

ARTICLE II - DEFINITIONS

SEC. 30-28 DEFINITIONS

(A) The following rules for general construction of language shall apply to this ordinance:

The specific shall control the general.

The word "person" includes a "firm, association, organization, partnership, corporation, trust, company," as well as an "individual."

Any words pertaining to gender shall be interchangeable and/or neutral in gender. The word "he" shall mean "she", and "she" shall mean "he".

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.

The word "shall" is mandatory; the word "may" or "should" is permissive.

The term "zoning administrator" shall hereafter refer to the official charged with the enforcement of this ordinance.

All public officials, bodies, and agencies referred to in this ordinance are those of Bedford County, Virginia, unless otherwise specifically indicated.

(B) Terms that are not specifically defined in this section or elsewhere in the zoning ordinance shall be defined according to *Webster's Third New International Dictionary of the English Language Unabridged* (hereinafter "*Webster's Third Dictionary*").

(Ord. of 11.15.06)

(C) For the purposes of this ordinance, the words and phrases listed below in this section shall have the meanings described below:

ACCESSORY APARTMENT - A second dwelling unit within a detached single-family dwelling which is clearly incidental and subordinate to the main dwelling. An ancillary apartment is considered an accessory apartment.

ACCESSORY BUILDING OR STRUCTURE - A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building (i.e. garage, satellite dish, above ground pool, well house).

ACCESSORY USE - A use of land or a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use (i.e. garage for equipment repair).

ADMINISTRATIVE SERVICES - Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices.

ADMINISTRATOR, ZONING - The official charged with the enforcement of this ordinance.

ADULT ENTERTAINMENT - An establishment offering goods and services of an adult nature which includes the selling and rental of publications and other material of a sexual nature. (i.e. adult book stores, adult video rental stores, adult theaters, adult nightclubs.

AFFECTED PROPERTY OWNER - The owner of any property upon which the proposed development will have a positive or negative impact.

AGRICULTURE - The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture.

AGRICULTURAL PRODUCT SIGN - Any sign displayed for the purpose of advertising agricultural products produced on the premises where the sign is displayed.

AGRICULTURAL SERVICES - An establishment primarily engaged in providing services specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

AGRICULTURAL SUBDIVISION - Agricultural and residential zoned land where divisions of parcels are at least 20 acres in size and have direct access to a public road over a road of record existing October 1, 1989.

(Ord. of 07.08.02)

AIRPORT - Smith Mountain Lake, New London, or any other licensed public-use, government, or military airport within the boundary of the county.

AIRPORT ELEVATION - The highest point on any usable landing surface expressed in feet above mean sea level.

AIR QUALITY - The specific measurement in the ambient air of a particular air pollutant at any given time.

ALLEY - Narrow passageway, greater than 10 feet in width, behind buildings.

ALTERATION - Any change or rearrangement in the adaptability, external appearance, or supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

ALTERNATIVE DISCHARGING SEWAGE SYSTEMS - Any device or system which results in a point source surface discharge of treated sewage which is installed as a replacement system for a pre-existing individual single family dwelling with flows less than or equal to 1,500 gallons per day on a yearly average. These systems are regulated by the Virginia Department of Health under a general Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Virginia Department of Environmental Quality, Division of

Water. Systems which exceed 1,500 gallons shall be prohibited and shall not be considered a Utility Service, Major as described in this ordinance.

AMATEUR RADIO TOWER - A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

AMENITIES - A man-made or natural feature which enhances or makes more attractive a particular site for development.

ANIMAL SHELTER - A facility in which the principal activity is the temporary housing of animals placed there for adoption or disposal in a manner regulated by the Virginia Comprehensive Animal Laws, with such use owned, operated, or maintained by a public body, or by a nongovernmental entity including, but not limited to, an established duly incorporated humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization devoted to the welfare, protection, and humane treatment of animals.

(Ord. of 05.27.08)

ANTIQUÉ SHOPS - A place offering primarily antiques for sale. An antique for the purposes of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.

APPROACH SURFACE - A surface, whose design standards are referenced in **Section 30-72** of this ordinance, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in **Section 30-72** of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH TRANSITIONAL, HORIZONTAL AND CONICAL ZONES - The airspace zones set forth in **Section 30-72** of this ordinance.

ARTERIAL, MINOR - A highway linking cities and large towns, providing an integrated network for intrastate and intercounty service, supplementing the principal arterial system so that all geographic areas are within a reasonable distance of an arterial highway, and intended as routes that have minimum interference to through movement.

ARTERIAL, PRINCIPAL - A highway providing an integrated network of roads that connect principal metropolitan areas and serve virtually all urban areas with a population greater than 25,000, and serving long distance travel demands such as statewide and interstate travel.

ASPHALT PLANT - An establishment engaged in manufacturing or mixing of paving materials derived from asphalt mixtures or tar.

AUTOMOBILE DEALERSHIP, NEW - The use of any building, land area or other premise for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

AUTOMOBILE DEALERSHIP, USED - Any lot or establishment where 3 or more used motor vehicles, including automobiles, trucks, and motorcycles are displayed at one time for sale.

AUTOMOBILE GRAVEYARD - Any lot or parcel, or part thereof, which is exposed to the weather and upon which more than 5 motor vehicles of any kind incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found, as defined in Section 33.1-348, Code of Virginia, (1950), as amended.

AUTOMOBILE PARTS/SUPPLY, RETAIL - Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services.

AUTOMOBILE REPAIR SERVICES, MAJOR - Repair of construction equipment, commercial trucks, agricultural implements, and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

AUTOMOBILE REPAIR SERVICES, MINOR - Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, and similar repair and service activities where minor repairs and routine maintenance are conducted.

AUTOMOBILE RENTAL/LEASING - Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

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 or major repair.

AVIATION FACILITIES, PRIVATE - Any area of land used or intended for the landing and taking-off of aircraft for personal use of the tenant or owner of the site, not available for public use or commercial operations. Aircraft includes helicopters, all fixed-wing planes and gliders, but not hang gliders.

AVIATION FACILITIES, GENERAL - Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

AWNING - A shelter constructed of rigid or nonrigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

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

BASE FLOOD ELEVATION (BFE) - The Federal Emergency Management Agency designated 100-year water surface elevation.

BASE MAP - A document on which property lines are depicted to the most accurate scale available.

BASEMENT - A story partly underground and having at least one-half of its height above the average adjoining grade on all sides of the building or structure.

BED AND BREAKFAST - A dwelling in which not more than 5 bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

BEST MANAGEMENT PRACTICES - A practice or combination of practices that is determined by the appropriate state agencies to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. The Virginia Best Management Practices Handbooks are available from the Virginia Department of Environmental Quality, Division of Water.

BOARD - The term board shall refer to the board of supervisors of Bedford County, Virginia, unless otherwise specifically indicated.

BOARDING HOUSE - A dwelling unit, or part thereof, in which lodging is provided by the owner or operator who resides on the premises to 3 or more but less than 14 boarders. Included in this use type are rooming houses and tourist homes.

BOARD OF ZONING APPEALS - The term board of zoning appeals shall refer to the Bedford County Board of Zoning Appeals, also referred to in this ordinance as BZA and board of appeals.

