

**ARTICLE 12      DEFINITIONS**

**12-1 Definitions.** For the purpose of this ordinance, certain words and terms are defined below as referenced in Article 1.3.4.

*Accessory Structure:* A subordinate structure customarily incidental to and located upon the same lot occupied by the main use or building, including, but not limited to, private garage, carport, parking space other than for residential, swimming pool, tennis court, storage or utility building, decks, balconies, porticos, porches and living quarters for household employees or caretakers. Accessory structures can be attached or detached, depending upon their use and construction.

*Accessory Use:* A subordinate use customarily incidental to and located upon the same lot and in the same structure occupied by the main use.

*Acre:* A measure of land equating to 43,560 sq. ft.

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

*Aerobic Treatment Unit:* Any mechanical sewage treatment plant, designed to treat sewage from a single family dwelling, or other structure, utilizing the process of extended aeration, or activated sludge.

*Agricultural Lands:* means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

*Agriculture, General:* The use of land for purposes of raising plants and animals useful to humans, including field crops, pasture, fruits, vegetables, floral and greenhouse products, sod, viticulture, silviculture, aquaculture, apiculture, poultry and other fowl, horses and other livestock, including owning, breeding, leasing, training and recreational usage of livestock, and the necessary accessory uses for packing, storing and treating produce, equipment and materials, including primary processing and storage of agricultural goods produced on the premises for distribution to final processing plants and markets; provided, however, that the necessary accessory uses shall be secondary to that of the main agricultural activities. The term does not include processing plants, livestock markets and slaughter houses.

*Agriculture, Intensive* (see also "Intensive Agricultural Facility"): The raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

*Agricultural processing* (produce processing): Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.

*Airport:* A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.

*Airport, Private:* A facility for the landing takeoff and tie down of private aircraft weighing not more than 12,500 pounds (maximum gross weight), from which no flight instruction, charter or rental service is given and from which no revenue is derived; except, that the use of the facility as a temporary base of operations for sprayer and duster aircraft is permitted.

*Alley:* A narrow parcel of land either public or private intended for vehicular traffic which has a minimum width of twenty (20) feet which is designed to give access to the side or rear of properties whose principal frontage is on another street.

*Alternative Sewage Treatment System:* See "sewage treatment system, alternative."

*Alteration:* Any change, addition, or modification in the total floor area, use, adaptability, or external appearance of an existing structure.

*Amusement Enterprise:* A building or use whose primary purpose is to provide or stage public entertainment for which a charge is imposed, either as an entrance fee, or as separate fees, for the use of amusement devices located on the premises. Buildings used for other legitimate businesses that have amusement devices that are clearly incidental to the operation of the business, shall not be considered amusement enterprises.

*Animal or Poultry Husbandry:* The keeping, boarding, breeding or raising of any number of cattle, sheep, swine, horses, ponies, mules, goats, poultry or other customary farm animals for any purpose.

*Animal hospital:* A facility for the provision of surgical or other medical treatment to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment only.

*Animal unit:* The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; or one hundred (100) rabbits.

*Apartment House:* (subsumed under revised multi-family definition)

*Assembly Plant:* A structure used for the fitting together of parts or components to form a complete unit.

*Auction Yard:* An approved location or place for the public sale of property, livestock, animals, fowl, vehicles and manufactured items, such as furniture, equipment, and construction equipment that is delivered and sold to the highest bidder. Such sale shall be conducted by a licensed auctioneer.

*Auto Sales and Service:* A place that sells and may service, small motor vehicles such as automobiles, pick-up trucks, all-terrain vehicles, golf carts, motorcycles and the like.

*Automobile Graveyard:* Any outdoor lot or place upon which more than five (5) inoperative motor vehicles are found, placed or located. The term "inoperative" shall include vehicles that are currently inoperative and would not be economically practical to make operative. Such use may include dismantling of automobiles, including the collection and storage of parts for resale, and/or the storage of inoperative automobiles for future salvage or sale.

*Automotive Race Track:* Paved raceway for the purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing.

*Bakery:* An establishment where bread, pastries and other baked goods are made and prepared and, where offered for sale, the products are usually offered in bulk quantity and not for immediate consumption.

*Basement:* That portion of a building which is partly below and above grade and having at least one-half (1/2) its height above grade. A basement is counted as a story of a building. (See also cellar).

*Bed and breakfast homestay:* An owner-occupied single-family dwelling, or portion thereof, where short-term lodging is provided, with or without meals, for compensation, to transient guests only. Meals may be provided to guests only. Up to five (5) guest rooms may be provided (also see "Bed and breakfast inn" and "Country inn").

*Bed and breakfast inn:* A single-family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator may or may not live on the premises. Meals may be provided to guests only. Up to fifteen (15) guest rooms may be provided (also see "Bed and breakfast homestay" and "Country inn").

*Berth:* The place where a ship or boat lies at wharf or pier.

*Best Management Practices or "BMPs":* means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

*Blacksmith Shop:* A building usually equipped with a forge, used for the shaping and repair of iron and other metals.

*Board, The:* The Board of Supervisors of Westmoreland County, Virginia.

*Boarding House:* A building where lodging and meals are provided, for compensation, to not less than five (5) and not more than fourteen (14) persons.

*Boat Wharf:* Structure which extends from the land into the water to afford convenient passage for persons to boats along the sides thereof which may include berths for boats.

*Boat Wharf, Commercial:* A berthing facility or wharf that may be operated by a private entity for a fee or revenue generating purposes.

*Boat Wharf, Private:* Non-public berthing facility or wharf from which no revenue is derived.

*Boat Wharf, Public:* A berthing facility or wharf that may be operated by a public entity, with or without a fee.

*Boathouse (Covered Boat Slip):* A covered structure built on pilings or any other method, above tidal waters used for the purpose of storing watercraft.

**Buffer Area:** means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances. The width of the buffer shall be measured in a horizontal plane.

**Building:** 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:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.

**Building, Commercial:** Any building used for activities that involve trade, commerce, barter, exchange, manufacture, marketing, repair, assembly, services or business.

**Building, Height of:** The height shall be measured from the average elevation of the ground surface along the front of the building to the top of the roof sheathing of a flat roof or to the mid-point of the pitch of a gable roof (for roofs with multiple gables, the height shall be determined by the highest of the gables).

**Building, Main:** 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.

**Building Setback Line:** (subsumed under setback)

**Bulkhead:** A wall-like structure that may include riprap or sheet piling, constructed to separate land or water and establishing a permanent shoreline or to prevent erosion of soil from wave action.

**Bulk Oil Storage:** The storage of petroleum products in total quantity of not more than 125,000 gallons.

**Business Support Service:** Establishment or place 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, mail and packaging stores, as well as temporary labor services.

