DIVISION 6. - BUSINESS, GENERAL DISTRICT B-1

Sec. 70-247(A). - Allowable uses.

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Allowable uses in the B-2 zoning district.
(2) Catering (No more than two commercial vehicles are allowed on site. Commercial vehicles must be stored out of view of the public way).
(3) Data or computer services.
(4) Dog grooming without kennel facilities.
(5) Fast food restaurants without a drive-through window.
(6) Fire stations.
(7) Funeral homes without crematories.
(8) Furniture repair (No dipping or stripping).
(9) Gunsmith and gun archery sales.
(10)Hospitals (Under 12,000 square feet and no helistop).
(11) Hotels and motels.
(12) Household appliance sales and service stores (No outdoor staging or storage).
(13) Medical, dental and urgent care facilities.
(14) Museums.
(15) Party supplies sales and rentals (No outdoor staging or storage).
(16) Pet shops, not including boarding kennels.
(17) Photographic, artist or recording studios.
(18) Printing, publishing, photocopying, photographic processing or blueprinting.
(19) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items (Not to exceed 12,000 square feet).
(20) Rescue squads.
(21) Research and development (Non-hazmat).
(22) Retail stores and businesses.
(23) Roller rinks.
(24) Universities, colleges, and seminaries.

Sec. 70-247(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Amusement parlors.

(2) Any allowable use in the B-1 zone which exceeds 12,000 square feet shall require a conditional use permit.

(3) Assembly halls, meeting halls, convention space or event centers.

(4) Assisted living facilities.

(5) Automobile rental agencies meeting the following conditions:

a. Fueling of vehicles will be conducted off the premises.
b. Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.
c. Minimum off-street parking must be provided in accordance with section 70-13
d. The storage of wrecked or inoperative vehicles on-site is strictly prohibited.
e. The size of a rental vehicle parked on-site is limited up to a three-quarter-ton vehicle (gross vehicle weight not to exceed 9,100 pounds, and not to exceed 4 wheels).
f. All vehicles are required to be parked in an approved and marked parking stall in accordance with the site plan for the property.

(62) Banks and financial institutions with a drive-through.

(7) Bed and Breakfast Inns.

(8) Boat sales, non-motorized (Indoor).

(9) Child care or adult day care centers.

(10) Churches and places of worship.

(11) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.

(12) Convenience stores and service establishments such as, but not limited to automatic self-service laundries.

(13) Cultural arts and entertainment centers.

(14) Donated materials collection center, container, structure, area or bins (screened and not visable from the street).

(15) Drug stores with a drive-through window.

(16) Dry cleaning, garment processing facility (not to exceed 3,000 square feet).

(17) Farmers markets or flea markets.

(18) Fast food restaurants with a drive-through window.

(19) Garages, public parking.

(20) Garden centers, greenhouses or nurseries.

(21) Gasoline filling stations.

(22) Glass and mirror sales and services, excluding automobiles onsite.

(23) Golf driving ranges.

(24) Gun ranges, indoor only.

(25) Hospital (Over 12,000 square feet and/or helistop).

(26) Institutes or schools for special education, training and instruction.

(27) Interior design and decorating shops.

(28) Kennels, commercial (indoor).
(29) Laundromats.
(30) Live theaters, live entertainment centers.
(31) Miniature golf courses.
(32) Mixed use buildings.
(33) Model car race tracks.
(34) Motorcycle sales, rental or lease, service or repair (Indoor only, no exterior staging or storage).
(35) Motor vehicle parts, new or remanufactured (Indoor only, no outside staging or storage).
(36) theaters, indoor..
(37) Off premises sales of beer and wine.
(38) Paintball arena, indoor.
(39) Parking, commercial (short-term not to exceed 24 hours).
(40) Pet shops, including indoor boarding kennels on the premises.
(41) Philanthropic, civic club and charitable institutions (No outdoor donation centers, containers, structures, bins or areas allowed).
(42) Private clubs and lodges.
(43) Publishing.
(44) Recreation facility.
(45) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items (Over 12,000 square feet).
(46) Residential, multifamily, located above a commercial, retail or office use on the ground floor.
(47) Schools, K-12.
(48) Taxi or limousine dispatching, office only.
(49) Tool and equipment sales and rental, minor (No outdoor staging or storage).
(50) Uses with a drive-through window.
(51) Veterinary hospitals and indoor boarding kennels.
(52) Video sales and rental stores.
(53) Wholesale businesses, with parking to the rear of the building.

Sec. 70-247(C). - Accessory uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

(1) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground.
(2) Carwash accessory to gas sales (automated maned enclosed)

DIVISION 7. - BUSINESS, NEIGHBORHOOD DISTRICT B-2

Sec. 70-282(A). - Allowable uses.

(1) Antique shops.
(2) Apparel, clothing stores.
(3) Art galleries.
(4) Art supply stores.
(5) Bakeries provided all products produced on the premises shall be sold at retail on the premises.
(6) Banks and financial institutions without drive-through windows.
(7) Barber, beauty shops.
(8) Beauty supply and accessories.
(9) Bicycle sales and repair, indoor.
(10) Bookstores, newsstands.
(11) Candy stores.
(12) Clock shop sales and repair.
(13) Coffee shops.
(14) Computer stores or personal electronic sales and service.
(15) Drug stores without drive-through window.
(16) Dry cleaning (pick up only, not to exceed 3,000 sf
(17) Florist, gift shops.
(18) Food stores: Grocery stores, supermarkets (Not to exceed 10,000 square feet).
(19) Furniture stores.
(20) Government offices.
(21) Hardware, paint and wallpaper stores.
(22) Hobby, craft shops.
(23) Jewelry, engraving stores.
(24) Libraries.
(25) Locksmiths.
(26) Medical and/or dental offices and clinics.
(27) Musical instruments, sheet music, and recorded music sales and lessons.
(28) Office, general business or professional.
(29) Packaging and shipping (Not to exceed 5,000 square feet).
(30) Parks, public.
(31) Photographic equipment sales and service and photographic studios.
(32) Recreation facilities, public.
(33) Restaurants, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants.
(34) Self service copy shops.

