

**ARTICLE 20**

**ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS**

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FAIRFAX COUNTY ZONING ORDINANCE

## ARTICLE 20

### ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

#### **PART 1            20-100   ORDINANCE STRUCTURE**

#### **20-101            Chapter 112 of County Code**

The Zoning Ordinance as presented herein represents Chapter 112 of The Code of the County of Fairfax, Virginia.

#### **20-102            Articles**

For purposes of organization, Chapter 112, The Zoning Ordinance, is divided into twenty (20) Articles. The Article designation number represents the first digit (or two as the case may be) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number 2-604, the digit 2 represents the Article.

#### **20-103            Parts**

Each Article within the Zoning Ordinance is subdivided into several major headings known as Parts. Part designation numbers represent the second digit; e.g., in the reference number 2-604, the digit 6 represents the Part.

#### **20-104            Sections**

Each Part within the Zoning Ordinance is subdivided into Sections. Section designation numbers represent the last one or two digits; e.g., in the reference number 2-604 and 2-612, the digits 4 and 12 represent Section numbers.

#### **20-105            Paragraphs**

For purposes of further organization, each Section may be subdivided into Paragraphs which are represented by such numbers as 1, 2, 3; which may be further subdivided as A, B, C...(1), (2), (3)... (a), (b), (c)...and (i), (ii), (iii)...

#### **20-106            Page Numbers**

Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

#### **20-107            Referencing**

In referencing the various regulations presented in the Zoning Ordinance, the following method is employed:

...as required in Article 18.

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...as required in Part 3 of Article 18.

...as required in Sect. 18-302.

...as required in Sect. 302 above (below)\*.

...as required in Par. 1A(2) of Sect. 302 below.

\*The Article prefix digit is not employed when a reference is made to another regulation within the same Article.

## ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

### **PART 2    20-200   INTERPRETATIONS**

For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

1. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
2. The word 'shall' is mandatory.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. Unless otherwise specified, the term 'day' shall mean calendar day.
5. The word 'building' includes the word structure, and the word 'structure' includes the word building; the word 'lot' includes the word plot; the word 'used' shall be deemed also to include designed, intended, or arranged to be used; the term 'erected' shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
6. The terms 'land use' and 'use of land' shall be deemed also to include building use and use of building.
7. The word 'adjacent' means nearby and not necessarily contiguous; the word 'contiguous' means touching and sharing a common point or line.
8. The word 'State' means the Commonwealth of Virginia. The word 'County' means the County of Fairfax, Commonwealth of Virginia; and the term 'County boundary' means any exterior boundary of the County or any boundary of unincorporated territory within the County.
9. The terms 'Board of Supervisors', 'Planning Commission', 'Board of Zoning Appeals', 'County Executive', 'Director of the Department of Public Works and Environmental Services', 'Zoning Administrator', 'Health Officer' and other similar offices shall mean the respective Boards, Commissions, and Officers of Fairfax County and/or their duly authorized agents. The use of the term 'Board' shall always mean the Board of Supervisors; the use of the abbreviation 'BZA' shall always mean the Board of Zoning Appeals; the use of the term 'Director' shall always mean the Director of the Department of Public Works and Environmental Services or duly authorized agent; and the use of the abbreviation 'WMATA' shall always mean the Washington Metropolitan Area Transit Authority.
10. The term 'R district' means any residential district and where appropriate, the residential areas in a P district; the term 'C district' means any commercial district; the term 'I district' means any industrial district; and the term 'P district' means any planned development district.
11. The term 'The Code' means 'The Code of the County of Fairfax, Virginia'.

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### **PART 3 20-300 DEFINITIONS**

The following definitions shall be used in the interpretation and administration of this Ordinance. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other Chapters of The Code.

**ACCELERATION:** See definitions under **VIBRATION**.

**ACCESSIBILITY IMPROVEMENT:** The provision of ramps and other facilities or equipment, such as elevator shafts and bathroom fixtures, and/or accessible parking spaces, related access aisles and accessible routes for persons with disabilities in accordance with the design specifications set forth in the Virginia Uniform Statewide Building Code (VUSBC) and the Public Facilities Manual whether such improvement is mandated by Federal or State law or is provided voluntarily.

**ACCESSORY DWELLING UNIT:** See **DWELLING UNIT, ACCESSORY**.

**ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES:** Facilities that support the functioning and operation of **ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES**, including but not limited to WMATA Metrorail facilities, when such facilities are not located within 200 feet of an **ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY**. Such distance shall be measured from the perimeter of any accessory electrically-powered regional rail transit facility structure or paved area therein to the closest point on the perimeter of any electrically-powered regional rail transit facility structure or paved area therein. When such accessory electrically-powered regional rail transit facility is a stormwater management facility, then the distance shall be measured from the toe of slope or from any above-ground impoundment structure, including any dam embankment, as may be applicable, to the closest point on the perimeter of any electrically-powered regional rail transit facility structure or paved area therein. Accessory electrically-powered regional rail transit facilities shall include tracks, together with all bridges, retaining walls, piers and related infrastructure to support the tracks; traction power substations; tie-breaker stations; train control rooms; communication rooms; stormwater management facilities; access easements; temporary staging/construction yards related to the construction of **ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES**; and other similar improvements. Accessory electrically-powered regional rail transit facilities shall not be deemed to include **ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES**.

**ACCESSORY SERVICE USE:** Accessory service uses as permitted by this Ordinance are subject to the provisions of Part 2 of Article 10. An accessory service use is a use which:

1. Is subordinate to and serves a principal use; and
2. Is subordinate in purpose, area and extent to the principal use served; and
3. Contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and
4. Is generally located within the building housing the principal use served, except as qualified by the provisions of Sect. 10-203.

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ACCESSORY USE: Accessory uses as permitted by this Ordinance are subject to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. Is clearly subordinate to, customarily found in association with, and serves a principal use; and
2. Is subordinate in purpose, area or extent to the principal use served; and
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and
4. Is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use, whether or not it is situated on the same lot with the principal building.

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

ADULT BOOK STORE: An establishment having as a substantial and significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' (as defined below) or an establishment trading in such books, magazines, and other periodicals which limits its customers to persons over eighteen (18) years of age.

