

## ARTICLE 20 DEFINITIONS

### 20-1 Rules of Construction

For purposes of the Zoning Ordinance, those certain words and terms set forth in Section 20-2 below shall have the meanings provided and are subject to the following rules of construction:

- A. Words used in the present tense include the future tense.
- B. "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- C. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory; the word "may" is permissive.
- E. The word "building" or "structure" includes any part thereof, and the words "building" and "structure" shall be synonymous.
- F. The term "general development plan" (GDP) shall be synonymous with the terms "zoning development plan," "zoning plat plan," and "plan of development."
- G. The words "lot," "plot," "parcel," and "tract" shall be synonymous.  
The term "used occupied" also shall mean intended, designed, or arranged to be used or occupied.
- H. Any figures or illustrations used in conjunction with definitions in Section 20-2 below are for illustration and clarity and are not determinative for purposes of the definition.
- I. The Director of Planning & Community Development (the "Director"), or his designee, shall strictly construe the terms and definitions in this Article. In the event a term is not defined in this Article, the director shall refer to the *Code of Virginia 1950* as amended, the *Code of the Town of Colonial Beach* and the most recent edition(s) of *Virginia Uniform Statewide Building Code*, and the *Virginia Property Maintenance Code* for guidance. In the event a term or use is not defined herein, the following texts shall be incorporated as part of this Article 20 of the Zoning Ordinance: *A Glossary of Zoning, Development, and Planning Terms* 50th Anniversary Edition, *The New Illustrated Book of Development Definitions* 1993 Edition, *United States Building Code* (USBC), *International Building Code* (IBC), and *The American Heritage Dictionary of the English Language*, 4th Edition. In determining appropriate activities of a defined use, the Director may consult the current edition of the *Standard Industrial Classification Manual* (SIC).

### 20-2 Definitions

**Accessory Apartment/Dwelling Unit:** A complete and separate housekeeping unit within, attached to or accessory to a Dwelling, Single-Family Detached. Each such unit has a kitchen, bathroom, sleeping facility, and entrance separate from, and independent of, the principal structure to which it is an accessory use.

**Accessory Structure or Accessory Building:** A subordinate structure or building customarily incidental to, detached, and located upon the same lot occupied by the main structure or building, including, but not limited to, swimming pools, sheds, and garages. Any structure attached to the main building or within 10 feet of the main building shall be considered part of the main building and does not constitute an Accessory Structure or Accessory Building. Accessory structures not to exceed 200 sq ft for purposes of floodplain protection/requirements.

**Adult Bookstore:** Any establishment which has as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes juveniles in accord with 18.2-391 of the Code of Virginia (1950) as amended.

**Adult Businesses:** any commercial establishment which features the depiction, description or display of "specified anatomical areas" or "specified sexual activities" to the degree specified in the text. Adult establishments include:

- Adult bookstores,
- Adult eating or drinking establishments
- Adult theaters,
- Other adult commercial establishments, or any combination of the above.

**Adult Theater:** Any establishment used for exhibiting motion pictures, shows, or other presentations and which excludes juveniles in accord with Chapter 18.2-391 of the Code of Virginia (1950) as amended.

**Affordable Housing Dwelling Unit:** Housing for which the gross cost, including utilities, is not more than 30 percent of the gross income of the household where the household total gross income is at or below the area median income. Va. Code § 15.2-2305.1.

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

**Agriculture:** Activities that include the tilling of the soil, the raising of crops, horticulture, forestry, and gardening.

**Alley:** A public travel way which affords secondary access to abutting property.

**Alteration:** Any change in the total floor area, use, adaptability, or structural nature of an existing building.

**Animal or Poultry Husbandry:** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animal for any purpose.

**Antennae:** A metallic piece of equipment of variable shape, used in the sending and receiving of television, radio, and/or electromagnetic signals usually used with a radio transmitter or radio receiver.

**Arcades:** An establishment in which the principle use is the operation of video, mechanical, electronic, or coin-operated games or devices for the amusement of the general public.

**Artist:** A person regularly engaged in the production of art or creative work written, composed, created, or executed for a one-of-a-kind, limited production. Such use may include the fine and applied arts, including painting, traditional and fine crafts, sculpture, writing, creating film or animation, the composition of music, choreography, and the performing arts.

**Arts and Crafts Studios:** Any establishment where skilled manual labor is applied to raw material or semi-finished material to create or manufacture artistic merchandise for sale to the public, or where such items are stocked for resale. Such establishments include, but are not limited to, art galleries, woodworking shops, metal smith shops, and photography studios; such artistic merchandise includes, but is not limited to, ceramic items and pottery. Such establishments may provide rental or instructional services associated with the creation of artistic merchandise.

**Assisted Living Residences/Facilities:** Any residential establishment, public or private, operated or maintained for the maintenance or care of four or more adults who are aged, infirm, or disabled; who may have physical or mental impairments; and who require at least a moderate level of assistance with activities of daily living.

**Athletic Facilities:** Any establishment or area where recreational, therapeutic, or athletic activities, are conducted, including instruction of such activities, which activities include, but are not limited to, tennis and other court games, swimming, aerobics, and weightlifting.

