

ARTICLE 3
DEFINITIONS OF TERMS USED
IN THIS ORDINANCE

301.00 GENERAL

Words and terms set forth below shall have the meanings ascribed to them. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “shall” is always mandatory. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.” Any word, term, or phrase used in these Land Use Regulations not defined herein shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster’s Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Bath County, Virginia justify a different or additional meaning. For the purpose of these Land Use Regulations, certain words and terms are herein defined as follows:

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:

302.01 *Abattoir*. A commercial slaughter house.

302.02 *Access*. A means of approach or admission.

- 302.03 ***Accessory Use or Building.*** See Use, Accessory or Building, Accessory.
- 302.04 ***Acreage.*** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 302.05 ***Administrator, The.*** The official charged with the enforcement of these Land Use Regulations. He may be any appointed or elected official who is by formal resolution designated to the position by the Governing Body. He may serve with or without compensation as determined by the Governing Body.
- 302.06 ***Adverse Impact.*** An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site, or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.
- 302.07 ***Agriculture.*** The tilling of the soil, the raising of crops, the practice of horticulture and forestry, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar use, not including abattoir.
- 302.08 ***Agricultural Processing.*** Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; portable sawmills; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.
- 302.09 ***Airport.*** A place either on land or on water where aircraft may land to discharge or receive cargo and passengers, make repairs, or take in fuel.
- 302.10 ***Airport Hazard.*** Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at an airport.
- 302.11 ***Alley.*** A platted service way providing a secondary means of access to abutting properties.
- 302.12 ***Alteration.*** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 302.13 ***Animal or Poultry Husbandry.*** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, cattle, pigs, mules, ducks, emus, llama, alpacas or other customary farm animals for any purpose, or of more than three (3) dogs and five (5) cats or other customary pet animals for non-commercial purposes.
- 302.14 ***Animal Hospital or Clinic.*** Establishment where treatment of animals is received and no activity is conducted outside the main building. Kennels are not included.

- 302.15 ***Antique Shop.*** An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.
- 302.16 ***Apartment.*** A unit in a multi-family dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical, or any condominium unit of similar physical character, appearance, and structure.
- 302.17 ***Apartment Development.*** A development containing one (1) or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 302.18 ***Automobile.*** A motor vehicle designed and mass produced to carry one (1) or more passengers on ordinary public roads generally for the convenience of a family and typically having four (4) or more wheels and an internal-combustion gasoline or diesel engine. The term automotive, as used elsewhere in these regulations, includes all motorized vehicles.
- 302.19 ***Automobile Graveyard.*** Any lot or place which is exposed to the weather and public view upon which three (3) or more motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification, are placed, located, or found.
- 302.20 ***Automobile, Inoperable.*** An automobile, which is not within a fully enclosed building or structure or otherwise shielded or screened from view, that meets any one or more of the following criteria:
- 302.20-1 Any motor vehicle which is not in operating condition;
- 302.20-2 Any motor vehicle 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 other essential parts required for operation of the vehicle; ;
- 302.20-3 Any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal;
- 302.20-4 As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- 302.21 ***Automobile for Salvage.*** An automobile that is salvaged within thirty (30) days of its placement on a parcel of land.
- 302.22 ***Automobile Service Station.*** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise

servicing automobiles, but excluding painting, major repair, or automatic automobile washing.

- 302.23 **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.
- 302.24 **Basement.** A story having part but not more than one-half (1/2) of its height below grade. A basement shall count 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.
- 302.25 **Bed and Breakfast.** Bed and Breakfast means any establishment providing overnight accommodations plus breakfast in a private home, which provides guest rooms to the public, transitory lodging or sleeping accommodations and at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.
- 302.26 **Board.** The Board of Zoning Appeals as established in these Regulations.
- 302.27 **Boarding House (Rooming House).** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 302.28 **Building.** Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 302.29 **Buildable Area.** The area of the lot remaining after required yards have been provided.
- 302.30 **Building, Accessory.** A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes or located in any required front yard.
- 302.31 **Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Governing Body and as amended.
- 302.32 **Building Footprint.** The area on the ground surface covered by the building.
- 302.33 ***Building, Height of.** The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.