**Camp, Day or Boarding:** A lot, or tract of land operated either as a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Day or Boarding does not mean Recreational Vehicle Park nor Mobile Home Park nor Campground as defined herein. May include uses and structures for the lodging of guests engaged in outdoor recreation activities. Boarding Camp does not mean Mobile Home Park as defined herein.

**Campground:** An area upon which are located sites for two or more travel trailers, campers or other camping facilities for seasonal or temporary recreational occupancy.

**Camper:** A vehicular portable structure mounted on wheels constructed with collapsible, partial side walls of fabric, plastic or other pliable materials for folding compactly while being transported.

**Cannery:** A structure used for the processing and canning of foods.

*Car Wash:* A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

*Caregiver:* An adult who provides care for a mentally or physically impaired person within the Commonwealth of Virginia. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he or she is caring.

*Caretaker's Dwelling:* A secondary, accessory dwelling unit or apartment contained within, or detached from, a principal structure which is (i) used as a residence by a caretaker or watchman, or (ii) inhabited to provide added security to the premises.

*Cellar:* That portion of a building which is partly or completely below grade and having more than one-half (2) its height below grade. A cellar is not counted as a story of a building. (see basement).

*Cemetery:* A graveyard or place for burial of the dead.

*Central Water System:* See Water System, Central.

*Chesapeake Bay Preservation Area or "CBPA":* means any land designated by the Westmoreland County Board of Supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area. All of the lands of Westmoreland County which are not in a Resource Protection area are in the Resource Management Area, and, consequently, all of the lands in Westmoreland County are in the Chesapeake Bay Preservation Area.

*Child-Care Center:* Child-Care Center as defined by Chapter 10, 63.1-195 of the Code of Virginia, 1950, as amended.

*Church:* Place of worship (church, synagogue, mosque, etc.), an institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" or "place of worship" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

*Club:* A group of people associated for a common purpose, usually in an organization that meets regularly. The term includes lodges, fraternities, sororities, veterans' groups, political groups and similar organizations.

*Club Facilities:* The facilities, other than the clubhouse, used by the members of a club to carry out the activities of the club.

*Club House:* A room or building used as a meeting place or social center by the members of a club.

*Cluster Development:* A form of development in which "cluster" lots that are less than the average lot size of the development are clustered together such that most of the original tract is preserved in very large "conservation" lots and/or common open space, suitable for agricultural and/or open space uses.

*Commercial Recreation, Indoor:* Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, bowling, billiards or pool, darts, bingo, slot cars, hard and soft courts, miniature golf, golf driving nets, cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities incidental to the foregoing.

*Commercial Recreation, Outdoor:* Any outdoor establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including amusement rides, amusement parks, theme parks or automotive race tracks.

*Commission, The:* The Planning Commission of Westmoreland County, Virginia.

*Community Water System:* see Water System, Community.

*Concrete Plants and Distribution:* A structure or area used for the manufacture of concrete and concrete products.

*Conditional Zoning:* As part of classifying land into zoning districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district by the zoning ordinance.

*Condominium:* A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An owners association is organized for the purpose of maintaining, administering and operating the common areas and facilities and as further defined in Chapter 4.2 Sections 55-79.41 (f), (g), (h), (i), (j), (n) and (p) of the Code of Virginia, as amended.

*Conservation Area:* Public or private lands, marshes and water courses, the use of which is controlled for their protection or restoration to natural states.

*Construction Footprint:* means the area of all impervious surfaces including, but not limited to, buildings roads and drives, parking area, and sidewalks and the area necessary for construction of such improvements.

*Construction Office, Temporary:* A trailer used as a temporary office during a construction operation. This use includes construction office trailers occupied in conjunction with residential or non-residential development.

*Contractor's Offices and Shops:* Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet.

*Contractor's Storage Yard:* Any site, lot, parcel, tract or place where material, goods, equipment and/or parts used or associated with maintenance, repair and/or a construction operation are kept or stored while awaiting their disposal or usage.

*Convenience Store; convenience service center:* Retail establishment which contains less than 5,000 square feet of gross floor area and which is used for the retail sale of food or food and other items, generally purchased in small quantities but not including the sale of gasoline. Convenience food store is not designated for on-site consumption of the products purchased on the premises, and characterized by the rapid turnover of customers and high traffic/trip generation.

*Conventional Septic System:* See "Septic system."

*Country club:* A land area and buildings containing recreational facilities, club house and normal accessory uses, primarily open to members and their guests for a membership fee, and which may include but are not limited to swimming pools, tennis courts, golf courses, stables and riding facilities, equestrian events but not racetracks; may include overnight accommodations for members and guests and dining facilities which may be for use by members, guests and the general public.

*Country Inn:* Overnight lodging of up to thirty (30) rooms is available and a full-service restaurant may provide meals to guests and the general public (also see "Bed and breakfast inn").

*Country Store:* A single store of not more than two thousand five hundred (2,500) square feet of gross floor area, which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Does not include sales of gasoline or other fuels.

*Covered Boat Slip:* See Boathouse.

*Dairy:* A commercial creamery established for the manufacture, processing and/or sale of dairy products.

*Density, gross:* The ratio of the total number of lots or dwellings on a tract to the total number of acres within the tract.

*Density, net:* The number of dwelling units per acre of land on site that is devoted to residential buildings and accessory uses within the site including roads and permanent open space, but excluding land devoted to other public facilities, stormwater detention facilities, wetlands, 100-year floodplain, and nonresidential development.

*Development:* means the construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

*Diameter at Breast Height or "Dbh":* means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

*District:* See Zoning District.

*Dock:* an area of inundated land abutted on one, two or three sides by piers, or wharves, for the purpose of boat use, mooring and storage.

*Dock, community:* a pier or wharf providing moorage for pleasure craft and recreational activities for use in common by residents of a certain subdivision or community. Marinas are not considered community docks.

*Dripline:* means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

*Drive-In Facility* (same as "Drive-Through"): Any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle.

*Driveway, Entrance:* That portion of a single lot or parcel of land, which otherwise contains proper road frontage, used for vehicular ingress and egress, to or from a road, for that lot only. At least one side other than the ends of a driveway must adjoin and be an integral part of the single lot or parcel of land which the driveway serves. A driveway shall be a private way and may be of any length, width or construction and need not be platted.

*Dump Heap (Trash Pile):* Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State Highway, residence, dairy barn or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

*Dwelling:* Any structure which is designed and used for long-term residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, motels, apartment, trailers and campers.

*Dwelling, Accessory:* A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal dwelling.

*Dwelling, Dormitory:* A space in a building, or a building, where group sleeping accommodations are provided for persons not necessarily members of the same family group, in one room or in a series of closely associated rooms. Dormitories may be for farm labor or for non farm purposes, subject to the regulations of Article 2 and Article 4. (also see Group Housing for Farm Labor)

*Dwelling, Manufactured/Mobile:* See "Manufactured Dwelling."