For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition shall be construed in any way to limit the application of any State Statute relating to obscenity or relating to distribution of materials to juveniles.

ADULT MINI MOTION PICTURE THEATRE: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen (18) years of age.



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For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition shall be construed in any way to limit the application of any State Statute relating to obscenity or relating to distribution of materials to juveniles.

**AFFORDABLE DWELLING UNIT DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program set forth in Part 8 of Article 2.

**AGRICULTURE:** The use of a tract of land not less than five (5) acres in size for (a) the tilling of the soil; (b) the growing of crops, nursery stock, or plant growth of any kind, including forestry; (c) pasturage; (d) horticulture; (e) dairying; (f) floriculture; or (g) the raising of poultry and livestock; and (h) the wholesale sales of any of the foregoing products.

The term 'agriculture' shall not include the following uses: (a) the maintenance and operation of plant nurseries; (b) the feeding of garbage to animals; (c) the raising of fur-bearing animals as a principal use; (d) the operation or maintenance of a commercial stockyard or feed yard; (e) the retail sales of agricultural products except in accordance with the provisions of Sect. 10-102; or (f) the operation of landscape contracting services. However, the definition of agriculture shall not be deemed to preclude: (a) the keeping of livestock on parcels of two (2) acres or more in size as permitted by Sect. 2-512; or (b) gardening, as permitted as an accessory use in Sect. 10-102.

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

**AMPLITUDE:** See definitions under VIBRATION.

**AMUSEMENT ARCADE:** Establishments in which a principal use is the operation of mechanical, electronic, and/or coin operated games and/or devices for the amusement of the general public.

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**AMUSEMENT MACHINES:** Any mechanical, electronic, and/or coin operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

**ANGLE OF BULK PLANE:** See BULK PLANE.

**ANIMAL SHELTER:** As differentiated from a KENNEL as defined herein, any place designated to provide for the temporary accommodation of five (5) or more common household pets which are stray or not wanted by their owner until appropriate disposition of such pets can be effectuated.

**ANIMAL UNIT:** A standard unit for comparing actual animal numbers for all types of livestock. An animal unit is based on the carrying capacity of an area of land with respect to the environmental health, exercise and food requirements. Using a head of cattle as a base, the number of other animals permitted is set forth in a proportionate ratio.

**ANIMALS:** See LIVESTOCK; PETS, COMMONLY ACCEPTED.

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

**ARCHITECT:** A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

**ASSISTED LIVING FACILITY:** A facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, health care, and (c) assistance with moderate activities of daily living. For purposes of this Ordinance, an assisted living facility shall be deemed a MEDICAL CARE FACILITY.

**AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

**AUTOMOBILE LAUNDRY:** See CAR WASH.

**AUTOMOBILE-ORIENTED USE:** Any use of land not otherwise defined which provides a service directly to a motor vehicle, or which provides goods or services to the occupants of a motor vehicle while seated therein.

**AUTOMOBILE SERVICE STATION:** See SERVICE STATION.

**A-WEIGHTED SOUND LEVEL (dBA):** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies. When used by itself, an A-weighted decibel value describes either a sound at a given instant, a maximum level or a steady state value. When combined with DNL, it summarizes those sound levels which vary over time.

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**BASEMENT:** A portion of a building partly underground, but having less than one-half (½) its clear height below the grade plane. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, a BASEMENT shall be as defined in Sect. 2-906.

**BED AND BREAKFAST:** A single family detached dwelling unit which is owner or manager occupied, in which five (5) or fewer guest rooms without cooking facilities are rented to transient visitors for a period not to exceed thirty (30) days.

**BIRD UNIT:** A concept similar to the ANIMAL UNIT, using the adult chicken as a base.

**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 (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty (30) feet or more in width.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, ACCESSORY:** See ACCESSORY USE.

**BUILDING GROUP:** A group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one ownership and having any yard in common.

**BUILDING HEIGHT:** See HEIGHT, BUILDING.

**BUILDING-MOUNTED SIGN:** See SIGN, BUILDING-MOUNTED.

**BUILDING, PRINCIPAL:** A building in which is conducted the primary use of the lot on which it is situated.

**BUILDING UNDER CONSTRUCTION:** A building under construction as it relates to outdoor lighting and requires the use of frosted bulbs on the exterior ten (10) feet of the perimeter, shall cease when exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of light for the building, for example when there is no longer a practical way to use frosted, incandescent bulbs on the outermost ten (10) foot perimeter.

**BULK PLANE:** An imaginary inclined plane rising over a lot, drawn at a specified angle from the vertical, the bottom side of which is coincidental with the lot line(s) of the lot, and which, together with other bulk regulations and lot size requirements, delineates the maximum bulk of any improvement which may be constructed on the lot. The angle of bulk plane shall be established in accordance with the provisions of Sect. 2-307. No portion of any structure may extend beyond such a plane, except for those structures set forth in Sections 2-412 and 2-506. (Reference Illustration 1 in Appendix 2)

**BULK REGULATIONS:** Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include

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provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

**BUSINESS SERVICE AND SUPPLY SERVICE ESTABLISHMENT:** Any establishment containing no more than 5000 square feet of net floor area wherein 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 except as a secondary and subordinate ancillary activity. This term shall also include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

**CAMP OR RECREATION GROUND:** An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a MOBILE HOME PARK as defined herein.

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

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

**CARNIVAL:** A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

**CARPORT:** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, used for the shelter of parked motor vehicles. A carport shall have no enclosure that is more than eighteen (18) inches in height, other than the minimum required supports for its roof, and the side(s) of the building to which the carport is contiguous.

**CELLAR:** The portion of a building partly underground, having one-half (½) or more than one-half (½) of its clear height below the grade plane. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, a BASEMENT shall include CELLAR as defined in Sect. 2-906.

**CENTER LINE:** A line lying midway between the side lines of a street or alley right-of-way.

**CHILD CARE CENTER:** A structure, other than a dwelling or mobile home, where one (1) or more children receive care, protection and supervision on a regular basis during only part of a twenty-four (24) hour day unattended by parent or legal guardian.

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**CHILD CARE CENTER FOR OCCASIONAL CARE:** A structure, other than a dwelling or mobile home, where one (1) or more children receive care, protection and supervision on an occasional basis unattended by parent or guardian. Such care per child shall not exceed four (4) hours in any twenty-four (24) hour day and shall be limited to a maximum of ten (10) days per month.