(Ord. of 06.14.99)

BOAT SLIP – A designated watercraft docking area confined on at least two sides by sections of a dock, pier or piling. One boat slip can accommodate only one boat at a time.

(Ord. of 10.12.04)

BROADCASTING TOWER - A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar, or microwaves, and similar types of devices. Excluded are amateur radio towers, which are described separately.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods, or materials of any kind.

BUILDING CODE - The Virginia Uniform Statewide Building Code adopted by the board of supervisors and any amendments thereto.

BUILDING COVERAGE - That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

BUILDING, HEIGHT OF - The vertical distance measured from the average adjoining grade on all sides of the building or structure to: in the case of flat roofs, the level of the highest point of the roof or top of the building or structure; in the case of a mansard roof the deck line; and in the case of pitched roofs, including hipped, gable and gambrel roofs, the mean level between the eaves and the highest point of the roof. Height requirements shall be in compliance with Article III herein.

BUILDING LINE - The line, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way, or in the case of the rear building line, farthest from the street right-of-way. See definition of Lot Frontage.

(Ord. of 06.14.99)

BUILDING INSPECTOR - The building official appointed by the board of supervisors to administer and enforce the provisions of the building code, or his designated representative or agent.

BUILDING, MAIN A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING PERMIT - A permit which is issued by the building inspector before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the county building code.

BUSINESS OR TRADE SCHOOLS - A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university, or as a home occupation.

BUSINESS SUPPORT SERVICES - Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

CAMP - A use which primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

CAMPGROUNDS - Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles and/or tents.

CAMPSITE - A designated plot of ground within a campground intended or used for the exclusive occupancy by a tent, recreational vehicle, or a vacation cottage.

CAR WASH - Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

CELLAR - A story having more than one-half of its height below average adjoining grade on all sides of the building or structure.

CEMETERY - Land used or dedicated to the burial of the dead, including columbaria, crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries and funeral homes shall be included when operated within the boundary of such cemetery.

CERTIFICATE OF ZONING COMPLIANCE - For the purposes of this ordinance, official certification that premises conform to all applicable provisions of the zoning ordinance and may be lawfully used or occupied.

CHANGE OF USE - Any use which is not identical to the previous use of a building or land.

CHURCH - A building or structure, or group of buildings or structures, together with the surrounding area of land, which by design and construction are primarily intended for the conducting of religious services, day care/educational services, and accessory uses associated therewith, and which are operated exclusively for such purposes on a non-profit basis and are exempt from taxation pursuant to Sec. 58.1-5617 of the Code of Virginia, (1950), as amended.

CIVIC CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. Civic Club organizations include but are not limited to rural clubs, masonic clubs, private and nonprofit clubs, such as the YMCA.

CIRCUIT COURT - The Circuit Court of Bedford County, Virginia.

CLINIC - A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.

CLUSTER - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally-sensitive features.

COLLECTOR, MAJOR - A highway providing service to any major traffic generator not served by the arterial system, providing links to the higher classified highway routes, and serving as an important intra-county travel corridor.

COLLECTOR, MINOR - A highway collecting traffic from local roads, bringing all developed areas within a reasonable distance of a collector road, providing service to small communities, and linking important local traffic generators with the rural area.

COLOCATE - To locate with another user on an existing structure such as a tower, power, phone or light pole or stanchion; water tank or stand pipe, building or steeple, billboard sign, or similar structure.

COMMERCIAL DELIVERY - The delivery of goods, products, materials, or other items associated with a home occupation by any means other than that which would normally deliver to a residential neighborhood (i.e. U. S. Postal Service, UPS, Federal Express, etc.)

COMMERCIAL FEEDLOTS (Confined Animal Feeding Operation) - A site where animals are stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and where the number of animals so confined include more than 300 slaughter or feeder cattle, 200 mature dairy cattle, 750 swine, 150 horses, or 30,000 laying hens or broilers, or any other site designated by the Virginia Department of Environmental Quality, Division of Water as a "concentrated or intensified animal feeding operation" pursuant to the Permit Regulations for Virginia Pollution Discharge Elimination System and Virginia Pollution Abatement Permit Programs.

COMMERCIAL INDOOR AMUSEMENT - Establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

COMMERCIAL INDOOR ENTERTAINMENT - Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, concert or music halls.

COMMERCIAL INDOOR SPORTS AND RECREATION - Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities, and indoor shooting ranges.

COMMERCIAL OUTDOOR ENTERTAINMENT - Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL OUTDOOR SPORTS AND RECREATION - Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

COMMERCIAL USE - Any activity that is included in the following Standard Industrial Classification Code, 1987: 1500-1531, 1710-1760, 1793, 4100 (except 4150 and 4170), 4400, 4500, 4700, 4800, 5010, 5020, 5040, 5060 (except 5063), 5090 (except 5093), 5140, 5180, 5190, 5200-6700 (except 5980), 7000, 7200, 7300 (except 7353), 7500, 7600, 7800-8400, and 8600-8900 (except 8730).

COMMISSION - The term Commission shall mean the Planning Commission of Bedford County, Virginia.

COMMUNICATIONS SERVICES - Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as Major Utility Services or Broadcasting Towers. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

COMMUNITY DOCK – A boat dock, pier or boat house containing three or more slips directly related and adjunct to a subdivision, cluster development, condominium, or planned residential development, owned and/or controlled by the owners or developer of the lots of such subdivision or development, and which may be used adjunct to the use of the individual lots or units within the subdivision or development and which has a commonly owned or shared walkway.

(Ord. of 10.12.04)

COMMUNITY RECREATION - A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

COMPATIBLE - Capable of existing together in harmony.

COMPOSTING - The agricultural process by which organic wastes (i.e. yard trimmings, food wastes, manures) are combined in proper ratios; adding bulking agents (i.e. wood chips), as necessary, to provide air space; controlling temperature, moisture, and oxygen to achieve accelerated decomposition; thus producing a stable humus material.

CONDOMINIUM - A building or group of buildings, created pursuant to Virginia Condominium Act of 1974, Chapter 4, Section 55-79.39 et seq., Code of Virginia (1950) as amended, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be considered a residential (multi-family dwelling), commercial, office or industrial use based on the primary intended use of the building or buildings.

(Ord. of 02.11.02)

CONICAL SURFACE - A surface, whose design standards are referenced in **Section 30-72** of this ordinance, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

CONSENSUS - A unanimous agreement between the developer and affected property owners that the proposed project is compatible as determined by the presiding officer (formal voting prohibited).

CONSTRUCTION SALES AND SERVICES - Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

CONSTRUCTION YARDS - Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

CONSUMER REPAIR SERVICES - Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

CONTIGUOUS DEVELOPMENT - Areas where adjacent properties are developed.

CONVENIENCE STORE - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall include sales of various fuels. Typical uses include neighborhood markets and country stores.

CORRECTION FACILITIES - A public or privately operated use providing housing and care for individuals legally confined for violation of criminal law, designed to isolate those individuals from a surrounding community.

COUNTY - Shall mean Bedford County, Virginia.