- 302.34 ***Building Inspector.*** The building official appointed by the Governing Body to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 302.35 ***Building, Main.*** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 302.36 ***Campground.*** Campgrounds shall mean and include, but not be limited to tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name called, on which three (3) or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and/or facilities is granted gratuitously by a rental fee, by lease, by conditional sale or by covenants, restrictions and easements. This definition is not intended to include summer camps and migrant labor camps as defined in Sections 35-43 and 32-415, Code of Virginia, 1950, as amended, construction camps, permanent manufactured home parks, or storage areas 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.
- 302.37 ***Capital Improvements Program (CIP).*** The Bath County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.
- 302.38 ***Carport.*** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have side enclosures exclusive of required supports and the side of the building to which the carport is contiguous. It must meet requirements of an accessory building for purposes of setback requirements.
- 302.39 ***Cellar.*** A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 302.40 ***Cemetery.*** A place used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose.
- 302.41 ***Child Care Center.*** Any facility other than a family day care home providing care, protection, and guidance to a group of children during only part of the day.
- 302.42 ***Church or House of Worship.*** A building where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to conduct public worship.

- 302.43 **Clerk.** The Clerk of the Circuit Court having jurisdiction in Bath County, Virginia.
- 302.44 **Commission, The.** The BathCounty Planning Commission.
- 302.45 **Common Elements.** All portions of a cooperative other than the units.
- 302.46 **Community Center.** Community entertainment, recreation, or meeting place, which may be publicly or privately owned.
- 302.47 **Communications Equipment.** Any tower, dish or other equipment used to send or receive electronic transmissions for public or private use.
- 302.48 **Comprehensive Plan.** The official document adopted by the Board of Supervisors, intended to guide the physical development of theCounty or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be adopted in accordance with Section 15.2-2226 of the Code of Virginia.
- 302.49 **Conditional Zoning.** A rezoning procedure which allows an applicant to voluntarily propose (proffer) conditions in accordance with Section 802.05 of these Land Use Regulations that limit or qualify how his/her property may be used.
- 302.50 **Condominium.** A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.
- 302.51 **Convenience Store.** A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers, high traffic/trip generation, and having less than five thousand (5,000) square feet of retail area.
- 302.52 **Conversion Building.** A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 302.53 **Cooperative.** Real estate owned or leased by a cooperative organization.
- 302.54 **Cooperative Interest.** A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 302.55 **Cooperative Organization.** Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 302.56 **Cooperative Unit.** A physical portion of the cooperative designed for separate tenancy.

- 302.57 **Country Inn.** A business which offers accommodations and dining in a predominantly rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public.
- 302.58 **Country Store.** A retail store usually stocked with a wide variety of merchandise, the ground floor area of which is five thousand (5,000) square feet or less, which offers for sale grocery items and gift/souvenir items. Gasoline may also be offered for sale, but only as a secondary activity.
- 302.59 **Cul-de-Sac.** A circular turning area at the end of a dead-end street.
- 302.60 **Cultural Center.** Establishments such as art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.
- 302.61 **Curb Grade.** The elevation of the established curb in front of the building measured at the center of such front, where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 302.62 **Dairy.** A commercial establishment for the manufacture and sale of dairy products.
- 302.63 **Dairy Farm.** A livestock establishment where the production of milk is its primary purpose.
- 302.64 **Day Care Facilities.** Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas and parking.
- 302.65 **Developer.** An owner of property being subdivided, whether or not represented by an agent.
- 302.66 **Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain three (3) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.
- 302.67 **District.** A section of BathCounty within which the zoning regulations are uniform as referred to in the Code of Virginia, 1950, as amended, Section 15.1-486.
- 302.68 **Driveway.** Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.
- 302.69 **Dump Heap (Trash Pile).** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, or a food handling

establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

302.70 **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, and recreational vehicles.

