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9 DEFINITIONS

9-A GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

9-A-1 Words used in the present tense include the future tense and words in the singular number include the plural number or words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

9-A-2 The word "shall" is mandatory.

9-A-3 Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

9-A-4 The word "building" includes the word "structure;" the word "lot" includes the words "plot" and "parcel."

9-A-5 The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved."

9-A-6 The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building."

9-A-7 The word "State" means the Commonwealth of Virginia.

9-A-8 The word "County" means the County of Clarke, Commonwealth of Virginia, and the term "county boundary" means any exterior boundary of the County or any boundary of unincorporated territory within the County.

9-A-9 The word "approve" shall be considered to be followed by the words "or disapproved."

9-A-10 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

9-A-11 Reference to "Code of Virginia" or this Ordinance shall include "as amended."

9-A-12 The word "adjacent" means "nearby" and not necessarily "contiguous," unless the obvious construction of the wording indicates otherwise.

9-A-13 (6/8/99) The North American Industrial Classification System (NAICS) Manual, U.S. Office of Management and Budget, 1997, shall be used to define the uses and assist in the determination of the status of proposed uses in zoning districts using the NAICS Codes for the list of Permitted Uses, Accessory Uses, Uses allowed by Special Permit, and Prohibited Uses.

9-B DEFINITIONS

ACCESS: A means of approach or admission.

ACCESSORY BUILDING: A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building.

ACCESSORY USE: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

(7/15/97) (10/21/97) (12/16/08) (3/21/17) AGRICULTURE: The use of land for (i) tilling of the soil, (ii) the growing of crops or plant growth of any kind, including fruit, flowers, and ornamental plants, (iii) pasturage, (iv) dairying, or (v) the raising of poultry and/or livestock.

(8/19/08) AGRICULTURAL PRODUCTS: Any plant or part thereof, or animal or animal product, produced by agricultural, aquaculture, floricultural, horticultural, silvicultural, or viticultural activities.

AIRPORT, HELIPORT, FLIGHT STRIP: A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored.

ALLEY: A right-of-way, which provides secondary service access for vehicles to the side or rear of abutting properties

ALTERATION, STRUCTURAL: Any change, removal, replacement, reinforcement, or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those on fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.

AMENDMENT: Any repeal, modification, or addition to this Ordinance or any part thereof; any change in the classification, shape, boundary, or area of a district; any repeal or abolition of, or any addition to, the zoning map.

AMUSEMENT PARK: A commercial recreational activity of a permanent nature offering amusements and diversions and operating either seasonally or all year long.

(7/18/06) ANIMAL, COMPANION: Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law, as research animals shall not be considered companion animals for the purposes of this ordinance.

(10/17/00) (7/18/06) (10/21/14) ANIMAL SHELTER/GOVERNMENTAL: A facility or facilities, owned and/or operated by the Clarke County government, used to house or contain companion animals and operated for the purpose of finding permanent adoptive homes for such animals.

AUTOMOBILE GRAVEYARD: Any lot or place upon which one or more vehicles of any kind do not possess a valid Commonwealth of Virginia inspection sticker, are placed and exposed to the weather.

(5/19/87) (7/17/07) BASE FLOOD: A flood having a one percent chance of being equaled or exceeded in any given year or the one hundred (100) year floods.

(7/17/07) BASE FLOOD ELEVATION: The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all (7/17/07) sides.

(5/20/86) BED AND BREAKFAST: A home occupation where lodging or lodging and meals are provided for compensation for up to five transient guests.

(10/21/97) BIO-SOLIDS LAND APPLICATION

a. Bio-Solids means a sewage sludge that (1) has received an established treatment for required pathogen control, (2) is treated or managed to reduce vector attraction to a satisfactory level and (3) contains acceptable levels of pollutants, so that it is acceptable for use in Land Application, marketing, or distribution in accordance with these regulations.
b. Land Application means the distribution of treated wastewater of acceptable quality referred to as effluent) or stabilized sewage sludge of acceptable quality (referred to as Bio-Solids); placed upon or inserted into the land with a uniform application rate for the purpose of utilization, assimilation or pollutant removal. Bulk disposal of stabilized sewage sludge in confined areas, like landfills, is not Land Application. Sites approved for Land Application of Bio Solids are not to be considered treatment works.

BLOCK: That property abutting one side of a street, and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

BOARD: The Board of Supervisors of Clarke County, Virginia

BOARD OF SUPERVISORS: The Board of Supervisors of Clarke County, Virginia.

(7/17/07) BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

(6/17/03) BOUNDARY LINE ADJUSTMENT: The relocation of one or more boundary lines between parcels of land, resulting in the same number of parcels of land as before the Boundary Line Adjustment.

(7/21/15) BREWERY, FARM: An establishment that is licensed as a limited brewery by the Commonwealth of Virginia.

BUFFERING, SCREENING: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous trees, bushes, and shrubbery.

BUILDING: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

BUILDABLE AREA: The area of a lot remaining after required yards, open spaces, parking, loading, and access areas have been provided.