**CIRCUS:** A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows.

**CLUSTER SUBDIVISION/DEVELOPMENT:** See SUBDIVISION, CLUSTER.

**COLLECTOR STREET:** See STREET, COLLECTOR.

**COLUMBARIUM:** A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

**COMMERCIAL NUDITY ESTABLISHMENT:** Any establishment which the public may enter, with or without an admission charge, in which alcohol is consumed on the premises, wherein nudity is exhibited by employees, entertainers or other persons. For the purpose of this Ordinance, nudity shall mean any exposure to public view of the human male or female genitals, pubic area, buttocks or any portion of the female breast below the top of the areola, with less than a fully opaque covering.

**COMMERCIAL RECREATION RESTAURANT:** Any establishment which provides as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premise dining is clearly accessory or incidental to the operation of the other. For the purpose of this definition recreation may include but is not limited to (a) television and motion pictures; (b) sound and sight systems; (c) mechanical and/or electronic operated games; (d) animated mechanical devices and/or rides; and (e) live entertainment.

**COMMERCIAL VEHICLE:** Any vehicle with a rated carrying capacity of 1500 pounds (3/4 ton) or more, and any vehicle, regardless of capacity, which displays advertising lettered thereon or which is licensed as a 'for hire' vehicle. For the purpose of this Ordinance, commercial vehicles shall not be deemed to include any vehicle operated by a public agency except those vehicles set forth in Par. 16A of Sect. 10-102, farm vehicle or equipment located on property used for agricultural purposes, motor home, camping trailer, boat, boat trailer, horse trailer or similar recreational equipment recognized as personal property and not for hire, emergency fuel oil delivery truck which has been approved by the County and/or any public or private vehicle used exclusively for the transportation of persons to and from a school, place of religious worship, or activities related thereto.

**COMMON OPEN SPACE:** See OPEN SPACE, COMMON.

**COMMONLY ACCEPTED PETS:** See PETS, COMMONLY ACCEPTED.

**COMPREHENSIVE PLAN:** The official document or elements thereof, adopted by the Board, and intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of The Code of Virginia.

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**CONDOMINIUM:** Ownership of any real property which includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s) and including the land and its appurtenances.

**CONDOMINIUM CONVERSION:** A subdivision of an existing building(s) and its related lot(s) to a condominium in accordance with the provisions of Chapter 4.2, Condominium Act, of The Code of Virginia.

**CONGREGATE LIVING FACILITY:** A facility which provides housing and general care on a permanent or temporary basis including the provision of supportive services, such as special care, treatment and training, in a supervised setting with on-site counselors and/or other staff. This term shall not include a group housekeeping unit, **GROUP RESIDENTIAL FACILITY** or **ASSISTED LIVING FACILITY**.

**CONSTRUCTION MATERIALS YARD:** Any area accessory to and on the same lot with a construction project used on a temporary basis for the storage or processing of materials and supplies used in the actual construction of buildings within the project.

**CONSTRUCTION PERMIT:** A permit which allows land disturbing activity and construction of bonded improvements.

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

**CONTRIBUTING PROPERTY:** A property located within a Historic Overlay District that adds to or supports the historic, architectural, or archaeological significance of the district as determined through the establishment of a Historic Overlay District.

**CONVENIENCE CENTER:** A small commercial shopping facility designed as a homogeneous component of a neighborhood, allowed as a Category 5 special exception use under the provisions of Part 5 of Article 9.

**CONVENTIONAL SUBDIVISION:** See **SUBDIVISION, CONVENTIONAL**.

**COOPERATIVE:** Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit.

**CORNER LOT:** See **LOT, CORNER**.

**COUNTRY CLUB:** A nonprofit membership organization formed for recreational purposes which includes a club house, golf course and may include other recreational activities such as swimming pools, tennis courts and squash courts. Dining facilities, meeting rooms, lounges, snack bars and retail sales may also be permitted as accessory uses.

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COVERAGE, LOT: See LOT COVERAGE.

CREMATORY: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

CUL DE SAC: A local street, one end of which is closed and consists of a circular turn around.

CULTURAL CENTER: A building or area to present exhibits of cultural, scientific or academic material, live theater and dance performances, musical concerts, cinema or lectures to the general public as a nonprofit enterprise.

CURB LINE: The face of a curb along private streets, travelways, service drives and/or parking bays/lots.

DAY NIGHT AVERAGE SOUND LEVEL (DNL): A noise descriptor used for noise and land use compatibility. It is the twenty-four (24) hour average sound level expressed in A-weighted decibels, with a ten (10) decibel penalty applied to noise events from 10 PM to 7 AM. The nighttime weighted penalty accounts for the increased sensitivity to noise in the quieter sleeping hours. This noise descriptor is used to denote the total noise environment which varies over time and correlates reasonably well with the effects of noise on the public health, safety and welfare. DNL can be used to express noise impacts from noise sources in addition to aircraft noise. DNL can be made equivalent to Noise Exposure Forecasts (NEF) by adding 35 to an NEF contour, e.g.  $30 \text{ NEF} + 35 = \text{DNL } 65 \text{ dBA}$ . DNL is equivalent to Ldn.

dBA: See A-WEIGHTED SOUND LEVEL.

DECK: Any patio, balcony, terrace, gallery, veranda, piazza, porch, portico or similar projection from an outer wall of a building, other than a carport as defined herein. A deck shall include any associated stairs. A deck shall have no enclosure, other than the side(s) of the principal building to which it is attached; provided, however, a deck may have an 'open-work' railing or wall, not over four (4) feet in height, with at least fifty (50) percent of the area thereof open in an evenly distributed pattern.

- DECK, OPEN: Any deck which is unroofed.

- DECK, ROOFED: Any deck that is either completely or partially roofed, even by open beams or lattice work. A roofed deck shall have no enclosure other than the side(s) of the principal building to which the deck is attached, the minimum required supports for the roof and a railing as permitted above.

DEDICATED OPEN SPACE: See OPEN SPACE, DEDICATED.

DENSITY: The number of dwelling units per acre, except in the PRC District where it shall mean the number of persons per acre.