302.71 **Dwelling, Existing.** For the purpose of Section 712.00 of the *Land Use Regulations*, either of the following shall constitute an existing dwelling:

(a) A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator; or

(b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or a building permit prior to the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator or which has been occupied for a three (3) year period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator.

302.72 **Dwelling, Multi-Family.** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.

302.73 **Dwelling, Single-Family.** A building designed for, or occupied exclusively by, one (1) family.

302.74 **Dwelling, Two-Family (Duplex).** A building designed for, or occupied exclusively by, two (2) families living independently of each other.

302.75 **Dwelling Unit.** One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

302.76 **Easement.** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

302.77 **Educational Area.** Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools, and colleges. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before-or after-school day care.

302.78 **Engineer.** An engineer currently registered by the Commonwealth of Virginia.

- 302.79 **Family.** One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.
- 302.80 **Family Day Care Home.** Any private family home providing care, protection, and guidance to not more than ten (10) children during only part of the day. Children related by blood or marriage to the person who maintains the home shall not be counted.
- 302.81 **Family, Immediate Member of.** Any person who is a natural or legally defined off-spring, spouse, parent, or sibling of the owner.
- 302.82 **Flood.** A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.
- 302.83 ***Flood Hazard Area.** The maximum area of the floodplain which is likely to be flooded once every one hundred (100) years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Developments Flood Hazard Mapping or Rate Study Mapping as appropriate.
- 302.84 **Flood Insurance Rate Map (FIRM).** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.
- 302.85 **Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.
- 302.86 ***Floodplain.** An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- 302.87 ***Floodplain, 100-year.** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.
- 302.88 ***Floodplain Alteration.** A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

- 302.89 ***Flood Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodplain by the Virginia Uniform Statewide Building Code and Reference Standards, Section 108.1.
- 302.90 ***Floodway.** The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one hundred (100) year flood.
- 302.91 **Floor Area.** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 302.92 **Frontage.** The minimum width of a lot measured from one side lot line to the other, along a straight line on which no point shall be farther away from the street upon which the lot fronts, or from the front edge of the lot than the building setback line as defined and required herein.
- 302.93 **Garage, Private.** Accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of vehicles for each dwelling unit in accordance with minimum off-street parking requirements.
- 302.94 **Garage, Automotive Repair.** A building or portion thereof, other than a private garage, designed or used for servicing, major repairing, painting, equipping, renting, selling, or storing motor-driven vehicles.
- 302.95 **Gardening.** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 302.96 **General Store.** A single store, the ground floor area of which is four thousand (4,000) square feet or less which offers for sale primarily most of the following articles: bread, milk, cheese, fresh meats and vegetables, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a general store.
- 302.97 **Golf Course.** Any golf course, 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.

- 302.98 ***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.
- 302.99 ***Governing Body.*** The Board of Supervisors of Bath County, Virginia.
- 302.100 ***Group Home.*** Any facility providing full-time care, maintenance, protection, and guidance to more than three (3) children separated from their parents or guardians.
- 302.101 ***Guest Room.*** A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
- 302.102 ***Health Department.*** The Bath County Health Department or its designated agent or representative (“Health Official”).
- 302.103 ***Highway Engineer.*** The Virginia Department of Transportation’s Resident Engineer for BathCounty or his designated representative.
- 302.104 ***Historical Area.*** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.
- 302.105 ***Hog Farm.*** A farm where swine are raised commercially as the principal farm enterprise.
- 302.106 ***Hog Pen.*** An enclosure for concentrated confinement or housing of swine. A hog pen shall be located at least five hundred (500) feet from the nearest residence, except that of the owner.
- 302.107 ***Home for Adults.*** Any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.
- 302.108 ***Home Occupation.*** An accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building and which does not change the physical character of such buildings.
- 302.109 ***Hospital.*** An institution rendering medical, surgical, obstetrical, or convalescent care, including any institution licensed as a hospital by the State Hospital Board.
- 302.110 ***Hospital, Special Care.*** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.