(35) Shoe sales and repair stores.
(36) Sporting goods stores.
(37) Stamp and coin stores.
(38) Stationery stores.
(39) Tailor, seamstress shops.
(40) Tanning salons.
(41) Tobacco stores.
(42) Tourist information and orientation facilities.
(43) Toy stores.
(44) Travel agencies.

(a) Any allowable use in the B-2 zone which exceeds 10,000 square feet shall require a conditional use permit.

(b) Off-street parking shall be located to the rear or side of the principal structure.
(c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.
(d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

Sec. 70-282(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Banks with a drive-through.
(2) Bed and breakfast inns.
(3)Child care or adult day care centers.
(4) Churches and places of worship.
(5) Drug store with a drive-through window.
(6) Farmers market
(7) Micro-brewery or craft brewery, not to exceed a gross floor area of 12,000 square feet.
(8) Mixed use buildings.
(9) Museums.
(10) Off premises sales of beer and wine.
(11) Residential, multifamily, located above a commercial, retail or office use on the ground floor.
(12) Schools, K-12 (No boarding).
(13) Theaters, indoor.
(14) Video sales and rental stores.

Sec. 70-282(C). - Accessory Uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

(1) Event and convention space, no more than 25% of the area of the principle use.
(2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground.

DIVISION 13. - FB/O-1, FLEX BUSINESS/OFFICE DISTRICT

Sec. 70-482. - Allowable uses.

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure shall be erected on any lot or parcel in this district. Two or more main buildings may be constructed with a conditional use permit.

(1) Alarm systems operations offices.
(2) Allowable uses in B-1 and B-2 zoning districts.
(3) Ambulance service and maintenance facilities.
(4) Automobile rental agencies meeting the following conditions:
a. Fueling of vehicles will be conducted off the premises.
b. Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.
c. Minimum off-street parking must be provided in accordance with section 70-13
d. The storage of wrecked or inoperative vehicles on-site is strictly prohibited.

e. All vehicles are required to be parked in an approved and marked parking stall in accordance with the site plan for the property.
(5) Banks and financial institutions with a drive-through.
(6) Building supplies and service with storage under cover.
(7) Business schools.
(8) Carpenter or cabinet shops, (Indoor).
(9) Catering
(10) Churches and places of worship without playgrounds, day care or schools.
(11) Civic club.
(12) Commercial kennels, indoor.
(13) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.

(14) Convenience stores and service establishments

(15Donated materials center, indoor only.

(16) Dry cleaning, garment processing facility (Not to exceed 3,000 square feet.

(17) Electronic component repair.

(18) Funeral Homes without crematories and/or live animal slaughter.

(19) Garages, public parking.

(20) Glass and mirror sales and service establishments

(21) Gun ranges, indoor only.

(22) Janitorial or maid services.

(23) Lawn mower and small engine sales and repair. (repair items to be screened from public view)

(24) Live theaters/entertainment and family centers.

(25) Package, telecommunications and courier services.

(26) Pawn shops operated by a licensed pawnbroker.

(27) Photographic processing laboratories.

(28) Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building.

(29) Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items (Dipping and stripping).

(30) Restaurants.

(31) Stand alone car washes (Must be manned and automatic).

(32) Taxi or limousine dispatching or service facilities.

(33) Warehousing (non-HAZMAT).

Sec. 70-483. - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Assembly, non-HAZMAT.

(2) Automobile and truck sales and service establishments meeting the following conditions:

a All automobiles or trucks whether for sale, lease or waiting for service or repair, when not inside a work bay, shall be placed in a marked parking space conforming to section 70-13

b. Site plans for new establishments or tenant layouts for alteration of existing establishments shall contain a certified parking plan, a vehicle delivery statement, a landscaping plan and a lot parking calculation table. Site plans shall conform to article III, division 11of this chapter and tenant layouts shall be drawn to scale.

c. Vehicle lifts and pits, dismantled and wrecked vehicles and all parts and supplies shall be located inside a building enclosed on all sides and all repair and servicing of all vehicles shall be conducted in a building enclosed on all sides. Truck stops are excluded from this zoning district.

d.Existing motor vehicle sales and service and rental establishments shall have 90 days after approval of the ordinance from which this section is derived to mark the parking spaces on their lot as required by subsection (2)d of this section.

(1) Boat sales, rental, lease, storage, or repair.

(2) Brewery and bottling facilities.

(3) Bus station (No maintenance, storage, washing or fueling).

(4) Child care or adult day care center.

(5) Churches and places of worship with playgrounds, day care or schools.

(6) Commercial parking.

(7) Commercial radio or television broadcasting stations, studios, or offices.

(8) Convention centers and space.

(9) Cultural arts and entertainment centers.

(10) Electronic equipment and component manufacturing.

(11) Fast food restaurants, with a drive through window.

(12) Flea markets.

(13) Food stores.

(14) Furniture and upholstery repair, dipping and stripping.

(15) Gasoline filling stations.

(16) Hospitals, nursing or convalescent care facilities.

(17) Institutes or schools for special education, training and instruction.

(18) Laundry, cleaning, and dyeing works in which no combustible solvent is used.

((19) Marina.

(19) Model car race tracks.

(20) Moving and storage facilities (No outdoor storage or mobile storage units allowed).

(21) Philanthropic and charitable institutions.

(22) Private clubs and lodges.

(23) Public maintenance and storage facilities.

(24)Self storage facilities with no more than one onsite residential unit.

(25) Stand-alone car wash.

(26) Wholesale businesses.

Sec. 70-484. - Accessory uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16:

(1) Outside storage of materials and supplies incidental to the conduct of any use listed above, provided such storage shall be screened or fenced and such screen or fence shall be not less than six feet in height.

(2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground.

Sec. 70-1. Definitions.

(a) *Applicability of section.* For purposes of this chapter, and unless specifically prescribed to the contrary elsewhere in this chapter, certain words and terms shall be interpreted as set forth in this section. Words and terms not defined here or elsewhere in this chapter shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.

