

# Article I – In General

## CHAPTER 70 – ZONING

### Sec. 70-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms used in this chapter that are defined in § 15.2-2201, VA Code Ann. shall be construed as having the meanings set forth in that section.

*Accessory Apartment* means a completely independent, standalone dwelling unit located on the same lot as the single-family dwelling to which it is accessory, and which is subject to the following:

- 1) The gross square footage of the accessory apartment shall not exceed 800 (excluding unconditioned basements and other unconditioned, attached exterior spaces);
- 2) The accessory apartment shall not exceed the gross square footage of the primary dwelling to which it is accessory;
- 3) The accessory apartment shall not contain more than two (2) bedrooms; and
- 4) No lot shall contain more than one (1) accessory apartment.

*Accessory use or structure* means a secondary and subordinate use or structure customarily incidental to, and located upon the same lot occupied by, the main use or structure.

*Administrator, zoning*, means the official designated by the board of supervisors to have the powers and duties of interpreting and enforcing this chapter.

*Adult-oriented business* means any business where a substantial proportion of the compensation is derived from display or sale of merchandise, viewing of photographs or motion pictures, performance of dances or dramas, or participation in activities, characterized by exposure of human genitals or real or simulated sex acts.

*Agriculture* means the tilling of soil, the raising of crops, horticulture, forestry and husbandry, including the keeping of animals customarily raised on farms. The term includes dairies, orchards, wholesale nurseries, and farm wineries / limited (i.e. farm) breweries / limited (i.e. farm) distilleries pursuant to the Code of Virginia, but shall not include packing plants, retail nurseries, wayside stands or keeping of animals not customarily raised on farms. Industrial processing of agricultural products, including a sawmill, may be an accessory use to a farm but shall not be considered agriculture if it is the principal use of the property.

*Agritourism* means any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, 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, but does not include commercial competitions. The commercial hosting of weddings, corporate retreats, celebrations and other similar events within facilities dedicated for such uses is considered agritourism if the parcel on which they are hosted is of a bona fide agricultural use.

*Automobile graveyard* means any lot or place which is exposed to the weather and upon which more than five inoperable and unlicensed motor vehicles are stored for an indefinite period of

time.

*Bed and breakfast inn* means any establishment, having no more than 15 guestrooms or suites offering to the public, for compensation, transitory lodging for 30 or fewer consecutive days and offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. A manager, which may be the property owner, must reside within the building or one of the buildings on the parcel(s) and shall make themselves present and available as long as guests are staying on the premises. Food service facilities shall only be utilized for guests and/or in connection to the use (e.g. catering for on-site events), unless otherwise permitted as a special use. A bed and breakfast inn shall be considered a principal use.

*Brewery* means any establishment engaged in the production and packaging of fermented, non-distilled alcoholic beverages (e.g. beer and cider) for distribution, retail, or wholesale purposes, meeting all laws related to alcoholic beverage control. A brewery may provide on-site tastings and samples to patrons, and provide for on-site retail sales.

*Building* means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property.

*Building materials sales establishment* means a retail or wholesale store of up to sixty-thousand (60,000) square feet in which lumber, millwork, masonry products, tile, stone, soil and other bulk landscaping materials, fencing, plumbing, electrical, paint, roofing, and other similar materials are sold which are used to construct or maintain structures and accessory facilities. Such an establishment is separate from a large retail use and does not include the sale of appliances, home

furnishings, decorations, and other similar consumer goods.

*Camp* means an area containing not less than ten acres, owned and/or operated privately for profit or by a charitable, religious or civic organization, where patrons are provided seasonal/temporary lodging in permanent structures and where instruction in outdoor activities, crafts, sports, religious retreat activities, and similar pursuits is furnished.

*Campground* means an area containing five acres or more of land designed or used to accommodate paying guests in tents designed for single families or travel trailers owned by the guests.

*Canopy* means a structure, consisting only of a roof supported by columns or posts, erected over gasoline pump islands or similar fixtures, for the purpose of protecting such fixtures or their users from inclement weather. This definition does not include any building with walls, or any structure that would impede the vision of motorists or pedestrians, or any structure that blocks important scenic vistas or views.

*Cemetery* means a place for burial of the dead where lots are sold and perpetual care of the graves is furnished.

*Civic organization* means a community oriented service organization which includes, but is not limited to, non-profit organizations, churches, clubs and other groups or associations that benefit local residents by promoting projects, services and volunteer activities and fellowship.

*Cluster* means the grouping of single-family dwellings in order to preserve open space.

