

Division 3-I-2 Definitions

3-103 Word Usage

3-104 Definitions

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1. For the purpose of this article, certain words and terms are defined as follows:
 1. Words used in the present tense include the future.
 2. Words in the singular include the plural, and the plural includes the singular.

3-104 Definitions

As used in this article, the following terms shall have the meanings indicated:

"Abattoir" means a commercial slaughterhouse.

"Accessory Use or Building" means a detached (freestanding) subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building. Private swimming pools associated with single-family residential units only and able to contain more than two feet of water shall be considered an "accessory use."

"Acreage" means a parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

"Administrator" means the official charged with the enforcement of the Zoning Ordinance. He may be any appointed or elected official who is, by formal resolution, designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, forestry, but not gardening, including the keeping of animals and fowl.

"Alley" means a permanent public service way providing a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

"Alteration" means any change in the total floor area, use, adaptability or external appearance of any existing structure.

"Animal Hospital or Clinic" means an establishment where treatment of animals is received and no activity is conducted outside the main building. Kennels are not included in this definition.

"Apartment House" means a building used or intended to be used as the residence of three or more families living independently of each other.

"Assisted Living Facility" means a facility providing a shelter and services which may include meals, housekeeping, temporary nursing care and personal care assistance where residents can maintain a semi-independent lifestyle and do not require more intensive nursing care such as that provided in a nursing home.

"Automobile Graveyard" means any lot or place which is exposed to the weather upon which more than three motor vehicles of any kind incapable of being operated are placed, located or found.

"Basement" means a story having part but not more than 1/2 of its height below grade. A basement shall be counted as a story for the purpose of height regulations.

"Bed and Breakfast Establishment" means a dwelling unit occupied by its owners or caretakers where not more than six (6) rooms are occasionally rented out to travelers for compensation without a provision for cooking in the room and offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided; a bed and breakfast establishment shall be an accessory use to the primary residential use of the property.

"Board" means the Board of Zoning Appeals of the Town of Bowling Green.

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

"Building, Accessory" means a subordinate structure customarily incidental to and located on the same lot occupied by the main structure. No such accessory building, except a guest house, shall be used for living quarters.

"Building, Height of" means the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building to the highest point of the roof if a flat roof, to the declivity of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

"Building, Main" means the principal building or one of the principal buildings on a lot or the building or one of the principal buildings housing the principal use on the lot.

"Cellar" means a portion of a building having more than 1/2 of its height below grade. Such space shall not be counted as a story.

"Clinic" means an establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians, dentists or other professionals licensed by the State Board of Medicine.

"Commercial Vehicle" means any vehicle with a rated carrying capacity exceeding 1,500 pounds (3/4 ton), and any vehicle, regardless of capacity, which displays advertising lettered thereon or which is licensed as a for-hire vehicle. For the purpose of this article, "commercial vehicles" shall not be deemed to include any farm vehicle or equipment located on property used for agricultural purposes, motor home, camping trailer, boat, boat trailer, horse trailer or similar recreational equipment recognized as personal property and not for hire and/or any public or private vehicle used exclusively for the transportation of persons to and from a school, place of religious worship or activities related thereto and/or any vehicle owned by a public service corporation or similar utility used for emergency response by an employee on a temporary basis.

"Commission" means the Planning Commission of Bowling Green, Virginia.

"Dairy" means a commercial establishment for the manufacture or retail sale of dairy products.

"Day-Care Center" means a structure, including a private residence, which receives for care, maintenance and supervision more than five children for fewer than 18 hours per day unattended by a parent or legal guardian. Temporary seasonal religious schooling is exempt.

"District" means Districts as referred to in the Code of Virginia, § 15.2-2280.

"Dwelling" means any building which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments, recreational vehicles and mobile homes.

"Dwelling, Multiple-Family" means a building arranged or designed to be occupied by more than two families, said building having more than two dwelling units.

"Dwelling, Single-Family" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit; excludes mobile home, as defined.

