ground.

*Discontinuance.* "Discontinuance" is defined as:

- (1) Vacancy of a building originally designed or arranged for the nonconforming use for a continuous period of two years;
- (2) Vacancy of land for a period of 90 days;
- (3) Vacancy of any building other than in subparagraph (1) above for a period of six months; or
- (4) Clear intent on the part of the owner to abandon the nonconforming use.

~~*Dish antenna.* A dish-shaped antenna designed, used or intended to be used to receive or transmit television, radio or other electronic signals.~~

*District.* Districts as referred to in the Code of Virginia, section 15.2-2280.

*Dwelling.* Any structure, *or portion of thereof*, which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, ~~and~~ tourist cabins, *time-share units, motor lodges, tents, travel trailers, recreational vehicles and similar accommodations.* *Dwellings may include the following types:*

- (1) *Single-family detached.* A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- (2) ~~*Two family.* A structure containing two dwelling units separated from one another by a solid wall or floor. For the purpose of this chapter, the term "two family dwelling" shall not apply to a single family dwelling containing an accessory apartment.~~

~~(3) *Multiple family.* A structure arranged or designed to be occupied by more than two families.~~

(2) *Multi-family.* A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.

(3) *Apartments.* A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

*Dwelling unit.* One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

### **E**

*Elevation.* A vertical distance above or below a fixed reference point.

*Equipment enclosure.* A small building, cabinet, or vault used to house and protect the electronic equipment necessary to process wireless communications signals. Associated equipment may include air conditioners and emergency generators.

*Exterior lot.* Pertaining to lots for three- or four-family dwellings whose units are laid out side-by-side in a row, an exterior lot is a lot intended to contain a dwelling unit sharing only one wall in common with another dwelling unit.

### **F**

*Fair market value.* The price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiation.

*Family.* One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

A family is, exclusive of household servants:

- (1) An individual;
- (2) Two or more persons related by blood, marriage, adoption or guardianship;
- (3) A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship; or
- (4) Not more than two unrelated persons living and cooking together along with two or more persons related by blood, marriage, adoption or guardianship, as a single housekeeping unit.

*Farmer's market.* An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

~~*Fast food restaurant.* Any establishment whose principal business is the sale of pre-prepared and rapidly prepared food directly to the customer in a ready-to-consume state for consumption either at the restaurant or off premises. Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises. Customer orders and/or services may be by means of a walk-up~~

*counter or a window designated to accommodate traffic of vehicles. (Refer to the definition of "restaurant.")*

*Fish farm.* See "Aquaculture."

*Flag lot.* A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way—*not less than 25 feet in width.*