*Cluster development* means the entire development, including both the cluster of single-family dwellings and the reserved area of open space.

*Commercial kitchen* or smokehouse means an operation, utilizing 10,000 square feet or less, which prepares or stores food, including smokehouses, for off-site sales, consumption, and distribution to persons of the same business operation or of a related off-site business operation for service to the public. An example includes operations preparing or storing food for catering services.

*Commercial Recreational Use* means a property and/or facility used for commercial sports or amusement operations under the following categories:

*Indoor:* Such as bowling, skating, swimming, therapeutic activities, athletic courts and related facilities, paintball, laser tag, shooting ranges and the like. This does not include facilities having amusement rides or any use involving motorized vehicles.

*Outdoor, non-vehicular:* Such as golf driving ranges, golf courses, miniature golf, batting cages, paintball, athletic courts and related facilities, pools, commercial competitions, and the like. This does not include fairgrounds, camps, amusement rides, shooting ranges, regular live entertainment or farm enterprises.

*Outdoor, vehicular:* Such as go-carts, race tracks and the like. This does not include motorized watercraft.

*Commission, the,* means the planning commission of the county.

*Contractor's shop* means an establishment primarily engaged in the on-site or off-site provision of services for the construction, maintenance, cleaning, or repair of buildings, building components, and properties on a fee or contractual basis. Such services may include, but are not limited to, plumbing, electrical, heating and air conditioning, landscaping,

roofing, painting, general construction, and landscaping.

*Country club* means any operation that provides facilities for golf, tennis or swimming to its private membership.

*Cultural Use* means a property and/or facility that is used for the commercial practice and furthering of the arts and sciences, or continual display and promotion of items or events related to anthropological, historical or intellectual achievements. Cultural uses include, but are not limited to, theaters, studios, artist retreats, libraries, museums, galleries, botanical/zoological gardens and the like.

*Data center* means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

*Distillery* means a facility engaged in the production and packaging of distilled alcoholic beverages for distribution, retail, or wholesale purposes, meeting all laws related to alcoholic beverage control. A distillery may provide on-site tastings and samples to patrons, and provide for on-site retail sales.

*Dwelling, multifamily*, means a building consisting of three or more dwelling units separated by floors or party walls with no openings.

*Dwelling, single-family*, means a building consisting of one dwelling unit. The term includes site-built, precut, panelized, modular and prefabricated houses but does not include mobile or manufactured homes. Pursuant to Code of Virginia, § 15.2-2291, a single-family dwelling shall include group homes.

*Dwelling, two-family*, means a building consisting of two dwelling units, in either a side-by-side or over-and-under arrangement, separated by floors or party walls with no openings. An over-and-under arrangement may only be permitted on a lot served by a public road.

*Dwelling unit* means one or more rooms in a building designed or used as a place of residence for one household.

*Existing dwelling*, means, for the purpose of article VIII of this chapter, a dwelling that is occupied, or for which a building and zoning permit has been issued, or that has been occupied for a three-year period within the preceding five years at the time a completed application for an intensive livestock, dairy or poultry facility is received by the zoning administrator.

*Existing intensive livestock, dairy or poultry structure* means an intensive livestock, dairy or poultry structure that has been in operation for one year within the five years immediately preceding the date on which a building or zoning permit is sought for a dwelling.

*Family or immediate family* means a person's natural or legal grandparents, parents, siblings, spouse, children or grandchildren.

*Farm* means a parcel of land not less than five acres which is actively used for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock and which generates at least \$1,000.00 per year in gross sales.

*Farm enterprise* means an agricultural or silvicultural based process, activity or business use of a property that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural, aquacultural or silvicultural

operation, pursuant to § 3.2-300, VA Code Ann. Activities of a farm enterprise may include the following uses: secondary processing and sale of agricultural, horticultural, aquacultural or silvicultural products grown or raised on-site. Other permitted uses include farm tours, petting, feeding and viewing of farm animals, hayrides, crop mazes, animal walks, horse and pony rides, and carriage rides.

*Farm or food products* means any agricultural, horticultural, forest or other product of the soil or water, including fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey or similar items, nuts, maple and sorghum products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, livestock feed, or baked goods.

*Farmer's market* means a space where locally grown produce and hand-crafted goods are sold by multiple vendors to the general public, not including wholesale or bulk sales to commercial enterprises.

