

## Article 12 - Definitions

For the purpose of this Ordinance, certain words and terms are used in a limited or special sense as defined herein. Words used in the present tense include the future; the singular number includes plural and the plural singular; the word "structure" includes "building"; the word "used" includes arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and directory.

Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices of the Town of Warrenton justify a different or additional meaning.

**Abutting:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Abandoned Motor Vehicle:** A motor vehicle, trailer, or semi-trailer or part of a motor vehicle, trailer, or semi-trailer that is inoperable and is left unattended on public property, other than an interstate highway or primary highway, for more than forty-eight hours.

**Accent:** Giving prominence to one or more elements of site design.

**Accessory building:** (see Accessory Structure)

**Accessory Dwelling Unit:** A subordinate dwelling unit in a main building or accessory building for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

**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 use clearly incidental and subordinate to, and on the same lot as, a principal use. (See also Accessory Dwelling Units; Home Occupation).

**Acre:** A unit of land measure containing 43,560 square feet.

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

**Active Recreation:** (see Recreation, Active)

**Active Recreation Area or Facilities:** (see Recreation Area or Facilities, Active)

**Administrator or Agent:** See Zoning Administrator.

**Agriculture:** The tilling of the soil, the raising of crops, non-intensive livestock, horticulture, and forestry, but not including any agricultural industry or business, such as packing plants, dairies, mills, kennels, commercial stables, intensive agriculture as defined herein, or similar uses.

**Agriculture, intensive:** 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 pen:** (also see Animal Kennel)

**Alley:** A permanent service way, with a minimum width of twenty (20) feet, providing a secondary means of vehicular access to an abutting property, and not intended for general traffic circulation.

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

**Amusement Arcade:** A building or part of a building in which five or more pinball machines, videogames, or other similar player-operated amusement devices are maintained.

**Animal Hospital or Clinic:** Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not by definition included.

**Animal Kennel:** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**Animal Kennel, Private:** Any building, buildings, or land designed or arranged for the care of more than three dogs or more than three cats belonging to the owner of the principal use, kept for the purposes of show, hunting, or as pets.

**Apartment House:** A residential building located on a single lot used or intended to be used as the residence of three (3) or more families living independently of each other, typically sharing a common entrance and hallway for access to individual units, not including row or townhouses (See Dwelling: Multifamily).

**Apartment:** A single dwelling unit typically sharing a common entrance and hallway for access within an Apartment House or within a larger, mostly non-residential structure.

**Applicant-Owner:** An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given

their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

**Appraiser:** A person who earns his livelihood from the appraisal of real property, as contrasted with the selling of property, and who meets the standards for membership in the American Institute of Real Estate Appraisers.

**Arborist or "urban forester":** a person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

**Arborist, Certified:** An arborist who is certified by the International Society of Arboriculture.

**Architect:** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration, or registered with a like body in another state, as a licensed architect.

**Architectural Unit:** A visually distinct mass that is part of a larger structure or a collection of structures and is either near the other structures or may be attached by a smaller enclosed structural element such as a gallery, an arcade or other such element.

**Area, Gross Leasable:** Inside square footage of a building including retail, wholesale, and storage space, exclusive of halls, closets, elevator shafts, toilets, etc., and any outside display.

**Assembly Hall:** A building or part of a building intended and designed for the conduct of meetings, presentations, and the like.

**Assisted Living Facility:** A place, establishment, or institution, operated for the maintenance or care of four or more adults who are aged, infirm, or disabled and who are cared for in a primarily residential setting, in accord with § 63.2-100 of the Code of Virginia. The level of service provided for these adults shall include at least moderate assistance with the activities of daily living.

**Atrium House:** A one-story, single-family, attached dwelling shaped to surround or partly surround a private open space called an atrium, it being a type of townhouse unit (See Townhouse).

**Attached Accessory Structure:** An attached subordinate structure customarily incidental to and located upon the same lot occupied by the main use or building, including but not limited to a private garage, carport, balcony and deck.

**Automobile body shop:** A business limited to the repair and reconstruction of the exterior shells of automobiles and light trucks, including sanding, painting, and refinishing; but may also include frame, engine and other mechanical work in the repair of a vehicle.

**Automobile Graveyard:** Any lot or place which is exposed to the weather upon which more than five inoperable motor vehicles of any kind, are placed.

**Automobile Sales:** On-site sales, conducted on a regular or ongoing basis as a commercial enterprise, either retail or wholesale, of automobiles and/or light trucks and vans, but not heavy trucks or equipment.

**Banks and Savings and Loan Offices:** The retail offices of financial services institutions providing walk-in service to customers. Drive-through facilities are a separately designated and regulated component.

**Basement:** A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

**Bed and Breakfast Facility:** A private residence, or portion thereof, where short-term lodging is provided for compensation (no longer than 14 consecutive days) and meals may be provided, to guests only. The operator of the facility shall live on the premises or in an adjacent premises on the same lot. Up to four (4) guest rooms without cooking facilities may be provided. [also see Tourist Home; also see Inn]

**Bedroom:** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**Berm:** A continuous bank of earth designed and placed to block or partially obscure elements of a site (such as a parking area) or of a building (such as a loading dock). Berms typically range in height from two (2) to six (6) feet, with width-to-height ratios of from 2:1 to 5:1. Berms are often used in combination with shrubbery and trees.

**Block:** That land abutting on one side of a street extending to the rear lot lines (or, for parcels of land extending through to another street, to a line midway between the two streets) and lying between the nearest intersecting and intercepting streets and boundary of any railroad right-of-way, park, school ground, or unsubdivided acreage or center line of any drainage channel twenty (20) or more feet in width.

**Boardinghouse:** A building that is the primary residence of the owner where meals and lodging are provided, for compensation, on a permanent basis for up to ten (10) individuals not related by blood, marriage, or adoption to the owner.

**Broadcasting Station:** The studios and/or facilities for radio or television broadcasting.

**Buffer, Buffer Yard:** A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or from the roadway or to block noise or other nuisances; land areas reserved for the purpose of providing screening and separation from adjacent, different land uses.

**Building:** A structure having one (1) or more stories and a roof, designed primarily for support and shelter of persons, animals, or property of any kind. When a structure is divided into separate parts by fire walls,

each having separate plumbing, electrical, heating, drainage, and ventilation, each part so divided shall be deemed a separate structure.

**Building Area:** The area of the horizontal section of the buildings taken at their greatest outside dimensions on the ground floor including all attached structures and covered porches.

**Building, Governmental:** Any building owned by, operated by and/or leased to a government agency, except utilities, which are defined separately.

**Building, Height of:** The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back more than ten (10) feet from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

**Building Line:** The line which establishes the distance of a structure from any lot boundary line.

**Building, Main:** The principal structure 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 Official:** The official appointed by the Town Manager to administer and enforce the Building Code.

**Building, Public:** (see Building, Governmental)

**Business and Professional Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Business and office supply establishments:** Retail or wholesale distribution of office materials, goods and small equipment.

**C – District (Commercial District):** Any zoning district beginning with "C", and predominantly providing for commercial uses.

**Cabinet, upholstery, and furniture shops:** A business limited to the production, repair or refinishing of cabinets, furniture and related household items.

**Cable television facilities:** Offices, studios and other facilities of a cable television business.

**Cafeteria:** A commercial eating facility in which patrons choose food items along a self-service line rather than through table service.

**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).

**Canopy:** A roof structure that covers an open-air space, such as the roof of a detached carport or the roof that covers gasoline pump islands.

**Capital Improvement Plan:** A plan outlining the nature, location, costs, funding, and timing of future capital expenditures for community facilities such as streets, sidewalks, drainage facilities, water and wastewater lines and treatment facilities, parks, public buildings, and required property.

**Car Port:** A structure attached to a dwelling unit, open on at least one (1) side, designed for the parking and storage of vehicles by the residents of the dwelling and their guests.

**Car Wash:** A building or area of land that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

**Car wash, Self-service:** A building or area of land that provides facilities for patrons to wash and cleaning their motor vehicles by hand and/or with light equipment such as hoses and vacuums.

**Carnival:** An amusement show, usually traveling from place to place, containing rides, side shows, and other forms of entertainment.