(b) *General rules.* The following general rules of interpretation shall apply throughout this chapter as they are appropriate to the context:

(1) Words used in the present tense include the future tense, words used in the singular number include the plural number and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

(2) The word "shall" is mandatory; "may" is permissive.

(3) Unless otherwise specified, all "distances" shall be measured horizontally and at right angles to the line in which the distance is tied and shall be the shortest distance between the points for which the distance specified.

(4) The word "building" includes the word "structure" and includes any part thereof; the word "lot" includes the words "plots" and "parcel".

(5) The terms "main" and "principal" are synonymous.

(6) The word "used" shall be deemed also to include: "intended, designed or arranged to be used," "occupied," "erected," "reconstructed," "altered," "placed," or "moved".

(7) The terms "land use" and "use of land" shall be deemed also to include: "building use" and "use of building".

(8) The word "state" or "commonwealth" means the Commonwealth of Virginia.

(9) The word "town" means the Town of Dumfries, Virginia.

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

(c) *Certain words and terms defined.* The following words and terms shall be interpreted as having such meaning as described herein, unless a specific meaning to the contrary is indicated elsewhere in this chapter:

Abutting/acjoining. Having a common point or border but not overlap; having property or district lines in common. Properties separated from such a common border by a public street shall be deemed adjacent but not be deemed abutting. Properties separated by an alley, right-of-way, or easement shall be deemed to abut.

Accessory structure/building. A subordinate structure located on the same lot as the principal structure and is customarily incidental to the principal structure. Where such building or structure is attached to a principal building, it shall be considered as part of the principal building.

Accessory use. A use of a nature customarily incidental and subordinate to the principal use and, unless otherwise specifically provided, on the same lot.

Acre. A measure of land equating to 43,560 square feet.

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

Addition. Any construction which increases the size of a building or structure.

Acjacent. Nearby and not necessarily contiguous; being separated only by street, right-of-way or other like feature.

Administrator. See "Zoning administrator."

Adult bookstore, newsstand, video store or combination. An establishment having as a substantial portion of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult day care center. A facility which provides supplementary care and protection during part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.

Agriculture. The tilling of the soil, the raising of crops, and the practicing of horticulture, forestry, and gardening, including the keeping of animals and fowl.

Alley. A right-of-way or means of passage open to the public and located to the side or rear of abutting lots allowing for secondary vehicular service access.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure including any change or rearrangement in the supporting members of a structure, such as bearing walls, columns or beams, or additions or reductions in usable space, but not including superficial changes such as paint colors or siding materials.

Amend or *amendment.* Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary area of a zone; or any repeal or abolition of any map or part thereof.

Amusement enterprise. A building or structure used to provide or stage public entertainment for which a charge is imposed in the form of an entrance fee or separate fees for the use of amusement devices therein.

Amusement parlor or *arcade.* An establishment or part thereof or place of business which is open to the public, whether operated independently or in conjunction with any other licensed business, wherein tables, machines or electronic devices are provided for use by the public, either on a coin in the slot principle or otherwise to play pool, billiards, foozball, air hockey, pinball, or other similar types of games, using balls, disks, images projected on screens or other similar devices.

Antique shop. A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.

Apartment. A dwelling unit in a multifamily dwelling or apartment house; a multiple family dwelling unit.

Apartment building. A multifamily structure intended, arranged or designed to be occupied by three or more families, each in an individual dwelling unit and living independently

of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided.

Applicant. A person seeking any determination or approval under or permit required by this chapter.

ARB. The Dumfries Architectural Review Board.

Architect, registered. A licensed professional architect registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an architect.

Art gallery. A place for display or a retail facility for finished art materials, including paintings, statutes, tapestries, ceramics, or other art objects.

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

Assisted living facility. An establishment that provides shelter and other services, which may include meals, housekeeping and personal care assistance for elderly residents who are typically functionally impaired, but otherwise in good health and able to maintain a semi-independent lifestyle, not requiring the more intensive care of a nursing home.

Attic. The space between the ceiling beams of the top habitable story and the roof rafters. An "attic" shall be considered a half-story and shall be included in the calculation of building height.

Automobile graveyard. Any lot or place which is exposed to the weather upon which there are more than two motor vehicles of any kind, not operable and not licensed, and where the cost of restoring such automobile to running condition is the same or more than the value placed on such vehicles for tax purposes.

Automobile recycling business. A business which acquires motor vehicles for the purpose of storing and dismantling the same for resale of dismantled or crushed vehicles, component parts or for selling the basic materials from the salvaged vehicles.

Auto parts and accessory sales. The use of any building for inside display and sale of new or refurbished parts for motor vehicles.

Auto rental. Renting of automobiles and light load vehicles.

Auto sales, new. Retail sales of new automobiles or light load vehicles.

Auto sales, used. Retail sales of used automobiles or light load vehicles.

Bank. See "Financial institution."

Basement. A story having part, but not more than one-half, of its height below the highest grade. A basement shall be counted as a story for the purpose of height regulations.

Bed and breakfast inn. An owner or operator-occupied, single-family detached dwelling unit which contains no more than one kitchen and ten or less guest rooms, which are occupied for sleeping purposes by guests, other than temporary personal guests of a family in a dwelling unit, none of whom remain any more than seven consecutive nights, for compensation with or without meals. The term "bed and breakfast" shall not be deemed to be used for transient

occupancy. A "bed-and-breakfast home" shall also be known as a "tourist home".

Berm. A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best management practices (BMPs). Methods that are determined by the state to be the most effective and practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with established water quality goals.

Block. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by railroad right-of-way, a stream, unsubdivided tract or other physical barrier of such nature as to interrupt the continuity of development.

Board. The Board of Zoning Appeals for the Town of Dumfries.

Boardinghouse. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

Boat dock, private. A dock or wharf for private use to which a boathouse or other structure is not attached.

Boathouse. A structure for not more than five boats, designed and intended for use by boat owners in the general neighborhood, but with no commercial facilities.

Boat ramp. Any structure, public landing or natural decline, used for the ingress and egress of any boat, ship, or other nautical vessel.