(7/15/97) BUILDING, HEIGHT OF: The vertical distance measured from the finished ground floor elevation of the building to the highest point of the roof surface, if a flat roof; to the deck line, if a mansard roof; or to the mean height level between eaves and ridge, if a gable, hip or gambrel roof.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

(2/18/97) CAMP, SUMMER: Any building, tent, or, vehicle, or group of buildings, tents or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used in the Commonwealth from the Saturday immediately proceeding Memorial Day through Labor Day for the entertainment, education, recreation, religion instruction or activities, physical education, or health of persons under eighteen years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if twelve or more such person at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

(2/17/97) CAMPGROUND: a travel trailer camp, recreation camp, family campground, camping resort,
(6/18/02) camping community or any other area, place, parcel or tract of land, by whatever name called, on which three or more campsites are temporarily occupied or intended for temporary occupancy, or facilities are established or maintained, wholly or in part, for the temporary accommodation of camping units for not more than 15 days in any 30-day period, whether the use of campsites and facilities is granted gratuitously, by rental fee, lease, by conditional sale, or by covenants, restrictions and easements. Campground does not include summer camp, migrant labor camp, construction camp, park for mobile homes, 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 from providing his sanitary facilities within his property lines.

(2/18/97) CAMPING UNIT: a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

(2/18/97) CAMPSITE: any plot of ground within a campground used or intended for occupation by the camping unit.

CARPORT: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than eighteen inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

CELLAR: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the main level of the adjacent ground. Such a portion of a building shall not be used for habitation.

CERTIFICATE OF APPROPRIATENESS: A document approved by the Historic Preservation Commission, which certifies that an activity is consistent with the mandates set forth in Sect., a 3-E-3-e of this Ordinance.

(6/21/05) CERTIFIED ARBORIST: An individual certified by the International Society of Arboriculture (ISA) who has demonstrated through a professionally developed examination and education program a thorough knowledge of tree biology and tree care practices.

(2/15/11) CHURCHES AND OTHER PLACES OF ASSEMBLY: A structure where persons regularly assemble for religious purposes and related social events, which is maintained and controlled by a religious entity, qualified for tax-exempt status under §501(c)(3) of the Internal Revenue Code, that is organized to sustain public worship. This term includes synagogue, temple, mosque, or other such places of worship and religious activities. This term includes the following related facilities: administrative offices, assembly hall, cemeteries, meeting rooms, playgrounds, day-care centers, schools for day students serving grades Pre-K through 12 (including as an accessory use: advanced and continuing education, training, and retraining activities for students and adults), social halls, and communal living accommodations for religious organizations of groups of men or women permanently living in such accommodations in accordance with a common rule and owing obedience to a single superior (i.e. monastery). This term does not include permanent facilities for overnight sleeping except for communal living accommodations for such religions organizations. This use includes as an accessory use one single-family residence for occupancy by clergy, watchman, or caretaker of the church and their family. In the AOC and FOC Zoning Districts, such a residence shall use a dwelling unit right or be a house that existed on the property on October 17, 1980. This use includes cemeteries as an accessory use.

CIRCUIT COURT: The Circuit Court for Clarke County, Virginia.

CIRCUS: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other sideshows.

(2/16/16) CLEAR CUT: A harvesting technique which removes all the trees (regardless of size) in an area in one operation but does not involve land disturbance or removal of stumps.

CLUB (PRIVATE): Those associations and organizations of a fraternal or social character not operated or maintained for profit, but shall not include a night club or institution operated as a business.

(6/20/17) CO-LOCATION: The shared use of an antenna support structure by two or more wireless service providers or other entities that operate antennas. Co-location may occur on structures other than wireless communication facilities (WCFs) including but not limited to water tanks, lattice towers, rooftops, utility poles, silos, and similar structures. The use of a non-WCF structure by one wireless service provider or other entity that operates antennas shall also be considered co-location.

COMMERCIAL: Any wholesale, retail, or service business activity established to carry on trade for a profit.

COMMISSION: The Planning Commission of Clarke County, Virginia.

(2/15/11) COMMUNITY SERVICES: The following uses that are owned and/or operated by governmental entities or entities that are non-profit or not for profit: community centers, fire and/or rescue squad facilities, government offices, libraries, museums, passive use parks, playgrounds/parks/ recreational facilities, schools for day students serving grades Pre-K through 12 (including as an accessory use: advanced and continuing education, training, and retraining activities for students and adults) and visitor centers. Permanent overnight sleeping facilities may be provided as an accessory activity only for the employees/staff of fire and/or rescue squad facilities. Such sleeping facilities shall not have more than 150 square feet per person.

(6/20/17) COMPOUND AREA: The area located at the base of the WCF, defined by a fenced boundary, that contains support structures, generators, equipment cabinets or shelters, and other accessory items necessary to the function of the WCF and the antennas located on it.

COMPREHENSIVE PLAN: The Comprehensive Plan of Clarke County, Virginia.

(6/21/05) CONSULTING FORESTER: An individual who has at a minimum a 4-year degree in Forest Management from a college accredited by the Society of American Foresters.