**Auction House:** An establishment or location where the public sale of property is conducted by a licensed auctioneer.

**Automobile Graveyard:** any lot or place, exposed to the weather, upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

**Automobile Service Stations:** A building used or intended to be used for the retail sale of fuels, lubricants, air, water, and other operating commodities for motor vehicles, including the space and facilities for the storage, minor repair, and servicing of said vehicles, but not including body repair, painting, steam cleaning, rust proofing, or refinishing.

**Automobile Wrecking Yards:** An area where destroyed, abandoned, and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold, and where the remaining automobile bodies and their components are temporarily stored until removed or reduced to scrap metal.

**Barrel:** unit of volume equal to 31 gallons.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

**Base Flood Elevation:** The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

**Basement:** That portion of a Building having part, but not more than one-half (1/2), of its height below grade, or any area of the building having its floor sub-grade (below ground level) on all sides for purposes of floodplain protection requirements. 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:** A building where, for compensation, lodging and meals are provided for up to fourteen (14) transient guests. A bed and breakfast is distinguished from a hotel in that it has an outside appearance of a single family dwelling.

**Beer:** an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

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

**Big Box Retail:** A single retail establishment with a gross floor area not less than eighty (80,000) thousand square feet and which may include fast food restaurants and other accessory retail uses with an entrance inside the primary retail establishment.

**Board of Zoning Appeals:** The board established in the Town of Colonial Beach pursuant to Va. Code § 15.2-2308.

**Boarding House:** A building where, for compensation, lodging and possibly meals are provided for up to fourteen (14) transient guests. A boarding house is distinguished from a hotel in that it has an outside appearance of a single-family dwelling.

**Boat House:** A covered structure built on pilings or any other method above tidal waters and used for the purpose of storing watercraft.

**Boat Pier, Private:** A dock, wharf, or other non-public berthing facility for watercraft from which no revenue is derived and which has received approval from all necessary state and federal agencies.

**Bookstore:** Any establishment which has, as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals.

**Brew Pubs:** An establishment where less than 500 barrels of beer are made on the premises in any twelve-month period in conjunction with a restaurant or bar, and where 40% or more of the beer produced on site is sold on site.

**Buffer Area:** An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances; or to protect adjoining properties from development or activity on the subject parcel.

**Buildable Area:** The space remaining after the minimum yard requirements, applicable setbacks, and maximum coverage requirements of this ordinance have been met.

**Building:** Any structure having a roof supported by columns or walls.

**Building Height:** 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 average elevation of the ground surface along the front of the building. For the purpose of measuring building height, the following are exempt: chimneys, architectural features, church steeples, and mansards.

**Business Service and Supply Establishment:** Any establishment when the primary occupation is the provision of services or supplies principally to the business, commercial, industrial, or institutional community but not including retail sales to the general public.

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

**Canopy Building:** Any of a class of permanent, open-air structures consisting of a supported roof, yet lacking traditional wall structure and not including tents, or carports.

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

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

**Cellar:** That portion of a Building having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

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

**Certificate of Occupancy and Zoning Compliance:** A certificate issued by the County of Westmoreland which permits the use of a building in accordance with the approved plans and specifications, and which certifies compliance with the provisions of this ordinance, the Town Code and the Uniform Statewide Building Code (USBC) for the use and occupancy of the building in its several parts together with any special stipulations or conditions of zoning approval and/or the building permit. All structures shall receive such a certificate prior to occupancy or use.

**Chesapeake Bay Preservation Area (CBPA):** Any land designated by the Town of Colonial Beach pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830-10 et seq., and Va. Code § 62.1-44.15:67 et seq. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

**Churches/Houses of Worship:** A Building, Structure, or group of Buildings or Structures that are primarily used for conducting organized religious services and associated accessory uses.

**Civic, Social, or Fraternal Facilities:** Any meeting facility which is restricted to members and guests of members of a non-profit association or corporation.

**Coastal A Zone:** Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

**Commercial Generator:** A large machine that is used to convert mechanical energy, such as provided by the combustion of fuel or by wind or water, into electricity.

**Commercial Nanobreweries:** Establishments where beer is made on the premises and then sold or distributed, and which produces no more than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

**Commercial Parking Lot/Structure:** Land designated or used exclusively for storage of vehicles for a fee, but within which no motor vehicles are serviced, repaired, equipped, rented, or sold.

**Commercial Recreational Establishment:** Any establishment and/or land area whose main purpose is to provide the general public with amusing or entertaining activities and where tickets are sold, or fees are collected for viewing or participating in the activity. Such uses include, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, billiard halls, ball fields, swimming pools, playgrounds, tennis courts, basketball courts, go-cart tracks, and weight/fitness training equipment/activities/facilities.

**Commercial Vehicle:** The term "commercial vehicle" includes: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more; (ii) any heavy construction equipment whether located on a truck, trailer, or semitrailer; (iii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

**Commission, The:** The Planning Commission of the Town of Colonial Beach, Virginia.

**Communications Facility:** Structures, including towers, where the principle use is to provide point-to-point communication services whether by wire or radio, either aurally or visually, including radio, telephone, television broadcasting and the exchange or recording of messages.

**Community Facilities/Open Spaces:** Public land or a public Structure landscaped, lighted, and/or publicly maintained for sitting areas, play space, and other community-oriented features and facilities.

**Complete Kitchens:** Facilities in a residential setting characterized by the presence of a stove, oven, and/or other equipment for the preparation and cooking of food.