*Farm stand* means a permanent accessory structure with a maximum floor area of 1,000 square feet dedicated to that use. A farm Stand may be contained within a larger accessory structure (e.g., agricultural building), but the farm stand must not exceed the 1,000 square feet gross floor area and shall be used solely for the purpose of sales of on-site farm or food products as defined, and which is clearly a secondary use of the premises and does not change the character thereof.

*Flea market* means any indoor or outdoor facility for the renting of space or the sale of merchandise.

*Frontage* means the measurement of a lot from one side lot line to the other, parallel to a segment connecting the endpoints of

the front lot line, either at the front lot line or at the required building setback.

*Garage, private,* means an accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

*Garage, public,* means a building or portion of a building, other than a private garage, designed or used for servicing, repairing, equipping, renting, storing or selling motor vehicles in return for compensation.

*Graveyard* means a place for burial of the dead, set aside and maintained by a family.

*Group home* means a residential facility in which no more than eight mentally ill, mentally retarded, developmentally disabled, aged, infirm or disabled persons reside with one or more resident counselors or other staff persons.

*Height* means the vertical distance from the highest grade elevation adjoining a structure to the highest point of the structure.

*Home enterprise* means any occupation conducted within a dwelling unit or accessory structure(s), such as a garage or a barn, along with the incidental use of adjacent land, in which all of the following conditions are met:

1. The business owner resides on the premises.
2. No more than four (4) non-family employees work on-site at a time (employees who report to the site for job assignment and staging purposes in preparation for off-site activity do not count toward this number).
3. The parcel size is a minimum of two (2) acres of Agricultural zoned land.

4. Retail sales conducted on the premises are not the primary purpose or function of the business.
5. Total vehicle trips per day will generally not exceed twenty-five (25).
6. All parking will be situated on the interior of the property and not along any public road or property line.
7. Any mechanical equipment that produces sound levels in excess of fifty (50) decibels, such as air compressors and air guns, will be confined to interior use.
8. Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building and/or land is used for purposes not generally found in the Agricultural district.
9. If there is more than one (1) home enterprise on a single parcel, the numerical limitations listed above in lines 2, 5, and 8 will apply cumulatively, i.e.: a total of four (4) nonfamily employees and one (1) sign for all home enterprises combined.
10. The following uses are specifically prohibited from permitted home enterprises:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

*Home occupation* means any occupation conducted within a dwelling unit, in which all of the following conditions are met:

1. The business owner resides on the premises.

2. No more than one (1) non-family employee works on-site at a time.
3. Retail sales conducted on the premises are not the primary purpose or function of the business.
4. Total vehicle trips per day will generally not exceed ten (10).
5. All parking will be situated on the interior of the property and not along any public road or property line.
6. Any mechanical equipment that produces sound levels in excess of fifty (50) decibels, such as air compressors and air guns, will be confined to interior use.
7. Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building is used for non-residential purposes.
8. If there is more than one (1) home occupation on a single parcel, the numerical limitations listed above in lines 2, 4, and 7 will apply cumulatively, i.e.: a total of one (1) nonfamily employee and one (1) sign for all home occupations combined.
9. The following uses are specifically prohibited from permitted home occupations:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

*Hotel or motel* means a building containing 13 or more guest rooms or suites where lodging is provided for 30 or fewer days for compensation.

*Inoperable motor vehicle* means any motor vehicle incapable of being operated and which, if it were made operable, would have a value less than the cost of making it operable; provided that any motor vehicle not bearing current county or state registration sticker or plates shall be conclusively presumed to be an inoperable motor vehicle.

*Institutional Use* means a property and/or facility that is used for nonpublic education, assisted living and group homes containing greater than 8 clients/occupants, family day homes serving greater than 5 children, and the like. This does not include vocational training facilities or places of worship and those uses customarily accessory to them.

*Intensive livestock, dairy or poultry facility* means a livestock, dairy or poultry operation where, for a period of 45 consecutive days or more, 300 or more animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this chapter, 300 animal units shall be equivalent to any of the following, or any combination where the animals are confined in one location:

Livestock 300 slaughter or feeder cattle

Livestock 750 swine each weighing over 100 pounds

Livestock 150 horses

Livestock 3,000 sheep or lambs

Dairy 200 mature dairy cows, milked or dry

Poultry 16,500 turkeys

Poultry 30,000 laying hens or broilers

*Intensive livestock, dairy or poultry structure* means a

building, structure or site used in the operation of an intensive livestock, dairy or poultry facility, including but not limited to litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.

*Junkyard* means the use of any area of more than 200 square feet of land for the buying, selling, storing or abandoning junk or scrap materials. The term shall include the term "automobile graveyard."