CONVALESCENT HOME: (See Rest Home).

(7/17/90) (9/18/90) (4/18/00) (7/20/04) (10/19/04) (1/16/07) (1/20/09) (1/18/11) COUNTRY INN: An establishment offering for compensation to the public guestrooms for transitory lodging or sleeping accommodations. As accessory uses to a Country Inn, meal service and/or permanent place(s) of public assembly may be provided. The term Country Inn includes Tourist Home, Guest Ranch, Guest Farm, or other similar use.

COUNTY: Clarke County, Virginia.

COURT: An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

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

(7/18/95) DAY CARE CENTER: A day-time care program offered for compensation in a commercial structure for any number of persons. A daytime care program offered for compensation in a dwelling unit for 13 or more persons (exclusive of the provider's immediate family members and any persons who reside in the dwelling). The persons receiving care may be either children or adults. A Day Care Center shall be licensed as required by the Commonwealth of Virginia.

(7/18/95) DAY CARE CENTER, HOME: A day-time care program offered for compensation in a dwelling unit for 12 or fewer persons (exclusive of the provider's immediate family members and any persons who reside in the dwelling). The persons receiving care may be either children or adults. A program for 6 to 12 persons shall be considered a Home Occupation. A program for 1 to 5 persons shall not be considered a Home Occupation or be subject to any other regulations more restrictive than those imposed on a Single Family Dwelling. A Home Day Care Center shall be licensed as required by the Commonwealth of Virginia.

(7/18/95) DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations or storage of equipment or materials.

(10/18/16) DISTILLERY, FARM: An establishment that produces alcoholic beverages other than wine or beer and is licensed as a limited distiller by the Commonwealth of Virginia.

(6/20/17) DISTRIBUTED ANTENNA SYSTEM (DAS) – A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
DRIVEWAY: A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street.

DUPLEX: A single structure containing two dwelling units, each with its own exterior entrance at grade.

DWELLING: A dwelling unit.

DWELLING, ATTACHED: A dwelling having all or a portion of a wall in common with an adjoining dwelling.

DWELLING, DETACHED: A dwelling that is entirely free standing.

DWELLING, MULTI-FAMILY: A building containing three or more units.

(6/16/92) DWELLING, PORTABLE: (See Manufactured Home).

(6/16/92) DWELLING, SINGLE FAMILY: A residential dwelling unit, other than a portable dwelling,
(7/18/95) designed for and occupied by one (1) family only. This term shall include Group Homes, or
(11/16/10) Assisted Living Facility (as defined in Section 15.2-2291 Code of Virginia, 1950, as amended). In the AOC and FOC zoning districts only, this term shall include manufactured homes of 19 feet or greater in width, on a permanent foundation.

DWELLING, SEMI-DETACHED: (See Duplex).

(6/16/92) DWELLING, TEMPORARY: A manufactured home, but not necessarily attached to a permanent foundation.

DWELLING, TWO-FAMILY: A residential building designed for and occupied by not more than two families.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than 600 square feet of residential floor area.

EASEMENT: A grant by a property owner of the use of his land, or a portion thereof, by another party for a specific purpose.

(7/17/07) ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ERECT: Construct, move, or structurally alter.

EXTRACTION OF NATURAL RESOURCES- LIMITED: Extraction of clay (types used in landfills), shale, and top soil by a public entity for use in a existing public landfill serving only Clarke County, Frederick County, and Winchester City residents.

FAIRGROUND: A parcel or tract of land used, either temporarily or permanently (as permitted herein), as the site of any fair, exposition, or public display.

(6/20/17) FALL ZONE: The maximum distance from the structure base of a wireless communications facility (WCF) that the WCF is designed to fall in the event of a structural failure and collapse.

FAMILY: One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, and also including foster and step children, domestic servants, and a number of persons, not exceeding four, not related by blood, adoption, or marriage. For the purpose of this definition, a person related by blood, adoption, or marriage is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the property owner or lessee.

FARMSTEAD: The main dwelling unit, occupied by the owner or operator of an agricultural and/or forestal operation, which dwelling unit is located on a tract of land which is used for agriculture and which is eligible for land use assessment as of October 17, 1980.

(3/21/17) FARM MACHINERY SALES AND SERVICE: Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, manufactured primarily for use by an agricultural operation.

(3/21/17) FARM SUPPLIES SALES: Buildings and land used for the onsite sale of supplies that are primarily produced or manufactured for use by an agricultural operation.

(7/17/07) FLOOD OR FLOODING:

a. A general or temporary condition of partial or complete inundation of normally dry land areas from:
   (1) The overflow of inland or tidal waters; or,
   (2) The unusual and rapid accumulation or runoff of surface waters from any source.
b. The collapse or subsistence 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 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.

FLOOD, ONE HUNDRED YEAR (INTERMEDIATE REGIONAL FLOOD): A flood that, on the average, is likely to occur once every 100 years (i.e., that has one percent chance of occurring each year, although the flood may occur in any year).

(7/17/07) FLOOD, TEN YEAR: A flood that, on the average, is likely to occur once every ten years {i.e., that has a ten percent chance of occurring each year}.