COUNTY COMPREHENSIVE PLAN - A document prepared and adopted in accordance with Sections 15.2-2223 through 15.2-2232, Code of Virginia, (1950), as amended, for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county.

COVE - A lake inlet of at least 100 feet as measured from the closed end of the inlet to a line linking the two sides of the open end. The width of the open end must be at least 50 feet wide.

CRISIS CENTER - A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings for a length of time not to exceed 30 days.

CUL-DE-SAC - A street with only one outlet, terminating in a circular turning area.

CULTURAL SERVICES - A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CUSTOM MANUFACTURING - Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln.

DANCE HALL - Establishments in which more than 10 percent of the total floor area is designed or used as a dance floor; and where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

DAY CARE CENTER - Any facility operated for the purpose of providing care, protection and guidance to 5 or more individuals during only part of a 24 hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24 hour period.

DECK - A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any materials.

DEDICATION - The transfer of private property to public ownership upon written acceptance.

DEVELOPED LAND - Any change to the land from its natural state other than property which is primarily devoted to agricultural use.

DEVELOPER - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this ordinance to bring about development for the individual or another; includes the term "subdivider".

DEVELOPMENT - A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain 3 or more residential dwelling units. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

DEVELOPMENT PLAN - Development Plan shall be the same as Plot Plan in Article V, Section 30-100-1.

DOCK - A piling-mounted stationary or floating platform extending into the water and used as a landing place for boats or promenade or to protect or form a cove. The term dock shall include walkway, catwalk, wharf, piling, bulkhead, boat house, and other similar structures.

DOMESTIC USE - Normal family or household use of water, including drinking, laundering, bathing, cooking, heating, cleaning, and flushing toilets.

DRIVEWAY - A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DWELLING - Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, MULTI-FAMILY - A building or portion thereof which contains 3 or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, and apartments for elderly housing.

(Ord. of 02.11.02)

DWELLING, SINGLE FAMILY - A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy.

Detached - A single family dwelling which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

Attached - Two single family dwellings sharing a common wall area, each on its own individual lot.

DWELLING, TWO FAMILY - The use of an individual lot for 2 dwelling units which share at least one common wall, each occupied by one family.

DWELLING UNIT - One or more rooms in a residential building or in a mixed building which is arranged, designed, used or intended for use by one family and connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

EASEMENT - A grant of one or more of the property rights by the property owner to and/or for the use by the public, corporation, or another person or entity.

EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY - An educational institution authorized to award associate, baccalaureate, or higher degrees.

EDUCATIONAL FACILITIES, PRIMARY/SECONDARY - A public, private or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

EMISSION, MINIMAL (CLASS B SOURCE) - Any stationary source whose uncontrolled emissions are less than 100 tons of any pollutant per year.

EMISSION, MODERATE (CLASS A2 SOURCE) - Any stationary source whose uncontrolled emissions while operating at the design capacity are equal to or exceed 100 tons of any regulated pollutant per year but whose actual emissions are less than 100 tons per year.

EMISSION, SEVERE (CLASS A1 SOURCE) - Any stationary source whose actual emissions or potential emission while operating at the design capacity are equal to or exceed 100 tons of any pollutant per year.

ENGINEER - An engineer registered by the Commonwealth of Virginia.

EQUIPMENT SALES AND RENTAL - Establishments primarily engaged in the sale, service or rental of tools, trucks, tractors, construction equipment, agricultural implements, party supplies, and similar industrial equipment, and the rental of temporary office/storage trailers. Included in this use type are the incidental storage, maintenance, and servicing of such equipment.

ESTABLISHMENT - Any business, enterprise, or other land use permitted by this ordinance.

FAMILY - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption or guardianship, or under appropriate foster care, no such family shall contain over 8 persons, but further provided that domestic servants employed and housed on the premises shall not be counted as a family or families.

FAMILY DAY CARE HOME - A single family dwelling in which more than 5 but less than 13 individuals, are received for care, protection and guidance during only part of a 24 hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of 5 or fewer individuals for portions of a day shall be considered as a home occupation.

FAMILY, IMMEDIATE - Any person who is a naturally or legally defined offspring, spouse, parent, grandparent, grandchild or sibling.

FAMILY SUBDIVISION - A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner with only one such division allowed per family member.

FARM EMPLOYEE HOUSING - A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multi-family dwelling(s) for seasonal employees in connection with an orchard or other agricultural use which relies on seasonal employees who must be housed.

FEED LOT - An enclosure used for the concentrated confinement and housing of livestock or poultry for their commercial feeding and fattening not incidental to normal agricultural use.

FINANCIAL INSTITUTIONS - Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs).

FLEA MARKET - An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD -

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

- (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (c) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph 1(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion and undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in 1(a) of this definition.

FLOOD HAZARD AREAS - The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mud slides can be reasonable anticipated.

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

FLOODPLAIN - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or, (2) an area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

FLOODWAY - The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

FLOOR AREA, FINISHED - The sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of 6 1/2 feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

FLOOR AREA, GROSS - The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating 2 buildings, from the centerline of such common wall. In particular, floor area includes:

1. Basement space, except such space in a basement which has at least 1/3 of its height below grade level, and which is located in a residential building with not more than 2 stories entirely above grade level;
2. Elevator shafts or stairwells at each floor;
3. Floor space in penthouse;
4. Attic space (whether or not a floor has been laid) providing structural headroom of 8 feet or more;
5. Floor space in interior balconies or mezzanines;

- 6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than 50 percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- 7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded;
- 8. Floor space in accessory buildings except for floor space used for accessory off-street parking.

Floor area of a building shall not include:

- 1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
- 2. Elevator or stair bulkheads, accessory water tanks, or cooling towers;
- 3. Uncovered steps;
- 4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than 8 feet;
- 5. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than 50 percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- 6. Unenclosed floor space used for permitted or required accessory off-street parking spaces;
- 7. Floor space used for accessory off-street loading berths;
- 8. Floor space used for mechanical equipment.

FORESTRY OPERATIONS - The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the county, which shall be considered accessory to the development of the property.

FRONTAGE WIDTH - (See Lot, Frontage).

FUNERAL SERVICES - Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes, mortuaries, or crematories.

GARAGE, PRIVATE - A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles. No facilities for mechanical service or repair of a commercial nature shall be permitted in a private garage.

GARDEN CENTER - Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants

and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores, and lawn and garden centers.

GASOLINE STATION - Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. This may also include minor automobile repair services. See also Automobile Service Station.

GLARE - The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROUP HOME - An establishment providing accommodations, counseling, guidance, supervision or similar services to minor or persons in need of assistance.

GUIDANCE SERVICES - A use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a 24 hour day.

HALFWAY HOUSE - An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

HAZARD TO AIR NAVIGATION - An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

HAZARDOUS WASTE - Solid or liquid waste which, because of concentration, quantity, physical, chemical or infectious characteristics:

1. May cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
2. May pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or
3. Is identified by United States Environmental Protection Agency as hazardous.

HEALTH DEPARTMENT - The Bedford County Health Department or its designated agent or representative.

HEIGHT - For the purpose of determining the height limits in all zones set forth in **Section 30-72** of this ordinance and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

HIGHWAY DEPARTMENT - The Virginia Department of Transportation, or its designated agent or representatives.