*Dwelling, Modular:* A dwelling constructed within a factory to the same building code standards as for on-site, "stick-built" dwellings, and for which major sections are shipped to the site and assembled on-site.

*Dwelling, Multiple-family:* A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a single family attached dwelling as defined herein.

*Dwelling, Single-family:* A residential building containing only one (1) DWELLING UNIT, arranged or designed to be occupied by one (1) family.

*Dwelling, Single family attached:* A group of three (3) or more closely placed, interrelated single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling or garage. Each unit shall have its own outside entrance. For the purpose of this Ordinance, dwellings such as semi-detached, garden court, patio house, zero lot line, 'piggyback' townhouse, 'back to back' townhouse and townhouse shall be deemed single family attached dwellings.

*Dwelling, Single family detached:* A single family dwelling unit which is entirely surrounded by open space or yards on the same lot (parcel of record).

*Dwelling, Two-family:* A dwelling unit arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling unit; may also be commonly referred to as a duplex.

*Dwelling Unit:* One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit.

*Engineer:* A civil or professional engineer certified by the Commonwealth of Virginia.

*Engine Repair, Small:* The repair of small motors such as lawn mowers (smaller than 19 hp) chain saws, trimmers, etc., outboard motors (not attached to boats). Such use shall not include the storage of boats whose motors are being repaired.

*Evergreen:* A coniferous or other plant that retains its leaves or needles in all seasons.

*Family:* One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home, lodging house, motel or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated persons; or up to eight (8) mentally or developmentally disabled persons living in a residential group home facility.

*Family Day-care Homes:* Family Day-Care Home as defined by Chapter 10, Section 63.1-195 of the Code of Virginia, 1950 as amended.

*Farm enterprise:* An agricultural or silvicultural based process, activity or business use of a property that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural, aquaculture or silvicultural operation. Activities of a farm enterprise may include, but are not limited to, the following uses such as secondary processing and/or retail sale of agricultural, horticultural or silvicultural products, farm tours, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, animal walks and horse and pony rides. This definition would not include land application of sludge, sawmills, meat processing plants, slaughterhouses, wood processing and similar.

*Farm machinery repair:* A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

*Farm machinery sales, rental and service:* An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

*Feed Mill:* A commercial enterprise engaged in the provision of animal feed, which may include storing, processing and milling grain for agricultural use. Ancillary sales of bedding and accessories and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, may be permitted if not more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery.

*Financial Institution:* Any establishment, to include an unmanned bank teller machine(s), where the primary occupation is concerned with State regulated businesses such as banking, savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) or drive-in unmanned bank teller shall also be subject to the definition of drive-in facility as defined herein.

*Fire and/or rescue station:* Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

*Flag Lot:* (see Lot, Pipestem)

*Flea Market:* A retail business in which separate stalls, booths or spaces are rented from an owner or/and operator to individuals who offer for retail sale new and/or used items and subject to the provisions of Article 4 of this Ordinance.

*Forestry:* The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

*Frontage:* The minimum width of a lot measured from one side lot line to the other along a straight line, as measured at the front building setback or from the mean low water line on waterfront lot.)

*Frontage, Waterfront:* The distance measured in a straight line from the two low water mark corner points of the property.

*Funeral Home:* A structure used for human funeral services. A funeral home may contain facilities for the preparation of the dead for burial and the storage of caskets and funeral supplies.

*Garage, Private:* Accessory building designed or used for the storage of private automobiles owned or used by the occupants of the building to which it is accessory.

*Garage, Public:* A building or portion thereof, other than a private garage, designed or used as a business enterprise with a fee or service charge being paid to the owner for renting, selling, or storing motor-driven vehicles.

*General Store:* (subsumed under retail sales establishment)

*Golf Driving Range:* A practice range for hitting golf balls from a common tee-off area, and for purposes of this Zoning Ordinance, not operated in conjunction with a golf course or country club.

*Golf Course:* Any golf course, publicly or privately owned, on which the game of golf is played, including customary accessory uses and buildings.

*Governing Body:* The Board of Supervisors of Westmoreland County, Virginia.

*Grade:* A reference plane representing the average of finished ground level adjoining the building to all exterior walls.

*Grain and Fertilizer Storage, Commercial:* A commercial enterprise engaged in storing grain, animal feed, and fertilizer for agricultural use.

*Group Housing for Farm Labor:* A space in a building, or a building, where group sleeping accommodations are provided in one room or in a series of closely associated rooms, for persons employed as farm laborers, who are not necessarily members of the same family group.

*Health Official, Public:* The head of the Westmoreland County Health Department, or designated deputy.

*Heavy Equipment:* Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes. See also, "Vehicle, commercial.

*Highway Engineer:* The Resident Engineer of Westmoreland County, Virginia of the Department of Transportation of Virginia, or designated deputy.

*Historical Area:* An area indicted on the zoning map which is subject to the provisions of the ordinance intended to protect historic features, structures and heritage.

*Home Doctor's Office:* The office and occupational facility of a medical doctor or doctor of dental surgery when (a) such use is conducted within a dwelling which is a bona fide residence of the practitioner, or within a conforming accessory building on the same parcel as the residence, and (b) not more than one other person is employed on the premises in conjunction with the doctor's practice, and (c) there is no outside display of goods or advertising, other than the doctor's nameplate.

*Home Occupation, Major:* A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings by a resident of the dwelling which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings with no more than one on-site employee who is not bona fide residents of the dwelling at any given time. Any and all goods offered for sale are produced as a part of the same home occupation, See standards Article 4.

*Home Occupation, Minor:* A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings by a resident of the dwelling which use is incidental and secondary to the principle use, and not more than one other non-resident person is an on-site employee who is not a bona fide resident of the dwelling. No equipment is used other than that normally used in household, domestic hobby and craft, or general office use and there are no goods offered for sale. See standards Article 4.

*Home Professional Office:* The office, studio, or occupational room of a lawyer, architect, or other licensed person when (a) such use is conducted entirely within a dwelling which is a bona fide residence of the practitioner or within a conforming accessory building on the same parcel as the residence, and (b) not more than one other person is employed in the same occupation, and (c) there is no outside display of goods or advertising, other than a nameplate.

*Hospital:* Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric cases, etc., and as defined by Chapter 5, 32.1-123(1) of the Code of Virginia, 1950 as amended.

*Hospital, Special Care:* (replaced with medical care facility)

*Hotel, motel:* A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one or more eating establishments as a subordinate use, provided that such establishment is located within the principal hotel/motel structure, and meeting rooms and/or conference facilities.

*Impervious Cover:* means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

*Independent Living Facility:* A residential development that is limited to occupancy by elderly persons and/or by persons with handicaps.. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches.