(7/17/07) FLOOD PLAIN or FLOOD-PRONE AREA: A relatively flat or low land area adjoining a river, stream or watercourse, lake or other body of standing water, which has been or may be subject to partial or complete inundation by flood water.

(7/17/07) 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.

FLOOR AREA: The aggregate area of all floors included within the outer wall of a building, measured at the exterior of such walls, excluding basements not used for living or recreational purposes, cellars, rooms for heating equipment, garages and unenclosed porches, breezeways and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet, six inches and then only if at least 50 percent of such floor area has a ceiling height of not less than seven feet, four inches and provided any such floor area that is situated above another story has access to the floor below by a permanent built in stairway.

(7/15/97) FORESTRY: The use of land devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area.

FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be further away from the street upon which the lot fronts than the required front yard.

FUNERAL PARLOR: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for; (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation.

GARAGE: A building designed or used for the parking or storage of motor vehicles

GASOLINE FILLING STATION: Automobile filling stations shall be considered as buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition the following services, may be rendered and sales made and no other:

a. Sale and servicing of spark plugs, batteries, and distributor parts;
b. Tire servicing and repair, but not recapping or re-grooving;
c. Replacement or adjustment of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
d. Radiator cleaning and flushing, provision of water, anti-freeze and the like;
e. Washing and polishing, and sale of automotive washing and polishing materials;
f. Greasing and lubrication;
g. Providing and repairing fuel pumps, oil pumps and liners;
h. Servicing and repair of carburetors;
i. Emergency wiring repairs;
j. Adjusting and repair brakes;
k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
l. Provision of cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply stations customers, but only as accessory and incidental to principal operation; and
m. Provision of road maps and other information and material to customers; provision of restroom facilities. Uses permissible at an automobile filling station do not include major mechanical body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile filling stations.

(7/18/89) GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards,
(1/17/95) and which may include the following:
(4/18/00)

a. Pro Shop - Sale of golf instruction, golf supplies, and related merchandise,
b. Equipment Shelter - Shed for golf carts, maintenance materials and equipment,
c. Preparation and sale of food and beverages,
d. Practice fairway and green facilities,
e. Living quarters for manager/caretaker,
f. County Inn, and/or
g. Assembly or meeting activities; however, the total design capacity of permanent place(s) of assembly shall be for fewer than 150 people.

GOVERNING BODY: The Board of Supervisors of Clarke County, Virginia.

HEALTH OFFICIAL: HEALTH OFFICER: The legally designated health official of the Department of Health, Commonwealth of Virginia, for Clarke County, Virginia.

HEIGHT: (See Building, Height of).

HISTORIC: Relating to or associated with a place, time, event, and/or person that played a significant role in influencing or affecting the past course of human activity that shaped the visual, cultural, or political character of the U.S., Virginia, and/or Clarke County.

HISTORIC LANDMARK: A building, site, structure, or object that has been determined to be historic.

(3/27/17) HISTORIC MILL: One of the County's two 18th Century water mills -- Burwell-Morgan Mill (15 Tannery Lane) and Locke's Mill (1600 Locke's Mill Road) -- originally constructed for the grinding of grains.

HISTORIC PRESERVATION: Action that contributes to enhancement or protection of historic resources.

HISTORIC PRESERVATION COMMISSION: A body created by Section 3-E of this Ordinance, consisting of five to seven members appointed by the Board of Supervisors for the purposes of carrying out the responsibilities assigned it by the Historic Districts Section.

(7/17/07) HISTORIC STRUCTURE - Any structure that is:

a. Listed individually on the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or,
c. Individually listed on the Virginia Landmarks Register.

(2/15/11) HISTORIC STRUCTURE MUSEUMS: Structures listed on the Virginia Landmarks Registry or National Register of Historic Places (individually or as a contributing structure) that are arranged, intended, and designed to be viewed by the public with or without an admission charged, and which may include retail sales as an accessory and secondary use.

(12/15/92) (7/15/97) (6/18/02) (10/18/06) HOME OCCUPATION: An occupation conducted in a dwelling unit (or an accessory structure to a dwelling) as a secondary use.

(9/18/90) HOSPITAL: Any institution receiving in-patients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanitariums including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics and drug addicts are treated or cared for under the supervision of licensed medical personnel.

(7/15/97) HOTEL: Any place containing four or more guest rooms offering to the public compensation transitory lodging or sleeping accommodations, overnight or otherwise, with any period of continuous occupancy being not longer than 14 days, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, or travel lodges.

HOUSING FOR OLDER PERSONS: Such housing shall be in accord with Virginia Code Section 36-96.7, as amended, and pursuant to said code section means housing: (i) provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program; (ii) intended for, and solely occupied by, persons sixty-two years of age or older; or (iii) intended for, and solely occupied by at least one person fifty-five years of age or older per unit. The following criteria shall be met in determining whether housing qualifies as housing for older persons under subdivision (iii) of this section:

a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
b. That at least eighty percent of the units are occupied by at least one person fifty five years of age or older per unit; and,
c. The publication of, and adherence to, policies and procedures, which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. In determining the criteria to be met, unoccupied units shall not be considered, provided such units are reserved for occupancy by persons who meet the above criteria.