**Cellar:** A story having more than one-half of the height below grade.

**Cemetery:** A place where lots are sold for the burial of the dead.

**Centerline:** The midpoint of the width of a highway or right-of-way.

**Child:** Any person under eighteen (18) years of age.

**Child Care Center:** A facility operated for the purpose of providing care, protection, and guidance to a group of four (4) or more children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950, as amended.

**Church (or place of religious worship):** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

**Civic Group:** A non-profit group or organization which meets regularly in the Town or which has "Warrenton" or a Town location in its name, and which has demonstrated service to the Town, in the determination of the Zoning Administrator. (also see "non-profit organization")

**Clear-cutting:** The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition does not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees and shrubs; or normal mowing operations.

**Cleaning and Pressing Shop:** (see laundry)

**Clerk:** The Clerk of the Circuit Court of Fauquier County having jurisdiction in the Town of Warrenton.

**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities. This definition includes a group practice in which several licensed medical, dental or health care professionals work cooperatively.

**Club:** Buildings and/or facilities owned and operated by a corporation, association, or persons, which serves as a gathering place for a group of individuals organized for a common purpose to pursue common goals, interests, or activities and characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

**Club, Swim or Tennis:** A private club with swimming and/or tennis facilities, indoor or outdoor.

**Cluster Development:** A residential development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas or historic and cultural resources.

**Coherence:** Logically consistent arrangement of interdependent elements of a site plan or architectural design.

**Commercial Nurseries and Greenhouses:** An area or establishment for the propagation, growing, or selling of nursery stock for gardens, grounds, and yards. Such stock may include trees, plants, shrubs, and vines. Landscape contracting of nursery stock shall be permitted as a use.

**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 motor vehicle race tracks.

**Commercial Use:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**Commission, the:** The Planning Commission of Warrenton, Virginia.

**Communications towers** (also see transmission and receiving towers)

**Community Building:** A building and associated facilities and area, usually owned by a public nonprofit group or agency, used for and providing fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Comprehensive Plan:** Maps, charts, and descriptive matter officially adopted by the Warrenton Town Council showing, among other things, recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water and sewer; and for the general location, character and extent of community facilities.

**Complex:** A grouping of buildings or architectural elements on a single site or tract.

**Condominium:** A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**Conference Center:** A facility designed for conducting large or small group meetings. Such facilities may include overnight accommodations or short term lodging (not longer than fourteen (14) consecutive days), food preparation and service, entertainment, social or charitable events, and recreational facilities.

**Conservation Easement:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas and their structures in their built, natural, scenic, open, or wooded condition, or for the purpose of maintaining existing land uses.

**Construction Standards:** Specifications and standards as adopted by or applicable in the Town of Warrenton relating to the construction of all physical improvements.

**Convalescent Home:** See Nursing Home.

**Convenience Retail:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

**Convenience store** (see convenience retail)

**Council:** The Town Council of Warrenton, Virginia.

**Covenant:** A formal agreement of legal validity between two (2) or more parties outlining restrictions, rights, or responsibilities concerning the use of property or structures.

**Crematory:** A building containing a furnace for reducing dead bodies, either animal or human, to ashes by burning.

**Critical Root Zone (CRZ):** An area which must be preserved in order to ensure protection and survival of a tree; a minimum of one foot per inch of caliper (defined herein as the diameter at breast height).

**Cul-de-sac:** A street with only one (1) outlet having an appropriate turn-around area for a safe and convenient reverse of traffic movement.

**Dairy:** A commercial establishment for the manufacture and sale of dairy products.

**Day Care Center:** See Child Care Center and Family Day Care Home.

**Deciduous:** Any tree or shrub that loses its leaves during the winter season.

**Deck:** An exterior, roofless, floor system supported on at least two opposing sides by an adjoining dwelling/structure and/or posts, piers or other independent supports.

**Density:** The number of dwelling units per acre of land.

**Density Bonus:** An additional increment of density allowable on a site in return for a specified public good, as provided in this ordinance.

**Density, Gross:** The number of dwelling units per gross acre of land on the site or lot.

**Density, Net:** The number of dwelling units per net acre of land (gross site or lot area less floodplain, steep slopes and other unbuildable areas).

**Detention Facility:** A facility which serves the purpose of collecting and retaining rainfall falling on a site for controlled release to primary storm water management facilities as a result of land alteration activities.

**Developer or Subdivider:** An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**District:** A section of the Town of Warrenton within which the zoning regulations are uniform; Zoning District.

**District, Base:** A type of Zoning District established in this ordinance that specifies allowable land uses and development intensities and requires a generally uniform group of land uses and lot requirements and does not require a concept development plan in advance of zoning approval.

**District, Regular:** (See Base District)

**District, Overlay:** A type of Zoning District established in this ordinance that may be mapped for a particular land area and functions as an additional set of zoning requirements in addition to the zoning requirements of the underlying base district that applies to the tract.

**District, Special:** (see District, Overlay)

**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 or Accessway:** That space specifically designated and reserved on the site for movement of vehicles from one location to another on site or from the site to a public street.

**Drug Store:** A retail establishment offering a variety of consumer goods with a licensed pharmacist on staff for the purpose of dispensing prescription drugs.

**Dustless Surface:** A surface adequately covered in accordance with good construction practice, with a minimum of either two (2) applications of bituminous surface treatment concrete, or bituminous concrete approved by the Town, and to be maintained in good condition at all times.

**Dwelling:** Any structure, or portion thereof, which is designed for generally permanent residential purposes, not including hotels, boardinghouses, lodging houses, tourist cabins, or automobile trailers (also see “dwelling unit”).

**Dwelling, Accessory:** See Accessory Dwelling Unit.

**Dwelling, Duplex (two-family):** Two (2) single-family attached dwellings.

**Dwelling, Elderly and Handicapped:** A building or portion thereof containing at least ten (10) dwelling units and within which at least ninety (90) percent of all dwelling units are occupied by or designed for occupancy by:

- (a) Families of two or more persons the head of which (or his or her spouse) is 55 years of age or over or is handicapped; or
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death; or

- (c) A single person who is 55 years of age or over, or a non-elderly handicapped person between the ages of 18 and 55; or
- (d) Two (2) or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certification to be essential to their care or well-being.

For the purpose of this definition Handicapped Person means any adult having an impairment which is expected to be of an indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person also shall be considered handicapped if he or she is developmentally disabled, i.e., if he or she has a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which constitutes a substantial handicap to such individual.

**Dwelling, Four-Family:** A residential structure, occupying one lot, arranged or designed to be occupied by four (4) families living independently of each other, generally with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Live-Work Unit:** A residential structure, occupying one lot, with home business quarters on the ground floor and occupant residential quarters on the upper floor or floors.

**Dwelling, Mixed Commercial Use:** A dwelling unit in a structure that is also designed and used for commercial purposes. Access to the dwelling unit is separate from access to areas used for commercial purposes and the unit is typically located in basements or upper stories with commercial uses occurring at the street level of the structure.

**Dwelling, Mobile 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. Three types are defined herein as follows:

**Mobile (Manufactured) Home, Type A:** A multi-sectional manufactured home (“doublewide”) 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.

**Mobile (Manufactured) Home, Type B:** A traditional single manufactured home (“singlewide”) 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.

**Mobile (Manufactured) Home, Type C:** Any manufactured home (“mobile home”) constructed before July 1, 1976 and which consequently does not meet the criteria of a Type A or Type B manufactured home as defined herein.

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

**Dwelling, Multifamily:** A residential structure arranged or designed to be occupied by more than one (1) family living independently of each other, the structure having more than two (2) dwelling units and generally 5+having a common entrance or hallway providing access to dwelling units.

**Dwelling, Single-Family, Attached:** One (1) of two (2) or more residential buildings having a common party wall separating dwelling units, each dwelling unit occupying a separate lot.

**Dwelling, Single-Family, Detached:** A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

**Dwelling, Three-Family:** A residential structure, occupying one (1) lot, arranged or designed to be occupied by three (3) families living independently of each other, generally with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Triplex:** A group of three (3) townhouse units.

**Dwelling, Townhouse:** A dwelling unit, occupying one(1) lot, attached by means of a common vertical wall or walls, extending from the floor of the basement to the roof, to a series of similar dwelling units, each of which has individual access from the outdoors and each of which normally consists of two (2) or three (3) stories, situated on one (1) lot. The term "townhouse" is inclusive of the terms "atrium house" and "patio house."