"Dwelling, Two-Family" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

"Dwelling Unit" means one or more rooms in a dwelling designed for living or sleeping purposes and having one kitchen.

"Dump Heap (Trash Pile)" means any area of 100 square feet or more lying within 1,000 feet of a public right-of-way, state highway, a residence, dairy barn or a food-handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

"Easement" means a grant by property owners of the use of land for a specific purpose or purposes.

"Family" means one or more persons occupying a premises and living in a single-family unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home or hotel.

"Family Care Home", "Foster Home" or "Group Home" means a residential structure established to serve mentally retarded or other developmentally disabled persons not related by blood or marriage.

"Frontage" means the minimum width of a lot measured from one side lot line to the other along a straight line or curved line if appropriate on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

"Garage, Private" means an accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the "private garage" may be designed and used for the storage of 1 1/2 times as many automobiles as there are dwelling units.

"Garage, Public" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

"Garden Apartment" means a dwelling unit situated within a structure consisting of no more than three stories with access to the dwelling units provided by means of an interior hallway or foyer, each dwelling unit normally consisting of a portion of one floor of the structure.

"Gasoline Service Station" means any area of land, including structures thereon, or any building or part thereof, that is used for the retail sale of gasoline or other motor vehicle fuel or accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles.

"Golf Course" means any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

"Golf Driving Range" means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

"Governing Body" means the Town Council of Bowling Green, Virginia.

"Guest Room" means a room which is intended, arranged or designed to be occupied or which is occupied by one or more guests paying direct or indirect compensation therefore but in which no provision is made for cooking. The owner of the premises must reside in the structure.

"Home Garden" means a garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

"Home Occupation" means:

1. Any occupation, profession, enterprise or activity conducted by one or more members of a family on the premises, which is incidental and secondary to the use of the premises for dwelling, provided that:
 1. Not more than the equivalent area of one quarter of one floor shall be used for such purpose;
 2. Such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for domestic household purposes;
 3. No commodity is stored or sold, except such as are made on the premises or sold through catalog sales for home delivery;
 4. There shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling;
 5. Not more than one person, other than the family, is employed.
2. When within the above requirement, a home occupation includes, but is not limited to the following:
 1. Art studio;

2. Dressmaking;
 3. Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation.
 4. Teaching, including musical instruction, limited to one or two pupils at a time.
3. However, a home occupation shall not be interpreted to include the conduct of nursing homes, convalescent homes, rest homes, restaurants, tea rooms, tourist homes, massage parlor or similar establishments offering services to the general public.

"Hospital" means an institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

"Hospital, Special Care" means an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

"Hotel" means a building designed or occupied as the more or less temporary abiding place of 10 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

"Junkyard" means the use of any area of land lying within 100 feet of a public right-of-way, a state highway or the use of more than 200 feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in § 33.1-348 of the Annotated Code.

"Kennel" means a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

"Lot" means a parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this article and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

"Lot, Corner" means a lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

"Lot, Depth of" means the average horizontal distance between the front and rear lot lines.

"Lot, Double-Frontage" means an interior lot having frontage on two streets.

"Lot, Interior" means any lot other than a corner lot.

"Lot of Record" means a lot which has been recorded in the Clerk's office of the Circuit Court of Caroline County.

"Lot, Width of" means the average horizontal distance between side lot lines.

"Manufacture" and/or "Manufacturing" means the processing and/or converting of unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

"Manufactured Home" means a structure, subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 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.

"Mixed-Use Development" means a combination on one lot of two or more principal uses.

"Mobile Home", "Automobile Trailer" or "Tent" means any vehicle, tent or similar easily movable or portable structure supported on wheels, jacks, skids or skirting or on any other type of foundation and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

"Mobile Home Park" means any area designed to accommodate two or more mobile homes intended for residential use where residence is in mobile homes exclusively.