HIGHWAY, PRIMARY - All state highways in the "State Highway System" so designated by the Commonwealth Transportation Board under requirements of Section 33.1-25 of the Code of Virginia, (1950), as amended.

HIGHWAY, SECONDARY - All roads of the Commonwealth of Virginia not currently in the primary system of state highways as provided for in Section 33.1-67 of the Code of Virginia, (1950), as amended.

HOME BEAUTY/BARBER SALON - Incidental use of a single family dwelling for hair styling or barbering, established and conducted in accordance with **Article IV, Use and Design Standards**.

HOME FOR ADULTS - An establishment that provides shelter and services which may include meals, housekeeping, and personal care assistance primarily for the elderly. Residents are usually functionally impaired and socially isolated but otherwise in good health. They are able to maintain a semi-independent life style, not requiring the more extensive care of a nursing home.

HOME OCCUPATION - An accessory use of a dwelling unit, located either in the main building or an accessory building, for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a dwelling unit. Home Occupations must be conducted in accordance with **Article IV, Use and Design Standards**.

Type I - A home occupation of an intensity suitable for the more densely established residential areas typically found in the urban areas of the county.

Type II - A home occupation of an intensity suitable for agricultural and rural areas of the county.

HORIZONTAL SURFACE - A horizontal plane, whose design standards are referenced in **Section 30-72** of this ordinance, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL - A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

HOTEL/MOTEL/MOTOR LODGE - A building or group of attached or detached buildings containing dwelling or lodging units, in which 50% or more of the units are intended primarily for rental or lease to transients by the day, week or month. Such uses shall include a lobby, clerk's desk or counter and facilities for registration and keeping records relating to guests. In addition, such uses should contain or provide one or more of the following: ice/vending/snack machines, gift or other personal service-type shops, fitness/workout rooms, outdoor recreation amenities, meeting/conference rooms, maid/cleaning services, restaurant, and laundry facilities.

(Ord. of 02.11.02)

HOUSEHOLD PET - Animals that are kept for personal use or enjoyment within the home. Household pet shall include but is not limited to dogs, cats, birds, and rodents.

HUMANE SOCIETY - Any incorporated nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

(Ord. of 05.27.08)

INDUSTRIAL/COMMERCIAL PARK DEVELOPMENT - A form of development characterized by a unified site design for a variety of commercial and industrial uses, open space buffers, and a mix of building types in which flexibility is given to project planning by allowing for the specific land uses to be determined as the market/need arises.

INDUSTRIAL USE, HEAVY - Any activity that is included in the following Standard Industrial Classification Code, 1987: 1000, 1200-1700 (except 1500, 1710-1760, 1793, 1799), 2000-2200, 2400-2600, 2800-3500, 3700, 4600, 4900, 5050, 5093, 5170, and 7353.

INDUSTRIAL USE, LIGHT - Any activity that is included in the following Standard Industrial Classification Code, 1987: 1541, 1542, 1799, 2300, 2700, 3600, 3800, 3900, 4200, 5030, 5063, 5070, 5080, 5160, 5980, and 8730.

INDUSTRY, TYPE I - Enterprises engaged in the processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be assembling electrical appliances, bottling and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, and the production of items made of stone, metal, or concrete.

INDUSTRY, TYPE II - Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

INDUSTRY, TYPE III - An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, natural resources are mined or quarried, and hazardous waste is treated or stored as the establishment's principal activity.

INSTITUTIONAL USE - A non-profit or quasi-public use, such as a church, library, or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

JUNK - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk; or for the maintenance or operation of an automobile graveyard.

KENNEL, PRIVATE - The keeping, breeding, raising, showing or training of 3 or more dogs over 6 months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

KENNEL, COMMERCIAL - The boarding, breeding, raising, grooming, or training of 2 or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

LABORATORIES - Establishments primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental, and forensic laboratories, x-ray services, and pharmaceutical laboratories only involved in research and development. Excluded are any laboratories which mass produce one or more products directly for the consumer market.

LAND DISTURBING ACTIVITY - Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.

LANDFILL, CONSTRUCTION DEBRIS - The use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations consisting of stumps, wood, brush, and leaves.

LANDFILL, RUBBLE - The use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be nonreactive, and includes rubble, concrete, broken bricks, and block.

LANDFILL, SANITARY - An engineered land burial facility for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations. Its purpose is to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

LANDSCAPING - The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of the contours of the ground.

LANDSCAPING AND LAWN CARE SERVICES - Establishments or places of business engaged in the provision of routine lawn maintenance including mowing, landscaping, and planting. Retail sale of equipment, plantings, or mulch are not considered to be in this category, see Garden Center.

LAUNDRY - Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

LIFE CARE FACILITY - A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

LOADING SPACE, OFF-STREET - Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT - A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, by metes and bounds, or as otherwise permitted by

law, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land whether in a subdivision or a development. (See Figure A).

LOT, CORNER - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT COVERAGE - That area of a lot which is covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to storm water. Gravel parking areas shall be considered impervious. Lot coverage can be expressed in a ratio. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit. It is the ratio of this area to the total area of the lot.

LOT, DOUBLE FRONTAGE - A lot, other than a corner lot, which has frontage on more than one street other than an alley. Double frontage lots may be referred to as through lots.

LOT DEPTH - The average distance between the front and rear lot lines.

LOT, FRONTAGE - The distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way, except where the lot is along a principal stream or body of water, the frontage may be along the water but in no case shall setbacks from the road be less than the required front yard setback for the proposed principal or accessory structure. All sides of a lot which abuts a street shall be considered frontage. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

(Ord. of 06.14.99)

LOT, INTERIOR - A lot, other than a corner lot, which has only one frontage on a street other than an alley.

LOT, IRREGULAR - A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography, or other natural land features.

LOT LINE (PROPERTY LINE) - The boundary of a lot.

LOT, PIPESTEM - A "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

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

LOT OF RECORD - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's office of the Circuit Court of Bedford County.

MANUFACTURED HOME - A structure "subject to federal regulation", which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent

chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Code of Virginia, (1950), Section 36-85.3) See also Mobile Home.

MANUFACTURED HOME, ACCESSORY - A manufactured home that is subordinate to a single family dwelling or a manufactured home on a single lot and meets the additional criteria contained in **Article IV**.

MANUFACTURED HOME, EMERGENCY - A manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with **Article IV**.

MANUFACTURED HOME PARK - A parcel of land at least 5 acres in size on which a minimum of 10 developed stands are in existence for lease or condominium ownership and 2 mobile or manufactured homes are occupied as separate residences. A manufactured home park is also referred to as a mobile home park.

MANUFACTURED HOME SALES - Establishments primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

MARINA - Shall mean and include, but not be limited to, any installation operating under public or private ownership, which provides dockage or moorage for boats (exclusive of paddle, canoe, or rowboats). Provides through sale, rental, or fee basis, any boat, equipment, storage, supplies, or service (fuel, electricity, water, sewage, food, or repairs) for the convenience of the public or its leasee, renters, or users of its facilities. Overnight accommodation on houseboats shall be allowed. Boat washes and restaurant facilities shall be permitted. An area for marine construction equipment and supplies is permitted. Also allowed are laundry facilities, bathhouses, picnic areas, and playgrounds.