**Dwelling, Two-Family:** A single structure arranged or designed to be occupied by two (2) families living independently of each other, with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Quadriplex:** A group of four (4) townhouse units.

**Dwelling Unit:** One (1) or more rooms connected together in a structure designed for occupancy as a separate living quarters, for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping, and sanitary facilities within the unit.

**Easement:** A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**Emergency Housing:** The housing is designated to provide emergency housing for a maximum of sixty (60) days. Emergency housing and related counseling services shall be provided by a Fauquier County/Town of Warrenton recognized human service organization. A house coordinator must reside on the premises, and a substitute house coordinator shall be on the premises if the house coordinator is away from the residence for more than one day.

**Employment service or agency:** A public, non-profit or for-profit agency or business that provides assistance in matching prospective employees with employers.

**Engineer:** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration, or registered with a like body in another state, as a "professional engineer."

**Erosion and Sediment Control Definitions:** [refer to Town's Erosion and Sediment Control Ordinance]

**Applicant:** Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.

**Approved Plan:** That plan approved by the Planning Director, by the issuance of a land disturbing activity permit, which plan carries the permittee's proposed methodology for controlling erosion, sedimentation, and storm water runoff resulting from the proposed land disturbing activity.

**Board:** The Virginia Soil and Water Conservation Board.

**Certified Inspector:** Employees of the Town of Warrenton charged with on-site inspection of erosion and sediment control devices employed via this Article and who (i) hold a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

**Certified Program Administrator:** The Town's Building Official.

**Clearing:** Any activity which removes the vegetative ground cover, including but not limited to the removal of vegetation, root mat removal, and/or topsoil removal.

**Conservation Plan, Erosion and Sediment Control Plan, or Plan:** A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

**District, or John Marshall Soil and Water Conservation District:** A political subdivision of this Commonwealth organized in accordance with the provisions of Chapter 1, Section 21-1 et seq., of Title 21 of the Code of Virginia, 1950, as amended.

Erosion: The disintegration, detachment, carrying away, or wearing away of land surface by running water, wind, and/or other natural agents.

Erosion Impact Area: An area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

Excavating: Any digging, scooping, or other method of removing earth materials.

Filling: Any depositing or stockpiling of earth materials.

Governing Body: The Town Council of Warrenton, Virginia.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. The term shall not include those activities identified in Section 4-6, Exceptions.

Land Disturbance Permit: A permit issued by the Town for clearing, filling, excavating, or transporting of soil, or any combination thereof.

Local Erosion and Sediment Control Program, or Local Control Program: An outline of the various methods employed by a district or locality to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Permittee: The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies the approved erosion and sediment control plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or other legal entity.

Plan Approving Authority: The Board, the Town of Warrenton, or the Zoning Administrator of the Town of Warrenton responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit(s) of land and for approving plans.

**Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice and has come to rest on the earth's surface, either above or below sea level.

**State Erosion and Sediment Control Program, or State Program:** The program administered by the Virginia Soil and Water Conservation Board pursuant to Article 4, Chapter 5, Title 10.1 of the Code of Virginia, 1950, as amended, including regulations designed to minimize erosion and sedimentation.

**State Waters:** All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

**Town:** The Town of Warrenton, Virginia, a municipal corporation.

**Transporting:** Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or by the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

**External Relationships:** Those associations pertaining to off-site considerations. (also see Internal relationships)

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

**Facilities:** Something designed, built, installed, etc., to serve a specific function affording a convenience, use or service to the users.

**Fair:** a temporary, mainly outdoor, public celebratory event, including festivals, which may include musical or theatrical entertainment, display and/or sale of crafts, food and the like.

**Fairgrounds, showgrounds, or exhibition center:** A site which is used for temporary, regular exhibitions, displays, contests and the like.

**Family:** One (1) or more persons occupying a dwelling unit and living and cooking together as a single, nonprofit, housekeeping unit, provided that not more than four (4) persons not related by blood, marriage, adoption, or guardianship shall constitute a family unless such group is composed of handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and all subsequent amendments. Such unrelated handicapped individuals shall have the right to occupy a dwelling unit in the same manner and extent as any family unit established through kinship as defined above.

**Family Care Home:** A private single-family home in which more than three (3) children, but no more than six (6) children, are received for care, protection, and guidance during only part of the day, except children who are related by blood or marriage to the person who maintains the home, and meeting applicable licensing requirements for family care homes of § 63.1-196 of the Code of Virginia, 1950, as amended.

**Farmer's Market:** A place where locally grown produce and goods are sold on a temporary or seasonal basis to the general public, not including wholesale or bulk sales to commercial enterprises or the sale of crafts, household items, or other nonagricultural items.

**Farm equipment, motorcycle, boat, and sport trailer sales and service:** On-site sales and service, either retail or wholesale, of farm equipment, motorcycle, boat, and sport trailers.

**Fence:** Any artificially constructed barrier of any material or combination of materials erected to enclose, partition, or screen areas of land.

**Flag:** A flexible banner, typically cloth or other light material, hung from a pole, tower, wall or other upright structure, for the purpose of displaying a symbol or message.

**Flex Industrial uses:** Light industrial activities that occur in buildings of no more than two stories in height, with one or more loading docks, and not more than half of the gross floor area used for offices.

**Floodplain Definitions: [existing definitions moved from the Floodplain District]**

**Base Flood/One Hundred-Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**Existing Manufactured Home Park/Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the initial effective date of these regulations.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood:** A general and temporary inundation of normally dry land areas.

**Flood Fringe:** All that land in a floodplain not lying within a delineated floodway and subject to inundation by relatively low velocity flows and shallow water depths.

**Flood Hazard District:** The area subject to inundation by waters on the 100-year flood, which is the flood that has a one (1) percent chance of being equaled or exceeded in any given year, as defined by the Federal Emergency Management Agency.

**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 or runoff of surface waters from any source.

**Flood-Prone Area:** Any land area susceptible to being inundated by water from any source.

**Floodproofing:** The protection of structures and public utility systems from damage caused by inundation or seepage of flood waters.

**Floodway:** The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood can be discharged without cumulatively increasing the water surface elevation more than one foot at any point.

**Historic Structure:** Any structure that is a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on the Virginia Landmarks Register; or d) individually listed on the local inventory of historic places, provided that the Warrenton preservation program has been certified by the Department of Historic Resources and/or the Secretary of the Interior.

**Manufactured Home Park/Subdivision:** A parcel, or contiguous parcels, of land divided into two (2) or more lots, for rent or sale, intended for the placement of a manufactured home.

**New Construction:** For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of this Article and includes any subsequent improvements to such structures.

**New Manufactured Home Park/Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the initial effective date of these regulations.

**Recreational Vehicle:** A vehicle which is a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

**Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure.”

**Floor Area, gross:** The sum of the total horizontal areas of all floors of a structure on a lot, measured from the interior faces of exterior walls, including basements, elevator shafts, stairwells at each story, enclosed porches or atriums, interior balconies or mezzanines, and attics with headroom of six (6) feet, six (6) inches or greater. This definition does not include floor space not used for human habitation or suitable for temporary storage of merchandise or equipment such as areas designed for heating and ventilating equipment, cellars or outside balconies which do not project more than six (6) feet from the exterior wall, off-street parking structure, rooftop mechanical structures or penthouses, or areas with less than six (6) feet, six (6) inches or more of structural headroom.

The term “floor area” shall include basements, elevator shafts and stairwells at each story, floor space for mechanical equipment with headroom of seven feet or more, attic space, interior balconies and mezzanines.

The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building.

Parking structures and rooftop mechanical structures are excluded from gross floor area.

The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height or fraction thereof as being equal to one floor.

**Floor Area, gross leasable:** The total area designated for tenant occupancy and exclusive use in a shopping center or commercial building, including storage, retail area, offices, shipping, basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**Floor Area, net:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two or more buildings. The term “net floor area” shall include outdoor display areas for sale, rental and display of vehicles, equipment and other products, but shall exclude areas designed for permanent uses such as toilets, utility closets, enclosed parking areas, mechanical equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where headroom in at least half of such area is less than seven feet.

**Footprint, building:** (see floorplate)

**Floorplate.** The horizontal land area occupied by a building at finished grade including projections and overhangs (“footprint”).

