

DEFINITIONS WITH STAFF RECOMMENDATIONS

§ 148-3. Definitions and word usage. STAFF RECOMMENDED CHANGES IN RED. BLUE IS RECENT APPROVED ADDITIONS BY THE BOS

A. Definitions. For the purpose of this chapter, certain words and terms are defined as follows:

ABATTOIR — A commercial slaughterhouse.

ACCESSORY USE OR STRUCTURE — A subordinate use or structure not containing a dwelling unit and customarily incidental to and located upon the same lot occupied by the main structure.

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

ADULT ASSISTED-CARE FACILITY — A building or group of buildings which, for compensation, provide sleeping and dining accommodations specifically for persons to assist in their day-to-day living needs but not specific health-care needs. This facility is licensed by the State Department of Social Services and does not include the definition of a "nursing home" or "hospital." **[Added 10-9-1997; amended 2-12-1998]**

AGRICULTURE — The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl.

AIRPORT — Any area of land or water which is used, or intended for ~~public~~ use, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities located thereon.

ALTERATION — Any change in the total floor area, use, adaptability or external appearance of an existing structure.

ANTIQUÉ SHOP — A building where goods are offered for sale consisting primarily of new or reconditioned merchandise or of bona fide antiques.

AQUACULTURE, COMMERCIAL – The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, or fresh water. **[Added 4-11-2008]**

AQUACULTURE FACILITY, COMMERCIAL – Any land, structure, or other appurtenance that is used for aquaculture, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator. **[Added 4-11-2008]**

AQUATIC ORGANISM – Any species or hybrid of aquatic animal or plant, including, but not limited to, "fish", "fishes", "shellfish", "marine fish", and "organisms" as those terms are defined by the code of Virginia §28.2-100. **[Added 4-11-2008]**

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.

BASEMENT — A story having part but not more than 1/2 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.

BED AND BREAKFAST ESTABLISHMENT — Any establishment having no more than 15 bedrooms, offering to the public, for compensation, transitory lodging or sleeping accommodations; and offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. (Code of Virginia § 4.1-100).

BEST MANAGEMENT PRACTICE, (BMP) — The schedules of activities and prohibitions of practices, including both a structural or nonstructural practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater

DEFINITIONS WITH STAFF RECOMMENDATIONS

systems from the impacts of land-disturbing activities. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge (biosolids) or waste including animal waste.

BIORETENTION BASIN — A water quality BMP engineered to filter the water through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

BOARDINGHOUSE — A building where, for compensation, lodging and meals are provided for at least five and not more than 14 persons.

BOATHOUSE, PRIVATE — A roofed structure built over a tidal waterway on pilings that shelters a boat with or without ~~by~~ complete or partial enclosures. **[Added 4-14-1988]**

BUILDING — Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

~~BUILDING, HEIGHT OF — The height shall be measured from the average elevation of the ground surface along the front of the building.~~

BUSINESS, SMALL RETAIL — Businesses occupying less than 5,000 square feet of space under roof that typically involve light traffic such as antique stores, barber shops, gift and specialty shops, bakeries, flower shops, wine and cheese stores, small grocery stores, and the like.

BUSINESS, LARGE RETAIL/WHOLESALE — Businesses occupying 5,000 square feet or more of space under roof that typically involve light to heavy traffic such as larger hardware stores, larger grocery stores, department stores, shopping centers and similar commercial activities. This does not include Light Industry.

CAMPING TRAILERS — A vehicular portable structure mounted on functional wheels, constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.

~~CAMPS AND CAMPGROUNDS, RECREATIONAL — An area, whether publicly or privately owned, upon which are located sites for two or more travel trailers, camping trailers, truck trailers, motor homes or tents for seasonal or temporary recreational occupancy. A travel trailer camp, R/V camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for seasonal or temporary recreational occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, but not for permanent occupation, and the campground includes an appropriate septic system. (Modified from Code of Virginia § 35.1 —1.)~~

CARGO CONTAINER STORAGE — Shipping container, with or without wheels, to be used for private storage. (Does not include temporary contractor storage on construction sites.) **(Added January 12, 2006)**

CELLAR — A story having more than 1/2 of its height below-grade.