*Institutional uses or buildings:* Buildings or uses owned and/or operated by private, educational and philanthropic organizations, including museums, art galleries, nature centers, lecture halls, and similar uses where such uses are the principal use of the structure. Offices of philanthropic organizations, private schools, public schools and public libraries are not considered and other similar uses specifically defined herein.

*Intermittent Sand Filter System:* A system designed to treat sewage by causing the sewage to be dosed at preset intervals through a properly designed bed of graded sand media.

*Intensive agriculture facility:* An intensive agriculture facility is any enclosed field, range, pen or building where three hundred (300) or more total animal units are confined or housed for either more than forty-five (45) consecutive days or more than ninety (90) total days in any part of any twelve-month period, and crops, vegetation, forage growth or post-harvest residues are not sustained over any significant portion of such field, range, pen, or building. Any poultry operation containing ten (10) or more animal units in a single enclosed field, range, pen or building, or twenty (20) or more animal units on a single tract.

*Equivalent of 300 animal units:*

- 300 slaughter or feeder cattle
- 750 swine
- 150 horses
- 3,000 sheep or lambs
- 200 mature dairy cattle
- 16,500 turkeys
- 30,000 laying hens or broilers

*Jetties:* Structures generally perpendicular to shore extending through or past the intertidal zone. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift. Jetties also serve to protect channels and inlets from storm waves or cross currents.

*Junk Yard:* The use of any area of land lying within one thousand (1,000) feet of a primary highway and five hundred (500) feet of a secondary highway or the use of more than one thousand (1,000) square feet of land in any location for the storage, keeping or abandonment of scrap metals or other scrap materials. The terms "JUNK YARD" shall include the term "AUTOMOBILE GRAVEYARD" as defined in ' 33.1-348, Code of Virginia.

*Kennel, commercial:* An establishment for keeping, boarding, training, breeding, handling, selling, treating or boarding dogs, cats, or other household pets as a business. Does not include establishments in which the sole function is grooming.

*Kennel, private:* A place prepared to house, board, breed, handle or otherwise keep or care for dogs and cats for enjoyment of the resident owner. However, more than four dogs of six months or greater in age kept upon any lot or premises shall be considered a commercial kennel.

*Laboratory - Pharmaceutical and Medical:* A structure used for the preparation of chemicals and drugs, including scientific experimentation and research thereon.

*Laboratory - Research and Development:* A structure used for scientific study, research and experimentation.

*Landfill, Sanitary:* A disposal facility for solid waste so located, designed and operated that does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or groundwater, and shall not include hazardous waste, sludge or sewage.

*Landing, Public:* structure providing a place where boats can land people or goods.

*Length/width ratio:* The ratio of the length of a lot to its width, calculated by dividing the lot depth as defined herein, by the lot width as defined herein.

*Library:* Structure, either publicly or privately owned, used for collection and storage of books, periodicals, and similar materials, and providing facilities for reading, research and/or borrowing of the collected materials.

*Livestock Market:* A commercial establishment wherein livestock is collected and sold.

*Lot:* A single parcel of land undivided by a public waterway or road.

*Lot, cluster development:* A lot within a cluster development that is smaller than the average lot size of the development, so as to allow a majority of the tract to be preserved in conservation lots and/or open space.

*Lot, cluster conservation:* A lot within a cluster development that is larger than the average lot size of the development and is preserved for agricultural and/or open space uses.

*Lot, Corner:* A lot abutting on two or more streets at their intersection. The yards abutting the streets shall both be treated as front yards; the other two yards shall be treated as side yards.

*Lot Coverage:* (see impervious cover).

*Lot, Depth of:* The average horizontal distance between the front and rear lot lines.

*Lot, Double Frontage:* An interior lot having frontage on two streets; a through-lot.

*Lot, Flag:* (see Lot, Pipestem)

*Lot, Interior:* Any lot other than a corner lot.

*Lot Line, Common:* A boundary line between two parcels of land of different ownership.

*Lot, Pipestem:* A lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipestem portion forming an access corridor to the bulk of the lot which is located behind the bulk of other lots or parcels. (may also be referred to as a flag lot.) Must be created in accord with the requirements of Article 4.

*Lot, Through:* A lot that has road frontage at both the front and rear lot lines; a double-front lot.

*Lot of Record:* A lot, a plat or description of which has been recorded in the Clerk's office at the Circuit Court.

*Machine Shop:* A business in which metal objects are processed, reduced, or finished by turning, shaping, planing, or milling by machine-operated tools.

*Manufacture and/or Manufacturing:* The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character for use for a different purpose. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker's quarters.

*Manufactured/Mobile Home:* A structure 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 permanent utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term mobile/manufactured home" as defined and used in this ordinance shall include and apply to Class A, Class B and Class C manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act.

**Manufactured home, Class A:** A multisectional manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

**Manufactured home, Class B:** A traditional single section manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

**Manufactured home, Class C:** A manufactured home constructed before July 1, 1976, and consequently does not meet the criteria of a Class A or Class B manufactured home. Manufactured homes are also commonly referred to as "mobile homes" and differ from "modular homes" as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards.

***Manufactured Home, Sales and Service:*** The use of any structure or land area for the display and sale and/or rental of new or used manufactured homes automobiles, and including any warranty repair work and other manufactures home services conducted as an accessory use.

***Marina, Commercial or Club Type:*** Boating facilities designed and operated for profit, or operated by any club or organized group, where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

***Marina, Private Noncommercial:*** A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

***Medical Care Facility:*** Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including but not limited to general hospitals, sanatorium, sanitarium, assisted living facility, nursing home, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office, first aid station for emergency medical or surgical treatment, medical laboratory,

***Mentally or Physically Impaired Person:*** A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Section 63.2-2200, Code of Virginia, as certified in a writing provided by a physician licensed by the Commonwealth of Virginia.

*Mezzanine:* An intermediate level between the floor and ceiling of any story, and covering not more than thirty-three percent (33%) of the floor area of the room in which it is located.

*Minimum Lot Area:* The area of the minimum lot size permitted for any development or subdivision of land in the Zoning Districts set forth in Article III - Dimensional Requirements of the Zoning Ordinance. The specified minimum lot area is the minimum area required for each residential structure or for each family unit in a multi-family structure and is exclusive of all rights-of-way or other easements, except for easements for utilities used solely for the benefit of such specific lot and utility and drainage easements which lies entirely within the area of such lot between the lot boundary lines and the building setback lines applicable to such lot.

*Mobile/Manufactured Home Park:* Any site, lot, parcel or tract of land which is improved, used or intended to provide a location for the accommodation of two or more manufactured homes which are used for living purposes, regardless of whether or not a charge is made for such accommodations.

*Museum:* Facility used for the primary purpose of displaying artifacts, art work, historical documents, photographs, costumes, and other natural or man-made objects. The facility may include accessory meeting rooms and lecture halls.