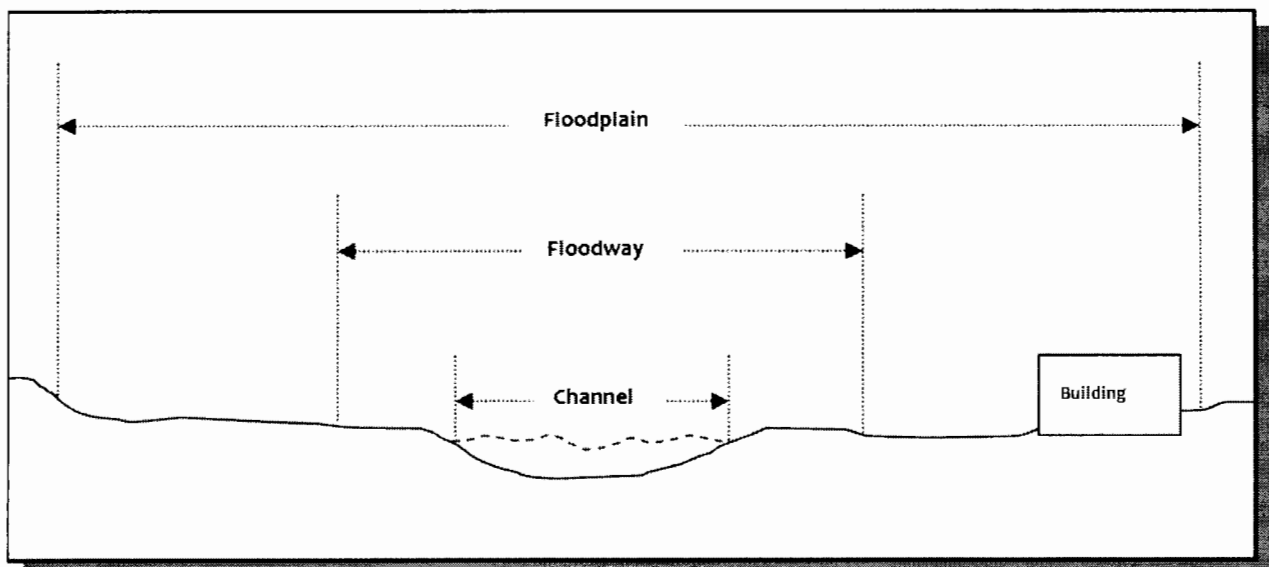
*Flea market.* An occasional or periodic market held in a structure or open area where one or more individuals offer goods for sale to the public. "Flea market" does not include sales held by charitable or nonprofit organizations not more than four times a year, farmer's market or garage sales.

*Flood or flooding.* The terms include:

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from: ~~the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface water from any source.~~
  - (a) *the overflow of inland or tidal waters; or*
  - (b) *the unusual and rapid accumulation or runoff of surface waters from any source; or*
  - (c) *mudflows which are proximately caused by flooding as defined in paragraph (1) (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normal dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

*Floodplain or flood-prone area.* Any land area susceptible to being inundated by water from any source.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a ~~designated height~~ *one foot.*





*Floor area.* The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, basements or attics.

*Floor area ratio.* A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, as:

$$\frac{\text{Floor area}}{\text{Lot area}} = \text{Floor area ratio}$$

*Floor area, retail.* The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways, and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space.

*Foot-candle.* A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Foot-candle measurements shall be made with a photometric light meter and with a specified horizontal orientation.

*Frontage.* The minimum width of a lot measured along the street from one side lot line to the other.

*Functional classification.* A classification of streets, approved by the governing body, into the following categories: ~~Interstate, expressway, principal arterial, minor arterial, major collector and minor collector.~~

- (1) *Interstate:* A highway that is part of the nationwide U.S. Interstate Highway System connecting or involving different states.
- (2) *Expressway:* A roadway designated exclusively for unrestrictive movement of traffic. Access is only with selected arterial streets by means of interchanges.
- (3) *Arterial streets (principal, minor).* A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets shall include all U.S. Highways, state primaries with one, two or three-digit numbers, state secondary roads with three-digit numbers, and any other street which the subdivision agent determines is functionally equivalent to these transportation department classifications. This definition shall not include three-digit numbered streets which are part of a recorded subdivision or an extension thereof. The arterial classification is further subdivided into "principal arterial" and "minor arterial" based on traffic volumes.
- (4) *Collector streets (major, minor):* A street with relatively low speed and low volume providing circulation within and between neighborhoods. Collector streets usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network. The collector classification is further divided into "major collector" and "minor collector."

## **G**

*Garage.* A deck, building or structure, or part thereof, used or intended to be used for the parking or storage of vehicles.

*Garage, private.* An accessory building which is designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory and which is not operated as a separate commercial enterprise available to the public.

*Garage, repair.* A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

*Garage sale.* The sale of goods by a property owner and his neighbors at the property owner's residence occurring not more than twice a year.

*Glare.* The effect of a light source that shines ~~so as to be~~ in a conspicuous and obtrusive manner.

*Golf course.* Any area of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

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

*Governing body.* The board of supervisors of James City County, Virginia.