MEAT PACKING AND RELATED INDUSTRIES - The processing of meat products and by-products, primarily for commercial purposes, directly from live animals or offal from dead animals.

MINI-CELL - A WCF consisting of a support structure and the associated equipment. The support structure shall not exceed the average height of trees on the site or in the vicinity plus fifteen feet (15'). The equipment shall blend in with surrounding uses and any wiring shall be painted to match the pole.

MINI-WAREHOUSE - A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

MOBILE HOME - A structure, transportable in one (1) or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (Code of Virginia, (1950), Section 46.2-100) See also Manufactured Home.

MOBILE OR MANUFACTURED HOME LOT - A parcel of land within the boundaries of a mobile or manufactured home park provided for the placement of a single or double wide mobile or manufactured home and the exclusive use of its occupants.

MODULAR HOME - A dwelling unit constructed on-site in accordance with the Virginia Uniform Statewide Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. See also Dwelling, Single Family.

NATURAL RESOURCE - Includes soil, sand, gravel, stone, or other mineral (other than oil and gas) naturally formed on or beneath the surface of the earth.

NATURAL WATERCOURSE - Any natural stream, river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks.

NONCONFORMING BUILDING - Any building the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NONCONFORMING LOT - A lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NONCONFORMING STRUCTURE - Any preexisting structure or object of natural growth which is inconsistent with the provisions or any amendment of this ordinance (**Section 30-23**).

NONCONFORMING USE - A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NON-RESIDENTIAL USE - A building or structure not used for residential purposes.

NON-RURAL USE - The use of land, buildings, or structures for other than a rural use.

NOT-FOR-PROFIT - An organization or activity which has obtained nontaxable status from the U. S. Internal Revenue Service.

NURSING HOME - A use providing bed care and in-patient services for persons requiring regular medical attention, including hospice care, but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height or penetrates a surface or zone floor, set forth in **Section 30-72** of this ordinance.

OFFICE, GENERAL - Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or law, architectural, engineering, accounting, or other professional offices.

OFFICE, MEDICAL - Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

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

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space, or refuse storage space. Open Space may include, recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

OPEN SPACE, COMMON - Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate. Open Space may include recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

OUTDOOR GATHERING - Any temporary organized gathering expected to attract 500 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks or on public school property shall not be included within this use type.

OUTDOOR STORAGE - The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

OVERLAY DISTRICT - A district established by this Ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

OWNER - Any person, agent, firm, corporation, or partnership having a legal or equitable interest in the property.

PARK AND RIDE FACILITY- A publicly owned, short-term, parking facility for commuters.

PARKING FACILITY, SURFACE/STRUCTURE - Use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

PATIO - A level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

PAWN SHOP - A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PERMIT - A document issued by Bedford County Department of Planning and/or Department of Building Inspections allowing a person to begin an activity provided for in this ordinance.

PERMITTED USE - Use or activity which because of its nature and impact is allowed to occur within a designated zoning or regulating district as a use by right or a special use.

(Ord. of 06.14.99)

PERSONAL IMPROVEMENT SERVICES - Establishments primarily engaged in the provision of informational, instructional, personal improvements, and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft, and hobby instruction.

PERSONAL SERVICES - Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

PETROLEUM STORAGE FACILITY - A structure constructed above ground for the purpose of storing and distributing petroleum and ethanol, such facility having a storage capacity in excess of 50,000 gallons, or connected to a pipeline directly.

PLACE OF WORSHIP - A building or structure, or group of buildings or structures, together with the surrounding land, which by design and construction are primarily intended for the conduct of religious services, day care/educational services, and accessory uses associated therewith, and which are operated exclusively for such purposes on a non-profit basis and are exempt from taxation pursuant to Sec. 58.1-3607 of the Code of Virginia, (1950) as amended.

(Ord.11.12.08)

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.

PLAT - The schematic representation of land divided or to be divided.

POLLUTANT OR POLLUTION - Any material that causes the alteration of the physical, chemical or biological properties of any state waters, public or private water supplies, land or air in a manner that is (a) harmful or detrimental or injurious to the public health, safety or welfare, or the health of animals, fish or aquatic life, (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration or discharge or deposit to state waters by other owners is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.

PORCH - A roofed open area, which may be glazed or screened, usually attached to or part of, and with direct access to or from, a building.

POST OFFICE - Postal services directly available to the consumer operated by the United States Postal Service.

PRESCRIPTIVE EASEMENT - As used in this ordinance, an easement granted the Virginia Department of Transportation for the construction and maintenance of public roads owned by said department.

PRESIDING OFFICER - A person appointed by the commission or board to preside at public meetings or hearings.

PRIMARY SURFACE - A surface, whose design standards are referenced in **Section 30-72** of this ordinance, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on a runway centerline.

PRINCIPAL BUILDING OR STRUCTURE - A building or structure in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE - The main use of land or structures as distinguished from a secondary or accessory use.

PROFFER - An offer or proposal by which the property owner, or his agent, commits himself to additional requirements or restrictions on his property.

PUBLIC - Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

PUBLIC ASSEMBLY/USE - Facilities owned and operated by a public or quasi-public agency accommodating public assembly for sports, amusement, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, fairgrounds, and incidental sales and exhibition facilities.

PUBLIC MAINTENANCE AND SERVICE FACILITIES - A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

PUBLIC PARKS AND RECREATIONAL AREAS - Publicly-owned and operated parks, picnic areas, playgrounds, indoor or outdoor athletic facilities, game preserves, and open spaces.

PUBLIC SERVICE AUTHORITY - Bedford County Public Service Authority.

PUBLIC WELL - A well that has 15 or more connections or 25 or more people on one well.

RAILROAD FACILITIES - Railroad yards, equipment servicing facilities, and terminal facilities.

RECREATIONAL VEHICLE - A vehicle which can be towed, hauled or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. Recreational vehicles shall include travel trailers, pick-up campers, motor homes, tent trailers, or similar devices used for temporary mobile housing and shall also include boats. The term Recreational Vehicle does not include mobile or manufactured homes.

RECREATIONAL VEHICLE PARKS - Facilities for recreational vehicles, pick-up coaches, motor homes, camping trailers, other vehicular accommodations, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

RECREATIONAL VEHICLE SALES AND SERVICE - Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

RECYCLING CENTERS AND STATIONS - A receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to take voluntarily source separated materials for recycling.

RELIGIOUS ASSEMBLY – Religious Assembly is the gathering of two or more persons according to religious belief and occurring within a structure or upon property with the consent of the property owner. Such assembly is a protected right under the First Amendment to the U. S. Constitution, and further guarded by the Religious Land Use and Institutionalized Persons Act of 2000 as amended. Religious Assembly includes any religious exercise of religion, whether or not compelled by, or central to, a system of religious belief as protected under RLUIPA.