IMPERVIOUS SURFACES: Buildings, structures, and all other man-made improvements on the ground surface, such as pavings and driveways, which are more impervious than the natural surface, thereby increasing the potential for surface runoff.

(12/15/92) INOPERABLE VEHICLE: For the purposes of this Ordinance, an inoperable vehicle shall be any motor vehicle, trailer, or attachment thereto which is not in operating condition, or which, for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or essential parts required for the operation of the vehicle, or which is required to display current County license, state plates and inspection sticker, and which does not display such current county license, state plates, and inspection sticker.

JUNK YARD: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of motor vehicles, machinery, or parts thereof.

(10/17/00) (6/15/04) KENNEL: A place designed prepared to house, board, breed, handle, or otherwise keep or care for dogs and cats for sale or in return for compensation. A Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

(10/17/00) (6/15/04) KENNEL, Commercial Boarding
A place designed or prepared to house, board, handle or otherwise keep or care for canine and/or feline animals in return for compensation. A Commercial Boarding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling.

(10/17/00) KENNEL, Breeding

(6/15/04) A place designed or prepared to house or handle canine animals for the purpose of breeding for
(8/17/10) sale in return for compensation. A Breeding Kennel shall be allowed only as an accessory use to a Single Family Detached Dwelling and shall be located not more than 200 feet from such a dwelling. *(See Animal Shelter)

(6/13/89) LABOR CAMP: A structure or structures for occupancy by seasonal farm/orchard employees and their families, used exclusively in association with the performance of agricultural labor for growers home based in Clarke County.

(5/16/95) LIVESTOCK: Includes all domestic or domesticated: hoofed animals and Struthioneformes order
(10/18/11) of animals (also known as ratite animals), including but not limited to ostriches and emus.

(11/15/05) LIVESTOCK/ANIMAL UNITS:
Livestock shall be considered hoofed animals or hoof stock with the following weight categories:
1 animal unit = 900 lb. animals and greater, examples: cows, horses, donkeys, etc.
0.5 animal unit = 600 - 899 lb. animals, examples: ponies, miniature horses or cows, donkeys, weaned calves etc.
0.25 animal unit = 300 - 599 lb. animals, examples: alpacas, llamas, pigs
0.125 animal unit= 1 - 299 lb. animals, examples: sheep, goats, and pigs
Nursing mothers and the juvenile animals they are nursing constitute a single animal unit for their particular weight class, for example: a cow/calf (ves) pair qualifies as 1 animal unit; an ewe/lamb(s) pair constitutes 0.25 animal units. Once a newborn is weaned it becomes an animal unit of its respective species, for example: a calf weaned at 599 lbs. qualifies as 0.5 animal units.

(5/16/95) INTENSIVE LIVESTOCK, DAIRY, OR POULTRY FACILITY:
(8/22/00) A livestock or dairy operation with accessory uses or structures which at any one time has at least 300 animal units or a poultry operation with accessory uses or structures which at any one time has at least 200 animal units as referenced in the below chart: In such operations:

a. Such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and,
b. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

	ANIMAL UNITS		
TYPE OF FACILITY	300	200	50
Cattle (slaughter and feeder)	300		50
Swine each weighing over 55 pounds	750		125
Horses	150		25
Sheep and Lambs	3,000		500
Mature Dairy Cattle (whether milked or dry cows)	200		33
Turkeys		11,000	2,750
Laying Hens or Broilers		20,000	5,000

(5/16/95) LIVESTOCK, DAIRY, POULTRY STRUCTURE: Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

(5/16/95) LIVESTOCK RAISER, DAIRY OPERATOR, POULTRY GROWER, (hereafter, "operator"): The owner or operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy or poultry facility is located.

LIVESTOCK AUCTION MARKET: A commercial establishment wherein livestock is collected for sale and auctioned.

LODGE (PRIVATE): (See Club, Lodge [Private])

LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by this Ordinance, and having frontage on an approved street.

LOT AREA: The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot area shall not include portions under water except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

LOT, CORNER: A lot abutting on two or more streets at their intersection.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT, DEPTH OF: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

LOT, INTERIOR: Any lot other than a corner lot, and including a through lot.

LOT, IRREGULAR: A lot, which is so located, shaped, or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serves no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots.

LOT, REGULAR: A lot which is so located, shaped, and oriented to adjacent lots as to be reasonably adapted to application of general measurement methods and dimensional yard requirements, and with location of yards by type (front, side, rear and special) logically determined by and related to adjacent street or streets and adjacent yard patterns.

LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets.

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

LOT OF RECORD; RECORD LOT: Land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed in the land records of Clarke County, Virginia.

(5/19/87) LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An
(7/17/07) 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 requirements of Federal Code 44CFR §60.3.

MANEUVERING SPACE: An area directly related to required parking areas, designed to permit easy vehicular movement. Maneuvering space shall not be considered as part of any required "parking space" or "loading space."