302.111 ***Hotel/Motel.*** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which cooking facilities may be provided, or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one (1) week in duration. The term "hotel" includes the term "motel."

302.112 ***Housing for the Elderly.*** Housing for the elderly and/or physically handicapped - multi-family structure containing at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one [1] dwelling unit of the number of dwelling units if less than ten [10]) are occupied or designed for occupancy by:

- (a) Families of two (2) or more persons, the head of which (or his or her spouse) is sixty-two (62) years of age or over or is handicapped;
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death;
- (c) A single person who is sixty-two (62) years of age or over or a non-elderly handicapped person between the ages of eighteen (18) and sixty-two (62);
- (d) Two (2) or more elderly or handicapped persons living together, or one (1) or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being;

For the purpose of this definition handicapped persons means any adult having an impairment which is expected to be of long continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

302.113 ***Industrialized Building Unit.*** A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specific components, as a finished building or as a part of a finished building comprising two (2) or more industrialized building units, and not designed for ready removal to or installation or erection on another site. Sometimes referred to as a modular building unit.

302.114 ***Infrastructure.*** The basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

302.115 ***Intensive Facility (hereafter Dairy Facility, Livestock Facility, or Poultry Facility, as Applicable.)*** An operation with dairy, livestock, or poultry structures, related parcels of land, and accessory uses as defined herein (Sections 302.101, 302.130, and 302.200): (1) which operation at any one time has at least one hundred (100) animal units as referenced in the "Intensive Facility Equivalency Chart" shown

below in this section, with such animals being stabled or confined and being fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and (2) over any portion of which operation, crops, vegetation, forage growth, or post-harvest residues are not sustained while such animals are being stabled or confined.

INTENSIVE FACILITY EQUIVALENCY

TYPE OF FACILITY	EQUIVALENT OF 100 ANIMAL UNITS
Livestock	100 slaughter and feeder cattle
Livestock	250 swine each weighing over 55 pounds
Livestock	50 horses
Livestock	1,000 sheep or lambs
Dairy	67 mature dairy cattle (whether milked or dry cows)
Poultry	5,500 turkeys
Poultry	10,000 laying hens or broilers

- 302.116 **Junkyard.** (Automobile Wrecking Yard). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of salvaged parts thereof.
- 302.117 **Jurisdiction.** The area or territory subject to the legislative control of the Governing Body.
- 302.118 **Kennel.** Any location where breeding, raising, grooming, caring for, or boarding of dogs, cats, or other similar small animals for commercial purposes is carried on.
- 302.119 **Land Use Plan.** The *Land Use Plan of Bath County*, as amended.
- 302.120 **Light Industry.** Includes warehousing and light manufacturing uses which 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.
- 302.121 **Livestock.** Includes all domestic or domesticated: bovine animals, including, but not limited to cattle; equine animals including, but not limited to horses; ovine animals including, but not limited to sheep; porcine animals, including, but not limited to hogs.
- 302.122 **Livestock, Dairy, Poultry Facility, Existing.** (Only for the purpose of determining residential setbacks in the A-1 and A-2 Agricultural Districts under this section.) A livestock, dairy, or poultry facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which

zoning approval is sought for a dwelling or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

- 302.123 ***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.
- 302.124 ***Livestock Market.*** A commercial establishment wherein livestock is collected for sale, sold, or auctioned off.
- 302.125 ***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.
- 302.126 ***Loading Space.*** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks and other carriers.
- 302.127 ***Lot.*** A numbered and measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 302.128 ***Lot Area.*** The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.
- 302.129 ***Lot, Corner.*** A lot abutting upon two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.
- 302.130 ***Lot Coverage.*** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 302.131 ***Lot, Depth of.*** The average horizontal distance between the front and rear lot lines.
- 302.132 ***Lot, Double Frontage (Through).*** An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 302.133 ***Lot, Interior.*** Any lot other than a corner lot.
- 302.134 ***Lot of Record.*** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia, at the time of the adoption of this Ordinance.