DEVELOPER: The legal or beneficial owner or owners of all of the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years,

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or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Ordinance.

**DEVELOPMENT PLAN:** A required submission for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-202, which generally characterizes the planned development of the subject lot.

**DEVELOPMENT PLAN, CONCEPTUAL:** A required submission at the time of filing for an amendment to the Zoning Map for a P district other than the PRC District, prepared and approved in accordance with the provisions of Sect. 16-401, which generally characterizes the planned development of the subject lot.

**DEVELOPMENT PLAN, FINAL:** A required submission following the approval of a conceptual development plan and rezoning application for a P district other than a PRC District, prepared and approved in accordance with the provisions of Sect. 16-402, which further details the planned development of the subject lot. For the purpose of this Ordinance, a final development plan is not to be construed as a site plan as required by the provisions of Article 17.

**DEVELOPMENT PLAN, GENERALIZED:** A required submission at the time of filing for an amendment to the Zoning Map for all districts other than a P district, prepared and approved in accordance with the provisions of Sect. 18-203, which generally characterizes the proposed development of the subject lot.

**DIRECTIONALLY SHIELDED LIGHTING FIXTURE:** See **LIGHTING FIXTURE, DIRECTIONALLY SHIELDED.**

**DISABILITY GLARE:** See **GLARE, DISABILITY.**

**DISPLACEMENT:** See definitions under **VIBRATION.**

**DISTRICT CORE:** The portion of a Historic Overlay District where all the historic and most contributing properties are located.

**DNL:** See **DAY NIGHT AVERAGE SOUND LEVEL.**

**DOG KENNEL:** See **KENNEL.**

**DRIVE-IN FINANCIAL INSTITUTION:** Any financial institution which offers its services to persons within motor vehicles.

**DRIVE-THROUGH PHARMACY:** A retail sales establishment which provides medicine and other items, such as toiletries, various sundries and packaged foods for sale, and offers drop-off and pick-up service exclusively for prescriptions and associated medical items to persons within a motor vehicle.

**DRIVEWAY:** That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.



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**DRUG PARAPHERNALIA:** All equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana and/or a controlled substance as defined in Va. Code Sections 54-524.84:4, 54-524.84:6, 54-524.84:8, 54-524.84:10 and 54-524.84:12 (Cum. Supp. 1980). It includes but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is marijuana or a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing marijuana and/or controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is marijuana or a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of marijuana and/or controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana and/or controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting marijuana and/or controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding marijuana and/or controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana and/or controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana and/or controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting marijuana and/or controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

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- B. Water pipes;
- C. Carburetion tubes and devices;
- D. Smoking and carburetion masks;
- E. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- F. Miniature cocaine spoons, and cocaine vials;
- G. Chamber pipes;
- H. Carburetor pipes;
- I. Electric pipes;
- J. Air-driven pipes;
- K. Chillums;
- L. Bongs;
- M. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, the Zoning Administrator, his agent, or the Board of Supervisors should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to marijuana or any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this ordinance, Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980), or to marijuana or a controlled substance;
4. The existence of any residue of marijuana or controlled substances on the object;
5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of this Ordinance or Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980); the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Ordinance or Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980) shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
6. Instructions, oral or written, provided with the object concerning its use;

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7. Descriptive materials accompanying the object which explain or depict its use;
8. National and local advertising concerning its use;
9. The manner in which the object is displayed for sale;
10. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
11. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
12. The existence and scope of legitimate uses for the object in the community;
13. Expert testimony concerning its use.

**DRUG PARAPHERNALIA ESTABLISHMENT:** Any retail sales establishment wherein drug paraphernalia is displayed, sold, offered for sale or given away.

**DUSTLESS SURFACE:** A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director.

**DWELLING:** A building or portion thereof, but not a **MOBILE HOME**, designed or used for residential occupancy. The term 'dwelling' shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

**DWELLING UNIT:** One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility, which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

**DWELLING UNIT, ACCESSORY:** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. Accessory dwelling units may be permitted by the provisions of Part 9 of Article 8.

**DWELLING UNIT, LOW INCOME:** Any dwelling unit occupied by a person or persons subsidized directly or indirectly by the Federal, State or County government under any program to assist the construction or occupancy of housing for families of low income, namely those families who meet the eligibility standards for public housing established as of November 17, 1971, by the Fairfax County Redevelopment and Housing Authority under the Federal Low-Rent Public Housing Program authorized by the United States Housing Act of 1937, as amended to said date; or any dwelling unit occupied by a person or persons eligible for but not receiving such a government subsidy, and paying the same rentals or mortgage payments as he or they would pay under such a subsidy program.

**DWELLING, MANUFACTURED HOME:** A structure subject to federal regulation, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more

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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. For the purpose of this Ordinance, MANUFACTURES HOMES shall be deemed to include a MOBILE HOME. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, MANUFACTURED HOMES shall be based on the definition contained in Sect. 2-906.

**DWELLING, MOBILE HOME:** A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; (d) designed for removal to and installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this Ordinance, a mobile home shall not be deemed a SINGLE FAMILY DETACHED DWELLING.

**DWELLING, MODULAR UNIT:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a SINGLE FAMILY DWELLING and shall not be deemed a MOBILE HOME.

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

**DWELLING, SINGLE FAMILY:** A residential building containing only one (1) DWELLING UNIT.

**DWELLING, SINGLE FAMILY ATTACHED:** A group of two (2) or more closely placed, interrelated single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the Director in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance. The total length of any one group of units shall not exceed 240 feet. Architectural facades or treatment of materials in a townhouse development shall be varied from one group of units to

## ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as semidetached, garden court, patio house, zero lot line, 'piggyback' town house, 'back to back' town house and town house shall be deemed single family attached dwellings.

**DWELLING, SINGLE FAMILY DETACHED:** A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

**EASEMENT:** A grant by a property owner of the use of his land by another party for a specific purpose.

**EATING ESTABLISHMENT:** Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

1. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. The food, frozen desserts, or beverages are served on nondisposable plates or containers and nondisposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on nondisposable plates or containers, and nondisposable eating utensils are provided shall be deemed an eating establishment.

An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment. In addition, an eating establishment shall not be deemed to include a snack bar or refreshment stand at a public or non-private recreational facility which is operated solely by the agency or group operating the recreational facility for the convenience of the patrons of the facility.

Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code.

**EFFECTIVE BUILDING HEIGHT:** See HEIGHT, EFFECTIVE BUILDING.

**ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES:** Stations and their associated pedestrian connections, bus bays, parking areas, service yards and inspection yards associated with an electrically-powered rapid rail transit system that serves only the Washington metropolitan region or parts thereof, including but not limited to WMATA Metrorail facilities. Electrically-powered regional rail transit facilities shall be deemed to include ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES when such facilities are located wholly or in part within 200 feet of an electrically-powered regional rail transit facility. Such distance shall be measured from the perimeter of any electrically-powered regional

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rail transit facility structure or paved area therein to the closest point on the perimeter of any accessory electrically-powered regional rail transit facility structure or paved area therein, except stormwater management facilities shall be measured to the closest point of the toe of slope or to any above-ground impoundment structure, including any dam embankment, as may be applicable.

**ELECTROMAGNETIC RADIATION:** Electromagnetic waves propagating at the speed of light utilized in applications of radio, microwave, radar, television, and other means of communication. The term shall not include light, X-ray, or radioactive emissions.

**ENGINEER:** A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

**ESTABLISHMENT FOR SCIENTIFIC RESEARCH, DEVELOPMENT AND TRAINING:** Any structure wherein the primary use is the administration and conduct of investigation, examination, experimentation or training aimed at the discovery and interpretation of facts and/or the practical application of the above to products or processes. Establishments for scientific research, development and training shall include one or more of the following principal facilities and/or activities: laboratory facilities; pilot plants; prototype production; and/or the assembly, integration and testing of goods and products, but not including the mass production of manufactured products. An establishment for scientific research, development and training shall not be deemed an OFFICE.

**EXISTING VEGETATION MAP:** A depiction of the location of the existing vegetation cover types, as defined in the Public Facilities Manual; approximate total acreage or square footage of each cover type of 500 square feet or greater; a listing of the primary tree species in each cover type; a general statement regarding the successional stage of each cover type containing vegetation; and a statement regarding the general health and condition of each cover type, including, but not limited to trees which are insect infested, diseased, dying and/or in good condition.

**FAST FOOD RESTAURANT:** Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

1. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
2. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
3. Forty-five (45) percent or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities which space is not accessible to the general public.

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4. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated therein, such as through a drive-in window.

For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment.

**FENCE:** A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

**FESTIVAL:** Any fair, festival or similar activity where patrons are charged admission or other fees for the privilege of watching or participating in entertainment, including, but not limited to, music shows, concerts and revivals. For the purpose of this Ordinance, a festival shall not be deemed a CARNIVAL or CIRCUS.

**FINANCIAL INSTITUTION:** Any establishment, to include an automated teller machine(s), wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) or drive-in automated teller machine shall be deemed a DRIVE-IN FINANCIAL INSTITUTION as defined herein.

**FINANCIAL INSTITUTION, DRIVE-IN:** See DRIVE-IN FINANCIAL INSTITUTION

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event also known as the base flood) and having a drainage area greater than seventy (70) acres. For the purpose of administering Part 9 of Article 2, Floodplain Regulations, minor floodplains shall be those floodplains which have a drainage area greater than 70 acres but less than 360 acres and major floodplains shall be those floodplains which have a drainage area equal to or greater than 360 acres.

Floodplains shall include all areas of the County which are designated as a floodplain by the Federal Emergency Management Agency (FEMA), by the United States Geological Survey, or by Fairfax County. The basis for the floodplains designated by FEMA shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for Fairfax County prepared by the FEMA, Federal Insurance Administration, dated September 17, 2010, as amended. Floodplains designated by FEMA on the FIRM are referred to as special flood hazard areas. Areas designated as floodplains by FEMA, shall not have their base flood elevations altered without approval from FEMA.

**FLOOR AREA, GROSS:** 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. Gross floor area shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses, except as qualified below; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

Gross floor area shall not include cellars; outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; rooftop mechanical structures; penthouses enclosing only mechanical equipment; or

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enclosed or structural walkways designed and used exclusively for pedestrian access between buildings and/or parking structures.

**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 center line of walls separating two (2) or more buildings. The term 'net floor area' shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet, six (6) inches. For purposes of determining off-street parking requirements, the term 'net floor area' shall include cellars used exclusively for storage.

**FLOOR AREA RATIO (FAR):** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

**FOOTCANDLE:** A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Footcandle measurements shall be made with a photometric light meter.

**FREESTANDING SIGN:** See SIGN, FREESTANDING.

**FREQUENCY:** See definitions under VIBRATION.

**FRONT YARD:** See YARD, FRONT.

**FRONTAGE:** For the purpose of administering the provisions set forth in Article 12, Signs, a use shall be deemed to have frontage on a street if the use is clearly visible from the street and is located on a lot that is contiguous to and has a lot width of fifty (50) feet at the public street right-of-way. The use shall be deemed to have frontage notwithstanding there is no direct access between the use and the street, or the principal entrance(s) to the building(s) associated with the use does not face the street.

**FROZEN FOOD LOCKER:** An establishment wherein the principal use is the rental of lockers, compartments or space for the storage of frozen food. A frozen food locker establishment may also include the preparation or dressing of animal carcasses for consumption, but in no instance shall slaughtering of animals be permitted. For the purpose of this Ordinance, a frozen food locker shall be deemed a warehousing establishment.

**FULL CUT-OFF LIGHTING FIXTURE:** See LIGHTING FIXTURE, FULL CUT-OFF.

**FUNERAL CHAPEL:** A building used primarily for human funeral services, provided that said building shall not contain facilities for (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation, or (d) storage of funeral caskets and funeral urns, except those on display on the premises. Funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage, and the garage or other accessory building shall not be used for other purposes.



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**FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns and other related funeral supplies, and (d) the storage of funeral vehicles, but shall not include facilities for cremation. For the purpose of this Ordinance, where a funeral home is permitted, a FUNERAL CHAPEL shall also be permitted.

**GARAGE:** An accessory building or part of a principal building used primarily for the storage of passenger vehicles as an accessory use and having no provision for repairing or servicing such vehicles for profit.