**Conditional Zoning:** A zoning change which permits the use of a particular property subject to specified conditions.

**Condominium:** System of separate ownership of individual units in a multiple unit building. A single real property parcel with all the unit owners having a right in common to use the common elements with separate ownership confined to the individual units, which are serially designated.

**Conference Center:** A specialized hospitality center dedicated to facilitating and supporting conferences.

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

**Construction Trailer:** A temporary building, including, but not limited to, trailers or modular buildings, located on a construction site and used as a field office or equipment storage area in conjunction with ongoing construction on such site.

**Convalescent Center:** An age restricted facility providing continuous lifelong care. Such facilities may provide health care services, meals in common dining facilities, physical therapy, social/recreational activities, and/or other ancillary services.

**Convenience Stores:** Retail establishments which offer for sale items such as prepackaged food products; household items; newspapers and magazines; and sandwiches and other freshly prepared foods, such as salads, for off-site consumption; and which may offer for sale fuels, air, or water for motor vehicles.

**Curve, Outside Line:** The area abutting a curve lying along the tangent to such curve.

**Day Care Center:** Any establishment offering a child day program to two or more children under the age of thirteen in a Building that is not the residence of the provider or any of the children in care.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, temporary Structures, mining, dredging, filling, grading, paving, excavation, drilling, or other land-disturbing activities, or the permanent or temporary storage of equipment or materials.

**Development Plan:** A representation of the scope, timing, and process for the completion of a project and may include site plans or other graphic representations of the items to be a part of the project.

**Development Site, Multi-Family Dwelling:** All of the land developed or intended to be developed for multi-family dwellings and related accessory uses, structures, and facilities, when such land is contiguous and under the ownership or control of a single individual or entity or related. A development site shall include, but is not limited to, all open spaces, parking areas, driveways, recreational facilities, and community areas.

**Development Site, Single-Family Attached Dwelling:** All of the land developed or intended to be developed for single family attached dwellings and related accessory uses, structures, and facilities, when such land is contiguous and under single ownership or control for purposes of planning and initial development. A development site shall include the individual lots on which attached dwellings are or will be located, as well as all open spaces, parking areas, driveways, recreational facilities, community areas and other areas owned or to be owned in common by owners of individual lots within the development.

**Diameter at Breast Height (DBH):** The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

**Director of Community Development:** The Director of Community Development of the Town of Colonial Beach, Virginia.

**District, Zoning:** Zoning district refers to a specific geographic area that is subject to municipal land use controls. Municipalities designate these areas and establish controls over types of land uses, density, and lot requirements in each zone. A zoning district will be designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

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

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

**Duplex:** A building used or intended to be used as a residence of two families living independently of each other, located on a single lot of record, including Short-term Rental of all or any portion of the same. A duplex is distinguished by two (2) separate and complete kitchens and may have one entrance door on the front of the building. –

**Dwelling:** Any structure which is designed for residential purposes, including Short-term Rental of all or any portion of the same, but not including hotels, motels, boarding/rooming houses, lodging houses, tourist cabins/cottages, and travel trailers (recreational vehicles).

**Dwelling, Multiple-Family:** A building used or intended to be used as a residence of three or more families living independently of each other, including townhouses, single-family attached, apartments, and condominiums, and including a Short-term Rental of all or any portion of the same.

**Dwelling, Single-Family Attached:** A building which contains one dwelling unit located on an individual lot of record and which is attached by means of party or common walls in a series of two or more buildings each of which contains one dwelling unit and is located on a separate lot of record. A building meeting the terms of this definition and commonly known as a townhouse unit shall be considered a single-family attached dwelling for purposes of this Ordinance and shall include such units which are made available for Short-term Rental.

**Dwelling, Single-Family Detached:** A structure arranged or designed to be occupied by one (1) family, such structure being completely separated from any other main building and containing only one (1) dwelling unit, including the Short-term Rental of all or any portion of the same.

**Dwelling Unit:** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, including the Short-term rental of any such unit, but not including hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels, and rooming houses.

**Elevated building:** A building constructed to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

**Emergency Service Establishment:** Any establishment and the associated land area which primarily provides emergency response services, including, but not limited to, police, fire, and rescue services. Such an establishment may contain sleeping, dining, and recreational facilities for its members as well as office space for administrative functions. This establishment may also serve as an emergency shelter if designated by the Town Manager.

**Encroachment:** The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing construction:** Structures for which the “start of construction” commenced on or before September 18, 1987. In other contexts, “existing construction” may also be referred to as “existing structure” or “pre-FIRM.”

**Exterior Lot, Single Family Attached Dwelling:** A lot on which a single family attached dwelling is located, or is intended to be located, when such single family attached dwelling is attached, or intended to be attached, to only one other single family attached dwelling.

**Family:** Any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

(i) one (1) person;

(ii) one (1) person, together with any number of his/her children (including biological children, stepchildren, foster children, or adopted children);

(iii) two (2) or more persons related by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of their children (including biological children, stepchildren, foster children, or adopted children): to the second degree of consanguinity

(iv) two (2) persons unrelated by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children) to the second degree of consanguinity;

(v) up to four (4) persons unrelated by blood, marriage, adoption, or guardianship to the second degree of consanguinity;

(vi) not more than eight persons who are: a. residents of a residential facility as defined in § 15.2-2291, Code of Virginia, (1950) as amended, or; b. “handicapped” as defined in the Fair Housing Act, 42 U.S.C. § 3602(h). This definition does not include persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. § 802 (6).