- 302.135 ***Lot, Width.*** The average horizontal distance between side lot lines.
- 302.136 ***Main Use.*** The primary purpose for which land or a building is used.
- 302.137 ***Manufacture and/or Manufacturing.*** The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 302.138 ***Manufactured Home (Red Sticker).*** A structure intended for human habitation that is subject to Federal regulations, or transportable in one (1) or more sections, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected, is three hundred twenty (320) or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.
- 302.139 ***Manufactured HomePark.*** Any development in which space is leased providing for two (2) or more manufactured or modular homes intended for residential use for a period of time longer than thirty (30) days.
- 302.140 ***Manufactured Home Stand.*** A plot of ground within a manufactured home park designed to accommodate one (1) manufactured home.
- 302.141 ***Manufactured Home Subdivision.*** Any area designated to accommodate three (3) or more manufactured homes intended for residential use on lots owned by the manufactured home owner.
- 302.142 ***Modular Home.*** A premanufactured dwelling unit, comprised of a combination of one (1) or more building sections or modules, containing electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Such a structure is not built on a permanent chassis and is designed to be used only with a permanent foundation.
- 302.143 ***Non-Conforming Lot.*** An otherwise legally recorded lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to these Land Use Regulations.
- 302.144 ***Non-Conforming Use of Structures.*** The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to these Land Use Regulations.
- 302.145 ***Non-Conforming Structure.*** A structure existing at the time of enactment or amendment of this Ordinance which does not conform to the requirements of this

Ordinance by reason of height or condition, or by reason of its impingement upon required yard areas.

- 302.146 ***Non-Conforming Use of Land.*** A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 302.147 ***Nursery.*** An agricultural/ commercial enterprise where plants and accessory products are sold on a retail basis.
- 302.148 ***Nursing Home.*** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two (2) or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries, and hospices.
- 302.149 ***Nutrient Management Plan Definition.*** A plan, as approved by the Virginia Department of Conservation and Recreation or the Virginia Cooperative Extension, to manage the amount, placement, timing, and application of animal manure, fertilizer, sewage sludge, or other materials containing plant nutrients to minimize pollution and to produce crops.
- 302.150 ***Off-Street Parking Area.*** Space provided for vehicular parking outside the dedicated street right-of-way.
- 302.151 ***One Hundred (100) Year Flood.*** A flood that, on the average, is likely to occur once every one hundred (100) years.
- 302.152 ***Overnight Lodging Establishment.*** A residential dwelling providing for transient lodging on a daily or weekly basis, but for no more than 30 consecutive days to the same person(s). Parking of one (1) space per bedroom required.
- 302.153 ***Parcel of Land.*** A measured portion of land separated from other portions of land by a metes and bounds description or described as separate, discrete tract in an instrument of conveyance or devise and recorded in the offices of the clerk of this County.
- 302.154 ***Parks & Recreational Areas.*** Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