CHILD-CARE CENTER — Any place, home or institution which receives five or more children under the age of 14 years ~~and not of common parentage,~~ for the care apart from their natural parents, legal guardians or custodians, when received for a regular period of time for compensation, provided that this definition shall not include public or private schools organized, operated or approved under Virginia laws or custody of children fixed by a court or competent jurisdiction or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities, meetings or at work.

CIRCUIT COURT — The Circuit Court of the County.

CLINIC — An office building or a group of offices for one or more physicians, surgeons or dentists or other licensed medical professionals engaged in treating the sick or injured, but not including

DEFINITIONS WITH STAFF RECOMMENDATIONS

rooms for abiding patients. See Health Care Facility

~~CLUSTER HOME DEVELOPMENT — A type of a development that allows the reduction of lot sizes below the minimum requirements of this chapter if the land thereby gained is preserved as permanent open space for the community. A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be dedicated as common open space. The concentration of lots may be facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.~~

CLUSTER GROUP— A group of residential dwellings within a cluster development, surrounded by common open space. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

COMMISSION — The Planning Commission of Northumberland County, Virginia.

COMMERCIAL HUB—See Villages.

COMMON FACILITIES— All the real property and improvements set aside for the common use and enjoyment of the residents of a development including, but not limited to, buildings, open space, private roads, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities. The common facilities are usually controlled and maintained by a property owners association.

COMMON ELEMENT — See Common Facilities.

~~COMMON OPEN SPACE — All open spaces within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development, and not dedicated as public lands. Undeveloped land within a development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.~~

COMMON PROPERTY – See common facilities.

COMMUNITY ASSOCIATION — A condominium or property owners association.

CONCRETE WORKS — A structure or area used for the manufacture of concrete and/or concrete products.

~~CONDOMINIUM — A condominium as defined in § 55-79.41 of the Code of Virginia. **[Amended 8-13-1998]** Ownership of single units in a real estate project having common elements and three or more apartments, rooms, office spaces, dwellings or other units, whether such units are located in a multiple —unit structure or attached to or detached from other units. Ownership includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s), including the land and its appurtenances. Townhouses are often referred to as “condominiums” but see below for a more restrictive definition of “townhouses”. A condominium is a legal form of ownership and not a specific building type or style. (See Code of Virginia. § 55-79.41)~~

CONDOMINIUM ASSOCIATION —An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium. See Property Owners Association

CONSERVATION DESIGN — A system of land development that preserves the natural landscape, the ecology and the most valuable natural features and hydrologic functions of the site. The main principles of conservation design are: to identify and set aside about half the land as conservation areas; to site homes, property boundaries, roads and services based on the terrain and the need for homes to have uncluttered views and border on conservation areas; to reduce impervious surfaces; and, to maintain the pre —development hydrology by managing stormwater and preventing runoff.

DEFINITIONS WITH STAFF RECOMMENDATIONS

CONSERVATION EASEMENT — The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development in perpetuity.

~~CONTRACTOR~~ — ~~An individual or company obtaining the permit and responsible for complying with the procedures for transporting sludge from the source to a storage facility and/or for the application of sludge onto the land. An individual or company that agrees to furnish material or perform services at a specified price, especially for construction work.~~

COUNTY — The County of Northumberland, Virginia.

DAIRY — A commercial establishment for the manufacture, processing and/or sale of dairy products.

DEED RESTRICTION — A restriction on the use of a property set forth in the deed.

DETENTION — The collection of runoff in a ponding area, depression, or storage chamber followed by its gradual release through an outlet into a receiving water body. Also see Low Impact Development.

DEVELOPMENT RIGHTS — A broad range of less than fee-simple ownership interests. An owner may keep fee simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land natural and undeveloped, with the right to develop resting with the holder of the development rights.