The following shall not be included in the number of persons who might comprise a family: up to two persons (together with any children of either of them) who may be live-in companions to the elderly or disabled, “au pairs,” or domestic employees.

Family Day Home: A facility providing service for one (1) to twelve (12) children, not counting the provider's own children or any children who reside in the home as residential occupancy.

Family Health Care Structure: An accessory structure for use by a caregiver in providing care for a mentally or physically impaired person(s) on property owned or occupied by the caregiver at his/her residence. The caregiver shall be related by blood, marriage or adoption or shall be the legal guardian of the mentally or physically impaired person(s) for whom he/she is providing care (15.2-2292.1 Code of Virginia, 1950, as amended).

Farmer's Market: See Wayside Stand

Fence: A barrier, usually made of posts, wire, boards, or masonry, intended to prevent escape or intrusion or to make a boundary. Trees, shrubbery, or other foliage do not constitute a fence under this definition.

Financial Institution/Service Establishment: Any establishment, including an unmanned bank teller machine(s), wherein the primary occupation is concerned with such state regulated businesses as banks, savings and loans, loan companies, and investment companies.

Fitness Center/gym: A building where active and passive exercises and related activities are performed for the purpose of physical fitness, weight control, and muscle building.

Flea Market, Indoor: Any establishment where the principal use is the sale of new and used household goods, personal effects, tools, craft and artwork, small household appliances, and similar merchandise, objects, or equipment in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be on a periodic, non-continuous basis provided they are inside a permanent building. This definition excludes wholesale sales, rentals, auctions, and yard sales.

Flood or flooding:

- A general or temporary condition of partial or complete inundation of normally dry land areas from any one or more of the following:
  - a. the overflow of inland or tidal waters;
  - b. the unusual and rapid accumulation or runoff of surface waters from any source; or
  - c. mudflows which are proximately caused by flooding as defined in paragraph (1) (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in inundation as described in paragraph 1 (a) of this definition.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

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

Flood Proofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Floor Area Ratio (FAR): The Floor Area Ratio of the principle building on any lot or tract of land is the sum of the total areas of all floors within the building structure, measured between the exterior faces of the exterior walls, divided by the total lot area. For a detached single-family dwelling, the sum of the total area of all floors if the dwelling shall not include a maximum area of 576 square feet (24 feet x 24 feet area) to accommodate an attached private garage.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral Home: Any licensed establishment used for the preparation of the deceased for funeral and the ceremonies connected therewith before burial or cremation.

Garage, Private: A detached accessory building, or an attached part of the principle dwelling, designed or used by the owners or tenants of the principle dwelling to which the private garage is accessory for parking and storage of not more than three (3) automobiles and /or up to three (3) recreation vehicles, or combination thereof, including golf carts and or watercraft. Conversion of a private garage or portion thereof into living space must be approved by the Zoning Administrator as a change of use in compliance with the requirements of this Ordinance such as the Floor Area Ratio (FAR) for a detached single-family dwelling.

Golf Cart, Moped and Bicycle Sales and Rental Establishments: A subcategory of Vehicular Sales, Service and Repair Establishments wherein only golf carts, mopeds, and/or bicycles or similar vehicles are displayed, sold, and/or rented. Such establishment may not provide major mechanical repairs to such vehicles.

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 the Town of Colonial Beach, Westmoreland County, Virginia.

**Government Facilities:** One or more land areas, with or without buildings or improvements, used exclusively for public use and benefit. Examples include, but are not limited to, water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, libraries, parks and playgrounds, and similar facilities.

**Green Space:** Open space in a development or public space designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. The term includes, but may not be limited to, lawns, decorative planting, flowerbeds, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and watercourses, any, or all of which are designed and arranged to produce an aesthetically pleasing effect within the development and neighboring areas or designed and arranged to promote a general appearance of openness.

**Group Home(s):** A single-family dwelling in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family. (15.2-2291 Code of Virginia, 1950, as amended).

**Grouping:** When used in context of single family attached dwellings, a grouping is a series of such dwellings attached by means of party or common walls in which each dwelling is located on an individual lot of record.

**Guest Room:** A room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

**Habitable Space:** Any space within a building used for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas, as determined by the Zoning Administrator, are not considered habitable spaces.

**Highest Adjacent Grade:** the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Highly Erodible Soils:** Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

**Highly Permeable Soils:** Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture National Resources Conservation Service.

Historic Structure: Any structure that meets any one or more of the following:

- is listed individually in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the United States Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- is certified or preliminarily determined by the United States 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.
- is individually listed on the state inventory of historic places when the historic preservation program has been approved by the Secretary of the Interior; or
- is individually listed on the local inventory of historic places when the historic preservation program has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior.

Home Garden: A plot of soil on a parcel where a variety of plants are grown for pleasure and/or personal consumption.

Home Nanobreweries: An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Home Occupation: An occupation carried on in a dwelling unit by the resident thereof provided the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes, does not change the character thereof, and does not include any of the following: exterior display associated with the home occupation, change in the exterior appearance of the principle structure, or any exterior storage of materials associated with the home occupation.