- 302.155 **Parking Space.** An area consisting of a minimum of ten (10) x thirty (30) feet.
- 302.156 **Parking Space, Off-Site.** 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.
- 302.157 **Parks, Playgrounds, and Outdoor Recreation Areas.** Land publicly or privately owned devoted to recreational pursuits, not for habitation, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport.
- 302.158 **Pen.** A small enclosure used for the concentrated confinement and housing of animals or poultry, a place for feeding and fattening animals, a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen. Any enclosure containing a hog is a hog pen. (See Section 302.85.)
- 302.159 **Pit Privy.** "A non water carriage device for temporary storage or permanent disposal of human excreta. The privy shall not be used as the receptacle of any carriage waste." A pit privy consists of a lined earthen pit with a suitable rodent and insect proof structure and pit vent stack. The structure shall be provided with a self closing lid(s) on the seat riser. The pit privy is located exterior to a dwelling.
- 302.160 **Planned Unit Development.** A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.
- 302.161 **Planning Commission or Commission.** The Planning Commission of Bath County, Virginia.
- 302.162 **Plat.** Includes the terms: map, plan, plot, replat, or replot, a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."
- 302.163 **Porch.** The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport. An "unenclosed 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 eighteen (18) inches in height, exclusive of screens.
- 302.164 **Poultry House.** Any structure designed for the keeping, breeding, or raising of any number of poultry.

- 302.165 ***Prefabricated Building.*** The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials and in which the service equipment may be either prefabricated or at-site construction.
- 302.166 ***Professional.*** When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, dentists, insurance offices, real estate offices, religious organizations, stockbrokers, and administrative agencies considered professional in character. The term does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.
- 302.167 ***Property.*** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 302.168 ***Property Owners Association.*** A corporation or other legal entity or a non-profit organization which has as its purpose maintenance of streets and/or other common areas.
- 302.169 ***Public Service/Storage Buildings.*** A building or set of buildings consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies. Freight containers, recreational vehicles, school buses or any thing else that its **intended use** (meaning its intended use at time of manufacture) is not to be a storage building may not be used as a storage building.
- 302.170 ***Public Water and Sewage Systems.*** A water or sewage disposal system owned and operated by a public entity.
- 302.171 ***Public Utilities.*** Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 302.172 ***Ramada.*** A structure erected over a manufactured home for the purpose of providing shade or shelter.
- 302.173 ***Recreational Vehicle.*** Any vehicular type structure, designed or modified as temporary living accommodations for recreation, camping, and travel use. Generally, there are four (4) basic types of recreational vehicles: travel trailers, motor homes, truck or pickup campers, and camping trailers:
- Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses,

permanently identified Travel Trailer by the manufacturer of the trailer and, when factory equipped for the road, shall meet all applicable standards for use on public highways;

- Truck or pickup camper means a portable structure designed to be loaded on or mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- Motor home means a self-contained vehicle designed for temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle;
- Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

302.174 ***Recreational Vehicle Storage Area.*** A commercial storage or parking area where three (3) or more unoccupied recreation vehicles are stored for more than fourteen (14) consecutive days.

302.175 ***Required Open Space.*** Any space required in any front, side, or rear yard.

302.176 ***Residential Use.*** The use of any place, building, or establishment in whole or in part as a dwelling.

302.177 ***Restaurant.*** Any building in which for compensation food, or beverages are dispensed to persons not residing on the premises for consumption on the premises including, among other establishments, cafes, delicatessens, or refreshment stands.

302.178 ***Restaurant, Drive-In.*** An eating and/or drinking establishment which caters to motor-driven vehicle businesses where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.

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

302.180 ***Right-of-Way.*** Access over or across particularly described property for a specific purpose or purposes or the interest in the land for such purpose.

302.181 ***Right-Of-Way Line.*** The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

- 302.182 **Sawmill.** A permanent structure housing a mill or machine and its appurtenances for the purposes of processing of timber into lumber and/or employing 3 or more employees.
- 302.183 **School, Business or Commercial.** Privately owned and operated educational institution or educational organization, no matter how titled, maintaining or conducting classes for the purpose of offering instruction, for a consideration, profit or tuition, to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist, or other office occupations.
- 302.184 **School, Private.** Privately owned and operated educational institution or educational organization, maintaining or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.185 **School, Public.** Publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintaining or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.186 **School, Trade.** Privately or publicly owned and operated educational institution or educational organization maintaining or conducting classes for the purpose of offering instruction to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational training, or to give training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.
- 302.187 **Screening or Buffering.** Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by these Land Use Regulations. Whenever used for screening or buffering purposes, “natural growth” shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.
- 302.188 **Setback.** The minimum distance by which any building, structure, use or activity must be separated from the lot lines or point reference. Required yards may be located in this setback area.
- 302.189 **Setback Line.** A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground.
- 302.190 **ShootingRange.** An establishment designed and used for conducting shooting matches or practice shooting.