(2/20/90) MANUFACTURED HOME (also known as MOBILE HOME): A portable dwelling unit, built
(6/16/92) on a permanent chassis, transportable in one or more sections, and designed to be used as a
(7/17/07) dwelling, with or without a permanent foundation. "Mobile home" shall include a "manufactured home" as defined in Section 1200.2 of the 1987 edition of the Industrialized Building and Manufactured Home Safety Regulations of the Virginia Uniform Statewide Building Code. A manufactured home (mobile home) is not a modular home. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(6/17/03) MERGER: The elimination of one or more boundary lines between parcels of land, resulting in a
(11/20/12) single parcel of land.

(2/20/90) MODULAR HOME: A dwelling unit, consisting of one or more sections, manufactured off-site
(6/16/92) and transported to the point of use for installation or erection on a permanent foundation. An "industrialized building" as defined in Section 200.0 of the 1987 edition of the Industrialized Building and Manufactured Home Safety Regulations of the Virginia Uniform Statewide Building Code, when used as a residential unit, is a "modular home". A modular home is not a manufactured home (mobile home).

(6/20/17) MONOPOLE: A hollow or solid, cylindrical self-supporting structure which is made of steel, wood or concrete.

(9/18/90) MOTEL: (see Hotel)

(5/13/03) NET DEVELOPABLE ACRE: The area of a parcel of land, within the boundaries of the Berryville Area Plan, excluding the following:

a. Land in one hundred-year floodplains,
b. Land within 25 feet of the discernible edge of sinkholes,
c. Land with slopes in excess of 25 percent,
d. 50 percent of land with slopes between 15 and 25 percent, and
e. Land within existing public rights of way and easements, and land within private access easements serving other properties.

(7/17/07) NEW CONSTRUCTION - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, 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 the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(2/16/16) NO-CLEAR AREAS: Areas designated for the preservation and protection of existing trees and vegetation including but not limited to vegetated buffers, tree preservation areas and critical root zones. Such areas may be depicted on an approved site plan or subdivision plat, or may be generally designated by regulations set further in this Ordinance.

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

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

NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located.

NONPROFIT ORGANIZATION: An organization or group whose charter prohibits profit-making endeavors, and which enjoys tax exemption privileges.

(7/15/97) OPEN SPACE: Land (including forests and farmlands, greenbelts, hilltops or hill sides, mountain tops or mountainsides, parkways and trail ways, scenic vistas, and stream valleys) that is used or preserved for: floodways, historic or scenic purposes, natural resource conservation, park or recreation purposes, the public interest, or the shaping of the character, direction and timing of community development

PARKING LOT: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

PARKING, OFF-STREET: Space specifically allotted to the parking of motor vehicles, which space is not in a public right-of-way.

PARKING SPACE, OFF-STREET: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking, shall be included and considered a part of the required spaces.

(2/15/11) PASSIVE USE PUBLIC PARKS: Parks for passive recreation pursuits, which are owned and/or operated by a governmental entity or an entity that is non-profit or not for profit. Such passive recreation pursuits shall include educational and interpretive programs as well as trail systems that take advantage of geological, biological, or scenic resources located within the park and shall not include active recreational facilities such as swimming pools, gyms, or playing fields.
This use includes as an accessory use one single-family residence for occupancy by watchman or caretaker of the park, and their family. In the AOC and FOC Zoning Districts, such a residence shall use a dwelling unit right or be a house that existed on the property on October 17, 1980.

(6/20/17) PERMITTED COMMERCIAL TOWER DEVELOPMENT AREA (PCTDA): Pre-planned location areas where it is recommended that WCFS be constructed to provide for commercial wireless carriers. PCTDAs are designated in the County's Telecommunications Infrastructure and Broadband Study and are plotted at road intersections with a ½ mile radius for proposed WCF locations.

PLANNING COMMISSION: The Planning Commission of Clarke County, Virginia.

PORCH: The term "porch" shall include any porch, veranda, gallery, terrace, portico, or similar projection for a main wall of a building and covered by a roof, other than a carport as defined in this chapter. An "unendorsed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than 18 inches in height, exclusive of screens.

(7/17/07) PRIVATE ACCESS EASEMENT: A perpetual easement, not a part of any public road system, which provides access on a continuing basis to any lot or parcel.

PROFESSIONAL OFFICE: The office, studio, or professional room of a doctor, architect, artist, musician, lawyer, or similar professional person, is excepting any funeral home or any establishment where goods are offered for sale.

(1/20/09) PUBLIC ASSEMBLIES, MINOR COMMERCIAL
Any Public assembly,

a. Which is conducted by an entity required to have a Business License,
b. At which the total number of participants and spectators entering the site of a Public Assembly on an Event Day is 149 persons or fewer,
c. And which is comprised of six or more event days in a calendar year, and
d. Which is held at any place other than on property owned by the United States of America, the Commonwealth of Virginia or the County of Clarke.

Such an assembly shall not include demonstrations, parades, rallies, marches, or picketing activities.