"Nonconforming Lot" means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this article for the district in which it is located either at the effective date of this article or as a result of subsequent amendments to the article.

"Nonconforming Structure" means an otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this article or is designed or intended for use that does not conform to the use regulations of this article for the district in which it is located, either at the effective date of this article or as a result of subsequent amendments to the article.

"Nonconforming Uses (Activity)" means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this article for the district in which it is located, either at the effective date of this article or as a result of subsequent amendments to the article.

"Off-Street Parking" means space provided for vehicular parking outside the dedicated street right-of-way.

"Public Water and Sewer Systems" means a water or sewer system owned and operated by a municipality or county or owned and operated by a private individual or a corporation properly licensed by the State Corporation Commission and subject to special regulations as herein set forth.

"Recreational Vehicle" means vehicular-type structure designed as temporary living accommodations for recreation, camping and travel use. There are four basic types of "recreational vehicles": travel trailers, motor homes, truck campers and camping trailers.

"Required Open Space" means any space required in any front, side or rear yard.

"Restaurant" means any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands.

"Retail Stores and Shops" means buildings for display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood and lumberyards, such as the following, which will serve as illustration: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

"Sawmill, Temporary" means a portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

"Setback" means the minimum distance by which any building or structure must be separated from the front lot line.

"Sign" means any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition. The types of signs are defined as follows:

1. "Business" means a business sign which directs attention to a product, commodity or service available on the premises.
2. "Home Occupation" means a sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
3. "General Advertising" means a sign which directs attention to a product, commodity or service available other than on the premises, generally throughout the country.
4. "Location" means a sign which directs attention to the exact or approximate location of an establishment from which the advertised product may be obtained.
5. "Directional" means a sign (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called; giving the name of the firm, business or service available.

"Sign Structure" includes the supports, uprights, bracings and/or framework of any structure, be it single-faced, double-faced, V-type or otherwise, exhibiting a sign.

"Sign, Temporary" means a sign applying to a seasonal or other brief activity such as but not limited to summer camps, horse shows, auctions or sale of land. "Temporary signs" shall conform in size and type to directional signs.

"Special Events Facility" means a facility used on an intermittent basis for invitation-only activities including but not limited to weddings, receptions, picnics, barbecues, dances, parties, reunions, and banquets where the general public is not invited.

"Store" - See "retail stores and shops."

"Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

"Story, Half" means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

"Street Line" means the dividing line between a street or road right-of-way and the contiguous property.

"Street" or "Road" means a public thoroughfare which affords principal means of access to abutting property.

"Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

"Tourist Court", "Auto Court", "Motel", "Cabins" or "Motor Lodge" means one or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space provided on the premises. Cooking facilities may be provided for each unit.

"Townhouse" means at least three and not more than six attached dwelling units forming a continuous structure, each being separated by common or party walls of masonry construction void of fenestration or means of ingress or egress from basement to roof, with individual exterior entrances at grade for front and back, and with not more than three "Townhouses" or dwelling units having the same front yard setback.

"Travel Trailer" means vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping and travel use, can be easily towed by automobile or small truck and does not require special highway moving permits.

"Use, Accessory" means a subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

"Variance" means 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 article 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 that such "variance" is not contrary to the intended spirit and purpose of the article and would result in substantial justice being done. Such peculiar condition shall be related to the property and not be the result of action of the applicant.

"Wayside Stand", "Roadside Stand" or "Wayside Market" means any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the occupant or his family on the property.

"Yard" means an open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

1. "Front" means an open space on the same lot as a building, such space located between the front line of the building, exclusive of steps, and the front lot or street line and extending across the full width of the lot.
2. "Rear" means an open, unoccupied space on the same lot as a building, such space located between the rear line of the building, exclusive of steps, and the rear line of the lot and extending the full width of the lot.
3. "Side" means an open, unoccupied space on the same lot as a building between the side line of the building, exclusive of steps, and the side line of the lot and extending from the front yard line to the rear yard line.