Bond. A surety issued by a recognized financial institution, an unrestricted letter of credit issued by a bank or other financial institution, or other evidence of financial ability to ensure compliance, any of which is acceptable to the town.

Boundary line adjustment. The minor alteration of the boundary between two lots or tracts which does not result in the creation of any additional lot(s).

Buffer area. An area intended to separate and partially obstruct the view of two abutting land uses or properties from one another. The buffer area is intended to remain free of buildings, structures, or parking areas, and to be either landscaped; landscaped in combination with existing trees; contain a conservation area; or contain fences, walls or earth berms in combination with the above.

Buffer, riparian. An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation associated with land disturbances.

Building. A structure having one or more stories and roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. The word "building" is included within the word "structure".

Building capacity. The seating capacity of a structure or the total number of occupants for which the structure was designed shall be the maximum which can be accommodated on the premises.

Building code. The Virginia Uniform State-wide Building Code.

Building height. The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.

Building official. An appointed official of the town who is responsible for certifying building inspections.

Building permit. An official document or certificate issued by the building official to authorize construction of a building for a permitted use in any designated zone.

Building restriction line (BRL). The line established beyond which a building shall not extend, except as specifically provided by this chapter. For purposes of this chapter, building restriction lines and setback lines applicable to buildings are not interchangeable.

Building setback line. The line which is the minimum distance between a property line, right-of-way, or protected feature and that establishes the area within which the principal structure must be erected or placed.

Building site. A piece of land, consisting of the minimum area of required square footage of the zoning district where it is located, where a permitted use or structure may be placed.

Bulk storage. The storage of large quantities of materials.

Business, wholesale. Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Cafe. An eating establishment that seats 75, or fewer customers who are primarily served at tables, or are self-served, where food is consumed on the premises, and which does not have a drive-through window; carry-out trade, if any, shall be a limited portion of the business.

Caliper. A measurement of the diameter of a tree trunk taken at four and one-half feet above the soil line. Also known as diameter at breast height (DBH).

Campground. An area upon which are located sites for two or more trailers, campers, tents, and other camping facilities or shelters for seasonal or temporary recreational occupancy.

Camping unit. A dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway, whether towed, self-propelled, or carried upon another vehicle.

Carnival. A traveling enterprise offering amusements.

Carport. A roofed space having one or more sides open to the weather, primarily designed or used to park motor vehicles, attached to the main dwelling. In no case shall a carport be located in any required front yard.

Carry-out. See "Restaurant, carry-out."

Cellar. Underground area which has one-half or more of its clear height below the average grade of the adjoining ground.

Cemetery. Any land or structure used or intended to be used for the interment of human or animal remains.

Certificate of occupancy. An official certificate issued by the town through the building official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

Church or *place of religious worship or assembly.* A place of worship or assembly, the primary use of which is for the assembly of people to participate in or hold religious services or other related religious activities, The term "church" shall not carry a secular connotation and shall include any building used for religious services by any denomination.

Circuit court. The Circuit Court of Prince William County.

Club, private. Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the term shall not include nightclubs or other institutions operated as a business.

Cluster development. A type of development that allows the reduction of lot sizes below this chapter's minimum requirements if the land thereby gained is preserved as permanent open space for the development.

Commercial parking. An off-street parking lot or structure, available to the public for compensation, but may also be used to accommodate employees, customers and clients.

Commercial vehicle. Any vehicle with a gross vehicle weight registered with the Virginia Department of Motor Vehicles or any other state or government agency as 10,100 pounds or more and used for commercial purposes; or any vehicle, regardless of capacity, which displays advertising thereon or which is licensed as a "for hire" vehicle; or any limousine used as a common or contract carrier. For the purpose of this chapter, commercial vehicles shall not be deemed to include any of the following: police vehicle, emergency vehicle, commuter van, motor home, camping trailer, tent trailer, boat trailer, or similar recreational equipment used as personal property and not for hire, school van or school bus.

Commission. The Planning Commission of the Town of Dumfries.

Common open space. All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development and not dedicated as public lands.

Communications facilities, private. Any land area, structure, and equipment affixed to land or structures, singly or in any combination, used in telephone, telegraph, radio or television operations, or other operations involving the transmitting, receiving or exchanging of information over wires, cables, fibers, light beams or by energy signals through the atmosphere; where such use is only for the personal and nonmercantile use of the residents of four or fewer dwelling units, such as receiving antennae, receiving disks, ham radio and citizen's band transmitters, and similar activities customarily considered accessory to a residential use.

Communications facilities, public. Any land area, structure, and equipment affixed to

land or structures, singly or in any combination, used in telephone, telegraph, radio or television operations, or other operations involving the transmitting, receiving or exchanging of information over wires, cables, fibers, light beams or by energy signals through the atmosphere; where without regard to actual ownership, such use is for any purpose other than private use as defined by this chapter in the term "private communications facilities."

Comprehensive plan. The comprehensive plan for the Town of Dumfries, Virginia including those maps, plats, charts, and descriptive matter that have been formally adopted by the town council and as amended.

Concrete or asphalt plant. A permanent or temporary manufacturing facility for the production of concrete products or asphalt.

Conditional use. A use provided for, which by its nature, can have undue impact upon other uses of land within a given zoning district with controls, limitations, and regulations of a conditional use permit.

Conditional use permit. A permit granted by the council for a use allowed as a conditional use in a designated district after evaluation of the impact and compatibility of such use; such permit shall stipulate such conditions and restrictions, including any such conditions contained in this chapter, as will insure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

Condominium. A system of separate ownership of individual units in a multiple unit building or development of residential, commercial, or industrial use; all owners have a right in common to use the common elements of the building or development with separate ownership confined to the individual units as provided for under Code of Virginia, § 55-79.39.

Conservation easement. An easement granting a right or interest in real property for retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.

Consolidation. The removal of common lot lines between contiguous parcels.

Continuing care retirement community. A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

Contractor or *tradesman.* Building or service industry contractors, including, but not limited to; plumbing, heating, air conditioning, carpentry, electrical, masonry, and metal working.