~~*Greenbelt road.* A road shown and identified on the Land Use Plan Map in the Comprehensive Plan as having a greenbelt.~~

*Green building.* Structures constructed in a manner that addresses elements such as efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of health and indoor environmental quality, reinforcement of natural systems, and integration of the design approach. Accreditation programs include, but are not limited to, Earthcraft and LEED (Leadership in Energy and Environmental Design).

*Group home.* A residential facility in which individuals with mental illness, mental retardation or developmental disabilities reside with one or more resident counselors or other staff persons, and which is licensed by the Department of Behavioral Health and Development Services. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as provided for in the Code of Virginia.

*Guest room.* A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

## **H**

*Historic and scenic resource area.* Land managed by Colonial Williamsburg, the Jamestown-Yorktown Foundation, the National Park Service, York River State Park, the Virginia Association for Preservation of Antiquities, the Williamsburg Land Conservancy, or properties listed in the National Register, Virginia Historic Landmarks Register, or locally designated historic structures or districts, or Community Character Areas as defined in the Comprehensive Plan.

~~*Home care facility.* A residential facility for the care of four or more persons who require the protection of a supervised group setting or nine or more persons who are mentally ill, intellectually disabled, or developmentally disabled.~~

*Home garden.* An accessory use in a residential district for the production of vegetables, fruits and flowers generally for use or consumption, or both, by the occupants of the premises.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and conducted solely by residents of the dwelling; provided, that:

- (1) The occupation or activity is conducted entirely within the dwelling; and
- (2) Not more than 25 percent of the first floor area is used throughout the structure for such occupation or activity; and
- (3) The occupation or activity requires no external alterations or the use or outdoor storage of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property; and
- (4) No exterior evidence of the secondary use exists, with the exception of one sign, not to exceed four square feet. Such a sign must be attached to the dwelling and shall not be illuminated; and
- (5) No articles are displayed or otherwise offered for sale upon the premises; and
- (6) No equipment or process is used that may disrupt neighboring dwellings; and
- (7) Traffic is not generated in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street.

*Horizontal light bars/strips.* An illumination device erected in a way so there is no visible bulb, lens or globe, diode or other light source as desired, and designed such that there is no light spillage beyond the intended object to be illuminated.

*Hospitals and mental health facilities.* Any facility in which the primary function is the provision of diagnosis, of treatment and of medical and nursing services, surgical or nonsurgical, for two or more unrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums, and general, acute, short-term, long-term, outpatient and maternity hospitals.

*Hotel.* A building designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

**I**

*Independent living facility.* A facility containing independent dwelling units providing housing and supportive services such as meals, housekeeping, social activities and transportation to residents.

*Institutional use.* A nonprofit, religious, private or public use, such as a church, library, school, hospital, or government-owned or operated building, structure, or land used for a public purpose.

*Iso-foot candle diagram.* A diagram consisting of lines showing the relative illumination in foot candles from a light source or group of light sources.

**J**

*Junk yard.* The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials.

**K**

*Kennel.* A place prepared to house, board, breed, handle or otherwise keep or care for either dogs or cats or both for sale or in return for compensation.

**L**

*Landscaped open space, area or strip.* An area containing living plant materials, including trees, flowers, shrubs or grass. Landscaped areas may include pedestrian walks, ornamental objects, decorative planting, lawns and wooded areas, but at least 50 percent of the area must be vegetated. Landscaped open space, areas or strips shall not include any building, parking surface or structure except as stated above, or any wet detention pond or infiltration trench.

*Lighting fixture.* A complete lighting unit consisting of the lamp, lens, optical reflector, housing and any electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

*Lighting fixture, directionally shielded.* A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields, baffles or lenses which are designed to direct light onto a targeted area and to minimize light spillage.

*Lighting fixture, full cut-off.* A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.

*Livestock.* Domestic animals normally raised on a farm such as horses, cows, swine, goats, sheep, etc.