*Kennel, boarding,* means a place designed or used to house, feed, train or otherwise handle dogs or cats not belonging to the owner or occupant, in return for compensation.

*Kennel, breeding,* means a place designed or used to house more than five female dogs or cats, and from which young from more than two litters are sold in any calendar year.

*Laboratory* means an establishment devoted to research, testing, and development of new products and substances, the process for which involves controlled experimentation, specialized machinery, and/or specialized processes. Included in this definition are medical laboratories engaged in professional analytic and diagnostic services and/or the manufacture of custom prosthetics and medical devices.

*Landfill* means a publicly-owned, engineered land burial facility used for the purpose of disposing of solid waste which is operated and maintained such that it poses no substantial threat to the environment or to public health, safety, and general welfare.

*Limited manufacturing* means uses listed within the following

groups in the Standard Industrial Classification manual: manufacturing apparel and textiles, printing and publishing, manufacturing electronic and electric equipment, manufacturing instruments and related products, and miscellaneous manufacturing.

*Livestock* means all domestic or domesticated bovine animals, such as cattle; equine animals, such as horses; bovine animals, such as sheep; and porcine animals, such as hogs.

*Lot* means a parcel of land having fixed boundaries, recorded by the clerk of the circuit court as an individual unit of real estate for the purpose of ownership, conveyance or taxation.

*Lot, corner,* means a lot having two adjacent sides abutting on streets.

*Lot, double-frontage,* means a lot having two nonadjacent sides abutting on streets.

*Machine shop* means a commercial facility in which solid raw materials are formed into a desired final shape and size via a controlled material-removal or subtractive manufacturing process.

*Manufactured home* means a structure, subject to federal regulation, which is transportable in one or more sections, which in the traveling mode is eight body feet or more in width and 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a 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* means any area approved as a manufactured

home park by the board of supervisors pursuant to article VII of this chapter.

*Manufacturing* means processing raw materials or unfinished products into finished products.

*Materials recovery facility* means an operation engaged in the removal and/or reclamation of recyclable materials from solid waste and other previously-manufactured items.

*Microbrewery* means a brewery, other than a limited (i.e. farm) brewery as defined in the Code of Virginia, which produces no more than fifteen thousand (15,000) barrels of fermented, non-distilled alcoholic beverages per calendar year.

*Microdistillery* means a distillery, other than a limited (i.e. farm) distillery as defined in the Code of Virginia, which produces no more than thirty-six thousand (36,000) gallons of distilled alcoholic beverages per calendar year.

*Mining* means the process by which coal, sand, gravel, minerals or ore is removed from any open pit or any underground workings and produced for sale, exchange or commercial use and all shafts, slopes, drifts, or inclines leading to such location and including all buildings, structures, and equipment above and below the surface of the ground used in connection with such process. Quarrying shall be within the definition of mining. Mining shall include all ground-disturbing exploratory activities designed to determine the presence of coal, sand, gravel, minerals or ore, including but not limited to excavation, drilling or boring; however, mining shall not include the drilling or boring of wells for the purpose of obtaining water.

*Mobile home* means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more

in width and 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a 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.

*Mobile home park* means any area approved as a mobile home park by the board of supervisors prior to the enactment of article VII of this chapter and designed to accommodate three or more mobile homes.

*Nature preserve* means land undisturbed from or returned to its natural state with no improvements other than unpaved paths for walking, hiking, horseback riding or non-motorized bicycle riding.

*Non-profit organization* means a non-profit organization incorporated under the provisions of section 501(c)(3) of the federal code.

*Nonconforming lot* means a lot that existed lawfully prior to the adoption or amendment of this chapter but fails, by reason of such adoption or amendment, to conform to the minimum area or frontage requirements of this chapter.

*Nonconforming structure* means a structure that existed lawfully prior to the adoption or amendment of this chapter but fails, by reason of such adoption or amendment, to conform to the setback, yard, height or other requirements of this chapter.

*Nonconforming use* means a use of a structure or lot that existed lawfully prior to the adoption or amendment of this chapter, but is not permitted by this chapter.

*Office* means an establishment primarily engaged in providing

professional, financial, administrative, clerical and other similar services.

*Office Building* means a structure containing multiple office uses.

*Operator* means any person who owns or operates an intensive livestock, dairy or poultry facility, or the land on which it is located.