**Foster Home:** A residence of any person in which one (1) or more children, other than a child by birth or adoption of such person, resides as a member of the household.

**Front:** The edge of a lot or structure that abuts a street or way and ordinarily is regarded as the front of the lot.

**Front, to:** When a building or structure faces or orients toward the front of a lot.

**Frontage:** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; the distance between the side lines of any lot as measured along a line, at the required setback distance from the front lot line, generally paralleling the street upon which the lot fronts. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line, as defined and required herein. On irregularly shaped lots that make such a measurable line impossible, the frontage shall be measured along the line that can be drawn so as to best meet the intent of the above definition.

**Frozen food lockers:** Commercial facilities in which frozen foods are stored for wholesale distribution or purposes.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for the following: embalming and the performance of other services used in the

preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and, the storage of funeral vehicles, but not including facilities for cremation.

**Garage, Private:** Accessory building designed or used for the private storage of not more than three (3) 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. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of twice as many automobiles as there are dwelling units. A garage which is attached to the main dwelling structure shall be considered part of that structure for purposes of setback, yard and height regulations.

**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.

**Garage, Repair:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered, such services taking place within an enclosed building or screened from public view.

**Garden Apartment:** A dwelling unit situated within a structure consisting of no more than three (3) stories with access to the dwelling units provided by means of an interior hallway or foyer, each dwelling unit normally consisting of a portion of one (1) floor of the structure.

**Gasoline Service Station:** (See Service Station)

**Geometric Design:** Typical cross-sections used in street design.

**Gift Shop:** A building, or area within a building, comprising no more than 3,000 square feet that display and sells merchandise at retail that is related to a historic person, place or event.

**Golf Course:** Any area of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding lighted 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.

**Governing Body:** The Town Council of Warrenton, Virginia.

**Governmental Buildings** (see Building, Governmental)

**Green:** Land open to the general public for passive recreational use that contains lawns, shade trees and/or landscaped areas. Paved pedestrian walkways and sitting areas may cover up to twenty-five percent (25%) of the green. Greens may be publicly owned or owned in common by a property owners association. Greens may but are not required to be square or rectangular in shape.

**Grade:** The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

**Grain and feed supply stores:** A business which sells grain, seed, feed and related agricultural products on a wholesale basis, and may sell at retail as well.

**Gross Floor Area:** (see Floor Area, Gross)

**Gross Leasable Space:** (See Floor Area, Gross Leasable).

**Group Home:** A building which provides living accommodations for the physically or mentally handicapped, children sixteen (16) years of age or younger, abused adults, or persons sixty-five (65) years of age or older. The residents of such group homes shall be supervised by a resident counselor in charge of their area.

**Health Official; Health Officer:** The health director or sanitarian of the County of Fauquier, Virginia, or his designated agent.

**Health or Fitness Facilities:** An indoor establishment, which may include saunas and steambaths, offering or providing facilities for and instruction in general health, physical fitness, and controlled exercises such as weight lifting, calisthenics, and aerobic dancing.

**Heliport:** Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo, including fueling and emergency service facilities.

**Heritage tree:** any tree that has been individually designated by the local governing body to have notable historic or cultural interest.

**Highway Engineer:** The engineer appointed by the Town Manager or designated state official serving the local VDOT residency.

**Historic District:** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation, and designated and/or mapped and adopted by the Town Council as an overlay district of the Zoning Ordinance.

#### **Historic District Definitions [existing definitions moved from Article 3]**

1. Alteration is any change, modification, or addition to a part of or all of the exterior of any building or structure.
2. Building is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.
3. Building Official is that person appointed by the Town Manager as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.

4. Building Permit is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.
5. Contributing Properties are properties so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this Ordinance, being generally those properties which by reason of form, materials, architectural details, and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance, or other factors are not designated as historic landmarks under the criteria of this Ordinance.
6. Certificate of Appropriateness is the approval statement signed by the Chairman of the Architectural Review Board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building within a historic district, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.
7. Demolition is the dismantling or tearing down of all or part of any building and all operations incidental thereto.
8. Historic District means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
9. Historic Landmark is defined as any building or place listed in the National Register of Historic Places, or in the Virginia Landmarks Register, or any building or place officially designated as a landmark structure or place by the Town of Warrenton on the inventory map which is adopted as a part of this Ordinance.
10. Reconstruction is any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.
11. Repairs are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
12. Restoration is any or all work connected with the returning to or restoring of a building, or a part of any building, to its original condition through the use of original or nearly original materials.

**Historic shrine** (see museum)

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

**Home Business:** Same as Home Occupation, except that a home business is permitted to have up to three full-time equivalent employees who do not reside in the dwelling in addition to any family employees who reside on the premises.

**Home Occupation:** Any occupation or activity conducted solely by a member of the family residing on the premises which is incidental and secondary to the use of the premises for dwelling, and in general an occupation where services are performed in such a way that visits to the premises by members of the public

are infrequent and that the character and intensity of the use is compatible with the quiet nature of residential neighborhoods, provided that (a) not more than the equivalent area of one quarter (1/4) of the total interior finished floor space of the dwelling shall be used for such purpose; (b) that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes; (c) that no commodity is stored or sold, except as are made on the premises; (d) there shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

When within the above requirement, a home occupation includes, but is not limited to the following: art studio; dressmaking; home offices, teaching, with musical instruction limited two (2) pupils at a time.

However, a home occupation shall not be interpreted to include the conduct of barber shops and beauty parlors, retail stores, nursing homes, medical offices, clinics, convalescent homes, rest homes, child care centers, day care centers or nursery schools, restaurants, tea rooms, tourist homes, massage parlors or similar establishments offering services to the general public.

**Homeowners Association:** A private nonprofit corporation of homeowners for the purpose of owning, operating, improving and maintaining various common property and facilities.

**Hospital:** An institution primarily for human in-patient 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, including nursing homes, homes for the aged, and sanatoriums.

**Hospital, Special Care:** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, alcoholics, or drug addicts.

**Hotel:** A facility offering transient lodging accommodations for ten or more individuals on a daily rate and providing additional services, such as restaurants, meeting rooms, and recreational facilities (See also, Motel).

**Housing, Emergency** (see Emergency Housing)

**Household Pet Grooming:** (see Pet Grooming) A commercial business limited to the routine grooming of household pets, as defined herein, including bathing, hair cutting and similar functions.

**Housekeeping Unit:** (see dwelling unit)

**Human Scale:** The design and appearance of a building façade or group of facades such that a human being perceives that the facades relate to the size of a human being and are not perceived to be overwhelming, disorienting or intimidating due to the apparent size.

**I - District:** A zoning district for industrial uses.

**Illustrative Material:** Accompanying pictorial and written data.

**Impervious Surface:** A surface on previously undeveloped land that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including gravel driveways and parking areas.

**Improvements:** All utilities, facilities, buildings, and structures including but not limited to streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter, and landscaping required pursuant to the terms of the Ordinances of Warrenton, Virginia.

**Industry, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing or storage or manufacturing processes that involve hazardous or offensive conditions.

**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 twelve (12) guest rooms may be provided.  
(Also see Bed and Breakfast Facility).

**Inoperable Vehicle:** A vehicle parked outside of a structure in any zoning district within the Town that cannot be operated mechanically and/or does not display a current, valid Town and State registration decal.

**Institutional uses or buildings:** Educational and philanthropic operations, including museums, art galleries, and libraries

**Internal Relationships:** Those associations pertaining to on-site considerations.

**Janitorial service establishment:** A commercial facility used to store equipment and materials used in providing janitorial services, which may include limited administrative office space for the enterprise.

**Junk Vehicle:** An inoperable or abandoned motor vehicle without current Town and State registration.

**Junk Yard:** The use of any area of land lying within one hundred (100) feet of a state highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined herein.

**Jurisdiction:** The limits of territory within which authority may be exercised by the governing body.

**Kennel:** See Animal Kennel.

**Landscape Architect:** A person who is certified by the State of Virginia in the practice of landscape design.

**Laboratories, research:** A workplace devoted to scientific research and experimentation.

**Laboratories, medical:** A workplace devoted to routine testing of medical samples and related items associated with the diagnosis and treatment of diseases.

**Landscaping:** The modification of existing site conditions by earthwork, planting, and/or structural installation to complete a desired landscape scheme.