(Ord.11.12.08)

RELIGIOUS ASSEMBLY RESOLUTION PANEL- a voluntary panel that may review requirements of the Zoning Ordinance or Subdivision Ordinance when a Religious Assembly or Religious Exercise contends such regulation violates the religious rights protected by the First Amendment to the U.S. Constitution or to the Religious Land Use and Institutionalized Persons Act of 2000 as amended. RLUIPA prohibits zoning and land marking laws that: treat churches or other religious assemblies on less than equal terms with nonreligious institutions; discriminates against any assemblies or institutions on the basis of religion; denomination; totally excludes religious assemblies from a jurisdiction; or unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

(Ord.11.12.08)

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA) – A federal law asserting that government shall not impose or implement land use regulations that (a) excludes religious assemblies from a jurisdiction; or (b) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction, and where government shall not impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(Ord.11.12.08)

REPLACEMENT COST - The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county Assessor to determine the percentage of the cost of improvements.

RESIDENT ENGINEER - The resident engineer for Bedford County, Virginia, employed by Virginia Department of Transportation, or his designated agent.

RESIDENTIAL HUMAN CARE FACILITY - A building used as a family care home, foster home, or group home serving not more than 8 mentally retarded or other developmentally disabled persons, not related by blood or marriage, pursuant to Section 15.2-2291 of the Code of Virginia, as amended. Excluded from this definition are drug or alcohol rehabilitation centers, half-way houses and similar uses.

RESIDENTIAL USE - A building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple family dwellings, mobile or

manufactured homes, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels; but not including monasteries, convents, transient accommodations such as hotels, motels, tourist cabins, or recreation vehicle parks, or that part of a mixed building used for any non-residential use, except accessory to residential uses.

RESOURCE EXTRACTION - A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

RESTAURANT, DRIVE-IN OR FAST FOOD - An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter, a drive-up or drive through service facility or offers curbside service.

RESTAURANT, FAMILY - An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers. Typical uses include cafes, coffee shops, and small restaurants.

RESTAURANT, GENERAL - An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

RE-SUBDIVISION - A professionally prepared drawing of the creation of new lots or parcels from existing lots or parcels on a subdivision plat recorded in the office of the clerk of the circuit court.

RETAIL SALES - Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

REVISED PLAT - A professionally prepared drawing of changes to items (setback lines, easements, etc.) on an existing subdivision plat recorded in the office of the clerk of the circuit court.

RIGHT-OF-WAY - A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

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.

RIGHT-OF-WAY, STATE OWNED - The right-of-way owned by the Virginia Department of Transportation on which public roads are constructed and maintained.

RUNWAY - A specified area on an airport prepared for landing and takeoff of aircraft.

RURAL USE - An activity defined as an agricultural use, agricultural services use, or a forestry operation.

SAFETY SERVICES, PRIVATE - Uses for the conduct of safety and emergency services for the primary benefit of the public, privately owned and operated, including emergency medical and ambulance services.

SAFETY SERVICES, PUBLIC - Uses for the conduct of safety and emergency services for the primary benefit of the public, publicly owned and operated or financially supported by the municipality, including police and fire protection services and emergency medical and ambulance services.

SALVAGE VEHICLE - Any vehicle that has been purchased either by a salvage dealer for use as parts only or by a demolisher for scrap only; or any motor vehicle which either has been crushed, flattened, or otherwise reduced to such a state that its restoration would require the replacement of three or more of the following major component parts: front clip assembly (fenders, grille, hood, bumper, and related parts), engine, transmission, rear clip assembly (quarter panels, floor panel assembly), or doors.

SALVAGE YARD - Any lot or parcel, or part thereof, including automobile graveyards, where a salvage vehicle, or parts thereof, are located for the purposes of resale as parts or as salvage only.

SANITARY OR SOLID WASTE MANAGEMENT FACILITY - Any facility or zoning lot used for: (1) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (2) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to hauling vehicles, including but not limited to trucks, trains and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds, and day-use recreational areas. This definition does not include recycling bins. See also Landfill Sanitary, Recycling Centers and Stations, and Transfer Station.

SANITARY OR SOLID WASTE MANAGEMENT FACILITY, PRIVATE - A sanitary waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling solid waste generated only by such private entity. See also Landfill Sanitary, Recycling Centers and Stations, and Transfer Station.

SANITARY OR SOLID WASTE MANAGEMENT FACILITY, PUBLIC - A sanitary waste management facility owned or operated by or on behalf of Bedford County or a regional solid waste management authority of which Bedford County is a member. See also Landfill Sanitary, Recycling Centers and Stations, and Transfer Station.

SCHOOLS, PRIVATE - Any building or group of buildings the use of which meets state requirements for primary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

SCHOOLS, PUBLIC - The system of free public primary, elementary, and secondary schools established pursuant to Section 22.1-2 of the Code of Virginia, (1950), as amended.

SCRAP AND SALVAGE SERVICES - Places of business primarily engaged in the storage, sale, dismantling, or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards,

automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. Screening is intended to obscure substantially, but not necessarily totally, visual impacts between adjoining uses.

SETBACK - The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. For setback purposes, the right of way or lot line, from which the setback is measured, for property abutting prescriptive easements or private roads, shall be 25' from and parallel to the centerline of the prescriptive easement or private road.

(Ord. of 06.14.99)

SETBACK LINE - A line parallel to a street or lot line and extending the full width or length of the lot for a specified distance at all points from the property line, and thus defining an area on which no building or structures or portions thereof may be constructed.

SEWERAGE SYSTEM - A collection of sewers with all its appurtenances, combined so as to operate together and serve a designated area for the purpose of receiving and disposing of sewage.

SEWERAGE SYSTEM, ON-SITE (SEPTIC TANK SYSTEM) - A sewerage system designed not to result in a point source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the health department.

SEWER SYSTEM, PUBLIC - Any sewer system, regardless of size, which is either owned and operated by either a local government or its approved agent or authority or which is defined as a public system and is approved by the Bedford County Public Service Authority and the Virginia Department of Health. Approval shall include approval of the system itself (design, construction) and provision for its operation & maintenance).

SHOOTING RANGE, OUTDOOR - The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and unstructured and non-recurring discharging of firearms on private property with the property owner's permission.

SHOPPING CENTER - A group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

SHORELINE - The area immediately adjacent to any state water, including lakes, ponds, and streams. More specifically, the line where open waters abut wetlands or fastlands during non-flood and non-drought periods. The normal shoreline of Leesville and Smith Mountain Lakes shall be defined as the full pond elevation of each (795 foot elevation on Smith Mountain and 613 foot on Leesville Lake).

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 public

business, a commodity, or product, which are visible from any public way and used as an outdoor display.

SIGN AREA - A square, rectangle, triangle, circle, or other geometric configuration, encompassing the entire advertising area, excluding architectural trim and structural supports.

SIGN HEIGHT - The vertical distance measured from grade to the highest portion of the sign or sign structure.

SIGN SETBACK - The minimum distance required between any property line and any portion of a sign or sign structure.

SIGN, ATTACHED - Any sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is parallel to the building element to which it is attached. Attached signs have only one face visible from a public right-of-way.

SIGN, AWNING - A type of attached sign painted on, printed on, or otherwise affixed to the surface of an awning.

SIGN, BANNER - A sign applied to cloth, paper, flexible plastic, or fabric of any kind and generally intended to be displayed on a temporary basis.