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

*Nonconforming Lot:* An otherwise legally platted lot that does not conform to the minimum requirements of the ordinance for the district in which it is located.

*Nonconforming Structure:* An otherwise legal building or structure that does not conform to the use regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located.

*Nonpoint Source Pollution:* means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

*Nontidal Wetlands:* means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U. S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 C. F. R. 328.3b, dated November 13, 1986.

*Noxious Weeds:* means weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

*Nursery, horticultural production:* A commercial establishment in which nursery stock is grown and propagated for wholesale distribution to retail centers or large users.

*Nursery, retail:* A commercial establishment for the retail sale of nursery stock, garden equipment, tools, seeds and supplies.

*Nursery, wholesale:* A commercial establishment for the wholesale sale of nursery stock, garden equipment, tools, seeds and supplies.

*Nursing Homes:* Nursing Homes as defined by Chapter 5, ' 32.1-123(2) of the Code of Virginia, 1950 as amended, for the purposes of this ordinance, considered a medical care facility.

*Office, administrative, professional and business:* A building, room or group of rooms used for conducting the affairs of a business, profession, services or government. For the purpose of this Zoning Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.

*Office, medical:* The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, osteopathy, dentistry, chiropractic, podiatry, psychiatry, clinical psychology or other health-related professions on an outpatient basis. The professional services provided in the medical office space are for the occupant's own patients and not for patients of unrelated outside practitioners. A medical office shall not be deemed to include a veterinary clinic.

*Off-street Parking Area:* Space provided for vehicular parking outside the dedicated street right-of-way.

*Oil and Gas Well Drilling:* Boring or drilling a hole in the earth for the purpose of finding and mining oil or natural gas resources.

*Parcel:* An area of land, legally recorded in the County Clerk's office as a separate unit of land for purposes of ownership, taxation and other such matters.

*Parent Tract:* Any lot or contiguous lots of record existing as contiguous lots on the effective date of this amended Ordinance.

*Park:* A public area reserved for natural or artificial landscaping, which may include recreational facilities and structures.

*Parking Area/Lot:* Surface facility, other than a street or alley, used for parking automobiles, other passenger vehicles or trucks, but not for storage of such vehicles.

*Party Lot Line:* (replaced with lot line, common)

*Pawnbrokers Shop:* A place of business of any person authorized by the Circuit Court for Westmoreland County, and licensed by the Commissioner of the Revenue for Westmoreland County to engage in the business of a Pawnbroker as defined by the Code of Virginia, ' 54.1-4000 et. seq.

*Pen:* A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.

*Personal Service Establishment:* Any service wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Zoning Ordinance, personal service establishments shall include, but need not be limited to, barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business: services,

personal do not include dry cleaning plants or laundries solely devoted to cleaning, processing, etc., or linen or diaper service establishments. Personal service establishments shall not include offices of physicians, dentists, and veterinarians, garment cleaning establishments where there is on-site cleaning of garments, or linen or diaper cleaning service establishments.

*Pier*: A structure on the land that extends into the water for recreational purposes.

*Pipestem Lot*: (see Lot, Pipestem).

*Place of Worship* (church, synagogue, mosque, etc): An institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "place of worship" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

*Plan of Development*: means the process for site plan or subdivision plat review to ensure compliance with '10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

*Plat*: The schematic representation of land divided or to be divided.

*Playground*: An area of land where recreational equipment for children is installed out of doors.

*Post Office*: Retail sales or business services establishment, owned or operated by the United States Postal Service, to facilitate the transmittal and receipt of letter, bulk, and package mail. Establishments offering transmittal of mail and packages, and packaging services that are owned and operated by private entities, excluding large scale processing and distribution centers, shall be considered business service establishments.

*Potable Water*: Water fit for human consumption and domestic use.

*Precious Metals Dealer's Shop*: The place of business of any person permitted by the Sheriff of Westmoreland County to engage in the business of a Dealer in Precious Metals and Gems as defined in Chapter 12, Precious Metals and Gems, of the Code of Westmoreland County.

*Preserve*: An area maintained for the protection of wildlife or natural resources.

*Printing Plant*: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

*Property*: A parcel, lot or acreage of land as defined herein.

*Public Use*: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Westmoreland County government under the direct authority of the Board of Supervisors, or the Westmoreland County School Board without reference to the ownership of the building or structures or the realty upon which it is situated.

*Public Utility*: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public

consequence and need such as electricity, gas, water, transportation or communications and As defined in ' 56-265.1 of the Code of Virginia, 1950, as amended.

*Public Sewer System:* Includes “wastewater treatment plant, public” and “wastewater system trunk lines, public.”

*Public utility trunk lines, other, and system components (gas, electric):* major distribution lines that serve neighborhoods, districts, large sites or multiple sites as opposed to smaller lines that provide individual service connections.

*Public utility trunk lines, water or wastewater:* see “utility trunk lines, water or wastewater, public”

*Public Wastewater Treatment Plant:* see “wastewater treatment plant, public”

*Public Water Treatment Plant:* see “water treatment plant, public”

*Recirculating Sand Filter System:* A system which treats sewage effluent by repeatedly passing the sewage through a pump chamber and sand filter to achieve alternating wetting and drying cycles.

*Recreational use, Active:* Intensive play or athletic activity involving individual or group participation in games, sports or other activity. Includes such activities as baseball, basketball, tennis, soccer, golf, swimming, riding and other activities involving physical exertion. May be private, public or commercial in nature.

*Recreational use, passive:* Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

*Recycling Collection Point:* A facility used for the purpose of collecting household waste materials suitable for recycling for holding until transfer to a storage site or processing facility.

*Redevelopment:* means the process of developing land that is or has been previously developed or used within the past (20) years from the date of adoption of this Article. Land or improvements which have been in disuse for more than said twenty (20) year period shall not be deemed previously developed.

*Required Open Space:* Land used for lawns, decorative plantings, walkways, yard area, recreation, resource protection, amenity and/or buffers as required in any front, side or rear yard. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

*Restaurant:* An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed. Customers are not expected to clear their table or dispose of their trash. Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers, and non-disposable eating utensils are provided shall be deemed an eating establishment. An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment.

*Restaurant, Carry-Out:* An establishment that provides prepared food for pick-up by the customer or delivery by the restaurant employees, but not eat-in facilities.

*Restaurant, Drive-Through:* An establishment that delivers prepared food, beverages, and/or desserts to customers in motor vehicles, regardless of whether or not it also serves customers who are not in motor vehicles, for consumption on or off the premises.

*Restaurant, Fast Food:* An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, beverages, and/or desserts directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

*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.

*Resource Management Area or "RMA":* means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. The Resource Management Area of Westmoreland County consists of all the lands in Westmoreland County which are not in the Resource Protection Area.