**Landscape Design:** The planned treatment of land, structures, plants, topography, and other natural features.

**Laundromat:** A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Laundry:** A commercial facility where washing, drying, ironing, and/or dry cleaning is performed but does not include self service machines.

**Laundry, Pick Up-Drop Off:** A business that provides laundry services to customers but washing, drying, or dry cleaning facilities are not located on the immediate premises.

**Lawn and Garden Equipment:** Motorized and non-motorized equipment used to cultivate or maintain lawns and garden plots of yards associated with non-agricultural land uses.

**Library:** A place devoted to the collection and display of books, manuscripts and related intellectual property for use and circulation by the public but not for sale.

## **Lighting:**

Definitions for lighting regulations:

**Footcandle.** Unit of luminance. One lumen per square foot. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 0.1 (0.093) lux.

**Flood Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

**Full Cutoff Light Fixture or Luminaire; Fully Shielded Light Fixture.** A lighting fixture from which no light output, either directly from the lamp or a diffusing element, is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. Implicit in the

definition is a fixture that is aimed straight down and has a flat lens. Any structural part of the light fixture providing this shielding must be permanently affixed

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

High intensity discharge lamp. A mercury vapor, metal halide, or high or low pressure sodium lamp.

IESNA. Illuminating Engineering Society of North America

Illuminance, Luminance. The intensity of incident light at a point, measured with a light meter in footcandles or lux.

Initial lumens. The lumens emitted from a lamp, as specified by the manufacturer of the lamp.

Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.  
Light pollution. Any adverse effect of manmade light.

Light Trespass. Light falling where it is not wanted or needed, typically across property boundaries.

Lumen. Unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire. The term "luminaire" means a complete lighting unit, less the support assembly, consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Lux. Unit of luminance. One lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately 10 (10.8) footcandles.

Installed. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Opaque. Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Outdoor light fixture or luminaire. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement.

Temporary Lighting. Lighting which does not conform to the provisions of this Code and which will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

**Live-Work Unit:** (see Dwelling, Live-Work Unit)

**Loading Space:** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks and other carriers.

**Lodge:** See Club.

**Lot:** A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building or, in the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey showing the metes and bounds or simply described by metes and bounds.

**Lot Area:** The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection. All sides along the streets shall be considered front yards.

**Lot, Coverage:** The area of a site covered by buildings or roofed areas.

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

**Lot, Double Frontage:** An interior lot having frontage on two (2) streets.

**Lot, Interior:** A lot other than a corner lot with only one street frontage.

**Lot Line:** A property boundary line of any lot held in single and separate ownership from adjacent property, except that, in the case of any lot abutting a street, the lot line or such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

**Lot, Pipestem:** A lot with access provided to the bulk of the lot by means of a narrow corridor that does not meet the street frontage requirement of the district regulations.

**Lot, through:** A lot in which both the front and rear lot lines abut a street.

**Lot of Record:** A lot which has been recorded among the land records in the Office of the Circuit Court of Fauquier County, Virginia.

**Lot, Substandard:** See Nonconforming Lot.

**Lot, Width of:** The horizontal distance between side lot lines measured at the required front setback line.

**Lumber and building supply:** A commercial use devoted to the storage and sale of wood, lumber and related building materials.

**Manufacture and/or Manufacturing:** The processing, fabrication, assembly, and distribution of products such as, but not limited to: scientific or precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchased glass, electric lighting and wiring equipment, industrial controls, lithographic and printing processes, radio and TV receiving sets, watches and clocks, optical goods, and electrical machinery.

**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 rather than for entertainment or recreation.

**Materials:** The physical elements of which something is made or fabricated.

**Medical or Dental Clinic:** Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

**Medical Center:** Any building or group of buildings that provides a range of professional medical services that would normally be found in hospitals, medical clinics and medical offices.

**Medical Laboratory** (see Laboratory, Medical)

**Meeting Hall:** (see Assembly Hall)

**Mini-Warehouse:** A structure containing separate storage spaces of varying sizes leased or owned on an individual basis for self-storage of business, household, or contractors supplies.

**Mixed-Use:** A use or structure which contains residential uses as well as commercial or office uses.

**Mobile Home (also “Manufactured Home”):** (See “Dwelling, Mobile Home”)

**Mobile Home Park:** A residential neighborhood conforming to the requirements of the former MHP Residential District.

**Mobile Home Subdivision:** An arrangement of lots designed and intended for the placement of mobile homes for residential purposes, meeting the requirement of the former MHP Residential District.

**Modular home; Modular dwelling:** (see “Dwelling, Modular”)

**Monument sales:** Sales of headstones, plaques and similar elements for memorials.

**Motel:** A building or a group of two (2) or more detached or semi-detached buildings containing rooms or apartments having separate entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

**Motion picture studio:** A building or group of buildings in which videos, motion pictures or other visual recordings are filmed.

**Mural:** A painting or other artistic depiction on the wall of a building which does not serve the purpose of commercial or business advertisement or promotion.

**Museum:** A building which provides educational or aesthetic opportunities for the visiting public on a regular schedule. Artifacts, artwork, historical documents, photographs, costumes, and other objects are exhibited and cared for by a professional staff.

**Neighborhood Professional Business:** Any establishment containing between 1,500 and 5,000 square feet of gross floor area, on the ground floor of a building/structure wherein the primary occupation is the provision of services on a fee or contract basis. Retail sales to the general public is not permitted, except as a secondary and subordinate activity, and not exceeding ten (10) percent of the gross floor area. The retail sales area component should be clearly delineated within the building/structure. Business service establishments shall not have more than two (2) employees, including the owner.

**New Urbanism:** A pattern of urban design which incorporates various traditional town planning principles, including narrow streets, on-street parking, interconnected streets, alleys, small front setbacks, mixed-uses and similar features.

**Noise:** Sound of a harsh, loud, or confused kind causing disturbance to occupants of an abutting, adjacent, or adjoining property, as provided for in the performance standards of these regulations and any other provisions of the Town Code.

**Nonconforming Activity:** (see Nonconforming Use)

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

**Nonconforming Sign:** An otherwise legal sign that does not conform with the regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**Nonconforming Structure:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area 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, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**Nonconforming Use:** The otherwise legal use of a building or structure or a tract of land, other than a sign, that does not conform with the regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**Non-profit organization:** A non-profit organization incorporated under the provisions of section 501 [c] 3 of the federal code.

**Nursery School:** See Day Care Center.

**Nursing or Convalescent Home:** An extended or intermediate care facility licensed or approved 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.

**Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Office, business and professional:** (see Business and Professional Office)

**Office, medical:** (see Medical or Dental Clinic)

**Off-Street Parking Space or Parking Bays:** A reasonably level space, available for the parking of one (1) motor vehicle, not less than nine (9) feet wide and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways or other means of circulation or access.

**One Hundred-Year Flood:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**On-Site:** That area within the boundary of any land to be developed or planned for development.

**Open Space:** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes and may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water bodies, but not including driveways, parking lots, and storage yards.

**Open Space, Common:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of a development.

**Outdoor Lighting:** (see Lighting)

**Outdoor Storage:** The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than one (1) week.

**Owner-Applicant:** See Applicant-Owner.

**Parcel:** A continuous quantity of land, as shown on the official parcel maps of the County Commissioner of the Revenue and/or an approved record plat, in the possession of, owned by, or recorded as the property of the same person or persons.

**Park:** An area open to the general public and reserved for recreational, educational, or scenic purposes.

**Parking, off-street:** Parking in spaces designated outside of the street right-of-way.

**Parking, on-street:** Parking in spaces designated within the street right-of-way.

**Parking Lot:** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. For the purposes of this Article, parking lots are defined as any area used for the display or parking of any and all types of vehicles, boats, farm machinery, lawn and garden equipment, or heavy construction equipment, whether or not these items are for sale or lease. This definition includes, but is not limited to, parking lots and display areas for automobile dealerships and service stations. The area of the parking lot shall be calculated to include all paved areas used for ingress, egress, internal circulation, loading, and parking stalls.

**Parking Space, All Weather:** A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

**Passive Recreation:** (see Recreation, Passive)

**Passive Recreation Area:** (see Recreation Area or Facilities, Passive)

**Patio House:** For purposes herein, same as atrium house (See Atrium House, Townhouse).

**Performance Bond:** A bond of surety, and/or cash deposit approved by the Governing Body equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term (A performance and payment bond also provides for the payment of subcontractors).