Convenience store (with or without gasoline sales). A retail establishment with less than 5,000 square feet in floor area selling food products, beverages, and a limited selection of household items to customers who purchase only a few items (and possibly gasoline, if pumps are provided). Does not include or offer any motor vehicle repair services.

Copy or printing shop. An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

Corner lot. See "lot, corner".

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

Coverage. The area of a lot occupied by structures, off-street parking, driveways, outside storage, or any other improvements not considered open space.

Creek or *stream.* A body of water having continuous flow through or in the town.

Cul-de-sac. The circular turnaround at the end of a dead-end street.

Dancing school. Any place, however designated, operated for the purpose of providing instruction in the art of dancing for compensation to two or more individuals during any part of the day.

Day care center. Any facility operated for the purpose of providing care, protection and guidance to two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care, or 13 or more children at any location.

Dedication. The transfer of property by the owner to another party. Transfer shall be conveyed by written instrument; is often for a specific use such as roads and utilities.

Deed. A legal document conveying ownership of real property.

Density. A unit of measurement; the number of dwelling units per acre of the total land to be developed.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to; buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, mining, dredging or drilling operations. This term refers to the establishment of a principal use on a site; a change in a principal use of a site; or the improvement or alteration of a site by construction, enlargement, or relocation of a structure, the provision of stormwater management or roads, the grading of existing topography, the clearing or grubbing of existing vegetation, or any other nonagricultural activity that results in a change in existing site conditions.

District. A portion of the territory of the town in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dock. Any waterfront structure, commercial or private, used for the purpose of mooring, or storing any boat, ship, or nautical pleasure craft or vessel.

Driveway. A private roadway providing access or movement within or from a lot to a public street or highway.

Dump heap (trash pile). Any area where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by soils or other materials at a sanitary landfill.

Dumpster. A movable container holding two cubic yards or more of garbage, refuse or rubbish.

Duplex shall mean a building containing two dwelling units with not more than one family occupying each dwelling unit.

Dwelling. A building or portion thereof designed or used for residential occupancy. The term "dwelling" shall not be construed to mean motel, hotel, rooming house, boarding house, hospital, or other accommodation used for more or less transient occupancy.

Dwelling, multiple family. A structure arranged or designed to be occupied by three or more families, the structure having three or more dwelling units.

Dwelling, single-family. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, single-family attached. A group of two or more single-family dwelling units which are joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one foot. Dwellings such as a semi-detached, garden court, patio house and townhouse shall be deemed a single-family attached dwelling.

Dwelling, single-family detached. A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units (also known as a duplex).

Dwelling unit. A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall have no more than one kitchen.

Easement. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Egress. The place means or the way by which pedestrians and vehicles shall have a safe, adequate and usable exit to a property or use.

Engineer, registered. A person who is registered with the state board of architects, professional engineers, land surveyors and certified landscape architects as a professional engineer.

Equipment, penthouse. A structure on the roof of a building containing necessary mechanical equipment, elevator equipment, and/or stairways.

Facade. Any separate face of a building that is visible from a street, alley, or right-of-way.

Family. An individual or two or more persons related by blood, marriage, adoption, or guardianship living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities or not more than four persons living together as a single nonprofit housekeeping unit, not related by blood, marriage, adoption or guardianship

and sharing common living, sleeping, cooking, and eating facilities.

For purposes of this definition, not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a residential facility for which the Department of Mental Health, Mental Retardation and Substance Abuse Services of the Commonwealth of Virginia is the licensing authority pursuant to the Code of Virginia, shall be considered residential occupancy by a single-family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401, as amended.

The term "family" shall also include not more than eight handicapped persons, as defined by the Federal Fair Housing Act, occupying a single-dwelling unit, together with one or more resident counselors or other staff persons.

The term "family" shall not be deemed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodging house or institution of any kind, except as specifically included by this definition.

Family day home. A child care program offered in the residence of the provider or the home of any children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. No family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered.

Farmer's market. Retail of fresh fruit and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; may be indoor or outdoor; this term does not include roadside stands.

Financial institution. Any establishment, the primary business of which is concerned with such state regulated activities as banking, savings and loans, and consumer loan companies.

Flood. A general and temporary inundation of normally dry land areas by water.

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

Floodplain. A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Flood-prone area. Any land area susceptible to being inundated by water from any source.

Floodway. The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area. The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

Florist shop. An establishment for the display and retail sale of flowers, small plants and

accessories.

Food store. A retail facility of 5,000 square feet or more of floor area primarily engaged in the sale of food stuffs and related materials for off-premises preparation and consumption.

Frontage. The distance for which the front boundary line of the lot and the street line are coincident.

Funeral home. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Furniture/home furnishing store. This group includes retail stores selling goods for furnishing the home.

Garage, parking. A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.

Garage, private. An accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is accessory with no facilities for mechanical service or repair of a commercial or public nature.

Garage, public. A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garden shop. A facility engaged in the retail sale of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

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

Golf driving range. A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.

Golf, miniature. A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.

Grade. The average elevation of the land around a building.

Grade, finished. The final elevation of the average ground level adjoining a building at all exterior walls after development.

Grading plan. A plan prepared by a registered land surveyor or engineer which shows any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Grocery store. See "Food store".

Gross vehicle weight (GVW). The aggregate weight of a vehicle and the load thereon.

Group home. A residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority and in which no

more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as a residential occupancy by a single-family in accord with the Code of Virginia, § 15.2-2291. Mental illness and developmental disability shall not include the current illegal use of or addition to a controlled substance as defined in the Code of Virginia, § 54.1-3401.

Health official. The legally designated health authority of the state department of health for the town, or his authorized representative.

Historic area. An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the community, or of such significance as to warrant conservation and preservation, and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state, or federal government agency.

Home occupation. An occupation carried on by the resident of a dwelling as a secondary use in connection with which there is no display, and no one employed other than members of the family residing on the premises, and which is conducted in the main building. Nothing shall be maintained on the premises to indicate from the exterior of the building that it is being used for any purpose other than a dwelling.

Hospital. An institution primarily providing human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities rendering medical, surgical, obstetrical, or convalescent care.