Home Occupation, Major: An occupation or profession that is accessory to a residential use and is customarily carried out in the principle structure or an accessory structure by a member of the family residing in the dwelling unit and allowing up to 4 outside employees who do not reside in the dwelling unit, provided there is adequate off-street parking for the outside employees.

Home Occupation, Minor: An occupation or profession that is accessory to a residential use and is customarily carried out in the principle structure or an accessory structure by a member of the family residing in the dwelling unit and where no more than one commercial vehicle for each family member engaged in the business is at any time parked on the property.

Hospital: A facility in which the primary function is the provision of diagnostic, treatment, medical and nursing services, and/or surgical or non-surgical medical procedures, for two or more non-related individuals, and which provides inpatient beds.

Hotel/Motels: A building or group of attached or detached buildings containing any combination of three or more lodging or guest units, each with individual bathrooms and intended primarily for rental or lease to transients by the day or week, and provided that in at least ninety percent (90%) of such units no guest may abide more than 30 consecutive days in a calendar year, and provided no unit is used for permanent housing for any such guest.

**Hydrologic and Hydraulic Engineering Analysis:** Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Immediate Family:** For the purpose of this ordinance the immediate family shall include grandfather, grandmother, mother, father, son, daughter, granddaughter, grandson, great-granddaughter, great-grandson, brother, sister, aunt, uncle, niece, and nephew.

**Impervious Cover:** A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil, including, but not limited to, roofs, buildings, floors of decks, streets, parking areas, and any concrete, asphalt, or gravel surface.

**Inoperable Vehicle:** Any motor vehicle, trailer, or semi-trailer which is not in operating condition; or which for a period of thirty (30) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates, a valid inspection decal, nor a valid Town decal, if applicable.

**Interior Lot, Single-Family Attached Dwelling:** A lot on which a single family attached dwelling is located, or intended to be located, when such single family attached dwelling is attached, or intended to be attached, to two other single family attached dwellings.

**Intermittent Stream:** A stream with a well-defined channel that contains water for only part of the year, which occurs typically during winter and spring, when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

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

**Junk Yard:** An establishment or place of business which is maintained, operated, or used for storing, keeping, housing, or buying Junk or for the maintenance of operation of an Automobile Graveyard.

**Kennel:** Any establishment where more than three (3) dogs, older than six (6) months of age, are kept, bred, trained, boarded, or handled for a fee.

**Kitchen, Complete:** a room within a dwelling unit containing a stove/range along with any combination of the following appliances: refrigerator, dishwasher, freezer, garbage disposal, or microwave.

**Large Scale Brewery:** An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year which is sold to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Letters of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain*, and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

Live/Work Units: Single family detached dwellings or up to two attached dwellings, but not accessory buildings, where artists, photographers, and/or professionals occupy joint living and working quarters and where typically the first floor is reserved for the commercial enterprise with living quarters above.

Lot: A parcel of vacant or improved land having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, Corner: A Lot abutting on two or more streets at their intersection. (See Lot Frontage below).

Lot Coverage: The impervious area of any lot or parcel including, but not limited to, buildings, drives, parking areas (paved or gravel), sidewalks, patios, or decks. (See Impervious Cover).

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

Lot Frontage: The total distance a lot or parcel of land abuts the street or streets which it adjoins.

Lot Interior: Any lot other than a corner lot.

Lot, Record: A lot which has been recorded in the Clerk's Office of the Circuit Court of Westmoreland County, Virginia.

Lot, Width Of: The average horizontal distance between side lot lines.

Low Impact Development (LID): A term used in the United States to describe a land planning and engineering design approach to manage stormwater runoff, emphasizing conservation and use of on-site natural features to protect water quality, reduce runoff volume by infiltration and evaporation, and reduce the cost of infrastructure and maintenance.

Lowest Adjacent Grade: the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement); an unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

Major Recreational Equipment: Boats and/or boat trailers, travel trailers, pick-up campers on coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and cars or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

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

Manufactured Home: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Va. Code § 36-85.3. For purposes of Floodplain protection/requirements, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured/Mobile Home Park: A lot or parcel of land on which are located, or which is arranged or equipped for the location of, two or more Manufactured Homes occupied for living purposes.

Marina: Any establishment located on a navigable waterway which provides, for compensation, boat slips or dock space and which may include in connection therewith dry boat storage; boat and motor servicing and repairs; the sale of marine fuels and lubricants, marina supplies, and accessories; boat and motor sales or rental; and accessory restaurant or refreshment facilities and sanitary facilities.

Mean Sea Level: for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on the Town of Colonial Beach's FIRM are referenced.

**Medical Clinic:** An establishment where patients are admitted for outpatient examination, diagnosis, treatment, or consultation by a physician, physician assistant, or dentist.

**Mentally or Physically Impaired Person:** A person who is a resident of Virginia that requires assistance with two or more activities of daily living during more than half of the year. Va. Code § 63.2-2200.

**Microbrewery:** An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year which is sold to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

**Mixed Residential/Commercial Use:** One or more buildings which provide commercial or office space together with one or more residential units.

**Mobile Vending Courtyard:** A Lot on which one or more Mobile Vending Vehicles are located for the purpose of selling items at retail to walk-up customers and not for the purpose of storage or sale of the Mobile Vending Vehicles.