**Personal Service Establishment or Store:** Establishments primarily engaged in the repair, care, maintenance or customizing of personal property that is worn or carried about the person, or is a physical component of the person, such as the following which will serve as illustration: beauty parlors, barber shops, shoe repair, tailor shops, opticians, and similar places of business. Personal Service Establishments do not include dry cleaning plants, or linen or diaper service establishments.

**Pet, Household:** Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties.

**Pet Grooming:** A commercial business limited to the routine grooming of household pets, as defined herein, including bathing, hair cutting and similar functions.

**Pipeline, Major:** A main trunk pipeline that carries water, gas or other material, or that collects stormwater or wastewater, and connects to one or more smaller lines that provide the service to specific customers.

**Pipestem Lot:** See Lot, Pipestem.

**Planned Unit Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages, including principal and accessory structures and uses substantially related to the character and purposes of the development, and including streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. It also includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development but will not be provided, operated, or maintained at public expense. PUD includes mixed-use developments, single use residential developments and/or commercial developments, in accord with the provisions of this Ordinance.

**Planner:** Person qualified to prepare site development plans, either licensed as such or meeting the educational training and work experience standards for membership of the American Institute of Certified Planners.

**Planning Director:** The person designated by the Town Manager to serve in this capacity.

**Plat:** A map or plan of a tract or parcel of land which is to be or has been subdivided (when used as a verb, plat is synonymous with subdivide).

**Playground:** A recreational area which is graded and either planted in grass or paved, or a combination of both, which may have play equipment, and which may be lighted or unlighted for nighttime sports activities in accord with the provisions of this ordinance.

**Plumbing and electrical supply:** A business which sells plumbing and/or electric products on a wholesale basis, and may sell at retail as well.

**Porch:** A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open-sided, but it may be screened or glass enclosed.

**Printing establishments:** Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses

**Profile:** A drawing of a side or sectional elevation of an object.

**Property:** Any tract, lot, or parcel, or several of the same collected together for the purpose of subdividing, preparing a site development plan, and/or developing.

**Public Buildings** (see Building, Public)

**Public Facilities Manual:** The Town of Warrenton Public Facilities Manual. This manual provides standards and specifications for public facilities construction within the Town.

**Public Water and Sewer Systems:** A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the Governing Body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

**Pumping station:** A component of a public water or wastewater system that pumps material from one line to another for either distribution or collection.

**R – District (Residential District):** Any zoning district beginning with "R" and/or any zoning district designed primarily for residential uses.

**Recreation, 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.

**Recreation Area or Facilities, Active:** Area or facilities designed for intensive play or athletic activity by either juveniles or adults.

**Recreation, Commercial:** (see Commercial Recreation)

**Recreation, Passive:** Activity involving minimal physical exertion such as sitting, walking, picnicking, bird watching and reading.

**Recreation Area or Facilities, Passive:** Natural areas with or without facilities, primarily scenic, for passive activities, e.g., sitting, walking, riding, or picnicking.

**Recycling Center:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, either by machine or by hand, within a completely enclosed building, in preparation for further processing or manufacturing at another facility.

**Recycling Collection Point:** An incidental use that serves as a neighborhood drop-off point for recoverable resources, for temporary storage in containers, or small structures, not including processing of such items.

Generally, these facilities are located in shopping center parking lots, or other public or semi-public areas such as churches or schools.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated, within a completely enclosed building, to return such products to a condition in which they may again be used for production.

**Rental service establishment:** A business that rents household equipment and/or vehicles.

**Rescue Squad:** An emergency medical and rescue company, typically operated as a non-profit organization, using emergency medical vehicles to serve customers.

**Rest Home:** See Nursing Home.

**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 nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This definition also includes cafes, cafeterias, sit-down restaurants, tea rooms, confectionery shops, refreshment stands, and outdoor cafes.

**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.

**Retail Stores and Shops:** Buildings for the display and sale of merchandise at retail (but specifically exclusive of coal, wood, and lumber yards), such as the following which serve as illustrations: drugstore, newsstand, food or grocery store, candy shop, dry goods and notions store, antique store, gift shop, hardware store, household appliance store, furniture store, florist, music and radio store. This group also includes the consolidation of retail stores into one or more buildings as a shopping center.

**Retail uses, General:** (see Retail Stores and Shops)

**Retail uses, Personal services:** Retail uses that provide services to individuals, such as barber, beauty salon, nail care, and the like.

**Retail uses, Business services:** Retail uses that provide services to businesses, such as office supplies, office equipment, data processing, and the like.

**Retail Use, Automated:** A retail establishment that is fully automated, without a full time attendant or proprietor.

**Retention Facility:** The same as a Detention Facility except that the lower water elevation of the pond may be at a level lower than the normal hydraulic grade line of the drainage system into which it drains. Water detained in this lower elevation must therefore be dissipated by evaporation, seepage into the soil, or retained as a permanent water pool.

**Reverse Frontage:** A lot with double frontage which is not accessible from one of the streets upon which it fronts, usually the street designed for or experiencing the highest vehicular traffic volumes.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. May include a fee simple or easement ownership.

**Road, Public:** All public property reserved or dedicated for street traffic, maintained by the Town of Warrenton or the Virginia Department of Highways.

**Road, Private:** A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties, not including driveways, and not maintained by the Town of Warrenton or the Virginia Department of Highways.

**Rooming House:** See Boarding House.

**Rug and carpet cleaning and storage with incidental sales of rugs and carpets:** A business which cleans and/or stores rugs and carpets and which may sell or trade such items as an incidental use.

**Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured, usually in a round, parabolic shape, intended to receive and/or transmit radio, electromagnetic, or microwaves from terrestrially based and/or orbitally based sources.

**School:** Any public, parochial, or private place of instruction that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, vocational schools, and high schools, meeting all the licensing requirements of the Commonwealth of Virginia.

**Screening:** (See Buffer).

**Seating Capacity:** The actual seating capacity of an area based upon the number of fixed seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating

capacity shall be one (1) seat for every seven (7) square feet of net floor area, excluding floor area devoted to permanent displays and/or storage.

**Security service office or station:** A kiosk, office or other structure out of which the security personnel of a building or complex operate.

**Self-Service Storage Units:** See Mini-Warehouse.

**Senior Citizens Center:** A licensed facility which provides care, supervision, and recreation activities for persons 55 years of age and older, during a portion of the day and which is not used for lodging or overnight care.

**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.

**Setback:** The minimum distance by which any building or structure must be separated from the front, side, or rear lot line.

**Setback Line:** The line which establishes the required setback. The same as building line.

**Shopping Center:** A grouping of retail business and service uses on a single site with common, shared parking facilities and combined access points to the public road system.

**Shrub:** A low-growing, usually multi-stemmed, woody plant.

**Sign:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, structural forms, corporate logos (including symbols, color patterns or other features that communicate brand identity) 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 be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible on or beyond the boundaries of the parcel of land on which the same is made. A display of less than two (2) square feet in area is excluded from this definition.

**Sign, Advertising:** A sign directing attention to a product offered upon the premises, but which product or service is or could be offered elsewhere than on the same premises, with the exception that where the trade name of the product is a basic factor in directing attention to the business, the display of that sign shall be considered a business use.

**Sign, Animated:** Such signs shall include but not be limited to pennants, propellers, inflatable figures, balloons, discs and any sign with moving parts.

**Sign, Area:** That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one (1) side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one (1) face, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign area.

**Sign, Banner:** A temporary sign announcing the name, time and place of a special event within the Town conducted by a public agency, or for the benefit of any civic, fraternal, religious, or charitable cause, such sign to be displayed above a public right-of-way.

**Sign, Billboard:** Any sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located, excluding directional signs. (see off-premise sign)

**Sign, Canopy:** A sign painted or attached to a covered area or structure which extends from the wall of a building or is freestanding, such as the structure that covers a gasoline pump island, including awnings, and including the materials and colors of the awning or canopy structure itself.

**Sign, Commercial:** A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered on the same premises upon which the sign is maintained (See Advertising above).

**Sign, Directional:** A sign marking an entrance or exit or giving other directions to the general public or to patrons or customers.

**Sign, Directory:** A sign for identifying the occupants or tenants of a building and/or their location in the building.