Hotel. A facility offering lodging accommodations to the general public and designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provisions may or may not be made for cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not provide a motor vehicle parking space adjacent to each individual room as does a motel.

Indoor theaters/auditoriums. A building principally devoted to use as an indoor place of public assembly for the viewing of movies, plays, concerts, theatrical events, speeches, debates and other similar activities; halls and social clubs.

Ingress. The place, means, or the way by which pedestrians and vehicles shall have a safe, adequate and usable entrance to a property or use.

Inoperative or inoperable vehicle. Any motor vehicle, trailer or semi-trailer which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.

Interior lot. See "Lot, interior".

Junk. Any scrap, dismantled, inoperable, or dilapidated motor vehicles, including parts, machinery, household furniture and appliances, construction equipment and materials, tanks and drums, tires, pipes, wire, wood, paper, metals, rags, glass and any other kind of salvage or waste material.

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

Kennel. An establishment licensed to house, board, breed, handle, or otherwise keep, sell or care for dogs, cats or other small domesticated animals in return for compensation.

Kennel, private. Any building or land designed for the care of more than three dogs, cats or other small domesticated animals belonging to the owner or occupant of the property.

Kiosk. A small, freestanding, one-story accessory used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements.

Land disturbing activity. Any development, construction, or related operation which could alter the site, including, but not limited to, tree or tree stump removal, road or building construction, or grading.

Landfill mining. The extraction of landfill material for the removal of recyclable products and the restoration of a site to its original natural condition.

Landscaping. The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Limited (light) industry. Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.

Loading space/zone. A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while transferring, loading, or unloading goods, merchandise, or products or while performing services.

Lodging house. See "Boarding house".

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds. The word "lot" includes the words "plots" and "parcel".

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

Lot, depth of. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. An interior lot having frontage on two parallel streets.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot, a plat, or a description of such which has been recorded in the clerk's office of the circuit court.

Lot, pipe-stem. A residential lot that complies with the minimum requirements for frontage, lot area, lot width, lot depth, and building placement in the zoning and subdivision ordinances, and that has a narrower "stem" portion, which does not meet the lot width requirement but provides the required frontage and access to a generally larger and more buildable "pipe" portion of the lot.

Lot, width of. The horizontal distance between side lot lines at the setback line.

Lumber yards. Any structure, facility, or enclosed area used for the commercial storage and sale of lumber, hardware, construction supplies, tools or other construction related materials.

Manufacture or *manufacturing.* The processing and/or converting of raw, unfinished materials or products, or both of them, into articles or substances of different character, or for use for a different purpose.

Manufactured home. A structure complying with the federal manufactured housing construction and safety standards which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term "manufactured home" includes the term "mobile home".

Manufactured home park/subdivision. An area of land designed to accommodate two or more manufactured homes intended for residential use. The term "manufactured home park" includes the term "mobile home park".

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.

Marquee. A roof-like structure or awning projecting over an entrance, for example, a theater marquee.

Massage establishments or *parlor.* Any establishment having a fixed place of business where massages are administered for pay, including, but not limited to; massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Virginia, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities and facilities for the welfare of the residents of the area. This definition shall not include any establishment offering or providing facilities for instruction in controlled exercise,

weight lifting, calisthenics or general physical fitness which is actually occupying the premises of not less than 5,000 square feet, of which not more than five percent is used for massages, and whose gross income from massages is less than 15 percent of the total gross income from massages derived from physical fitness sales contracts at each business location.

Massage therapist. A practitioner who is licensed or certified by the state and/or a recognized professional organization to practice massage therapy for purposes of medical care or physical therapy.

Master plan. A long-term, general outline for projected development.

Materials recovery facility (MRF). A solid waste management facility for the collection, processing and recovery of material from solid waste or for the production of fuel from solid waste. This does not include the production of waste-derived fuel product.

Medical or dental office or *clinic.* A facility engaged in the examination diagnosis and treatment of medical chiropractic, ophthalmologic, dental, podiatric or other health care patients; includes administrative and clerical operations of the practice; does not include overnight facilities for patients.

Mini-storage facility. See "Self-storage facility".

Mixed use development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to; residential, office and retail in a compact urban form.

Mixed use structure. A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as housing, offices and retail).

Mobile home. See "Manufactured home".

Model car racetrack. A track for the operation of small scale model vehicles. No such model shall exceed 1/8th scale. Such models may be of either manual or radio-controlled design. Model car racetracks may be either for seasonal or continuous operation.

Modular home. A dwelling unit constructed through use of large, prefabricated mass-produced, partially pre-assembled sections or modules which are put together on-site on a permanent foundation and which meets the Virginia Uniform State-wide Building Code standards.

Mortuary. A place for the storage of human bodies prior to their burial or cremation.

Motel (includes motor lodge, tourist court, tourist cabin or motor court). One or more buildings containing individual sleeping rooms designed for or used temporarily by tourists or transients for compensation and in which room assignments are made through a lobby or office with garage or parking space conveniently located to each unit.

Motor vehicle repair service. Any place of business having as its purpose the servicing, at retail, of motor vehicles, trailers and similar large mechanical equipment and which includes a general repair shop, paint or body shop, transmission shop and engine and engine part overhaul shop, which is conducted within a completely enclosed building.

Museum. An institution for the acquisition, preservation, study and exhibition of works of

artistic, historical or scientific value.

Music school. Any place operated for the purpose of providing instruction in the art of playing musical instruments.

Natural wildlife preserve. Any area so designated by any federal state or local governmental authority as an area for the purpose of the protection of wildlife and the natural habitat.

Nightclub. An establishment dispensing alcoholic beverages and meals and in which music, dancing, or entertainment is conducted.

Nonconforming lot. An otherwise legally platted lot that does not conform to the present minimum area, dimension or location requirements of this chapter.

Nonconforming structure. An otherwise legal building or structure that does not conform to the present size, dimensions, or location regulations of this chapter.

Nonconforming use. The otherwise legal use of a building or structure or of a tract of land that does not conform to the present use regulations of this chapter.