*“Outdoor Power Equipment Motorcycle. All-Terrain Vehicle. Watercraft Repair and Storage”* means an establishment engaged in the restoration, service, repair, and storage of non-automobile motorized vehicles including outdoor power equipment, farm equipment, motorcycles, all-terrain vehicles, boats and other watercraft. All repair, service, and restoration work must be conducted within an approved building structure. Long-term (more than 30 days) storage of vehicles must be located within an approved building structure or in screened location approved by the Zoning Administrator.

*Poultry* means any domestic or domesticated fowl raised for meat or eggs; including but not limited to chickens and turkeys.

*Printing and publishing facility* means an establishment engaged in the production of printed and digital media such as, but not limited to, books, magazines, newspapers, architectural drawings, engravings, music, photos, and movies.

*Public or community water or sewer systems* means a water or sewer system owned and operated by a municipality, a public service authority, or an individual, partnership or corporation licensed by the state corporation commission and approved by the board of supervisors.

*Public utility* means any company which owns or operates

facilities within the Commonwealth of Virginia for the generation, transmission or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service.

*Pyrotechnics testing/manufacturing* means the operations of non-profit entity engaged in the production and testing of fireworks. whereby the entity is licensed and regulated pursuant to 18 U.S.C. Chapter 40.

*Residential facility* means any group home or other residential facility for which the department of mental health, mental retardation and substance abuse services is the licensing authority pursuant to the state law.

*Restaurant* means an establishment that serves food and beverages primarily to persons seated at tables or counters within the buildings. This includes those establishments that offer quick food service through a limited menu of items already prepared and held for service.

*Retail store* means a building or group of buildings designed or used for display and sale of merchandise, or for the rendering of personal services, to the general public, such as a drugstore, gift shop, hardware store, furniture store, florist, optician, barbershop, or print shop.

*Retail use, large* means any large retail single occupant building or unit used for retail purposes where the primary occupant controls space exceeding 60,000 square feet in gross floor area located in a free standing building and may be included or be a part of a shopping center, possibly sharing parking areas and vehicular travel ways with other buildings or

uses and which may be connected by walkways and access ways to other buildings or uses.

*Road* means a public thoroughfare which provides access to abutting property. The term includes terms such as alley, avenue, boulevard, court, drive, lane, street and way.

*Salvage operation* means the use of a lot or structure for collection and storage of inoperable motor vehicles, machinery or other similar materials, for the purpose of reclaiming and selling parts, from which the vehicles, machinery or materials are removed after reclamation of the parts.

*Self-storage facility* means a building or group of buildings, having controlled access, which contain individually-leasable and individually-accessible units for the general safe keeping of items by lessees. A self-storage facility may have a single dwelling unit with an interior floor area no larger than six-hundred (600) square feet, attached to a main office, for a resident manager.

*Setback* means the minimum distance by which any structure shall be separated from the right-of-way of a primary highway; or from the front line of a lot that adjoins a secondary road, subdivision street or private road; or from the centerline of certain secondary roads; or from any side or rear property line. The setback distance shall be measured to the foundation line of all existing and proposed structures; however, no such structure shall have an overhang encroaching more than three feet into the setback unless approved by variances or special exception.

*Shoreline, normal*, means the area immediately adjacent to any state water, including lakes, ponds and streams. More specifically, the line where open waters abut wetlands or fastlands during nonflood and nondrought periods.

*Short-term Lodging Facility* means a portion of an owner-occupied dwelling unit and/or an accessory dwelling unit on 1 parcel in which, for compensation, lodging is provided for 14 or fewer consecutive days in 4 or fewer guest rooms or suites. The property owner must make themselves present and available as manager as long as guests are staying on the premises, and food service and meals shall not be provided to guests or the general public. A short-term lodging facility shall be considered accessory to the property's principal residential use and shall not detract from the character of that use.

*Sign* means any display of letters, numerals, symbols, or combinations, visible from a public right-of-way, for the purpose of making anything known. The following are excluded from this definition provided they do not have commercial connotations: directional signs, flags or insignia of governments, displays erected by government agencies, architectural features, memorial cornerstones, and commemorative plaques.

*Sign, building*, means any sign that is permanently attached to a building wall and does not extend beyond the side or top of such wall, except in commercial and industrial zoning districts. The term includes wall, window, marquee, bulletin board, changeable copy, and projecting signs, except for traffic control signs.

*Sign, digital*, means any portable or permanent sign or part of a sign on which characters, letters or images can be changed or rearranged electronically by light, digital LED or other display.

*Sign, monument* means any free-standing sign, other than a pylon sign, erected on the existing grade or on a solid base constructed of durable materials which is visually integral to the design of the sign.