DISTRICT — A division of territory within the County for the purposes of the regulation of its use under the provisions of this chapter.

DUMP HEAP (TRASH PILE) — Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, an RPA, a dairy barn or food-handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

DWELLING — Any structure which is designed for use for residential purposes, except bed and breakfast establishments, hotels, boardinghouses, lodging houses, tourist cabins, motels, trailers and travel trailers and R/Vs.

DWELLING, MULTIPLE FAMILY/APARTMENT HOUSE — A structure arranged or designed to be occupied by more than two families, living independently of each other.

DWELLING, SINGLE-FAMILY — A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, TWO-FAMILY — A structure arranged or designed to be occupied by two families living independently, the structure having only two dwelling units usually separated by a common wall and with separate private entrances. Sometimes called a "duplex".

DWELLING UNIT — One or more rooms in a structure designed for living or sleeping purposes and having at least one bath, toilet and kitchen.

FAMILY — One or more persons related by blood or marriage occupying a premises and living in a dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, group home, tourist home, hotel or motel.

FAMILY CARE HOME, FOSTER HOME or GROUP HOME — A care facility or home serving mentally retarded or other developmentally disabled special needs persons not related by blood or marriage and which is licensed by the state.

FAMILY MOBILE HOME PARK — Any lot, site, field or tract of land upon which is located a minimum of two and a maximum of four occupied mobile homes of which mobile homes or lots are intended for use by a person or persons ~~who is~~ in the immediate family of the property owner as defined in the Code of Virginia, as amended.

DEFINITIONS WITH STAFF RECOMMENDATIONS

FARM, FAMILY — A farmstead which includes a dwelling occupied by the owner of the property.

FARMSTEAD — The land upon which animals or crops are raised commercially and on which the buildings and improvements may or may not include a dwelling.

FERRY — A vessel used to transport passengers, vehicles, and/or goods over a body of water.
[Added 9-13-2001]

FILTER STRIP, VEGETATED — A densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any natural vegetated form, from grassy meadow to small forest. The vegetative cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose

FLOODPLAINS — Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or hurricane storm surge.

FLOOR AREA RATIO — The quotient determined by dividing the covered floor area of a specified type of structure (e.g. residential or commercial) to the gross area of the development or other specified divisor such as lot size.

FOOTPRINT — The surface area covered by a structure.

FOOTPRINT, CONSTRUCTION— The surface area covered by the structures and related areas such as detached garages, driveways, septic systems, and wells.

FRONTAGE — The minimum width of a lot measured from one side lot line to the other along a straight line on which one point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

GARAGE, PRIVATE — An accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is an accessory.

GARAGE, PUBLIC — A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor vehicles for compensation.

GARDEN APARTMENT – A one- or two-story apartment, occupied as a single dwelling unit, with at least one private entrance opening onto a common courtyard.

GENERAL STORE, COUNTRY — A single store, the ground floor area of which is 4,000 less than 5,000 square feet or less, and which offers for sale general merchandise. Gasoline may also be offered for sale, but only as a secondary activity of a country general store.

GOLF COURSE — Any golf course plat 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 central driving tee.

GOVERNING BODY — The Board of Supervisors of Northumberland County.

Group home, licensed – See Family Care Home

GUARDHOUSE/SECURITY BUILDING — A building which may be occupied by a guard and located at the entrance to a subdivision (with not less than 10 lots), business or industry for the purpose of providing security to the people and property therein. A guardhouse shall not exceed one story in height, 144 square feet in area and, if located along public or private street rights-of-way, shall have a minimum setback of 10 feet from the edge of the right-of-way and shall be approved by the Virginia Department of Transportation.

GUEST HOUSE — A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure and containing a dwelling unit not exceeding the main structure in total square footage and not intended for the purpose of renting.