Nonpoint source pollution (NPS). 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.

Nursing home. An extended or immediate care facility licensed or approved by the Commonwealth of Virginia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity are unable to care for themselves.

Occupancy. The use or intended use of the land or buildings by owners or tenants.

Office building. A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

Offices, professional and general business. A room or group of rooms used for the provision of executive, management and/or administrative services, either as principal or accessory uses. An office use does not include fabrication, assembling, testing, repair, treatment or storage of materials, goods, animals or products, or the sale and/or delivery of such items.

Office park. A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate offices and supporting ancillary uses with special attention given to circulation, parking, utilities, aesthetics and compatibility.

Off-site. Any area lying outside the boundary of a lot.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right-of-way.

Open space. A portion of a development site that is permanently set aside for public or private use and shall not be developed and is maintained in its natural condition, such that the topography and vegetation of the area is unaltered and protected in perpetuity.

Open space, common. Open space within the boundaries of a development that is

designed and set aside for the use and enjoyment of the residents of the development, not including any dedicated open space. To be considered as common open space, the open space so considered must be conveyed, with appropriate restrictions as to use, to a bona fide homeowners association. Common open space shall not include streets, roads, alleys, parking areas, sidewalks, patios, public utility easements and rights-of-way.

Open space, dedicated. Open space within the boundaries of a development that is to be dedicated to the town or to an appropriate public agency, board or body, as may be approved by the town.

Outside storage. The keeping of goods or materials, excluding junk, outside of a building, and which shall be considered as an accessory use, unless specifically enumerated as a principal use (such as a contractor's storage yard or building material sales yard).

Overlay zone or district. A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Parking lot. An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with town parking lot standards, for the short- or long-term storage of motor vehicles.

Parking space. An off-street (i.e., not on a public street or alley) area, paved in accordance with town parking lot standards, that is used for parking a vehicle.

Parks and *playgrounds.* Open land, owned by a governmental entity, a homeowner's association or a civic association, set aside for recreational and leisure activities. Such land may be undeveloped or developed with ball fields, trails, picnic areas, tennis courts, swimming pools, or other recreational activities.

Pawnbroker. Any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Pawnshop. A business operated by a licensed pawnbroker or any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.

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

Permit. An official document or certificate issued by a town official having jurisdiction authorizing performance of a specified authorized activity.

Permitted use. Those uses allowed as a matter of right within certain zoning districts, provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this chapter.

Pet shop. A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of

dogs, cats and similar animals.

Plan, sketch. The outline representation of a proposed project.

Planning commission. The Town of Dumfries Planning Commission.

Plant nursery. An enclosed structure for the cultivation of plants, flowers or vegetables, and any accessory buildings for the sale of such plants, flowers or vegetables and other agricultural, horticultural, or related products to the general public.

Plat. A document, prepared by a registered land surveyor or engineer, which delineates property lines, and shows monuments and other landmarks for the purpose of identifying property.

Pond. An inland body of water of either artificial or natural construction not connected by surface flow or contiguous to tidal waters.

Porch. Any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this section. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than 18 inches in height, exclusive of screens.

Preliminary site plan. The first submission of a plan showing the proposed general layout of existing conditions and proposed improvements to a site.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal building or structure. A structure in which the principal use of the lot on which the building or structure is located is conducted.

Principal use. The primary activity or structure for which a lot is used, as permitted by this chapter.

Professional occupations. Service occupations identified by the Virginia Department of Professional and Occupational Regulations and which require specialized education or training.

Public hearing. A meeting announced and advertised according to the Code of Virginia. These meetings are advertised in advance and are open to the general public, with the public given an opportunity to participate.

Public improvements. All roads, streets, walkways, gutters, curbs, stormwater management facilities, landscaping and other facilities to be dedicated to or maintained by the town.

Public meeting. A forum held according to the standards of the Code of Virginia and is open to the general public.

Public notice. A notice published, following the standards of the Code of Virginia, in a newspaper of general circulation in the municipality. Such notice shall state the date, time and place of the hearing and the particulars of the matter to be considered at the hearing.

Public use. A use by any governmental agency or any licensed public utility which is

required for the continued maintenance and provision of such public facilities and utilities.

Public water and sewer system. A water or sewer system owned and operated for public use by a municipality or county or by a private individual, corporation, or association.

Recreation center. A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Redevelopment. The process of developing land that is or has been previously developed.

Refuse. Waste materials including ashes, garbage, rubbish, junk, industrial waste, dead animals, and other solid waste materials, include salvable waste.

Resource management area (RMA). The 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.

Resource protection area (RPA). The 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.

Restaurant, carry-out. An establishment with limited or no eat-in facilities that provides prepared food for pick-up by the customer or delivery by a restaurant employee.

Restaurant, drive-in. An eating establishment where food and/or beverages are primarily served to customers in motor vehicles.

Restaurant, fast food. An establishment which prepares and sells food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers, for consumption inside the building, on a patio, or off the premises and which may include service directly to patrons in their motor vehicles.

Restaurant, full-service. A retail food service establishment with table service, (order placement and delivery), provided to customers; carry-out trade, if any, shall be a limited portion of the business; traditional sit-down establishments with waiter/waitress.

Retail stores and businesses. Buildings for display and sale of merchandise at retail, but specifically exclusive of coal, wood, and lumber yards.

Retirement housing for the elderly. A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied.

Right-of-way. A strip of land occupied or intended to be occupied by a public or private street, crosswalk, or railroad, or other similar use.

Roadside stand. Any land or structure used for the sale of seasonal goods.

Rooming house. A dwelling in which, for compensation, lodging is furnished to three or more, but not exceeding nine guests.

School, general education. A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five days a week, except holidays, for a normal school year of not less than seven months.

School, private. A bona fide educational institution other than a public school that provides elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

School, public. A bona fide educational institution operated by a duly constituted governmental entity.

School, special education. A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, linguistic, scientific, religious or other special subjects.

Scrap yard. Any land or building used for the abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles, or other vehicles not in running condition, or parts thereof.

Screened. Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berms or similar architectural or landscape feature.