*Resource Protection Area or "RPA":* that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

*Retail Sales Establishment:* Any use wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this Zoning Ordinance, retail uses shall not be deemed to include vehicle sale, rental and/or service, manufactured home rental and/or service or convenience retail.

*Retaining Wall:* A wall built to support or prevent the advance of a mass of earth or water.

*Road:* A highway, street, avenue, boulevard, road, lane or other undefined way. When used with the adjective "private", the word shall mean a public way.

*Road, Dead End:* A road with only one outlet and having one end permanently closed with an appropriate turn-around at the closed end for safety and convenient reverse traffic movement.

*Road, Public:* a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and

maintained, or both, by Westmoreland County in accordance with the standards of Westmoreland County.

*Sales Office, temporary:* A building in a recorded subdivision used as an office for the sale of property or homes in such subdivision.

*Sawmill:* An operation consisting of machinery and equipment used for the purpose of sawing logs into lumber, either finished or unfinished, which may include planning, milling or other processing of wood into lumber and may include pertinent processing and storage areas for raw materials and/or finished wood products, provided that no sawdust, slabs and/or shavings shall be deposited any closer than 300 feet from any public road.

*Sawmill, Permanent:* A sawmill, as defined herein, which is intended to remain on same lot or parcel of land with logs, or other raw material to be processed, brought to the site from other locations.

*Sawmill, Portable or Temporary:* A sawmill, as defined herein, which is erected or placed on a lot or parcel of land for a limited period for the purpose of sawing and otherwise processing logs which are cut from trees on or in the near vicinity of the lot or parcel of land on which the sawmill is located, provided that in the event logs are brought to a portable or temporary sawmill for processing, which logs are not from trees growing on or in the near vicinity of the lot or parcel of land on which the sawmill is located, the sawmill shall become a permanent sawmill.

*School, Commercial or special Instruction:* A school primarily devoted to giving instruction in professional, musical, dramatic, artistic, scientific or other special subjects, exclusive of a conventional primary or secondary curriculum.

*School, General Education (non-public):* A parochial or private school giving regular instruction during a normal school year.

*School, Elementary:* An educational institution devoted to teaching not more than grades pre-school through sixth.

*School, Middle:* An educational institution devoted to teaching not more than grades six through nine.

*School, High:* An educational institution devoted to teaching not more than grades eight through twelve.

*School, Public:* An educational institution operated by a duly constituted governmental entity.

*School, Technical:* A school which primarily provides instruction to adults in vocational skills.

*Seafood Facility - Non-processing:* A facility at which any form of fish, including shellfish, is received and handled for the purpose of sale, resale or transfer without processing as set forth herein for a seafood processing facility; provided that the facility is operated as a business, whether or not for profit. The act of icing or holding in a refrigerated area and/or boxing or crating for shipment shall not be considered processing at such a facility. The manufacture of fertilizer, fish meal, fish oil or other commercial products shall not be included in this category.

*Seafood Facility - Processing:* A facility at which fish, including shellfish, is received and modified or changed in some manner such as, but not limited to, cooking, cleaning and/or filleting fish; shucking oysters, clams or other shellfish; cooking and/or picking crabs; holding crabs in tanks for purpose of peeling or shedding for soft shell crabs; and holding, growing and/or desliming of eels; provided that the facility is operated as a business, whether or not for profit. Processing such products solely for the personal use of the operator and/or his immediate family and others who are part of his household is authorized in any district without a zoning permit. The manufacture of fertilizer, fish meal, fish oil or other commercial products shall not be included in this category.

*Seawall:* An embankment to prevent erosion of a shoreline.

*Secured:* For the purposes of Section 6-19, secured is defined as minimal steps taken by a property owner or the county to impede trespass or inappropriate access.

*Self Storage Facility:* A structure or structures consisting of individual, self-contained storage spaces which may be owned, leased or rented to individuals.

*Septic System:* A "conventional" sewage disposal system consisting of a septic tank, distribution box, drain field and related piping approved by the Health Department. This category specifically includes conventional septic tank disposal systems, including remote drainfields, pump systems, and low pressure distribution systems including systems such as elevated sand mounds and peat moss filter (e.g. puraflo) systems.

*Service Station:* Buildings and premises where the primary use is the supply and dispensing of retail motor fuels, lubricants, batteries, tires, motor vehicle accessories, and/or light maintenance activities, performed within an enclosed building, such as engine tune-ups, lubrication, and minor or emergency repairs. This definition does not include heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work.

*Service Station/Mini-mart:* Building and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair areas. A service station with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas, shall be deemed a service station and convenience store.

*Setback:* The minimum distance by which any building or structure must be separated from the lot lines or from the mean low water line on waterfront lots.

*Sewage:* Water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

*Sewage Treatment Works:* Any device or system used in the collection, storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment, except that the term shall not include the piping and fixtures within the building from which such sewage is collected.

*Sewage treatment system, alternative:* "Alternative discharging sewage treatment system" or "discharging system" means any device or system which results in a point source discharge of treated sewage for which the Virginia Department of Health may issue a permit authorizing construction and operation when such system is regulated by the SWCB pursuant to a general VPDES permit issued for an individual single family dwelling with flows less than or equal to 1,000 gallons per day on a yearly average. Such a system is designed to treat sewage from a residential source and dispose of the effluent by discharging it to an all weather stream, an intermittent stream, a dry ditch, or other location approved by the department. In addition, alternative systems include all sewage treatment works which serve a single family dwelling or dwellings and which do not utilize conventional subsurface soil absorption for the treatment and disposal of sewage effluent, as defined herein, and which may be permitted subject to special exception approval where permitted by Article 2. Such systems shall include but not be limited to spray irrigation systems and other systems intended to serve single family dwellings which are permitted pursuant to current regulations of the Virginia Department of Health, a Virginia Pollution Discharge Elimination System (VPDES) Permit issued by the Virginia Department of Environmental Quality, or a Virginia Pollution Abatement Certificate issued by the Virginia Department of Environmental Quality.

*Sign:* As defined in ' 33.1-351 of the Code of Virginia, as amended.

*Sign, Advertising:* Any sign calling attention to a product, commodity, service or event other than a business sign, as herein defined.

*Sign Area:* (a) The area of a free-standing or attached sign shall be determined from its outside measurements, excluding as a part thereof, the height and overall width of supports and supporting structure and any other portion or portions thereof, outside the normal area upon which an advertisement is posted or intended to be posted. (b) The area of a sign displayed on a building or structure surface, other than a free-standing sign, shall be the area included within the highest and lowest points and the widest points on each side of the elements constituting the sign.

*Sign, Attached:* A sign attached to a building or structure by the sign support mechanism, with no support for the sign support mechanism other than the building or structure to which the sign is attached.