RECREATION USES AND STRUCTURES (COMMERCIAL): Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: Camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

(2/16/93) (10/18/94) RECREATIONAL EQUIPMENT, MAJOR: Travel trailers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, which require licensing by the Virginia Department of Motor Vehicles, as well as truck campers and caps.

(7/17/07) RECREATIONAL VEHICLE: A vehicle which is:

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

(2/16/10) RESTAURANT: Any establishment, however designated, at which food is sold for consumption on or off the premises including any temporary food establishment or mobile vendors open for business activities on any specific parcel for more than seven days in any calendar year. However, a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground, play field or park, operated solely by or for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant. For purposes of administration and enforcement of this Ordinance, a Country Inn, Seasonal Farmer's Market and Wayside Stand as defined herein, shall not be deemed to be a restaurant.

(6/8/99) RETAIL AND SERVICE BUSINESSES: Buildings or land used for on site sale of merchandise at retail or for the rendering of personal services where such service is performed on site.

ROAD (including the terms street, avenue, way, court, drive, etc.): A public right of way.

RHYTHM (Architectural Sense): The established patterns of shape, sizes, color, and/or configuration of built forms in a certain area.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

SCREENING: (See Buffering).

SEASONAL BAKERY: A business establishment for baking and selling of breads, cakes and pastries, which establishment distributes the greatest volume of its products by off-premise sales, and which establishment operates on a full-scale, full time basis solely during temporary, seasonal periods of a calendar year, and in no event, for more than six months during any calendar year. Such establishments shall satisfy all applicable requirements and regulations of Clarke County and Virginia Departments of Health and of the Virginia Department of Transportation.

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

(7/15/97) SEWERAGE SYSTEM & TREATMENT WORKS:

a. Sewerage System: pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal, and
b. Treatment Works: any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including, but not limited to, pumping, power and other equipment and appurtenances, septic tanks and any works (including land) as components of a mass drainfield, that are or will be (1) an integral part of the treatment process or (2) used for ultimate disposal or residues or effluent resulting from such treatment. This term does not include Subsurface Drainfields smaller than Mass Drainfields. A Mass Drainfield is a subsurface drainfield that has loading rates in excess of 1,200 gallons per day for any acre and consists of more than 2,000 linear feet or percolation piping.

(7/17/07) SHALLOW FLOODING AREA: A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

SHOPPING CENTER: Five or more buildings or establishments located on the same lot or parcel of ground; provided, however, that two or more buildings or establishments, located on the same lot or parcel of ground, which have a combined floor area of 40,000 square feet or more shall constitute a shopping center.

(12/17/02) SINKHOLE: A feature identified and mapped as a sinkhole in the "Soil Survey of Clarke County" (1982), or the "Map of Selected Hydrogeologic Components or Clarke County, Virginia" (1990) or those that meet the definition of a Class 1 sinkhole. A Class 1 sinkhole is any sinkhole that presents significant subsurface water pollution hazard if, due to the drainage pattern of the land surrounding the sinkhole or the nature of the substances or objects in the sinkhole, the sinkhole may permit the entry of pollutants into subsurface water. Setbacks from a sinkhole shall be measured from the sinkhole's discernable edge. The Zoning Administrator shall determine the identification of a sinkhole as a class 1 sinkhole and the discernable edge of any sinkhole.

(6/21/05) SLIPPAGE SOILS: Soil types identified as 54C Udorthents in the "Soil Survey of Clarke County" (1982).

(7/15/97) SMALL SCALE PROCESSING OF FRUIT AND VEGETABLES: An enterprise that does not require the installation of a Sewerage System & Treatment Works devoted to canning, drying, freezing, or otherwise preparing, preserving, packaging, and storing fruit, vegetables, and/or apiary products

(6/15/10 SOLAR POWER PLANT, LARGE PHOTOVOLTAIC: is a utility-scale commercial facility with a rated nameplate capacity greater than 100kW (DC), which uses solar energy specifically for the conversion of sunlight into electricity by photovoltaics (a technology that converts light directly into electricity).

(7/17/07) SPECIAL FLOOD HAZARD AREA: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 3-E-1-a of this ordinance.

STABLE, COMMERCIAL: An establishment where animals are cared for, boarded, and/or let for hire.

(7/17/07) START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was 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 and filling; 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 the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(6/20/17) STEALTH TECHNOLOGY: A design method to conceal or disguise antenna structures and antennas associated with wireless communication facilities including, but not limited to, tree poles, flag poles, bell towers, silos, and lookout towers.

(3/19/02) STREAMS, INTERMITTENT OR PERENNIAL: Any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 7½ minute topographic quadrangle (scale 1:24,000). A millrace or other such manmade flowing surface water shall be considered an intermittent stream.

STREET: A public right of way.

STREET, CENTER LINE OF: A line established as a center line of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there is no official center line of a street, the center line shall be a line lying midway between the street right-of-way lines. Where street right-of-way lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the Commission, or in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

(10/21/08) STRUCTURE: Any man-made object having a stationary location on a parcel, whether or not it is permanently affixed to the ground. All buildings are structures. Structures shall include, without limitation, chimneys, cupolas, flagpoles, monuments, smokestacks, spires, and towers, but shall not include underground utility structures.