DEFINITIONS WITH STAFF RECOMMENDATIONS

HEALTH CARE FACILITY — Any institution, place, building, or agency required to be licensed under Virginia law, including, but not limited to, any hospital, nursing facility or nursing home, boarding home, assisted living facility, supervised living facility, or ambulatory medical and surgical center. (See Code of Virginia § 15.2 -2800)

HEALTH OFFICIAL — The legally designated health authority of the State Board of Health who is legally designated for the County, or his or her authorized representative.

HEDGEROW — A row of shrubs or trees planted for enclosure or separation of fields.

HEIGHT OF BUILDING — The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi —level roof or, for gable or hip roofs, to the height of the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

HISTORICAL AREA — ~~As The area~~ indicated on the Zoning Map to which the provisions of this chapter apply for the protection of a historical heritage.

HOME OCCUPATION — An ~~occupat~~ion activity carried on by the occupant of a dwelling as a secondary use in connection with which there is no display of products outside of the home.

HOME PROFESSIONAL OFFICE — The office, studio or occupational room/rooms of a physician, dentist, lawyer, surveyor, engineer, architect, musician or other licensed person, when such use is conducted within a dwelling which is a bona fide residence of the practitioner.

~~HOSPITAL — An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases including institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be a home occupation if they comply with the definitions herein.) See Health Care Facility~~

~~HOSPITALS, SPECIAL CARE — An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. See Health Care Facility~~

~~HOTEL — A building designed or occupied as the more or less temporary abiding place for 14 or more 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. Any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. (See Code of Virginia § 4.1-100.)~~

HUNT CLUB FACILITY — The building and/or facility which is owned, leased or rented by A-a group of individuals organized for the purpose of hunting wildlife or game ~~and which own, lease or rent a building and/or facility~~. Membership fees, regular meetings and bylaws may or may not be required by the organization. **[Added 7-9-1992]**

IMPERVIOUS SURFACE — A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil and permits precipitation to discharge (runoff) across the land surface and through conveyances to one or more waterways. Impervious surfaces include, but are not limited to roofs and buildings without water retention facilities, streets, parking areas, and any concrete, asphalt or compacted gravel surface. (Modified Virginia Administrative Code 9VAC10-20-49)

INFILTRATION FACILITY —A stormwater management facility that temporarily impounds runoff and discharges it via infiltration through the surrounding soil.

INTEGRATED MANAGEMENT PRACTICES (IMP) — The microscale and distributed management techniques employed in LID systems to achieve desired post-development hydrologic conditions. These include bioretention, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, and infiltration trenches

INTENSIVE AGRICULTURAL LIVESTOCK OPERATION—See specific definitions that apply to

DEFINITIONS WITH STAFF RECOMMENDATIONS

[this item in §148-185](#)

[INTERPARCEL —Between parcels.](#)

JUNKYARD — The use of any area of land lying within 100 feet of a state highway or the use of more than 1,000 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in § 33.1-348, Code of Virginia. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

KENNEL — A place prepared to house, board, breed, handle, sell or otherwise keep or care for dogs or their small animals in return for compensation.

LIGHT INDUSTRY — Includes warehousing and light manufacturing used ~~which-that~~ produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors. Examples are lumberyards, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, [dry cleaning plants](#), electronic [assembly](#) plants, storage warehouses, [and](#) steel or metal fabrication.

LIVESTOCK MARKET — A commercial establishment wherein livestock is collected and sold.

LOT — A parcel of land occupied by or to be occupied by one main structure and/or guest house and/or accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER — A lot abutting on two or more streets at their intersections. Of the two sides of a corner lot, the front shall be deemed to be the [shortest-shorter](#) of the two sides fronting on streets.

LOT, DEPTH OF — The average 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 OF RECORD — A lot, a plat or description of which has been recorded in the Clerk's office of the Circuit Court.

LOT, WIDTH OF — The average horizontal distance between side lot lines.