- 302.191 **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 302.192 **Sign Area.** The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 302.193 **Sign, Business.** A sign painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.
- 302.194 **Sign, Directional.** A directional sign is one (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of same and distance.
- 302.195 **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 a secondary use of the dwelling.
- 302.196 **Sign, Locational.** A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.
- 302.197 **Sign, Outdoor Advertising.** A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 302.198 **Sign Structure.** A structure, including the supports, uprights, bracing and framework be it single-faced, double-faced, V-type, or otherwise, which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 302.199 **Sign Structure Facing .** The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 302.200 **Sign, Temporary.** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than thirty (30) consecutive days.

- 302.201 **Site Plan.** The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this Ordinance.
- 302.202 **Slope.** The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc. prepared by such persons licensed to perform surveys to determine such information.
- 302.202.1 **Stave Mill.** A stave mill produces narrow strips of wood that compose the sides of barrels and other components. Stave mills process either hardwood – used to make “tight”, or waterproof, barrels – or softwood – used to make “slack” barrels, or those that were used for transporting dry goods and food products. Logs are cut and brought to the mill to be processed.
- 302.203 **Story.** That portion of a building other than the basement included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 302.204 **Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- 302.205 **Street.** Any public thoroughfare or, any private thoroughfare providing access to two (2) or more lots, but not including driveways.
- 302.206 **Street or Alley, Public Use Of.** The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.
- 302.207 **Street Centerline.** A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- 302.208 **Street, Feeder and/or Collector.** The Subdivision Street Requirements of the Virginia Department of Transportation definitions will apply unless otherwise defined.
- 302.209 **Street, Half.** A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 302.210 **Street, Internal.** A private street providing access to lots or other streets within the development, exclusive of driveways.

- 302.211 **Street Line.** The dividing line between a street or road right-of-way and the contiguous property.
- 302.212 **Street, Local Service.** A street that is used primarily as a means of public access to the abutting properties.
- 302.213 **Street (Road).**The Subdivision Street Requirements of the Virginia Department of Transportation definitions will apply unless otherwise defined.
- 302.214 **Street, Service Drive.** A street, the purpose of which is to provide access to abutting property and other streets while controlling access to an immediately adjacent street to which the service drive is generally parallel and contiguous.
- 302.215 **Street Width.** The total width of the strip of land dedicated or reserved for travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways, located within the right of way.
- 302.216 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including fuel pumps and above-ground elevation valves for the transmission of oil and natural gas.
- 302.217 **Subdivider.** Any individual, corporation, or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 302.218 **Subdivision.** The term subdivision shall include:
- (a) **Standard Subdivision.** The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development in the Agricultural General Zoning District A-2, and the following Residential Zoning Districts, R-1, R-2, R-3, and R-4;
 - (b) **Acreage Subdivision.** The division of any parcel of land into lots of two (2) or more acres. Acreage subdivisions are considered only in the Agricultural Limited (A-1) and Agricultural General (A-2) Zoning Districts;
 - (c) **Lot Subdivision.** The one-time division of a single parcel into two (2) lots for any purpose. A plat of such division shall be submitted for approval in accordance with the provisions of Section 906.00;
 - (d) **Development Subdivision.** The division of a parcel of land for business or industrial development. A plat of such division shall be submitted for approval in accordance with the provisions of Section 906.00;

- (e) The term "subdivision" includes the re-subdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided;
- (f) The word "subdivision" and any derivative thereof shall have reference to the term "subdivision" as herein defined.