**Sign, Double-Faced:** A sign with two (2) parallel or nearly parallel faces, back to back, upon which advertising is displayed.

**Sign, Electronic Message Board:** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Such signs may be included in the definition of other types of signs if they otherwise meet those definitions and do not have features of prohibited signs, such as flashing signs.

**Sign, Flashing:** Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.

**Sign, Free Standing:** A sign supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure. (a type of ground sign)

**Sign, Ground:** A general term that includes freestanding and monument signs; any sign supported by uprights or braces placed in the ground or attached directly to the ground, and not attached to any building. (see Freestanding Sign; see Monument Sign)

**Sign, Height:** The vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.

**Sign, Identification:** A sign indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.

**Sign, Illuminated:** Any sign which has character letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

**Sign, Indirectly Illuminated:** A sign which is either (1) artificially lit from within itself using an opaque/non-glaring background and backlighted or (2) is illuminated by spotlights or floodlights not a part of or attached to the sign itself. Also, for purposes of this Ordinance, a sign of translucent nontransparent material illuminated from within with no exposed or exterior bulbs, tubes, or other light source.

**Sign, Informational:** A sign conveying instructions with respect to the premises on which it is maintained or giving directions, or providing information to the public at large by official notices, place names, tourist information, and the like.

**Sign, Industrial Park:** Any sign designating a group of industrial buildings or industrial tenants in an industrial park, laid out and developed or operated as a unit according to an integrated design plan, which states the name of the Park and may list individual businesses or tenants in accord with the limitations of this Ordinance.

**Sign, Marquee:** Any canopy or other covered structure other than a projecting sign projecting from and wholly supported by a building and extending beyond the building wall.

**Sign, Monument:** A type of ground mounted sign which is built on grade and which the sign and structure are an integral part of one another.

**Sign, Off-Premises:** Any sign located on a separate parcel from the structure or business it pertains to, except for signs for businesses within shopping centers or planned development districts that are located on a separate parcel from the business but contiguous with the other parcels that form the shopping center or planned development project.

**Sign, Painted:** Any sign painted on the exterior surface of a building.

**Sign, Portable:** Any sign not affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product,

or service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

**Sign, Projecting:** A sign attached to a building, approximately perpendicular to the building wall.

**Sign, Real Estate:** A sign that advertises the property on which it is located, for sale, rent, or lease. Such signs shall be removed upon the sale, rental, or lease of the property on which it is located.

**Sign, Roof:** Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

**Sign, Shopping Center:** Any sign designating a group of retail stores laid-out and developed or operated as a unit according to an integrated design plan, which states the name of the center and may list individual stores or tenants in accord with the limitations of this Ordinance.

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

**Sign, Temporary:** A sign applying to an activity such as horse shows, auctions, carnivals, festivals, or other community sponsored activities, or advertising the grand opening, closing, or other special event of a commercial nature, and intended to be displayed for not more than thirty (30) days.

**Sign, Wall:** Any signs or lettering, projecting not more than eight (8) inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not include professional name-plates. If the sign is composed of individual letters attached to the wall, the area between letters shall be included in size calculations.

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

**Sign fabricating and painting:** The fabrication, painting or assembly of any type of sign as defined herein.

**Simplicity:** Directness of expression in design.

**Site Development Plan:** Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information as required by this Ordinance. Also defined as the Site Development Plan Ordinance, Town of Warrenton, Virginia, December, 1970.

**Small equipment sales and/or service operations:** A commercial enterprise devoted to the repair and sales of small scale motorized equipment for residential or commercial activities, such as lawn mowers and power tools.

**Special Exception:** (see Special Use Permit)

**Special Use Permit:** A permit for a use that, owing to some special characteristics attendant to its operation, installation, or relation to the neighborhood, is permitted in a district, subject to Town Council or BZA approval, in accordance with the provisions of Article 11 of this Ordinance. Special Use Permits are subject to special requirements and/or conditions that may be imposed by the Council or BZA, respectively, different from those usual requirements for the district in which the special use is located.

**Specifications:** A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the ordinance applicable in the Town of Warrenton, Virginia.

**Specimen tree:** any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

**Square:** Land open to the general public for passive recreational use that contains paved pedestrian plazas, lawns, shade trees and/or landscaped areas. Paved pedestrian plazas may cover up to 90% of the square. Squares may be publicly owned or owned in common by a property owners association. Squares are not required to be square or rectangular in shape.

**Steep Slope:** A slope exceeding twenty-five (25) percent grade.

**Storage yards:** A yard area in which materials, equipment and/or vehicles used for construction, excavating or similar activities are stored, kept and/or maintained. Storage yards may be partially covered, enclosed or screened.

**Stormwater Management:**

Adequate Channel - For manmade channels, the ten-year frequency storm is used to verify that stormwater will not overtop the channel banks and the two-year storm is used to demonstrate that stormwater will not cause erosion to the channel bed or banks (definition from the Erosion and Sediment Control Regulations). For natural channels capable of conveying the runoff from a two-year storm without overtopping its banks or eroding the channel lining, or without causing flooding of structures from the 100-year storm event.

Applicant/Developer - Any person, his Agent, or his assigns submitting a stormwater management plan for approval.

BMP Handbook - Best Management Practices Handbook

Channel - An elongated depression having a definite bed and bank which serves to confine the flow of water.

Conduit - A general term for any open or enclosed facility intended for the conveyance of water.

Control Section - A section or a reach of a conduit where conditions exist that make the water level stable. A control section may be partial or complete. A complete control section is independent of

downstream conditions and is effective at all stages. An overflow dam or rock ledge crossing a channel are examples. Control sections may be either natural or artificial.

**Culvert** - A closed conduit carrying water under a highway, railroad, or other embankment. A culvert is distinguished from a bridge by generally having the same material all around its perimeter, and having a regular, symmetrical shape.

**Debris** - Any material, including floating trash or suspended sediment moved by a flowing stream.

**Deter** - The practice of containing standing water for a brief time after a surface water runoff event for the purpose of reducing peak runoff rates and/or for removing pollutants. Detention may be achieved in facilities that are normally dry (detention ponds).

**Development** - A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain two or more residential dwelling units.

**Discharge** –

- (a) The quantity of water, silt, or other mobile substances passing along a conduit per unit of time: rate of flow expressed as cubic feet per second, liters per second, million of gallons per day, etc.
- (b) The act involved in water or other liquid passing through an opening or along a conduit or channel.
- (c) The water or other liquid which emerges from an opening or passes along a conduit or channel.

**Ditch** - An artificial channel.

**Flood Routing** - Determining the changes in the rise and fall of floodwater as it proceeds downstream along a drainageway, including the effects of structures.

**Frequency of Storm** - The anticipated period in years that will elapse, based on average probability of storms in the design region, before a storm of a given intensity and/or total volume will recur. A 10-year storm can be expected to occur on the average of once every 10 years.

**Impervious** - Condition of a material that prevents significant percolation.

**Infiltration Facility** - A stormwater management facility which temporarily impounds runoff and discharges it via infiltration through the surrounding soil. While an infiltration facility may also be equipped with an outlet structure to discharge impounded runoff, such discharge is normally reserved for overflow and other emergency conditions. Since an infiltration facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

**Land Development or Land Development Project** - A manmade change to the land surface that potentially changes its runoff characteristics.

**On site Stormwater Management Facilities** - Facilities which are designed to control stormwater runoff emanating from a specific site.

**Peak Discharge** - The maximum instantaneous flow from a given storm condition at a specific location.

Postdevelopment - Runoff conditions that may reasonably be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment - Runoff conditions that exist at the time that plans for a land development activity are approved by the plan approval authority. For staged development, the first item approved or permitted shall establish the time at which predevelopment conditions are fixed. In the case of land development by governmental agencies, the initiation of land acquisition shall establish the time at which predevelopment conditions are fixed.

Regional Watershed Wide) Stormwater Management Facility or Regional Facility - A facility or series of facilities designed to control stormwater runoff from a large contributing area, although only portions of the watershed may experience land development.

Storm Sewer - A sewer that carries only stormwater, drainage and other surface water, but not domestic sewage or industrial wastes. A storm sewer system consists of underground conduits, inlets, manholes, open channels, swales and special appurtenances.