**GARMENT CLEANING ESTABLISHMENT:** Any establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3000 square feet of gross floor area. Such a use may include services for cleaning pickup stations. Such a use shall not include laundries/laundromats which provide self-service type washing, drying and ironing facilities for the use of retail customers or a cleaning pickup station where there is no on-site cleaning and the use consists solely of drop off and pickup by customers of garments or articles that are sent to another location for cleaning, as such uses are deemed PERSONAL SERVICE ESTABLISHMENTS. An establishment for the mechanical cleaning of garments, articles or goods of fabric, containing more than 3000 square feet of gross floor area, or a linen or diaper cleaning service establishment shall be deemed an establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products.

**GASOLINE STATION:** See SERVICE STATION.

**GLARE, DISABILITY:** The effect of stray light in the eye whereby visibility and visual performance are reduced.

**GLARE:** The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.

**GRADE:** A reference plane representing the average ground level. For the purposes of this Ordinance, grade for the following structures shall be determined as follows:

1. Single family detached dwellings - Average ground level adjoining a building at all exterior walls. Building height measurements for single family detached dwellings and additions thereto shall use the lower average ground level of either the pre-existing or finished grade elevation that exists or is proposed at the time of Building Permit issuance for the dwelling.
2. All other principal structures - Average finished ground level adjoining a building at all exterior walls.
3. Accessory structures - The lowest point of finished ground level adjacent to the structure.

For purposes of administering the floodplain regulations contained in Part 9 of Article 2,

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GRADE shall be determined based on the BASEMENT definition contained in Sect. 2-906.

GRADE PLANE: See definition of GRADE.

GROUND TRUTHING: The excavation of a small hole to determine the nature of the material detected through REMOTE SENSING and to determine whether it is a cultural resource.

GROUP RESIDENTIAL FACILITY: A group home or other residential facility, with one or more resident counselors or other staff persons, in which no more than: (a) eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) intellectually disabled persons or eight (8) aged, infirm or disabled persons reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).

For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.

HEALTH CLUB: An 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/slimnastic dancing. Such use may include a massage establishment in accordance with Chapter 28.1 of The Code. This term shall not be deemed to include a SCHOOL OF SPECIAL EDUCATION.

HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT: Buildings and premises for the sale, rental and servicing of trucks of the following vehicle types:

1. Trucks, other than those allowed as a TRUCK RENTAL ESTABLISHMENT or VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT;
2. Farm and construction machinery or equipment;
3. Buses, and vans designed primarily for the transportation of ten (10) or more passengers;
4. Motor homes, recreational vehicles, trailers and boats of any size;
5. Mobile homes.

For the purpose of this Ordinance, heavy equipment and specialized vehicle sale, rental and service establishments shall not be deemed to include VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS.

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**HEIGHT, BUILDING:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the GRADE in all other cases. (Reference Illustration 2 in Appendix 2)

**HEIGHT, EFFECTIVE BUILDING:** The vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building. (Reference Illustration 1 in Appendix 2)

**HELIPORT:** An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

**HELISTOP:** An area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

**HISTORIC PROPERTY:** A property that has been determined through the establishment of a Historic Overlay District to be key or pivotal to the historic, architectural or archaeological significance of a Historic Overlay District. For purposes of applying the floodplain regulations contained in Part 9 of Article 2, an HISTORIC PROPERTY shall be based on the HISTORIC STRUCTURE definition contained in Sect. 2-906.

**HOME CHILD CARE FACILITY:** A dwelling or mobile home where twelve (12) or fewer children receive care, protection and supervision during only part of a twenty-four (24) hour day unattended by parent or legal guardian. Such use shall be permitted in accordance with the provisions of Part 1 of Article 10 or Part 3 of Article 8. For purposes of this Ordinance, when such a use is located in a structure other than a dwelling, it shall be deemed a CHILD CARE CENTER.

**HOME PROFESSIONAL OFFICE:** The offices, studios or occupational rooms which are located within the single family detached residence of a duly licensed or certified physician practicing human medicine, chiropractor, osteopath, physical therapist or massage therapist, duly licensed practitioner of behavioral sciences, attorney, civil or professional engineer, accountant, architect, real estate appraiser or broker, insurance agent, or similar professional person.

**HORSE SHOW:** Any aggregation of horses where there occurs the exhibiting, judging, showing or racing of horses.

**HOSPITAL:** Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric cases.

**HOTEL, MOTEL:** A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile

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court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one or more eating establishments as a subordinate use, provided that such establishment is located within the principal hotel/motel structure, and meeting rooms and/or conference facilities.

**HOUSING UNIT, MODERATELY-PRICED:** See MODERATELY-PRICED HOUSING UNIT.

**IMPACT:** See definitions under VIBRATION.

**INDEPENDENT LIVING FACILITY:** A residential development that is primarily limited to occupancy by elderly persons and/or by persons with handicaps (disabilities), as defined in the Federal Fair Housing Amendments Act of 1988. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches.

**INDUSTRIAL/FLEX:** Any structure occupied by two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that the combined area of all office, both as a principal use and as an accessory use, shall not exceed thirty-five (35) percent of the total gross floor area of the structure. For the purpose of this Ordinance, when any of the above uses are permitted by right in the applicable zoning district, such uses may be combined within a single structure in accordance with the provisions of that district, and shall not be deemed INDUSTRIAL/FLEX.

**INDUSTRIAL PARK:** A planned coordinated development of a tract of land with two (2) or more separate industrial buildings that contain a combined total of at least 50,000 square feet of gross floor area and are occupied by not less than five (5) different tenants. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

**INFRACTION:** Any violation of this Ordinance which has been declared an infraction pursuant to Par. 1 of Sect. 18-903. For purposes of this Ordinance, an 'infraction' is a civil offense, and an admission of guilt or a finding of guilt thereof is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

**INSTITUTION OF HIGHER LEARNING:** For the purpose of this Ordinance, an institution of higher learning shall be deemed to include a proprietary school that is approved, licensed, and bonded by the Proprietary School Service Office of the State Department of Education.

**INTERPRETATION OF APPROVED ZONING APPLICATIONS:** A determination made by the Zoning Administrator or agent that a proposed minor modification to a zoning application approved by the Board of Supervisors, the Planning Commission or the Board of Zoning Appeals is in substantial conformance with the approved zoning. Such determinations are

## ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

typically made in the form of a letter and may include interpretations of proffers, development conditions, development plans, and plats.