[LOW IMPACT DEVELOPMENT \(LID\) —A set of site design approaches and small-scale stormwater management practices that seek to maintain the site's pre-development aquifer return rates and volumes of runoff. LID accomplishes this through the minimization of impervious cover, strategic placement of buildings, pavement and landscaping, and the use of small-scale distributed runoff management features that are collectively called "Integrated Management Practices".](#)

MAIN BUILDING OR STRUCTURE — The principal building on a lot or the building housing the principal use on the lot.

MANUFACTURE and/or MANUFACTURING — The processing and/or converting of raw, unfinished materials or products or any of them into articles or substances of a different character or for use for a different purpose.

[MANUFACTURED HOME — A dwelling unit subject to federal regulations, and constructed in accordance with the standards set forth in Chapter. 45, Building Construction, applicable to homes composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on one or more trucks or temporary chassis and not moved once erected.](#)

MARINA/BOATYARD, COMMERCIAL — A boating establishment operated for profit located on a ~~tidal~~ waterway, which may provide covered or uncovered boat slips, [boat handling by marine railway, travel lift and/or ramps and](#) dock space or dry boat storage where hull and engine repairs, boat and accessory sales, packaged food and/or beverage sales, restaurants, personal services,

DEFINITIONS WITH STAFF RECOMMENDATIONS

fueling facilities, storage and overnight guest facilities or any combination of these are provided. **[Amended 12-14-1989]**

MARINA, PRIVATE, NONCOMMERCIAL OR CLUB-TYPE — A boating establishment located on a ~~tidal~~ waterway, which may provide covered or uncovered boat slips, a ramp, dock space or dry boat storage intended to be used for mooring of boats by residents of the general neighborhood a property owners association, or a club with no commercial facilities. **[Amended 12-14-1989]**

MOBILE HOME PARK — Any site, lot, field or tract of land upon which is located two or more occupied mobile homes or which is held out for the location of any occupied mobile home, which mobile homes or lots are intended for use by a person or persons other than the property owner (tenant, lessee or other person entitled to the possession). *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

MOBILE/~~MANUFACTURED~~ HOME — A dwelling unit subject to federal regulations, not constructed in accordance with the standards set forth in the Virginia Uniform Statewide Building Code *Editor's Note: See Ch. 45, Building Construction.* applicable to ~~site-built~~ homes, composed of one or more components, each at least one of which was ~~substantially assembled in a manufacturing plant~~ and designed to be transported to and from the home site on its own operative chassis, and ~~exceeds 40 feet in length and eight feet in width.~~ **[Amended 11-13-1986]** which is designed to be moved on that chassis. Additions to the mobile home do not change the classification.

MOBILE HOME PARK — Any site, lot, field or tract of land upon which is located two or more occupied mobile homes or which is held out for the location of any occupied mobile home, which mobile homes or lots are intended for use by a person or persons other than the property owner (tenant, lessee or other person entitled to the possession) and which provide individual sewage connections.

MOTEL, TOURIST COURT, AUTO COURT, CABIN or MOTOR LODGE — One or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, in consideration for payment with garage or parking space for at least one vehicle conveniently located next to each unit. Cooking facilities may be provided for each unit. **[Amended 8-8-1985]**

MOTOR HOME- A portable structure used as a temporary dwelling for travel, recreation or vacation and is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and designed for temporary use as sleeping quarters, but does not satisfy the definitional criteria of a mobile home.

MULTI-FAMILY STRUCTURE— A building constructed or erected, which contains more than two family dwelling units with kitchens.

MULTI-USE STRUCTURE— A building constructed or erected, which contains more than two dwelling units or business units, such as would contain a number of town houses or business units or a combination of the two.

NET BUILDABLE ACREAGE OR NET BUILDABLE AREA (NBA) — A calculated area upon which the density for cluster development is computed. Net buildable acreage is the area of a site remaining after subtracting all or a percentage of the following areas from the site's gross area: existing road rights-of-way, floodplains, wetlands, ponds and lakes, steep slopes, historical and archeological sites, the RPA, and utility rights-of-way.