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

*Lot.* A unit, division or piece of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

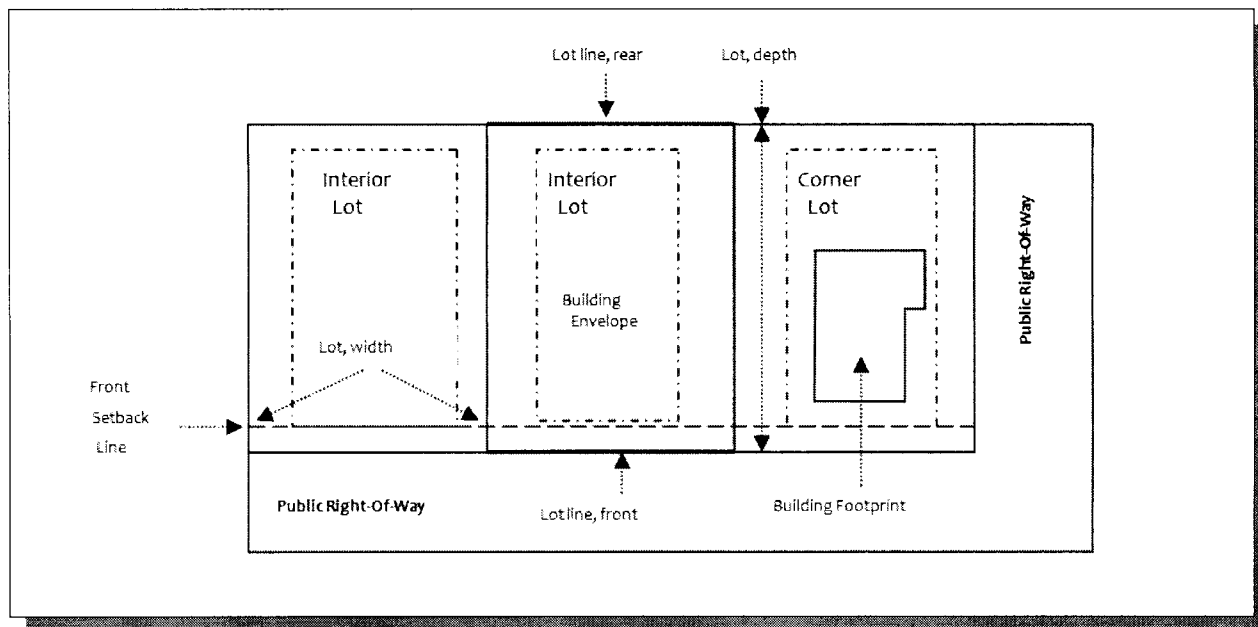
*Lot, area of.* The total area of land contained by lot lines and inclusive of any easements that may exist upon the lot. For the purpose of computing coverage of floor area ratio, the area of the lot shall not be considered to include any area of land designated for a future public road right-of-way.

*Lot, corner.* A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

*Lot, depth of.* The shortest horizontal distance between the front and rear lot lines.

*Lot, double frontage.* An interior lot having frontage on two streets.

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



*Lot, interior unit.* Pertaining to lots for ~~three or four family~~ *multi-family* dwellings, an "interior unit lot" is a lot intended to contain a dwelling unit sharing two walls wholly or in part with another dwelling unit.

*Lot line, front.* The lot line separating a lot from a street right-of-way except in the case of a flag lot, which the front lot line shall be the lot line nearest and parallel or approximately parallel to the street to which the lot has access; *except as otherwise provided for in the subdivision ordinance.*

*Lot line, rear.* The lot line opposite and most distant from the front lot line; or in the case of a triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

*Lot, width of.* The horizontal distance between side lot lines measured at the setback line.

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

*Lowest Floor.* The lowest floor of the lowest enclosed area including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Federal Code 44CFR Section 60.3.

*Luminary.* A lighting fixture assembly or source of artificial illumination including, but not limited to, bulbs, lamps, reflectors, refractors and housings associated with them.