**JUNK YARD:** The use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use under the provisions of Sect. 10-102. A junk yard shall also be inclusive of an **AUTOMOBILE GRAVEYARD** as defined herein.

**KENNEL:** Any place or establishment in which dogs are kept in numbers greater than ten (10) per 40,000 square feet; or any place or establishment in which dogs are kept, trained, boarded or handled for a fee.

**LANDFILL:** A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material; or a disposal site operated by means of compacting and covering solid waste at least once each day with an approved material. This term is intended to include both debris landfills and sanitary landfills as defined in Chapters 104 and 109.1 of The Code.

**LANDSCAPE ARCHITECT:** A professional who is registered with the State Department of Professional and Occupational Registration as a certified landscape architect.

**LANDSCAPED OPEN SPACE:** See **OPEN SPACE, LANDSCAPED**.

**LANDSCAPING:** The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**LAND SURVEYOR:** An individual who is registered with the State Department of Professional and Occupational Registration as a land surveyor.

**LIGHT POLE:** A freestanding vertical support used for the purpose of elevating a light source.

**LIGHTING FIXTURE:** A complete lighting unit consisting of the lamp, lens, optical reflector, housing and any electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

- **LIGHTING FIXTURE, FULL CUT-OFF:** A lighting fixture from which no light output is emitted at or above a horizontal plan drawn through the bottom of the lighting fixture. Lighting fixtures located within those portions of open-sided parking structures that are above ground which meet the angle requirements set forth above through the use of any portion of the ceiling or walls of the parking structure shall be deemed full cut-off lighting fixtures (Reference Plate 1 of Illustration 5 in Appendix 2).

- **LIGHTING FIXTURE, DIRECTIONALLY SHIELDED:** A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers and other types of

## FAIRFAX COUNTY ZONING ORDINANCE

shields or lenses which are designed to direct light onto a targeted area and to minimize stray light (Reference Plate 3 of Illustration 5 in Appendix 2).

**LIVESTOCK:** Animals, and especially farm animals, raised for use, profit or enjoyment, including horses, ponies, bison (American buffalo), cattle, sheep, goats, alpacas, llamas and other similar domesticated animals.

**LOADING SPACE:** Off-street space, designed in accordance with the provisions of Part 2 of Article 11, for the loading or unloading of goods.

**LOCAL STREET:** See **STREET, LOCAL**.

**LOT:** For the purpose of this Ordinance, a parcel of land that is designated at the time of application for a special permit, a special exception, a Building Permit, or Residential/ Non-Residential Use Permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

**LOT AREA:** The total horizontal area included within the lot lines of a lot.

**LOT BOUNDARY:** Same as **LOT LINE** as defined herein.

**LOT, CLUSTER SUBDIVISION:** See **SUBDIVISION, CLUSTER**.

**LOT, CONVENTIONAL SUBDIVISION:** See **SUBDIVISION, CONVENTIONAL**.

**LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

**LOT COVERAGE:** Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

**LOT DEPTH:** The average horizontal distance between the front and rear lot lines.

**LOT, INTERIOR:** Any lot, including a through lot, other than a corner lot.

**LOT LINE:** Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a **STREET LINE**. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

**LOT LINE, FRONT:** A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

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On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building. (Reference Illustration 3 in Appendix 2)

**LOT LINE, REAR:** That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. (Reference Illustration 3 in Appendix 2)

**LOT LINE, SIDE:** A lot line which is neither a front lot line nor a rear lot line as defined herein. (Reference Illustration 3 in Appendix 2)

**LOT, OUTLOT:** Any lot, except as provided for under Sect. 2-405, that does not comply with the current minimum lot width, lot area or shape factor requirements of the district in which located; or does not comply with the frontage provisions of Chapter 101 of The Code (Subdivision Ordinance).

**LOT, PIPESTEM:** A lot approved in accordance with the provisions of Sect. 2-406 which does not abut a public street other than by its driveway which affords access to the lot.

**LOT, REVERSE FRONTAGE:** A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

**LOT SIZE REQUIREMENTS:** Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

**LOT, THROUGH:** An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this Ordinance, a through lot shall be subject to the regulations of an INTERIOR LOT.

**LOT WIDTH:** The width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

In the case of a lot which has an area in excess of five (5) acres, the width may be measured at any point where the minimum lot width is at least 200 feet, provided that such point shall also be where the front yard is established by location of the principal structure.

**LOW INCOME FAMILY:** For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority, pursuant to applicable federal, state or local laws and regulations.

**LUMEN:** A quantitative unit measuring the amount of light emitted from a light source.

**MAINTAINED LIGHTING LEVEL:** A level of illumination which results when the initial output of a lamp is reduced by certain light loss factors. Such light loss factors typically include lamp depreciation and dirt accumulation on lenses and other lighting fixture components. For the purposes of this Ordinance, the maintained lighting level shall represent an average

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footcandle value measured over a specified area and shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than 0.72 for metal halide lamps or 0.64 for high pressure sodium and mercury vapor lamps.

**MAJOR UNDERGROUND UTILITY EASEMENT:** An easement which contains a transmission pipeline which carries products such as natural gas, petroleum or other fuels.

### MARINA:

- **COMMERCIAL OR CLUB-TYPE:** A marina designed and operated for profit, or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, eating establishments, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

- **PRIVATE NONCOMMERCIAL:** A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

**MASSAGE and MASSAGE ESTABLISHMENT:** The treatment, for compensation, of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. Except as qualified below, a massage establishment shall be any fixed place of business where a massage is administered to a client. Massage establishments shall only be permitted in accordance with the requirements of Chapter 28.1 of The Code and for the purpose of this Ordinance shall be deemed to be an OFFICE. A massage and/or massage establishment shall not include the following:

1. A massage administered only to the scalp, face, neck, shoulders, arms, hands and/or feet.
2. A massage of the upper body while the client is fully clothed and seated in a chair.
3. A massage administered in a medical care facility, hospital, medical clinic, office of a physician, chiropractor, osteopath or physical therapist licensed by the State, nursing facility or similar facility.
4. A massage administered by a physician, chiropractor, osteopath or physical therapist or nurse, licensed by the State, in any location.
5. A massage administered at an organized public event, such as a health fair or sporting event, which is open for participation or viewing by the general public.
6. A massage administered at a school which offers a massage therapy program that has received programmatic approval from the Virginia Board of Education, Office of Proprietary Schools, or that has been certified or approved by the Virginia Board of Education, Office of Proprietary Schools or the Virginia State Council of Higher Education; provided, however, that this exclusion applies only if the individual administering the massage is a student enrolled at the school and receives no compensation for the massage.