NET OPEN SPACE — Gross area, including the tidal and non-tidal wetlands and septic fields minus impervious areas (structures, roads, parking, driveways, walkways, etc.). This space shall take the form of (1) common property available to all property owners in the development and shall not include front, rear or side yard areas of individual townhouse or residential units; or (2) property within the development conserved for agricultural or forestry purposes or used for stormwater and retention basins or other LID elements, and restricted from further subdivision; or a combination of (1) and (2).

NONCONFORMING ACTIVITY — The otherwise legal use of a building or structure or of a tract of

DEFINITIONS WITH STAFF RECOMMENDATIONS

land that does not conform to the use regulations of this chapter for the district in which it is located.

NONCONFORMING LOT — An otherwise legally platted lot that does not conform to the minimum area of width requirements of this chapter for the district in which it is located.

NONCONFORMING STRUCTURE — An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located.

NONPROFIT CONSERVATION ORGANIZATION — A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

NURSING HOMES — ~~Any structure occupied by sick, infirm or convalescent persons who are attended by medical personnel caring for their physical and mental requirements, generally on a long-term basis, which is licensed by the State Department of Health. See Health Care Facility~~

OPEN SPACE – See Common Open Space

OFF-STREET PARKING AREA — Space provided for vehicular parking outside the dedicated street right-of-way.

OUTPARCEL — A parcel of land in a subdivision or development that abuts a public road or highway.

PARAPET — A low protective external wall that extends above a roof or balcony or portion thereof.

PARCEL — A measured portion of land separated from other portions of land as described by metes and bounds, or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the office of the Clerk of the Circuit Court of Northumberland County.

PARKWAY— A divided roadway with a central divider equivalent to at least 10 feet in width and suitable for planting bushes and trees.

PEN — A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop.

PIER, COMMERCIAL — Any open pile structure built over ~~tidal~~ waters used for the loading and off-loading of commercial goods and/or for the mooring of any commercial boat(s) and/or marine construction equipment (whether or not it is owned by the property owner). **[Added 4-14-1988; amended 10-8-1998]**

PIER, COMMUNITY — Any open pile structure built over ~~tidal~~ waters used for the mooring of boats by the residents and guests of a specific neighborhood or development with no water related commercial facilities or activities. **[Added 4-14-1988; amended 8-13-1998]**

PIER, PRIVATE NONCOMMERCIAL — Any open pile structure, including any associated mooring piles, built over ~~tidal~~ waters, also referred to as a "dock" or "wharf," used for the mooring of the property owner's boat(s). The loading and off-loading of the property owner's seafood and/or passengers for hire is ~~allowed~~ included in this definition. **[Amended 10-8-1998]**

PLANNED UNIT DEVELOPMENT (PUD) — A planned unit development is a self-contained development with a mixture of housing types and densities. The land uses in such a development are also mixed and may include residential, commercial and other types of uses. In general, conventional zoning and subdivision regulations apply to the planned unit development as a whole and not to individual lots in a planned unit development, but instead they control the overall density of the development. Area requirements in a planned unit development (PUD) served by both public water and sewage may be modified by the governing body. **[Added 12-9-1981; 2-24-1982]**

DEFINITIONS WITH STAFF RECOMMENDATIONS

PORT — A facility where vessels may take on or discharge passengers, vehicles, and/or goods.
[Added 9-13-2001]

PRIVATE CLUB, FRATERNAL LODGE — Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, for the benefit of its members, ~~but primarily for profit, which insures to any individual~~ and not primarily to render a service which is customarily carried on as a business.

PROPERTY OWNERS ASSOCIATION (POA) — An association combining individual home or commercial unit ownership with shared use, ownership, maintenance, and responsibility for common property or facilities. Includes home owners associations.

PUBLIC OR GOVERNMENTAL BUILDINGS OR FACILITIES — Includes schools, parks, parkways, playgrounds, public boat landings, fire and rescue stations, educational and philanthropic institutions, ~~(including museums, art galleries, libraries, community centers or and~~ any other buildings or facilities owned by federal, state or local government).