**Mobile Vending Vehicle:** A self-propelled, pushed, or towed vehicle, trailer, or cart, from which food and/or items of personal property are prepared and/or sold at retail to walk-up customers, excluding vehicles used solely for delivery.

**Modular Home:** A Dwelling comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (Va. Code § 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly; but not including mobile offices as defined in Va. Code § 58.1-2401 or Manufactured Homes. Va. Code § 58.1-602.

**Motels:** See Hotels/Motels

**Multi-Family Dwellings:** A building used or intended to be used as a residence for two or more families living independently of each other, including, but perhaps not limited to, duplexes, triplexes, townhouses, apartments, and condominiums.

**Mural:** a commercial or non-commercial painting or other work of art attached to or painted on a wall.

**Museum:** A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

**Neighborhood Convenience Store:** A retail establishment comprised of less than two thousand (2,000) square feet in total floor area which offers for sale items such as prepackaged food products, household items, newspapers and magazines, sandwiches, and other freshly prepared foods, such as salads, all for off-site consumption.

**New Construction:** For the purposes of determining insurance rates, one or more structures for which the “start of construction” commenced on or after September 18, 1987, and including any subsequent improvements to such structures. For floodplain management purposes, one or more structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by the Town of Colonial Beach, including any subsequent improvements to such structures.

**Nightclub:** Any restaurant in which the floor space made available for dancing by patrons is more than one-eighth of the floor area available for dining.

**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, 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 regulations of this Ordinance either at the effective date of, or as a result of subsequent amendments to, the Ordinance.

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

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

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

**Noxious Weed:** Weeds that are difficult to control effectively, such as Johnson grass, Kudzu, and multi-flora rose.

**Nursing Home:** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including, but not limited to, facilities known by varying nomenclature or designation such as adult homes, convalescent homes, rest homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

**Office:** A business that is for professional or administrative purposes.

**Off-Street Parking Area:** Space provided outside the dedicated street right of way for parking by vehicles, golf carts, or other vehicles approved for use on Town streets.

**One-Hundred Year Flood:** A flood that, on the average, is likely to occur no more frequently than 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).

Ordinance: The Town of Colonial Beach Zoning Ordinance, as from time to time amended.

Outdoor Recreational Areas: Land publicly or privately owned, devoted to recreational pursuits, usually an open area reserved for outdoor use including, but not limited to, ball fields, nature parks, outdoor swimming pools, playgrounds, and/or tennis courts.

Parapet Wall: The extension of main walls of a building above the roof level, often used to shield mechanical equipment and vents, which are not subject to height restrictions.

Park/playground: A public or private non-commercial parcel of land designed to serve the recreational needs of citizens, including parcels of any size or scale (neighborhood, community, regional, or other) and including, but not limited to, piers, athletic fields, passive recreational use areas, and nature trails.

Parking Deck: A building which is enclosed or partially enclosed and is principally used for the parking of passenger motor vehicles, golf carts, or other vehicles approved for use on Town streets.

Parsonage/Parrish House: The permanent place of residence of a pastor, minister, or priest of a church or house of worship, and when located on the same parcel as the church or house of worship is deemed to be an accessory use to the church or house of worship.

Pawnshop: Any establishment where money or other things are loaned or advanced for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidence of indebtedness or title, or where personal property or other valuable things are purchased on the condition of selling the same back to the seller at a stipulated price.

Perennial Stream: A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation and includes, but is not limited to, streams; estuaries; tidal embayment's; drainage ditches or channels constructed in wetlands or from former natural drainageways which convey perennial flow; and lakes and ponds with perennial streams flowing into, out of, or through them. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

Personal Service Establishments: A building, or any part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including, but not limited to, barber shops, beauty salons, tanning salons, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops.

Plan of Development (POD): The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a zoning or building permit. Also known as general development plan (GDP) or Zoning Development Plan (ZDP).

Plat: A schematic representation of a piece of land illustrating the courses and distances of the different lines and which may include easements, boundaries, rights of way, or other related information.

**Portable Sign:** Any sign not permanently attached to the ground or a building, including a sign attached to a vehicle for advertising purposes when the vehicle is parked so as to attract the attention of the public.

**Post-FIRM Structures:** A structure for which construction or substantial improvement occurred after September 18, 1987.

**Pre-FIRM Structures:** A structure for which construction or substantial improvement occurred on or before September 18, 1987.

**Primary Frontal Dune:** A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Principal Structure:** The primary or predominant structure on any lot. (See also Structure, Main).

**Projections into Setbacks:** Architectural features such as eaves, roof forms, dormers, bays, chimneys, trim and details of building façades, cantilevers, belt courses, balconies, mechanical equipment, leaders, sills, stairs, steps, stoops, church steeples/spires, cupola, weathervanes, parapet walls, and handicapped ramps, all of which are exempt from setback and height regulations in this Ordinance.

**Psychic Services:** Any establishment devoted to the practice of the psychic arts including, but not limited to, fortune tellers and astrologers.

**Public Facility:** Any improvement and the associated land area which is owned and/or controlled by the Town Council of the Town of Colonial Beach. Use of the facility is implemented under the direct authority of the Town of Colonial Beach. The facility is used exclusively for public use and benefit. Examples of such facilities include, but are not limited to, the following: water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, parks and playgrounds and similar facilities.