SIGN, BUSINESS - A sign which directs attention to a profession or business conducted, or to a commodity, service activity or entertainment sold or offered, upon the premises where the sign is located, or in the building to which the sign is affixed.

SIGN, COMMERCIAL - A sign informing or advertising products or activities for sale or profit.

SIGN, CONSTRUCTION - A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

SIGN, DIRECTIONAL - Any sign displayed for the direction and convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances, or the like.

SIGN, FREESTANDING - A sign which is supported by structures or supports in or upon the ground and is independent of any support from any building.

SIGN, GATEWAY - A freestanding sign located at or near the entrances to a local jurisdiction. Such sign shall be restricted to the identification of the local jurisdiction, notification of civic, social or service organizations and items of public interest.

SIGN, HISTORIC SITE - A sign erected and maintained by a public agency, or non-profit historical society, that identifies the location of, and provides information about, a historic place or event.

SIGN, HOME OCCUPATION - A sign associated with home occupation uses as provided for elsewhere in this ordinance.

SIGN, IDENTIFICATION - A permanent on-premises sign displaying only the name of a subdivision, multi-family housing project, shopping center, industrial park, office park, church, school, public or quasi-public facility, or similar type use.

SIGN, ILLUMINATED - Any sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, MONUMENT - A freestanding sign directly affixed to a structure built on-grade in which the sign and the structure are an integral part of one another.

SIGN, NEIGHBORHOOD IDENTIFICATION – A freestanding sign displaying the name of an established neighborhood as a distinctive area by custom and/or usage and is recognized throughout the local jurisdiction. Signs identifying civic, social, and/or service organizations may be incorporated into the total area of the sign structure.

SIGN, OFF-PREMISES - A sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject not specific to the premises upon which it is located. Any sign which directs attention to a message, or business, commodity, activity, service or product not conducted, sold, or offered upon the premises where the sign is located. These signs may also be known as location signs, billboards, outdoor advertising signs, or general advertising signs.

SIGN, ON-PREMISES - Any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located. On-premises signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGN, POLITICAL CAMPAIGN - A sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body.

SIGN, PORTABLE - A freestanding temporary sign that is designed to be moved easily, and is not permanently affixed to the ground.

SIGN, PROJECTING - A sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is roughly perpendicular to the building element to which it is attached.

SIGN, PUBLIC SERVICE - A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show, or similar event when conducted by or for the benefit of any civic, religious, educational or charitable cause; provided that the sign shall be displayed no longer than 21 days per calendar year.

SIGN, ROOF - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

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

SIGN, SUSPENDED - A sign that is suspended from a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building by means of brackets, hooks or chains, and

the like, and whose face is roughly perpendicular or parallel to the building element to which it is attached.

SIGN, TEMPORARY - Any sign, banner, pennant, valance, or advertising display applying to a seasonal or brief activity 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 30 days. For the purposes of these regulations, on-premises real estate signs and signs displayed on active construction projects shall be considered temporary when displayed in accordance with Article V herein.

(Ord. of 07.08.02)

SIGN, WALL - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign which does not project more than 12 inches from such building or structure.

SOLID WASTE - Any of those materials defined as "solid waste" in Part III, Solid Waste Management Regulations, Department of Waste Management, Commonwealth of Virginia, and as amended.

SPECIAL USE - A permitted use with characteristics different from by-right uses in that zoning district which may, nevertheless, be compatible with those by-right uses under special conditions and with adequate public review. See Sec. 30-19.

(Ord. of 06.14.99)

STABLE, COMMERCIAL - The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

STABLES, PRIVATE - The keeping, breeding, or raising of horses or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - A multi-digit code utilized by the federal Executive Office of Management and Budget to classify establishments by type of activity in which they are engaged.

STOOP - A platform, without a roof, located at the entrance of a building with sufficient area to facilitate the ingress and egress to the building.

STORY - That portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

STREAM - Any flowing body of water defined on the USGA 7.5 minute topographic quadrangle maps with a solid blue line.

STREET - A strip of land comprising the entire area within the right-of-way which: (1) is an existing state or municipal roadway; or, (2) is shown on a plat recorded or approved pursuant to law; or, (3) is approved by other official action. Unless otherwise indicated, the term street shall refer to both public and private streets. The word street includes road, thoroughfare,

parkway, avenue, lane, boulevard, expressway, highway, place, throughway, square, alley, or however designated with the above mentioned right-of-way.

STREET CENTERLINE - A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

STREET, PRIVATE - Any road, street, highway, or other means of vehicular access to a parcel of land not dedicated or intended for public use.

STREET, PUBLIC - A strip of land comprising the entire area within the right-of-way intended for public use as a means of vehicular and pedestrian circulation to provide access to more than one lot and which is presently a portion of the highway department's street and road system, or is a proposed addition to the highway department's street and road system in which case the improvement of which shall meet the construction standards of the highway department.

STRUCTURE - Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.

STUDIO, FINE ARTS - A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer.

SUBDIVIDER - A person owning any tract, lot or parcel of land to be subdivided, or a group of 2 or more persons owning any tract, lot or parcel of land to be subdivided, who may have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

SUBDIVISION - Division of any tract, parcel or lot of land into 2 or more parts at one time or any extended period of time; except, however:

1. The term "subdivision" shall not include a bona fide division or partition of agricultural land for agricultural purposes, provided no new streets are required.
2. The zoning administrator shall permit the separation of one parcel from a tract of land without complying with all requirements of this ordinance if it is: (a) not in conflict with the general meaning and purpose of the ordinance, and (b) no new streets are required to serve the parcel.
3. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as defined herein.

SUBDIVISION, PLANNED RESIDENTIAL - A development constructed on a tract of at least 5 acres, planned and developed as an integral residential neighborhood unit. The subdivision shall consist of 5 or more lots of 5 acres or less, each lot designed and intended for the placement of a residential dwelling.

SURPLUS SALES - Businesses engaged in the sale of used or new items, involving regular or periodic outdoor display of merchandise for sale. Typical uses include factory outlets or discount businesses with outdoor display.

(Ord. of 07.08.02)

SURVEYOR - A land surveyor or engineer certified under Sections 54.1-400 through 54.1-411, Code of Virginia, (1950), as amended.

TOWNHOUSE - A grouping of three or more attached single family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

TOWNHOUSE LOT - A lot upon which a townhouse is or is to be erected.

TRANSFER STATION - Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is to be transferred to a landfill.

TRANSITIONAL SURFACES - Surfaces, whose design standards are referenced in Section 30-72 of this ordinance, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSPORTATION TERMINAL - A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

TRUCK STOP - An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

TRUCK TERMINAL - A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck, primarily for commercial purposes rather than as an activity incidental to another purpose. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the US post office.

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

USE-BY-RIGHT - (See also permitted use).

USE, TEMPORARY - Any commercial use which is conducted for a period not exceeding 30 consecutive days and which is not re-established within a period of 90 days.

UTILITY SERVICES, MAJOR - Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.

UTILITY SERVICES, MINOR - Services which are necessary to support development within the immediate vicinity and involve only minor structures. Including in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water, and sewer pump stations. Also included are all major utility services which were in existence prior to the adoption of this ordinance.