*Sign, off-site,* means a sign that directs attention to a product or service not available on the premises on which the sign stands.

*Sign, on-site,* means a sign that directs attention to a product or service available on the premises on which the sign stands.

*Sign, portable or mobile,* means any sign which is not permanently attached to the ground or a permanent structure, such as trailer signs, sandwich boards, posters and banners.

*Sign, pylon,* means any sign supported by one or more posts permanently set in the ground.

*Sign, temporary,* means a sign applying to a seasonal or brief activity such as a political campaign, summer camp, horse show, or auction that is displayed for a short period of time and then removed.

*Sign area* means the total area of a sign within a perimeter enclosing the display, together with any material or color which is an integral part of the display or which is used to differentiate the display from the background against which it is placed. If both sides of a single structure are used for signs, only one side shall be counted.

*Story* means that portion of a building, other than a basement or attic, between the surface of any floor and the floor next above it, or if there is no floor above it, between the floor and the ceiling above it.

*Stream* means any flowing body of water defined on the USGS 7.5-minute topographic quadrangle maps with a solid blue line.

*Street, private,* means any road, street, highway or other means of vehicular access to a parcel of land not dedicated or intended for public use.

*Structure* means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. The term does not include modifications of the ground (such as paving or gravel), any object below the ground, fences, retaining walls, mailboxes or lawn ornaments.

*Variance* means a relaxation of the terms of this chapter granted by the board of zoning appeals.

*Vocational Training Facility* means a privately-operated, post-secondary school providing education and/or training for a specific occupation, business, trade, or profession, but excludes accessory residential uses, establishments providing training for a use that is not otherwise permitted in the zoning district, and paramilitary-type training facilities.

*Waters of the state* means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

*Wayside stand* means any temporary or portable structure not exceeding 500 square feet used for the sale of, by the owner or his family or tenant, on-site farm or food products as defined herein, which is clearly a secondary use of the premises and does not change the character thereof.

*Yard* means a space on a lot free of structures from the ground upward, provided that steps, landings, patios, and similar structures shall not be considered to obstruct a yard if they are less than 30 inches above the ground.

*Yard, front,* means a yard between a building and the lot line adjoining the road, extending across the full width of the lot. For corner lots the front shall be the shorter of the two sides fronting on streets.

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

*Yard, side,* means a yard between a building and the lot lines that intersect the front lot line, extending from the front yard to the rear yard.

*(Ord. of 5-2-1996, §§ 1900–1964.03; Ord. of 8-11-1998, §§ 1919, 1929, 1960, 1964; Ord. of 5-8-2001; Ord. of 6-26-2007; Ord. of 6-10-2008(3); Ord. of 3-9-2010; Ord. of 6-28-2011(6); Ord. of 7-12-2011(2); Ord. of 7-26-2011; Ord. of 11-13-2013; Ord. of 04-14-2015; Ord. of 08-11-15; Ord. of 03-08-16; Ord. of 06-14-16; Ord. of 03-13-2018; Ord. of 04-10-2018)*

#### **Sec. 70-2. – Intent.**

The general assembly in § 15.2-2280 et seq., VA Code Ann., has authorized boards of supervisors in counties to adopt zoning ordinances, dividing the unincorporated areas of counties into districts to:

(1) Regulate the use of lands and structures; the size, height, area, bulk, location, construction, alteration and removal of structures; the areas and dimensions of land, water and air space to be occupied by structures; the minimum size of yards, courts and other open spaces; and mining of natural resources, in order to promote the health, safety or general welfare of the public;

(2) Provide for adequate light, air, convenience of access, and safety from fire, flood, failure of impounding structures, crime and other dangers;

(3) Reduce or prevent congestion in the public streets;

(4) Facilitate the creation of a convenient, attractive and harmonious community;

(5) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

(6) Protect against destruction of or encroachment upon historic areas;

(7) Protect against overcrowding of land or undue population density;

(8) Encourage economic development activities that provide desirable employment and increase the tax base;

(9) Preserve agricultural and forestal lands and protect the natural environment;

(10) Promote affordable housing;

(11) Provide for amendments and changes;

(12) Require county planning commissions to perform certain duties;

(13) Permit the appointment and prescribe the powers and duties of county boards of zoning appeals; and

(14) Provide methods for enforcement of this chapter and penalties for its violation thereof.

*(Ord. of 5-2-1996, preamble; Ord. of 6-28-2011(7))*

**Secs. 70-3-70-35. – Reserved.**