**Public Road:** A publicly owned roadway or thoroughfare designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to the Virginia Erosion and Sediment Control Law. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and roads where secondary roads are constructed and maintained, or both, by the Town of Colonial Beach in accordance with VDOT standards.

**Public Service Training Facility:** A training or educational facility for organizations dedicated to public service, including, but not limited to, fire departments, police departments, and emergency medical response teams.

**Public Utilities:** A business or municipal facility duly authorized to furnish to the public electricity, gas, telecommunications, internet, and transportation under Federal, State or municipal regulations.

**Public Water and Sewage Disposal:** The water and sewage disposal systems owned and operated by the Town of Colonial Beach.

**Recreational/Outdoor Equipment Rentals:** A facility used for the sale and rental of minor recreational and outdoor equipment such as, but not limited to, kayaks, canoes, mopeds, and golf carts.

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

**Re-development:** The process of removing older buildings and facilities in order to construct new buildings and facilities

**Repetitive Loss Structure:** A building covered by a contract for flood insurance that has incurred flood-related damages on two or more occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance includes increased cost of compliance coverage.

**Required Open Space:** Any space that is to remain unimproved or undeveloped in any front, side, or rear yard.

**Resource Management Area (RMA):** That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. 9VAC25-830-90.

**Resource Protection Area (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. 9VAC25-830-80.

**Restaurant:** Any building where food, edibles, and/or beverages are prepared and/or served for consumption on or off the premises.

**Retail Establishment:** A building for the display and retail sale of merchandise, including, but not limited to, a drug store, newsstand, food store, candy shop, dry goods and/or notions store, antique store, gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, bookstore, and toy store; but expressly excluding a facility exclusively for the sale of lumber.

**Right of Way:** Access over or across a particular described property for a specific purpose or purposes.

**Rooming House:** A building where, for compensation, pursuant to previous arrangements but not open to the public or transients, lodging is provided, with or without meals, for three (3) or more persons, and in which provision is not made for cooking in individual rooms or suites.

**Seafood Packing Facility:** Any structure, the primary purpose of which the receiving, packing, or shipping of seafood or shellfish.

**Self-Storage Warehouse:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of personal property.

**Service Establishment:** Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, including, but not limited to appliance and electronic repair, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering facilities, dry cleaning and other garment servicing establishments, tailors, dressmaking shops, and shoe cleaning or repair shops; but not including automobile or other motor vehicle service stations or similar establishments.

**Setback:** The minimum distance by which any building or structure must be separated from the property line.

**Setback, Existing:** The distance by which a structure is actually located from the property line regardless of the required setback.

**Setback, Front:** The distance by which a building or structure is separated, or is to be separated, from the property line on the side of the main structure which contains the entrance to the building designed as the principal entrance except that corner lots shall have two (2) front setbacks, as determined by the Zoning Administrator.

**Severe Repetitive Loss Structure:** A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

**Shallow Flooding Area:** A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is often characterized by ponding or sheet flow.

**Shopping Center:** Any group of three (3) or more commercial uses, but not including uses predominately for professional offices, which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or management or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies, or other structural members to one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways, or access ways designed to facilitate customer interchange between the use on-site; (d) share common points of vehicular access; (e) are in aggregate greater than ten thousand (10,000) square feet in area; and (f) otherwise present the appearance of one (1) continuous commercial area.

Short-term Rental: The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. (Va. Code § 15.2-983).

Sign: Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, banner, permanent sculpture, or any other device, figure or similar character, the purpose of which is to announce, direct attention to, identify, advertise, or otherwise make known certain information or a facility, and is visible from a public right-of-way from adjoining the property on which it is located

Sign Awning: A non-illuminated Sign that is attached to, affixed to, or painted on an awning which is affixed to a building.

Sign, Banner: A Sign with letters, illustrations, or symbols applied to cloth, canvas, or flexible plastic or fabric of any kind for the purpose of conveying commercial or non-commercial information.

Sign, Billboard: A free-standing Sign in excess of 32 square feet of sign area.

Sign, Blade: A small pedestrian-oriented sign that projects perpendicularly from a sign structure or is hung beneath a canopy.

Sign, Canopy: see Sign Awning.

Sign, Flag: see Sign Banner.

Sign, Freestanding: Any sign supported wholly or in part by some sign structure other than the building.

Sign, Ground: see Sign Freestanding.

Sign, Gas Station Canopy: A sign applied to or attached to the gas pump canopy(s) where letters, numbers, and logos communicate a commercial message.

Sign, Marquee: A sign designed to have changeable copy, and which serves as the principal identification sign of the establishment located on the property on which the marquee is located.

Sign, Monument: A freestanding sign where the base of the sign structure is on the ground, constructed from masonry, and complements the architecture of the principal building located on the same property.

Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, including, but not limited to, single-faced, double-faced, or v-type structures, exhibiting a Sign.

Sign, Wall: A sign mounted flat against a wall, but not window, of a building or structure and projecting less than 14 inches, or painted on the wall, but not window, of a building or structure, when the exposed face of the Sign is on a plane parallel to the face of the wall.

**Silvicultural Activity:** Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation. Va. Code § 10.1-1181.1.

**Site Plan:** The proposal for a development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the zoning or subdivision ordinance to which the proposed development or subdivision is subject. Va. Code § 15.2-2201.