**M**

*Manufacture; manufacturing.* The assembly of components, pieces or subassemblies, or the processing or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

*Manufactured home.* A manufactured home is a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 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.

*Manufactured home park.* A lot or parcel, not part of a manufactured home subdivision, on which are located or which are arranged or equipped for the accommodation of three or more manufactured homes occupied as single-family dwellings.

*Medical clinic.* An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight. "Medical clinic" includes a facility known as surgical outpatient clinic.

*Micro-brewery.* A brewery that produces less than 15,000 barrels per year.

*Mixed use structure.* A building or other structure containing a combination of two or more different principle uses.

*Mobile home.* A mobile home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. (See "trailer" and "travel trailer" following in this section.)

*Monopole.* A wireless communication facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

*Motel.* One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

*Multi-antenna system.* Wireless communication facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

*Multiple provisioning antenna.* Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

## **N**

~~*Net developable area.* The total gross land area of a site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding 25 percent gradient.~~

*Neighborhood resource center.* A facility used primarily by residents of adjacent neighborhoods for the sharing of information and services of a public, nonprofit, or charitable nature. Primary uses may include resource libraries, meeting rooms, offices for neighborhood organizations or related staff, and education rooms. Accessory uses may include food preparation areas, health areas, community gardens, and

parking. “Neighborhood Resource Center” does not include any facility with sales or residential units, nor does it include facilities for private lodges or clubs.

*New Construction.* For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after July 18, 1975, the effective date of an initial Flood Insurance Rate Map, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after August 8, 1977, the effective date of these floodplain management regulations, and includes any subsequent improvements to such structures.

*Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

~~*Nonconforming activity or 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 chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter. Any activity using land, building, sign, lot, and/or structure for purposes which were legally established prior to the effective date of this chapter, or subsequent amendment to it, and which would not be permitted to be established in the zoning district in which it is located by the currently adopted regulations.~~

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

~~*Nonconforming structure.* Any structure not in conformance with current ordinance regulations.~~

~~*Non-developable area.* Non-developable areas consist of all resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the 100-year storm event (FEMA zones A and AE), and areas of 1,000 square feet or greater containing steep slopes. (Refer to definition of “steep slopes.”)~~

~~*Noninterference/intermodulation study.* A study prepared by a licensed engineer indicating potential interference with public safety communication equipment.~~

~~*Nursing home.* Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health related services for the treatment and in patient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries.~~

## **O**

~~*Office park.* A development on a tract of land that contains two or more separate office buildings that are designed, planned, constructed and managed on an integrated and coordinated basis.~~

~~*Off-street parking area.* Space provided for vehicular parking outside the dedicated street right-of-way.~~

~~*Open space.* Space suitable for recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas and~~

marshes and landscaped areas required by this chapter. Such space must be free of automobile traffic and parking and be readily accessible to all those for whom it is required.

## **P**

*Parcel.* A contiguous area of land described in a single description as one of a number of lots on a plat, separately owned, either publicly or privately, and capable of being separately conveyed.

*Parks and playgrounds.* Land set aside for nonprofit activities of a recreational nature such as fishing, boating, swimming, camping, hiking, picnicking, outdoor games and sports incidental to the foregoing.

*Parking area.* Any public or private land area or structure designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

*Parking lot.* An off-street, outdoor area, usually surfaced and improved, for the parking of motor vehicles.

*Pedestrian accommodations.* A paved right-of-way for pedestrians and/or bicyclists that is separate from the traveled portion of the roadway and is free of vehicular traffic. Pedestrian accommodations may include but are not limited to sidewalks and multi-use paths.

*Pen.* A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of 100 square feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a pen.

*Planned road.* Any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area~~ Long Range Transportation Plan or any road plan adopted by the board of supervisors.