VARIANCE - A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict

application of the provisions of this ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this ordinance.

VEGETATION - Any object of natural floral growth.

VEGETATIVE BUFFER - Perennial vegetation established or left undisturbed adjacent to the shoreline of a watercourse intended to filter out sediment and other nonpoint source pollutants from runoff before it reaches a watercourse. Also includes vegetation along property lines.

VETERINARY HOSPITAL/CLINIC - Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

VINEYARD - The growing and harvesting of grapes.

WAREHOUSING AND DISTRIBUTION - Uses including storage, warehousing and distribution of goods within enclosed structures, or outdoors, primarily for commercial purposes rather than as an activity incidental to another purpose. Typical uses include wholesale distributors, storage warehouses, moving, and storage firms.

WATER SYSTEM - A system for distribution of potable water from the source of supply to the consumer. The term may include but is not limited to sources, collection, treatment, and storage of water.

WATER SYSTEM, PUBLIC - Any water system, regardless of size, which is either owned and operated by either a local government or its approved agent or authority or which is defined as a public system and is approved by the Bedford County Public Service Authority and the Virginia Department of Health. Approval shall include approval of the system itself (design, construction, source adequacy) and provision for its operation & maintenance.

WATERS, STATE - All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

WAYSIDE STAND - An establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on property owned by the operator elsewhere in the county. The stand is a building or structure located within 100 feet of a street or road for the sole purpose of selling agricultural or horticultural products grown within the county. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer and must be in compliance with **Article IV, Use and Design Standards**.

WINERY - The manufacturing, bottling, and sale of products grown and harvested from a vineyard or orchard. Commercial uses such as gift shops and restaurants associated with the winery shall be allowed by special use permit only. See Article III, Section 30-79.

WIRELESS COMMUNICATION FACILITY (WCF) - A facility generally designed to provide or facilitate a link in a wireless communication system, serving a specific area or region, typically consisting of any or all of the following: antenna arrays, microwave dishes, tower or monopole structures, equipment structures.

WIRELESS COMMUNICATION SYSTEM - A system providing communications functions such as radio, radiotelephone, television, cellular phone, personal communications systems (PCS), specialized mobile radio systems (SMR), and similar functions, that does not utilize a standard line system, usually including a network of communication facilities providing coverage to a specific area or region.

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.

YARD, BUFFER - A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

YARD, FRONT - An open, unoccupied space on the same lot with the main structure, extending the full width of the lot and situated between the right-of-way line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the right-of-way line. Covered porches, decks, or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required front yard.

(Ord. of 07.08.02)

YARD, REAR - An open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. Covered porches, decks, or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required rear yard.

(Ord. of 07.08.02)

YARD, SIDE - An open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. 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. Covered porches, decks, or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required side yard.

(Ord. of 07.08.02)

YARD SALES - The sale of used items for residential use. The sale of these items can take place in an accessory structure but mainly take place outside. These sales are further regulated as Miscellaneous Use Types in Article IV of this ordinance.

ZONE - All areas provided for in Section 30-72 of this ordinance, generally described in 3 dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Section 30-72 of this ordinance.

SEC. 30-29 THROUGH 30-31 (RESERVED)

Figure A: Lot Types and definitions

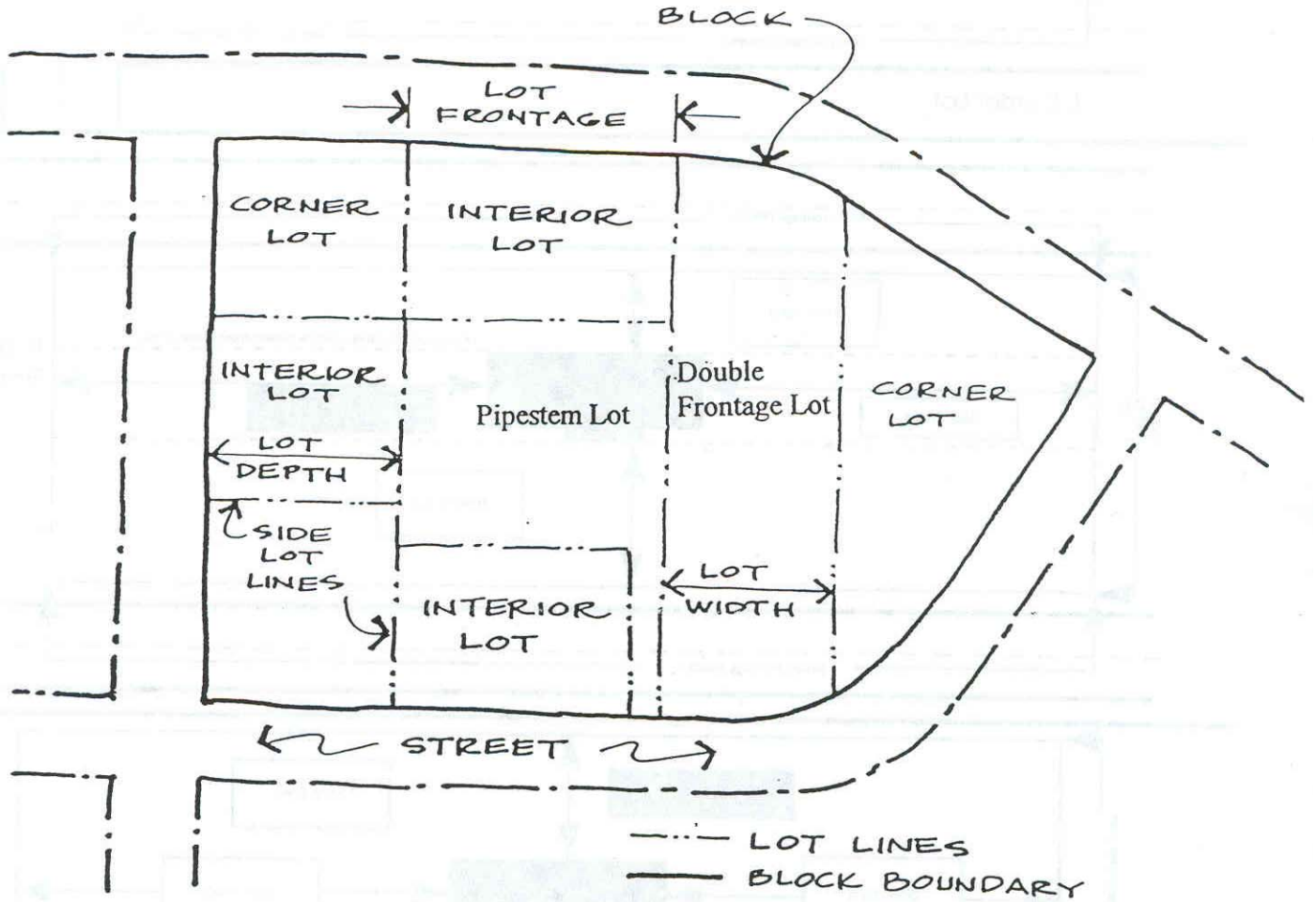


Figure B: Lot Yards with Various Configurations