*Sign, Business:* An on-premises sign designating the type of business conducted in generic terms, such as restaurant, bowling, motel or auto sales and services; such sign may also include the name of the proprietor. An on-premises sign advertising a brand name product manufactured, packaged, refined or stored exclusive of other products, except those of the same manufacturer. An on-premises sign advertising a brand name product, the sale, service or storage of which constitutes the primary use of the premises.

*Sign, Combination:* Any sign which combines two or more types of signs as herein defined.

*Sign, Directional:* An off-premises sign, one end of which may be pointed, or on which an arrow may be painted, indicating the direction and/or distance to a location or establishment and containing no other advertising.

*Sign, Free-standing:* A sign standing either entirely apart from or partially fastened to a building or structure which sign is supported by the sign support mechanism.

*Sign, Home Occupation:* An on-premises sign which directs attention to a bona fide, authorized home occupation as defined in this ordinance.

*Sign, Noncommercial and Public Service:* Any sign devoted to religious, charitable, cultural, governmental or educational messages, including but not limited to the advertising of events sponsored by a governmental agency, school, church, civic or fraternal organization, or other organizations not engaged in activities for profit. This definition shall apply to outdoor church bulletin boards.

*Sign, Off-premises:* A sign which directs attention to: (1) any activity not conducted on, or (2) any matter not related to the premises upon which the sign is located.

*Sign, On-premises:* A sign which directs attention to: (1) any activity conducted on, or (2) any matter related to the premises, including any rights-of-way thereto, upon which the sign is located.

*Sign Support Mechanism:* The supports; uprights, bracing and framework of any sign or billboard, whether single-faced, double faced, V-type or otherwise.

*Sign, Surface Mounted:* A sign which uses no separate sign support mechanism but is fastened directly to a building or structure. Such sign may use its own sign surface or be painted, stenciled, or otherwise applied directly to the surface of a building or structure.

*Sign, Temporary Message:* A sign on a permanent support structure which applies to an activity of short duration or a fixed period of time such as, but not limited to, horse shows, auctions, elections and sales of land and property.

*Sign, Temporary Structure:* A sign, including the sign information portion and the support mechanism, which is intended to remain in place for a specified period of time of short duration.

*Site Plan:* The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

*Solid Waste Collection Point, Transfer Station:* A facility at which household waste and/or recyclable materials are deposited, not including hazardous waste, construction debris or other such materials that require special handling.

*Specialty shop:* A business of a local nature selling specialty items including, but not limited to, items such as crafts, sewing supplies, antiques, and souvenirs.

*Stone Works:* Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

*Storage Yard, Lumber and Coal:* The use of any space, whether inside or outside a building, for the storage of lumber, coal or fuel supplies.

*Story:* That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

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

*Street Line:* The dividing line between a street or road right-of-way and the contiguous property.

*Street or Road:* See "Road."

*Structure:* Anything constructed or erected, the use of which requires either permanent location on the ground or attachment to something having permanent location on the ground, driveways, fences, gates, gateway structures, roads and sidewalks are not included in the term structure as used in this ordinance.

*Subaqueous Beds:* Any land submerged under waters including private and/or public waters.

*Subdivision Sales Office:* A building in a recorded subdivision used as an office for the sale of property in such subdivision.

*Subsurface Soil Absorption:* A process which utilizes the soil to treat and dispose of sewage effluent.

*Surveyor:* A land surveyor certified by the Commonwealth of Virginia.

*Swimming Pool, public and private:* A structure, often a concrete-lined excavation of rectangular shape that is filled with water and used for swimming.

*Telecommunications Use and/or Structure:* A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

*Antenna:* Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omni-directional antennas, such as whips and satellite dishes, but not including satellite earth stations.

*Monopole:* A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.

*Transmission Tower:* A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication, telecommunication or radio tower.

*Telecommunication facility, freestanding:* A structure that stands alone for the sole purpose of supporting antennas, dishes and other such telecommunications equipment.

*Telecommunication facility, attached:* A structure or building whose main purpose is to support or house other uses, and to which antennas, dishes and other such telecommunications equipment is attached so as to avoid constructing a freestanding tower.

*Temporary Mobile and Land Based Telecommunication Testing Facility:* Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

*Temporary family health care structure:* A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.), and (v) is not placed on a permanent foundation.

*Theater, Drive-in:* An outdoor structure with associated parking area designed for the enactment of dramatic performance and/or showing of motion pictures

*Theater, Indoor:* A building, structure or place designed or used primarily for the commercial exhibition of motion pictures to the general public or used for the performance of plays, acts, dramas or musical productions by actors, actresses and/or musicians.

*Tidal Shore or Shore:* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

*Tidal Wetlands:* means vegetated and nonvegetated wetlands as defined in '62.1-13.2 of the Code of Virginia.

*Tourist Court, Auto Court, Motel, Cabin or Motor Lodge:* (Subsumed under hotel/motel)

*Tourist Home:* A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients. (Subsumed by Bed and Breakfast Inn and Country Inn)

*Townhouse:* (subsumed under single family attached dwelling)

*Trail:* A recorded public or private way established for walking, hiking, jogging or similar pedestrian use or for use of non-motorized vehicles. Trails are exempt from all provisions of the subdivision ordinance.

*Travel Trailer:* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification 'Travel Trailer' thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4500 pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this Ordinance, a travel trailer shall not be deemed a mobile home or camper.

*Travel Trailer Park:* A lot, parcel, or tract of land used, designed, or maintained to accommodate one (1) one or more trailers, including all structures, vehicles, accessories, appurtenances used or intended as equipment of such trailer parks, whether or not a charge is made for use of the park and/or its facilities. A trailer park does not include automobile or trailer sales lots, on which unoccupied trailers are parked for inspections and sale.

*Tree, Canopy:* A deciduous tree that normally exceeds thirty (30) feet in height at maturity, and is shown on the list of species in Article 6 of this Ordinance.

*Tree, Ornamental:* A tree that normally does not exceed thirty (30) feet in height at maturity, and is shown on the list of species in Article 6 of this Ordinance.

*Tributary Stream:* means any perennial stream that is so depicted on the most recent U. S. Geological Survey 7-1/2 minutes topographic quadrangle map (scale 1:24,000).

*Trucking Terminal:* A commercial or public facility primarily used for refueling, servicing and/or repairing heavy trucks such as tractor-trailers.

*Use, Accessory:* A subordinate use which is customarily incidental to and located upon the same lot occupied by the main use.

*Utility trunk lines, water or wastewater, public:* see wastewater system trunk lines, public; water system trunk lines, public.

*Variance:* A relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Any variance sought which is not specifically authorized by this ordinance to be granted by the Commission or the Board shall be in accordance with ' 15.2-2309 et seq. of Article 8 of the Code of Virginia, 1950, as amended.

*Vehicle, Business: Business vehicles.* Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people. Business vehicle may not have more than two axles.