PUBLIC WATER AND SEWER SYSTEMS — A water or sewer system owned and operated by a municipality or County or owned and operated by ~~an individual~~ a person or a corporation for public use.

REQUIRED OPEN SPACE — Any space required by this chapter.

RESTAURANT — Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

REST HOME — ~~Any place containing beds for two or more patients established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the care of mental, epileptic, alcoholic patients or drug addicts. See Health Care Facility.~~

RESTRICTIVE COVENANT – See Deed Restriction.

RETAIL STORES AND SHOPS — Buildings for the display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumberyards) and less than 5,000 square feet of space under roof. See also Businesses, Small Retail.

RESOURCE PROTECTION AREA (RPA)— A buffer area containing permanent trees, shrubs and ground cover, not less than 100 feet in width located adjacent to and landward of a shoreline of any water body with perennial flow. (Modified from Virginia Administrative Code 9VAC10-20-80)

RETENTION — The collection of runoff in a ponding area or receptacle where it is kept until it soaks into the ground through infiltration. Also see Low Impact Development.

ROAD, FRONTAGE—A one-way road that is generally parallel to and separated from a main highway serving as a collector and distributor for local traffic to limit direct access to the main highway.

ROAD, REVERSE FRONTAGE —Same as a frontage road except it provides two-way traffic.

ROADSIDE STAND, WAYSIDE STAND or WAYSIDE MARKET — Any structure or land used for the sale of agricultural or marine produce and less than 1,000 square feet of space under roof.

ROW HOUSE — See Townhouse.

RUNOFF, STORMWATER — That portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

SAWMILL — A permanent ~~sawmill located on public or private property for the processing of timber. facility for the conversion of rough logs into finished wood products, including facilities for drying and storage of rough and finished lumber.~~

SAWMILL, PORTABLE — A portable sawmill for the conversion of timber cutting timber grown primarily on the premises into semi-finished wood product. May not be located on any one site for more than 90 days.

DEFINITIONS WITH STAFF RECOMMENDATIONS

SEASONAL AGRICULTURAL HOUSING FACILITY — One or more structures, buildings, trailers or unconventional enclosures of living space, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters for one or more persons, one or more of whom is a seasonal worker engaged in agricultural or fishing activities, including related food processing. Seasonal agricultural housing facility does not include a summer camp, campground, hotel or any other housing which in the ordinary course of business is regularly offered to the general public on a commercial basis and is provided to any seasonal worker on the same or comparable terms and conditions as provided to the general public.

SEASONAL WORKER — Any individual who passes seasonally from one place to another for the purpose of employment, who is not a year-round employee and who occupies living quarters other than his or her permanent home dwelling during the period of such work.

SEPARATION DISTANCE — The required dimensional distance between the outer boundary of a cluster group or multi-family building and another specified feature of the development.

SERVICE AND REPAIR SHOP — A shop for the sale, service and repair of home appliances, office machines, television and radio equipment, garden and lawn maintenance equipment, ~~and~~ outboard motors and the like. See BUSINESS, SMALL RETAIL.

SERVICE STATION — A retail establishment providing fuel and other products and repair services for vehicles.

SETBACK — The minimum distance by which any building or structure must be separated from the front lot line.

SIGN — Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rick, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

SIGN, BUSINESS — A sign which directs attention to a product, commodity or service available on the premises.

SIGN, DIRECTIONAL — A sign (one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the farm or business responsible for the erection of the same.

SIGN, GENERAL ADVERTISING — A sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located.

SIGN, HOME OCCUPATION — A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly provided as a secondary use of the dwelling.

SIGN STRUCTURE — Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

SIGN, TEMPORARY — A sign applying to a seasonal or other brief activity, such as, but not limited to, summer camps, horse shows, auctions or sale of land or political advertising.