- 302.219 **Surveyor.** A land surveyor currently certified by the Commonwealth of Virginia.
- 302.220 **Television and/or Radio Stations.** A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 302.221 **Tourist Court, Auto Court, Motel, Hotel, or Motor Lodge.** Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 302.222 **Tourist Home.** A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.
- 302.223 **Townhouse.** A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal.
- 302.224 **Townhouse Development.** One (1) or more single-family dwellings consisting of townhouses, with accessory parking, open space, and recreational and management facilities.
- 302.225 **Travel Trailer.** See Section 302.145.
- 302.226 **Tree.** A woody perennial plant having a single main stem.
- 302.227 **Tree Farm.** A tree-covered area managed as a business enterprise
- 302.228 **Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use. Any accessory use shall not be located in any required front yard.
- 302.229 **Use, Conditional.** A conditional use or special exception is one which may be allowed in accordance with Section 802.03 of these Regulations when the Board of Zoning Appeals, after review of the application and hearing, thereby finds as a fact that the proposed use is consistent with the *Comprehensive Plan*, is compatible with surrounding uses, is consistent with the intent of these Land Use Regulations, is in

the public interest, and will comply with all other provisions of law and ordinances of Bath County.

- 302.230 **Uses, Prohibited.** Any use not specifically permitted shall be prohibited.
- 302.231 **Variance.** A variance is a relaxation of the terms of these *Land Use Regulations* 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 these Land Use Regulations would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or 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 division or district or adjoining zoning divisions or districts.
- 302.232 **Warehouse.** A structure for storing goods, wares, or merchandise.
- 302.233 **Wayside Stand, Roadside Stand, Wayside Market.** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 302.234 **Wholesale Sales.** An operation which sells chiefly to retailers, other merchants, or industrial, institutional, and commercial uses for resale or business use.
- 302.235 **Yard.** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 302.236 **Yard, Front.** An open, unoccupied space, excluding steps and uncovered porches or patios, situated on the same lot with the main building, and extending the full width of the main building, and which is bounded on four sides as follows: by the front face of the main building; on the sides by the projections of the side lines of the main building frontwards to their intersection with the right of way; on the outer front by that part of the right of way line which falls between the intersections with the projected side lines. On corner lots, the dept of the front yard shall be considered as parallel to the street upon which the lots has its least dimensions. Refer to Table 1, Zoning Schedule, Single Structural Uses, for minimum yard dimensions.
- 302.237 **Yard, Rear.** An open space, excluding steps and uncovered porches or patios situated on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the main buildings, and which is bounded on four sides as follows: by the rear face of the main building; on the sides by the projection of the side lines of the main building rearwards to their intersection with the rear lot line; on the extreme rear by that part of the rear lot lines which falls between its intersections with the projected side lines. On corner lots, the rear yard shall be the opposite end of the lot from the front yard.

Refer to Table 1, Zoning Schedule, Single Structural Uses, for minimum yard dimensions.

- 302.238 ***Yard, Side.*** Open spaces, excluding steps and uncovered porches or patios, on the same lot with the main building, being mostly unoccupied except possibly by an accessory building, and which consist of the lands remaining on each side of the main building, exclusive of the front and rear yards. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension. No accessory building or use located in a side yard shall be closer to a side or rear lot line than the minimum dimensions as set forth in Table 1, Zoning Schedule, single structural uses nor closer than thirty-five (35) feet to a front lot line or right-of-way line, whichever is closer.
- 302.239 ***Zoning Administrator.*** An appointed County official who serves as the Zoning Administrator charged with the interpretation, administration and enforcement of this Ordinance for Bath County, Virginia, or his/her designee.
- 302.240 ***Zoning Permit.*** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Land Use Regulations, or authorized variance therefrom.
- 302.241 ***Zoning District.*** The various classification of agricultural, residential, business, industrial, flood hazard and airport hazard zoning categories provided for in these regulations and the areas on the zoning map in which such different districts are mapped.