*Plant and garden supply sales.* Stores which shall sell a combination of materials used in the process of creating, cultivating, decorating, and maintaining gardens and landscaped areas. The primary items sold may include plants, shrubs, and trees grown on- or off-site; seeds; produce; hand tools; fertilizer; plant containers and hangers; natural materials such as sand, soil, rock, wood chips, and mulch; and decorative features including sculptures, fountains, ponds, ornaments, and cast or formed cement and cement pavers. Patio and outdoor furniture, including grills, gazebos, trellises, and outdoor fireplaces may also be included as secondary and incidental items sold at a plant and garden supply store. Excluded from this definition are mechanical lawn and garden equipment, pools and pool equipment, lumber and building supplies.

*Portable cellular transmission facility (PCTF).* A portable, self contained transmission tower that can be moved to a location and set up to provide wireless service on a temporary or emergency basis. A PCTF is normally vehicle-mounted and may contain a telescoping boom as the antenna support structure. PCTFs include, but are not limited to, Cells-on-Wheels (COW), Site-on-Wheels (SOW), Cell in a Box (CIAB) and Cell on Light Trucks (COLT) or other portable devices as determined by the zoning administrator.

*Poultry.* Domestic fowl normally raised on a farm such as chickens, ducks, geese and turkeys.

*Primary service area.* The primary service area (PSA) is the area(s) identified on the zoning map where urban development is encouraged to locate in accordance with the Comprehensive Plan. These areas presently are provided with public water and sewer systems and other public services such as police and



fire protection, transportation and emergency medical services, and areas slated to receive such services in the next 20 years.

*Principal residential use.* A single-family dwelling, including a mobile home, manufactured home, and a modular home, a two-family dwelling or a multiple-family multi-family dwelling. The occupancy of a building by a caretaker or watchman for sleeping quarters shall not constitute a principal residential use.

*Public water and sewer systems.* A water or sewer system owned and operated by a municipality, county, service authority or sanitary district, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission and approved by the Virginia Department of Health.

*Publicly owned solid waste container site.* A county-owned facility providing containers for citizens to dispose of residential solid waste and recyclable materials to include, but not limited to, aluminum cans, container glass and newspaper.

## **R**

*Radio frequency (RF) report.* A statement from a registered engineer demonstrating that electromagnetic radiation emitted from wireless communication facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the wireless communication facilities that exceeds relevant federal communications commission standards.

*Recreation facility, commercial.* A place designed and equipped for the conduct of leisure-time activities, sports or other customary and usual recreation activities and which is operated as a business.

*Recreation facility, community.* A place designed and equipped for recreational activities by the inhabitants of a residential or mixed use project and which is operated for noncommercial purposes by a developer, homeowner association, nonprofit organization or a governmental agency.

*Recreational vehicle.* A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

*Residential club house.* A facility used by residents of the community for recreational purposes.

*Resort Hotel.* A building or group of buildings designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms but may be accommodated for in suites or detached units. Resort hotel units, regardless of the structural arrangement, must meet the performance standards listed in section 24-45, Performance standards for resort hotels.

~~*Rest home.* Any place, establishment or institution, public or private, including any day care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except the home or residence of any individual who cares for or maintains only persons related to him by blood or marriage. The term "rest home" shall include facilities known by varying nomenclature such as home for adults and domiciliary.~~

*Restaurant.* Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

*Retail stores and shops.* Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following which will serve as illustration: Drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop.

## **S**

*Sanitary landfill.* A facility where solid waste is spread in thin layers on the ground, compacted to the smallest practical volume and covered with soil at the end of each working day.

*Scenic resource corridor.* Community Character Corridors as defined in the Comprehensive Plan; Virginia Byways.

*Setback.* The distance by which any building or structure must be separated from the front lot line. For buildings, the setback is measured from the building line. For other structures, the setback is measured from the point on the ground vertically below the point of the structure nearest the front lot line.

*Setback for timbering.* The distance which any timbering activity must be set back from a public road right-of-way. It is an area in which no timbering shall occur except in accordance with section 24-43.