*Vehicle, Commercial:* Except for those vehicles specifically excluded in this definition, this means every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity. The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer's farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b)

members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

*Vehicle, Inoperable:* Any motor vehicle which is not in operating condition or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. This definition shall not apply to vehicles exempted under the provisions of sections 46.2-650 through 46.2-653, 46.2-663 through 46.2-680, 46.2-723 and 46.2-750 of the Code of Virginia. This definition shall also not apply to vehicles in a public landfill.

*Vehicle, Recreational:* A unit primarily designed as temporary living quarters for leisure, recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle placed on a site for more than one hundred eighty (180) days shall be considered a manufactured home for purposes of this chapter.

*Vehicle Sales and/or Rental Facility:* The use of any structure or land area for the display and sale and/or rental of new or used automobiles, trucks, vans, trailers, recreation vehicles, boats or other vehicles and including any warranty repair work and other vehicle services conducted as an accessory use.

*Vehicle and/or Equipment Service Facility:* An establishment where the maintenance, servicing, repair or painting of vehicles, heavy equipment or large commercial appliances is conducted

*Veterinary Clinic, Hospital:* A facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

*Warehouse:* Any building or structure in which goods, material, equipment or parts are stored for safe keeping while awaiting the removal of said goods, material, equipment or parts to another building, structure, place or site for their disposal, usage or the sale of the before mentioned.

*Warehousing and Distribution:* Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses includes wholesale distributors, storage warehouses, truck terminals and moving/storage firms.

*Wastewater System Trunk Lines, Private:* The lines, pipes, pumps, tanks and other appurtenant parts of the collection facilities of a private wastewater system; where trunk lines are permitted, all other elements, including service lines to individual connections, are permitted as well.

*Wastewater System Trunk Lines, Public:* The lines, pipes, pumps, tanks and other appurtenant parts of the collection facilities of a public wastewater system; where trunk lines are permitted, all other elements, including service lines to individual connections, are permitted as well.

*Wastewater Treatment Plant, Private:* The central facility for treatment and purification of wastewater, as part of a private sewer system that serves multiple users.

*Wastewater Treatment Plant, Public:* The central facility for treatment and purification of wastewater, as part of a public sewer system that serves multiple users.

*Wastewater Treatment Systems:* See “Water and Sewer Systems”; also see “wastewater treatment plant, public” “wastewater treatment plant”, and “water treatment plant, public”

*Wastewater Treatment System, Central:* See “wastewater treatment plant, public”, “wastewater system trunk lines, public”, “wastewater treatment plant, private” and “wastewater system trunk lines, private.”

*Water and Sewer Facilities, Public:* System facilities, including but not limited to pumping stations, storage facilities, wells, and collection, distribution and transmission lines owned and operated by political jurisdictions such as an authority, county or town.

*Water And Sewer Systems, Public:* Community water or sewer systems owned and operated by a municipality or county for public use, or owned and operated by a private individual or a corporation serving the public for a fee.

*Water System, Community (waterworks):* Any water supply consisting of a well, springs, or other source and the necessary pipes, conduits, mains, pumping stations and other facilities used in the storage, collection, purification, treatment and distribution of potable water except the piping and fixtures inside the building where such water is delivered, to serve or to be capable of serving more than three connections, or an average of 25 individuals for at least 60 days as set forth in ' 15.2-2149, code of Virginia, 1950, as amended, but not more than 200 service connections. May be publicly or privately owned and managed.

*Water System, Central, Private:* A privately owned and operated water supply and associated pipes, conduits pumping stations and other facilities serving or capable of serving more than one but no more than three connections. The term shall also apply to any water supply system and associated facilities not otherwise regulated by the Virginia Department of Health or other regulations of Article VII of this ordinance.

*Water System Trunk Lines, Private:* The lines, pipes, pumps, tanks and other appurtenant parts of the collection facilities of a private, central, water system; where trunk lines are permitted, all other elements, including service lines to individual connections, are permitted as well.

*Water System Trunk Lines, Public:* The lines, pipes, pumps, tanks and other appurtenant parts of the collection facilities of a public, central, water system; where trunk lines are permitted, all other elements, including service lines to individual connections, are permitted as well.

*Water Systems, Unregulated:* As defined in ' 56-265.10(a) of the Code of Virginia, 1950, as amended.

*Water Treatment Plant, Private:* The central facility for treatment and purification of water, as part of a private sewer system that serves multiple users.

*Water Treatment Plant, Public:* The central facility for treatment and purification of water, as part of a public sewer system that serves multiple users.

*Water Well or Well:* Any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is

intended to be artificially drawn. Specifically exempted from this definition are wells used for the following purposes: i) exploration or production of oil or gas, ii) building foundation investigation, iii) elevator shafts, iv) grounding of electrical apparatus, or v) the modification or development of springs.

*Water Well Drilling:* Boring or drilling a hole in the earth for the purpose of finding and drawing groundwater resources

*Water-dependent Facility:* means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

*Waterfront Frontage:* see Frontage, Waterfront

*Waterfront Lot:* A residential or non-residential lot which abuts a river, creek or stream that is typically navigable by water craft.

*Waterfront Lot Line:* The line which follows the mean low-water mark for the property adjacent to a bed under public waters.

*Waters, Private:* All surface waters in Westmoreland County other than public waters including, but not limited to, waters over the beds of lagoons, lakes, ponds, pools, runs and streams.

*Waters, Public:* All waters in the bays, rivers and creeks which are over beds within the jurisdiction of the Commonwealth of Virginia whether or not such beds are the property of the Commonwealth.

*Wayside (Roadside) Stand or Market:* Any structure or land abutting a public thoroughfare which is used for the sale of agricultural or marine produce.

*Welding Shop:* A business in which metal is joined, united, repaired, produced, or created by heating and allowing the parts to flow together, or by hammering or compressing with or without previous heating.

*Wellhead Protection Radius:* Those separation or setback distances between wells, structural foundations, sewage disposal systems and possible sources of contamination or other interference with proper well operation or sewage disposal as determined by the Virginia Department of Health or the governing body.

*Wetlands:* means tidal and nontidal wetlands.

*Wholesale Trade Establishment:* Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

*Yard:* An open space, other than a court, or a lot, which shall be unoccupied and unobstructed by structures from the ground upward except as otherwise permitted in this ordinance.

*Yard, Front:* An open, unoccupied space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

*Yard, Rear:* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot, and extending the full width of the lot.

*Yard Sale:* A general sale, open to the public, conducted from or on a residential premise in any zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisements of such sale specifically names those items to be sold. (b) Personal Property, for the purposes of this definition, shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.

*Yard, Side:* An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

*Zoning Administrator:* An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Westmoreland County, Virginia, or his/her designee.

*Zoning District:* The various classifications of agricultural, residential, commercial, industrial and other zoning categories provided for in this Ordinance, and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term "zoning district" can refer either to the zoning category or the areas mapped in such uses on the zoning map.