(1/16/07) STRUCTURE TEMPORARY: A structure, not permanently affixed to the ground, intended to be
(10/21/08) located on a parcel for not more than 90 days in any 12-month period of time.

STRUCTURAL ALTERATION: Any change, modification, addition or deletion to an existing structure.

(7/17/07) SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(5/19/87) SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the
(7/17/07) cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACE, ALL-WEATHER: A concrete, asphalt, or macadam surface for commercial, industrial, multi-family residential, and townhouse residential uses. A gravel, crushed rock, or similar surface for single and two-family residential uses.

TENANT HOUSE: A dwelling unit other than a farmstead, which dwelling unit is located on a tract of land used for agriculture.

TOWNHOUSE: A single-family dwelling unit being one of a group of not less than three or more than ten units, with such units attached to the adjacent dwelling or dwellings by party walls with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

(11/16/10) TRACT: A parcel of land for which there exists a separate parcel designation on the Clarke County Real Property Identification Map as of October 17, 1980. Parcels that have been divided by a public road, which is maintained by the Virginia Department of Transportation, shall be considered as separate tracts, even though such tracts may be assigned one parcel designation as herein defined, except that if either of the parcels divided by a public road is located totally in the ten year floodplain, the parcels shall be considered a single tract.

(6/21/05) TREE: any living, self-supporting, wood perennial plant that normally grows to an overall height of no less than 10 feet.

(6/21/05) TREE CANOPY: the upper portion of the tree consisting of limbs, branches, and leaves.

(6/21/05) TREE CANOPY COVERAGE: the ground area within the drip line of the tree.

(6/21/05) TREE DIAMETER AT BREAST HEIGHT (DBH): the diameter of the trunk of a tree measured at breast height (a height of 4.5 feet above the natural grade). The DBH of trees with multiple trunks shall be the assumed diameter obtained from the sum of the cross-sectional areas of individual trunks at breast height. Trees with less than 4.5 feet of clear trunk shall be measured at the diameter of the largest vertical branch or leader at breast height.

TREE DRIP LINE: the peripheral limits of the horizontal crown of a tree spread vertically to the ground, provided, however, that the same shall not be less than a circle with a 5 foot radius measured from the center of the tree.

TREE, MATURE: any tree that has a DBH of 18 inches or greater; with the exception of non-active, dead, dying or diseased trees.

TREE PROTECTIVE BARRIER: fences or like structures at least 4 feet in height that are conspicuously colored and prevent or obstruct passage.

TREE PRUNING: to cut away, remove, cut off or cut back parts of a tree for general maintenance purposes.

TREE REMOVAL: to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

USE: The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

VISUAL FABRIC: The overall visual impression of a grouping of architectural elements.

(7/17/07) 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.

(7/15/97) (10/18/16) WATERWORKS: A system that serves piped water for drinking or domestic use for:

a. The public, or
b. At least 15 connections, or
c. An average of 25 individuals for at least 60 days out of the year.

A waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water (except the piping and fixtures inside the building where such water is delivered).

(7/15/97) WAYSIDE STAND: A Home Occupation consisting of the sale or offering for sale by the owner, or his family or tenant, of agricultural or horticultural produce, livestock or merchandise coming from a home occupation and produced primarily on the premises, and that is clearly a secondary use of the premises and does not change the character thereof.

(11/18/08) WIND ENERGY SYSTEM SMALL: A wind energy conversion system, less than 100 kW, consisting of a wind turbine, tower, base and/or associated testing, control, or conversion electronics.

(11/18/08) WIND TURBINE TOTAL HEIGHT: The distance measured from ground level to the blade extended at its highest point.

(11/18/08) WIND TURBINE: The parts of the wind system including the blades, generator and tail.

(3/18/86) WINERY, FARM: An establishment, licensed as a farm winery by the Commonwealth of
(10/18/94) Virginia, with:
(10/19/04)
(12/15/09)

a. a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or
b. a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume.

The terms "owner" or "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a Farm Winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. (Section 4.1-100 of the Code of Virginia)

(6/20/17) WIRELESS COMMUNICATION FACILITY (WCF): All infrastructures and equipment including, but not limited to, antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground equipment, fencing, signage, and other ancillary equipment associated with the transmission or reception of wireless communications.

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.

YARD, FRONT: An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front boundary line of the lot, and extending across the full width of the lot.

YARD, REAR: An open space, on the same lot as a building, between the rear line of the building (excluding steps) and the rear boundary line of the lot, and extending across the full width of the lot.

YARD, REQUIRED: A yard, as herein defined, located on a lot, the minimum dimensions of which are set by the district regulations of this ordinance.

YARD, SIDE: An open space, on the same lot as a building, between the side line of the building (excluding steps) and the side boundary line of the lot, and extending from the front yard line to the rear yard line

9-C DEFINITION DISPUTES

In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance as set forth in Article 1; provided, however, that an appeal may be taken from any such determination as provided in Article 7.