*Setback line.* That line that is the required distance from the street line or any other lot line. The setback line establishes the area within which the principal structure shall be erected or placed.

*Shrubs.* For the landscaping requirements of this chapter, a shrub shall be defined as a low-growing woody plant having several permanent stems which is, at planting, 18 inches if evergreen or 22 inches if deciduous.

*Skilled nursing/Nursing home facilities.* Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries.

*Slick stick.* A monopole where all antennas arrays are concealed within the tower.

*Solid waste transfer station.* A facility for the collection of solid waste and shipment to a final point of disposal. The facility may serve one or more localities and may include accessory facilities for the collection of recyclable materials such as glass, aluminum, paper and plastic products, waste motor oil, tires and appliances.

*Spillage (light).* Light which falls or is transmitted from a luminary in one area or site into an adjoining area or site.

*Start of construction.* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of slab or footings, the installation of piles, the construction of columns or any

work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

*Steep slopes. Areas containing changes in elevation meeting or exceeding 25 percent gradient.*

*Store.* See "Retail stores and shops" preceding in this section.

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

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

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

*Street line.* The line that forms the boundary between a street or road right-of-way and the contiguous property.

*Structure.* Anything constructed or erected, the use of which required permanent location on the ground or attachment to something having a permanent location on the ground. *The term structure shall not refer to fences, walls used as fences, mailboxes, retention walls, street signs, utility pedestals, docks or other features which are constructed or erected as determined by the zoning administrator.*

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Support structure.* The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) *Tower.* A pole or latticed structure designed for the attachment of one or more antenna as the primary use of the structure.

- (2) *Alternative mounting structure.* Light poles, utility transmission structures, water towers, ~~buildings~~ and other structures other than ~~building exteriors~~, towers, or camouflaged ~~WCFs~~ *wireless communication facilities* which are not primarily designed to support antenna nor are designed should be taller in order to accommodate antenna.
- (3) *Camouflaged structure.* Any ~~WCF~~ *wireless communication facility* disguised or hidden so that all of its components are unnoticeable to the casual observer, or otherwise not having the appearance of an antenna or a tower; ~~and which meets at least one of the following: (1) the structure has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located; (2) the structure has the appearance of vegetation native to eastern Virginia; or (3) the structure is completely surrounded by a minimum of a 100 foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, other structures or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure, renders the structure unnoticeable to the casual observer.~~
- (4) *Antenna support structures for multi-antenna systems.* Structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.

### **T**

*Theme park.* A park or garden facility that is based on a common theme and may include, but is not limited to, the following: ~~E~~exhibits, animal acts and displays, rides, shops and eating facilities encompassing a minimum of ten acres.

*Timbering.* Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet., *which is performed in accordance with accepted Virginia Department of Forestry best management practices for timber harvesting as determined by the state and which includes reforestation either by natural or artificial reforestation, or both.* However, timbering shall not include:

- (1) Harvesting, cutting, removal or other clearing of trees in accordance with ~~an approved~~ a site plan, subdivision plan, or building permit *that is currently under review by the county or has received final approval*; or
- (2) *Removal of tree stumps or conduct of other land disturbing activities; or*
- ~~(2)~~(3) Removal of dead, diseased, dying, or insect damaged trees.

*Tourist home.* A dwelling where lodging or lodging and meals are provided for compensation for up to five rooms and open to transients.

~~*Townhouse.* In a structure containing three or more dwelling units, a dwelling unit for single family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.~~

*Trailer.* A structure standing on wheels towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

*Travel trailer.* A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.

*Tree.* For the landscaping requirements of this chapter, a tree shall be defined as a deciduous shade tree having a minimum caliper of 1-1/2 inches at planting or an evergreen tree at least eight feet in height and a minimum caliper of 1-1/4 inches if single stemmed at planting or eight feet in height if multi-stemmed at planting. The term "tree" shall not include ornamental trees as defined below.