Self-storage facility. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of residential and small business uses.

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

Shopping center. Five or more buildings or establishments located on the same lot or parcel of ground, or two or more buildings or establishments, located on the same lot or parcel of ground with a combined floor area of 40,000 square feet or more.

Sight distance. The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

Sign. Any display of letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to; the ground, any tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

Sign area. The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. On double-faced signs, whose sign faces are parallel and are at no point more than two feet from one another, only one display face shall be measured in computing total sign area.

Sign, banner. Any sign made of fabric or any nonrigid material with no enclosing framework.

Sign, business. A sign which directs attention to a product, commodity, or service available on the premises.

Sign, directional. A sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) giving the name and approximate location only of the farm or business responsible for the erection of same.

Sign, freestanding. Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.

Sign, grand opening. A sign which is used for the introduction, promotion, or announcement of a new business, store, shopping center, office, or the announcement, introduction, or promotion of a new establishment.

Sign, identification. A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.

Sign, illuminated. Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.

Sign, maintenance. The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the reprinting of existing copy without changing the wording.

Sign, monument. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, outdoor advertising. A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.

Sign, portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business and is currently licensed by the state with a valid inspection decal displayed.

Sign, roof. A sign erected wholly upon or over the roof of a structure.

Sign, roof line. A sign erected either on the edge of the roof or on top of the parapet wall, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Sign structure. Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

Sign, temporary. A sign, banner, pennant, poster, or advertising display constructed of cloth, plastic sheet, cardboard, wall board, etc., applying to a seasonal or other brief activity such as, but not limited to; summer camps, horse shows, auctions, or sale of land.

Sign, wall. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof, of any building and which projects from

that surface less than 12 inches at all points.

Sign, window. A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

Site plan. A required submission, prepared and approved in accordance with the provisions of this chapter which is a detailed engineering drawing of the proposed improvements required in the development of a given lot.

Small engine repair shop. Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Standing space. A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented services including, but not limited to; drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of ten feet in width and 20 feet in length.

Storage building. Any structure used to shelter equipment, vehicles, implements or materials incidental to the use of the principal structure.

Story. That portion of a building, other than the cellar, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, it is defined as the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds 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.

Streetscape. An area which may either abut or be contained within a public or private street right-of-way or accessway that may contain sidewalks, street furniture, landscaping or trees and similar features.

Street, private. A street that has not been accepted by the town or other government entity. Private streets may be used by and are open to the public, often as access to a development, industrial plant, or shopping area.

Street, public or *public highway.* A street built or maintained by public funds and accepted by the town or other government entity.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a permanent location on the ground, except utility poles. Structures shall be defined as, but not limited to; stadiums, tents, reviewing stands, platforms, stagings, observation towers, telecommunications towers, solar energy devices, water tanks, trestles, piers, wharfs, swimming pools, storage bins, fences, signs, buildings, parking lots, driveways, patios, gasoline pumps and pump islands, underground storage tanks, stormwater management and retention facilities. The word "structure" is included within the word "building".

Studio, tattoo or body piercing. A building or portion of a building used for selling and/or

applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

Subdivide. To divide any tract, parcel, or lot of land into two or more parts for the purpose of transferring ownership of any part or for the purpose of building development of any sort. The term "subdivide" includes the term "resubdivide".

Surveyor, registered. A person who is registered with the state board of architects, professional engineers, land surveyors and certified landscape architects as a land surveyor.

Swimming pool. A manmade structure constructed from material other than natural earth or soil designed or used to hold water for the purpose of providing a swimming or bathing place; or any such structure for the purposes of impounding water therein to a depth of more than four feet.

Tattooing. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

Temporary use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure.

Tidal shore or *shore.* Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tower. A structure used to support one or more antennas. Such a structure is typically of skeletal lattice-type framework or solid construction. Guy wires, framework, or other stabilizing devices are considered part of the structure of the tower.

Townhouse. A single-family dwelling unit, being one of a group of not less than three, nor more than ten units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

Trailer, hauling. A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

Travel trailer. A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath or shower facilities, designed to be used for temporary human habitation for travel, recreational and vocational uses. Use of these vehicles as permanent dwelling units is prohibited.

Utilities. Distribution or service connection facilities and appurtenances and other consumable public commodities or services.

Variance. A relaxation of the terms of this chapter 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 hereof would result in unnecessary and undue hardship as defined in Code of Virginia, § 15.2-2309. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

Veterinary clinic. A facility designated or maintained for the treatment of diseases of animals, including the housing, boarding, breeding or keeping of or caring for animals.

Warehouse. A commercial facility where goods, products and produce are stored for further use, distribution or transport.

Wayside stand. See "Roadside stands".

Wetlands. An area as identified on the National Inventory of Wetlands and/or regulated by the Army Corps of Engineers.

Yard. An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by structures, except as otherwise provided herein.

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

Zoning administrator. The official charged with the interpretation, administration and enforcement of this chapter, and any assistant zoning administrator appointed to assist in administration and enforcement of this chapter.

Zoning district. A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as zone or district.

Zoning permit. An official document or certificate issued by the zoning administrator to authorize the performance of a permitted use in any designated zone.

(Code 1990, § 15-1; Ord. of 1-18-1979, §§ 1-1, 1-2, Ord. of 4-1-1980; Ord. of 8-1-1989(3), Ord. of 4-2-1991; Ord. of 6-11-1991, § 2, Ord. of 5-14-1996(3), § 1; Ord. of 4-22-1997(2), § 1; Ord. of 3-3-1998(1), § 1, Ord. of 8-4-1998(1), § 1; Ord. of 7-16-2002, § 1; Ord. of 12-7-2004, § 1; Ord. of 6-6-2006(2), § 15-1; Ord. of 6-6-2006(3), § 15-1; Ord. of 3-4-2008, § 1; Ord. No. O-2011-008, § 1, 5-17-2011)

Cross reference— *Definitions generally, § 1-2.*

State law reference— *Zoning administrator, Code of Virginia, § 15.1-491(a); motor vehicles, Code of Virginia, § 46.2-100 et seq.*