Stormwater Detention Basin or (Detention Basin) - A stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Stormwater Drainage System - A system of conduits and associated structures used to collect and convey runoff.

Stormwater Management Facility - A device that controls stormwater and changes the characteristics of runoff including, but not limited to the quantity and quality, the period of release, or the velocity of flow.

Time of Concentration - The time it takes for runoff to travel from the most hydraulically distant part of the watershed to a point of reference, (i.e. basin outlet, drop inlet, etc.)

Town - The Town of Warrenton.

Watershed - The total drainage area contributing runoff to a single point.

Watercourse- Any naturally occurring, constant or intermittent, surface water and its associated banks, bed, and floodplains.

**Story:** That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

**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 of the floor area is finished off for use.

**Street:** A strip of land subject to vehicular and/or pedestrian traffic providing means of access to property; also designated as road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc. (see Street, Public)

**Street, Arterial:** A highway utilized primarily as a supplement to, and an extension of, the interstate highway system, defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of one hundred twenty (120) feet is required and carrying capacity is in excess of eight thousand (8,000) vehicles per lane per day.

**Street, Collector:** Any existing or future street shown as a collector street on the adopted Comprehensive Plan or that carries a volume of through traffic between four hundred (400) and three thousand (3,000) vehicles per day.

**Street, Interstate:** A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of three hundred (300) feet in rural area and carrying capacity in excess of fifteen hundred (1,500) vehicles per lane per hour.

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

**Street, Local:** A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet.

**Street, Primary Thoroughfare:** A street that carries or is anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, the right-of-way of which shall not be less than seventy (70) feet, and should, where feasible, have a minimum right-of-way of ninety (90) feet.

**Street, Private:** A local or collector street constructed to Town and State standards or the equivalent thereto, guaranteed to be maintained by a private corporation by means of a covenant, deed, and easement acceptable to the Town of Warrenton. Such streets shall have guaranteed public vehicular access.

**Street, Public:** All public property reserved or dedicated for street traffic, improved to the standards set by the Town of Warrenton or the Virginia Department of Transportation. The lot frontage and setback requirements of this ordinance refer to the public street.

**Street, Secondary Collector:** A street that carries or is anticipated to carry a volume of through-traffic exceeding four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet nor more than ninety (90) feet depending upon existing or anticipated traffic volume.

**Street, Service Drive:** A public right-of-way generally parallel with and contiguous to a major highway. Primarily designed to promote safety by eliminating pernicious ingress and egress to the major safe and orderly points of access to the major highway.

**Street, Width:** The total width of the strip of land dedicated or reserved for public travel includes roadway, curb and gutter, sidewalks, planting strips, and where necessary, utility easements.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, fences, walls, etc., but not private driveways.

**Studios for artists, photographers, and sculptors:** A work space for the creation of artworks, photography and related or similar activities.

**Studios and trade schools:** A work space for the conduct, teaching and/or practice of artist or business trades.

**Subdivide:** To divide any tract, parcel, or lot of land into two (2) 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" and when appropriate to the context shall relate to the process of subdividing.

**Substations:** An appurtenant structure for collecting, processing or distributing a public utility commodity, including electric substations but not including any part of a water or sewer system.

**Surveyor, Land:** An individual who is certified and licensed by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a "registered land surveyor."

**Taxicabs stands:** An office, kiosk or other station at which taxis are dispatched.

**Taxidermist:** A person who prepares animal carcasses for ornamental display.

**Tea Room:** A room or rooms within a private residence, where teas, other beverages, and food products are provided for compensation. The operator of the facility shall live on the premises.

**Theaters:** 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.

**Tire recapping and retreading:** A business which re-caps and/or re-treads motor vehicle tires.

**Tourist Home:** A dwelling where only lodging is provided for compensation for up to five (5) persons (in contradistinction to hotels and boardinghouses) and open to transients.

**Town Engineer:** The person designated to serve in this capacity by the Town Manager.

**Townhouse:** See Dwelling, Townhouse.

**Town Manager:** The duly appointed Town Manager of Warrenton, Virginia.

**Transitional Housing:** The housing is designed to provide temporary housing for not more than four (4) unrelated persons for a maximum of six months. Transitional housing and counseling services shall be provided by a coalition of churches and/or human service organizations. A house coordinator must reside on the premises, and a substitute house coordinator shall be on the premises if the house coordinator is away from the residence for more than one day.

**Transmission Line, Major:** A main trunk line that carries electricity, telecommunications signals or other similar items, and connects to one or more smaller lines that provide the service to specific customers.

**Transmission and receiving towers:** Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or pole towers. The term includes radio, television and telephone transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures, including monopoles. Additional definitions include:

- (1) Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2) Antenna: Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves, provided that this definition shall not be interpreted to include an antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or an antenna that is designed to receive video programming services via multipoint distribution services; including multi-channel, multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or an antenna that is designed to receive television broadcast signals.
- (3) FAA: The Federal Aviation Administration.
- (4) FCC: The Federal Communications Commission.
- (5) Height: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (6) Telecommunication facility: Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or pole towers.

The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.

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.

**Travel Lane:** Space specifically designated and reserved on the site for the movement of vehicular traffic.

**Travel Trailer:** A mobile unit less than twenty-nine (29) feet in length and less than four thousand five hundred (4,500) pounds in weight which is designated for temporary human habitation.

**Treatment Plant:** The central facility for treatment and purification of water or wastewater, as part of a public water or sewer system owned and operated by the Town or other government entity, or by an approved private operator to serve a community area.

**Tree canopy; tree cover:** includes all areas of coverage by plant material exceeding five feet in height, and the extent of planted tree canopy at 10 or 20 years maturity, based upon the following published reference: \_\_\_\_\_

**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 8 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 8 of this Ordinance.

**Tree Protection Zone:** An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there are a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

**Truck sales and service repair garages:** A business which sells trucks and/or which provides repair and maintenance services for trucks.

**Use:** Activity proposed for any portion or part of a parcel, tract, or lot.

**Use, Accessory:** See Accessory Use.

**U.S.G.S.:** U.S. Geological Survey.

**U.S.C. & G.S.:** U.S. Coast and Geodetic Survey.

**Utility:** (1) A system of facilities provided by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service; (3) the component parts of such facilities, including poles, wires, transformers, underground pipelines or conduits. Treatment plants are defined as separate items.

**Variance:** A variance is a relaxation of the terms of the Zoning 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 actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

**Vending Machine:** An automated device for the sale of goods, typically snacks, beverages and the like.

**Vending Gallery:** A building or structure containing multiple vending machines.

**Veterinary Hospital:** A place 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.

**Video Game Gallery** (see Amusement Arcade)

**Visitor Center:** A facility established for the purpose of disseminating information about the Town, County of Fauquier or the region. The facility may provide an interpretative area, and small auditorium for visitors or tourists.

**Warehouse:** A building used primarily for the storage of goods and materials.

**Wall:** A structure which serves to enclose or subdivide a building, usually presenting a continuous surface except where penetrated by doors, windows, and the like.

**Wall, Retaining:** A wall constructed to support soil or sub-surface structures.

**Water Storage Tank:** An enclosed structure used for the storage of water for distribution.

**Water and Sewer Systems** (see Public water and sewer systems)

**Wayside Stand, Roadside Stand, Wayside Market:** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

**Wholesale Establishments:** A business and its premises where goods are sold on a bulk basis to distributors and direct sales to the general public are limited. Wholesale establishments are also characterized by the use of trucks for delivery or pick-up of goods sold.

**Woodland:** An area comprising one (1) or more acres of wooded land where the largest trees have at least a six (6) inch caliper, or a grove of trees forming one (1) canopy where ten (10) or more trees have at least eight (8) inch calipers.

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

**Yard, Front:** An open space on the same lot as a building between the nearest front line of the building (exclusive of 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 nearest rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.

**Yard, Sale:** Use of the premises of a residential dwelling for general sales of a temporary nature, open to the public with the purpose of disposing of personal, family, or household goods or articles. The term yard sale includes but is not limited to activities known as garage sales, porch sales, backyard sales, and moving sales.

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

**Zero Lot Line:** The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line. The side(s) of the building resting on the line typically does not include windows.

**Zoning Administrator:** A Town employee designated to serve in this capacity by the Town Manager.

**Zoning Ordinance:** The Zoning Ordinance of the Town of Warrenton, Virginia.