*Tree, mature.* Any deciduous or evergreen tree with a minimum diameter breast height of 12 inches which is free of disease and significant damage.

*Tree, ornamental.* For the landscaping requirements of this chapter, an ornamental tree shall be defined as a deciduous or evergreen tree which if single stemmed is eight feet in height and has a minimum caliper of 1-1/4 inches at planting or if multi-stemmed has a height of eight feet at planting.

*Tree, specimen.* Any tree with a minimum diameter breast height of 24 inches which is free of disease and significant damage or which is notable by virtue of its outstanding size and quality for its particular species.

*Truck.* A motor vehicle designed to transport property on its own structure or to transport property on a trailer drawn by it. "Truck" is inclusive of "tractor trailer vehicle," "tractor truck," and "road tractor" and has a registered gross weight in excess of 10,000 pounds.

*Truck stop.* Any facility offering for sale fuel for commercial vehicles, trucks and automobiles and constructed and designed to enhance maneuverability and fueling of tractor trailer vehicles by the contouring of curbs and aprons, the placement and design of fuel pump islands or other such design criteria. In addition, a truck stop shall have the capability to fuel three or more tractor trailer vehicles at the same time and/or parking facilities for three or more such vehicles. The facility may include provisions for one or more of the following: ~~R~~repairs or maintenance of commercial vehicles and trucks; sleeping accommodations for commercial vehicles or truck crews; sale of parts and/or accessories for commercial vehicles or trucks; or a restaurant.

*Truck terminal.* A storage facility for the unloading, transferring and storing of goods and materials being transported by truck. A truck terminal may include facilities for the repair and servicing of trucks.

## **U**

*Unit.* See "Dwelling unit."

*Usable satellite signal.* A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations by use of an outdoor antenna.

## **V**

*Variance.* A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in an unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variances in the zoning division or district or adjoining zoning division or districts.

*Automobile Vehicle.* A motor vehicle designed to transport property and/or passengers on its own structure and having a gross registered weight of 10,000 pounds or less. ~~Automobile Vehicle~~ *Automobile Vehicle* is inclusive of, ~~but not limited to~~, "passenger car," "pickup truck," "panel truck" and "van."

*Automobile Vehicle and gasoline service station.* A facility for fueling, minor repairs and maintenance of automobiles vehicles. An automobile vehicle or gasoline service station may include no more than four enclosed service bays for maintenance and minor repair of automobiles vehicles and may also include retail sale of lubricants, tires, batteries and similar accessories.

*Automobile Vehicle graveyard.* Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. (~~Code of Virginia, section 33.1-348~~)

## W

*Watercourse.* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Wayside stand; roadside stand; wayside market.* Any structure or land use for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

*Winery.* An establishment located on a farm with a producing vineyard, orchard or similar growing areas and with facilities for fermenting, bottling, storage and sale of wine on the premises.

*Wireless communications facility (WCF).* A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:

- (1) Antenna;
- (2) Support structure;
- (3) Equipment enclosure; or
- (4) Security barrier

## Y

*Yard.* An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided herein:

- (1) *Front.* An open space on the same lot as a building and located between the front building line and the front lot or street line and extending across the full width of the lot.
- (2) *Rear.* An open, unoccupied space on the same lot as a building between the rear building line and rear line of the lot and extending the full width of the lot.
- (3) *Side.* An open, unoccupied space on the same lot as a building between the side building line and the side line of the lot and extending from the front yard line to the rear yard line.

**Z**

*Zoning district, overlay.* Any section of James City County, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform and which district overlays one or more principal zoning districts ~~so as to~~ impose special requirements in addition to the requirements of the principal zoning district.

*Zoning district, principal.* Any section of James City County, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform. Wherever used in this chapter, the term "district" or "zoning district" shall mean the same as the term "principal zoning district" as if the latter term were fully set out.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>Absent</u>	___	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia this 11th day of September, 2012.