**Small Contractor:** A business engaged in construction and repair of buildings; installation and servicing of heating, cooling, and electrical equipment; flooring; painting; plumbing; roofing and tiling; landscaping; and other such uses deemed by the Zoning Administrator to be similar in terms of type, scale, and impact; but not including business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.

**Small Loan Business:** Any business offering short-term loans, check cashing services, motor vehicle title loans or any similar type of loan service consistent with the definitions contained in the Code of Virginia under §6.2-1800 (Definition for Short-Term Loan), §6.2-2100 (Definition for Check Casher), and §6.2-2200 (Definition for Motor Vehicle Title Loan).

**Special Flood Hazard Area:** The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 21-16 of this Ordinance

**Stacked Parking Spaces:** Vehicular or golf cart parking where vehicles and/or golf carts are parked immediately in front of, behind, or adjacent to other vehicles and/or golf carts without each vehicle being adjacent to a maneuvering aisle or drive.

**Start of Construction:** For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 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 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection 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 a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**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 is a story.

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

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

Street, Road: A public thoroughfare which affords principal means of access to abutting property.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof or expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area (RMA).

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, including water-related improvements such as piers, docks, wharves, and boathouses. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, 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. For the purposes of this ordinance, handicap ramps, lifts and other measures designed to provide accessibility for persons with a disability, as defined in the Americans with Disabilities Act of 1990, shall not be considered part of the main structure.

Structure, Outdoor Advertising: Any Structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including, but not limited to, outdoor advertising statuary.

Subdivision (Major): See subdivision ordinance

Subdivision (Minor): See subdivision ordinance

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 50 percent of the market value of the structure before the damage occurred; or flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement, but not including any one or more of the following:

- 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
- any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

Telecommuting: Work conducted remotely at home in conjunction with employment elsewhere.

Theater: Any establishment designed for the enactment of dramatic performances, the presentation of musical concerts, or the showing of motion pictures, but not including drive-in theaters or dinner theaters.

Tourist Home: A building where, for compensation, overnight accommodations, without meals or cooking facilities, are provided or offered for up to fourteen (14) transient guests, said transients not to be accommodated more than fifteen (15) consecutive days. A tourist home is distinguished from a hotel in that it has an outside appearance of a single-family dwelling.

Town House: A Single Family Attached Dwelling.

Transitory Parking: Parking which is intended to be occupied by any single vehicle for no longer than two hours.

Travel Trailer: A vehicular, portable structure built on a chassis as a temporary dwelling for travel, recreation, and vacation having body width not exceeding eight (8) feet and being of any length provided its gross weight does not exceed 4,500-pounds; or being of any weight provided its body length does not exceed 29-feet.

Use: The purpose or activity for which land or buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

Vacation Cottage Complex: A group of three (3) or more detached buildings located and operating in conjunction with each other, intended primarily for rental or lease to transients by the day or week for any determined period of time and including Short Term Rentals of the same.

Variance: A reasonable deviation from those provisions of this Ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Ordinance; but not including a change in the Use, which change shall be accomplished by a rezoning or by a conditional zoning. Va. Code § 15.2-2201.

Vehicle Major Service Stations: Buildings and premises wherein major mechanical and body work is performed on motor vehicles, including, but not limited to, mechanical repairs and part replacement, welding, the straightening of body parts, body repair, painting, and similar work; but not including automobile graveyards or junkyard.

Vehicular Sales, Service and Repair Establishments: Any establishment, in which automobiles, trailers, travel trailers, or similar vehicles are displayed, sold, rented, or serviced, but not including automobile graveyards or establishments where body work is performed.

Veterinary Hospital: A structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia.

**Violation:** the failure of a structure or other development to be fully compliant with the community's floodplain management regulations or this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**Walk-in Freezer:** A large commercial refrigerated space often found in, or associated with, supermarkets and restaurants.

**Warehousing Establishment:** A building used primarily for the holding or storage of goods and merchandise.

**Watercourse:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically and including specifically designated areas in which substantial flood damage may occur.

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

**Wayside Stand and/or Farmers Market:** Any structure or land used for the seasonal sale at retail of agricultural or horticultural products, located in a designated area, where vendors are primarily individuals who produced a majority of the products on their respective farms. Agricultural and horticultural products also may be taken on consignment for retail sale by a vendor.

**Wetland:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Clean Water Act, 33 U.S.C. §§ 1251 et seq.

**Wholesale Trade Establishment:** Any building wherein the primary occupation is for the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial, and industrial consumers, but not including a Warehousing Establishment.

**Workforce Housing:** Housing for which the gross cost, including utilities, is not more than 30 percent of the gross income of the household where the household total gross income is between 60 and 120 percent of the adjusted median income for Westmoreland County, Virginia as determined by the U.S. Department of Housing and Urban Development.

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

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

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

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

**Yard Sign:** Temporary sign typically placed in the front yard of a residence. Examples of yard signs include, but are not limited to, Real Estate and Contractor signs.

**Zoning Administrator:** The zoning administrator of the Town of Colonial Beach, Virginia.

**Zoning Permit:** A document issued by the Town of Colonial Beach authorizing the use of a piece of property for a stated purpose and/or the construction, alteration, reconstruction, repair, and/or demolition of a structure on a piece of property.