SKIRT — A covering of rigid material extending from the bottom of a mobile home to the ground and covering the entire circumference of the mobile home. *Editor's Note: The former definitions of "sludge" and "sludge storage," which immediately followed, were repealed 2-19-2004. See now Ch. 39, Biosolids.*

SLUDGE AND SLUDGE STORAGE — See Chapter 39 Biosolids.

SMALL RETAIL BUSINESS — See BUSINESS, SMALL RETAIL

STORMWATER — Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include storm water runoff, snow melt runoff,

DEFINITIONS WITH STAFF RECOMMENDATIONS

and surface runoff and drainage. (See Code of Virginia § 10.1 - 603.2.)

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 2/3 of the floor area is finished for use.

STREET LINE — The dividing line between a street or road right-of-way and the contiguous property.

STREET, RIGHT-OF-WAY or ROAD — A public or private thoroughfare used for the purpose of ingress or egress to and from property.

STRUCTURE — 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.

SWALE, GRASSED — An earthen conveyance system which is broad and shallow with erosion-resistant grasses and check dams, engineered to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

TENT CAMPING — A privately owned lot or parcel upon which a tent, temporary structure or vehicle used for occupancy is located. **[Added 6-14-1990]**

TOURIST HOME — A dwelling where only lodging is provided, for compensation, for 14 or fewer persons (in contradiction to hotels and boardinghouses) and open to transients.

TOWNHOUSE— An attached single family dwelling located in a multi-family building with both private front and rear entrances and private front and rear property and sharing common interior side walls. There usually is no common area property and the units often have uniform heights and front widths.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT — A village planning concept derived from a number of common themes that include compact design, mixed uses, multiple modes of transportation, conservation design and responsiveness to the historic, cultural and environmental context. May be used as an overlay.

TRAVEL TRAILER PARK or TRAVEL TRAILER CAMP — Premises where functioning travel trailers, campers or R/Vs are parked temporarily in conjunction with travel, recreation or vacation.

TRAVEL TRAILERS/MOTOR HOMES — A portable structure used as a temporary dwelling for travel, recreation or vacation and is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and designed for temporary use as sleeping quarters, but does not satisfy the definitional criteria of a mobile home. **[Amended 11-13-1986]**

~~(1) Travel trailer units shall be tied into an approved Health Department sewerage system unless it is located in an area (campground or subdivision) which has an approved dumping station, approved by the Health Department, or it is located on the same property and adjacent to the main residence. **[Added 11-13-1986]**~~

~~(2) A conditional use permit is required for any exception to Subsection (1) above. **[Added 11-13-1986]**~~

TRUCK CAMPER — A portable structure designed to be loaded onto or fixed to the bed or chassis of a truck.

URBAN DEVELOPMENT AREAS — Areas designated in the Comprehensive Plan that are appropriate for higher density development due to proximity to transportation facilities, the availability of public or community water and sewer systems, or proximity to a city, town or other

DEFINITIONS WITH STAFF RECOMMENDATIONS

developed area. (See Code of Virginia § 15.2-2223.1). See also TRADITIONAL NEIGHBORHOOD DEVELOPMENT.

VARIANCE — 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 action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for the height, area and size of a structure or the size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

VILLAGES— The areas of the County so designated in Chapter 3 Land Use Plan of the Comprehensive Plan. These include Village, Callao, Lottsburg, Heathsville, Burgess, Lilian, Reedville, Wicomico Church, and North Kilmarnock. A Village consists of a Commercial Hub and Support Area.

WIND TURBINE — A wind-powered machine used to generate electricity. **[Added 3-11-2004]**

WOOD CHIPPING/GRINDING FACILITY — A facility for the chipping, grinding, or mulching of wood products. **[Added 11-14-2002]**

YARD — An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by structures, except as otherwise provided herein.

- (1) FRONT — An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- (2) REAR — An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot, and extending the full width of the lot.
- (3) SIDE — An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side of the lot, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR — The official charged with the enforcement of this chapter. He or she may be an appointed or elected official who is, by formal resolution, designated to the position by the governing body. He or she may serve with or without compensation as determined by the governing body.

- B. Word usage. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.