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An out-call massage shall be any massage administered for compensation at a location other than a massage establishment and for the purposes of this Ordinance, any business providing out-call massage shall be deemed to be an OFFICE. Such use shall be subject to the provisions of Chapter 28.1 of The Code. An establishment which only offers massages of the upper body while the client is fully clothed and seated in a chair shall be deemed a PERSONAL SERVICE ESTABLISHMENT.

**MASS TRANSIT FACILITY AND RELATED STREET IMPROVEMENT:** For the purpose of Sect. 2-308, Maximum Density, a mass transit facility shall be deemed an electrically-powered regional rail transit facility, an accessory electrically-powered regional rail transit facility or a regional non-rail transit facility, and a street improvement related thereto shall be deemed to be the right-of-way for a proposed street, or the additional right-of-way needed for the realignment or the improvement of an existing street. Such street, whether new or improved, is designed for the primary purpose of either:

1. Improving access to electrically-powered regional rail transit facilities, accessory electrically-powered regional rail transit facilities and regional non-rail transit facilities, in which event no such proposed street or improvement to an existing street shall be located outside the service area for the facility, such service area being those designated by an electrically-powered regional rail transit facility or a regional non-rail transit facility authority or entity; or
2. Providing exclusive lanes, preferential lanes, or peak period bus priority lanes for regional non-rail transit facility utilization; or
3. Improvements needed to permit the safe operation of buses, including provision of busbays, bus turnouts, and right-of-way for locating bus shelters. The requirements for safe operation of buses shall be determined by a regional non-rail transit facility authority or entity.

**MATERIALS RECOVERY FACILITY:** See RECYCLING CENTER.

**MAUSOLEUM:** A building or structure designed with vaults to hold many caskets or crematory urns.

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

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LIVING FACILITY, GROUP RESIDENTIAL FACILITY, or INDEPENDENT LIVING FACILITY.

MINI-WAREHOUSING ESTABLISHMENT: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods, or contractors' supplies.

MINOR ARTERIAL STREET: See STREET, MINOR ARTERIAL.

MIXED WASTE RECLAMATION FACILITY: A facility for the removal and/or reclamation of recyclable materials from solid waste. A mixed waste reclamation facility shall not be deemed to include a RECYCLING CENTER.

MOBILE AND LAND BASED TELECOMMUNICATION FACILITY: Omnidirectional and directional antennas such as whip antennas, panel antennas, cylinder antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities. For the purposes of this Ordinance, a mobile and land based telecommunication facility shall include a mobile and land based telecommunication hub site.

MOBILE AND LAND BASED TELECOMMUNICATION HUB SITE: An equipment cabinet or structure that serves a mobile and land based telecommunication system when there are no antennas located on the same lot as the equipment cabinet or structure.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME PARK: Any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term 'mobile home park' shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of inspection and sale.

MODERATE INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority pursuant to applicable federal, State or local laws and regulations.

MODERATELY-PRICED HOUSING UNIT: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority, pursuant to applicable federal, State or local laws and regulations.

MODULAR UNIT: See DWELLING, MODULAR UNIT.

MONOPOLE: A single, ground-mounted, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, any treepole, flagpole, bell tower, clock tower, windmill or other similar ground-mounted, self-supporting structure that is designed to disguise antennas and their support structures shall also be deemed to be a monopole, however a monopole shall not be deemed to be a transmission tower.

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**MOTEL:** See HOTEL.

**MOTOR FREIGHT TERMINAL:** A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

**MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD:** An area designed for the temporary storage of wrecked and/or inoperative and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

**MULTIPLE FAMILY DWELLING:** See DWELLING, MULTIPLE FAMILY.

**MUSEUM:** An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value.

**NATURAL RESOURCES:** Any material naturally occurring beneath the surface of the land which may be removed for the purpose of sale. Natural resources shall include but not be limited to soapstone, granite, sandstone, asbestos, oil, copper, gold, iron, sand and gravel.

**NEW VEHICLE STORAGE:** An area where new vehicles are parked or stored off-site from the associated vehicle sale, rental and ancillary service establishment. New vehicle storage shall be limited to new automobiles; motorcycles; sport utility vehicles; pick-up trucks; and vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers. New vehicle storage shall not include specialized vehicles such as trucks other than allowed at a vehicle sale, rental and ancillary service establishment; farm and construction machinery or equipment; buses; motor homes, recreational vehicles, trailers and boats of any size; and mobile homes. Such a use shall only be for the parking or storage of vehicles and there shall be no customers or clients to the site, and no sale of vehicles from the site. In addition, there shall be no vehicle preparation on site and no signs shall be displayed on the new vehicles except invoices required by federal or state law.

For purposes of this Ordinance, new vehicle storage shall not be deemed COMMERCIAL OFF-STREET PARKING or a STORAGE YARD.

**NOISE BARRIER:** A solid freestanding fence or wall of metal, masonry, composition or wood or any combination thereof located flush to the ground and which is designed and engineered for noise attenuation purposes.

**NOISE SENSITIVE USE:** Uses whereby noise-induced interruptions to speech and activity must be minimized in order to reduce annoyance and to facilitate the performance of the task associated with the use. Examples of noise sensitive uses shall include but not be limited to sleeping areas, offices, auditoriums and lecture halls.

**NONCONFORMING BUILDING OR USE:** A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning district in which it is located, except as may be qualified by Sect. 15-101 of this Ordinance.

**NURSERY SCHOOL:** Any place operated primarily for the educational instruction for six (6) or more children from two (2) to five (5) years of age at which children two (2) to four (4) years

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of age do not attend in excess of four (4) hours per day and children five (5) years of age do not attend in excess of six and one-half (6 ½) hours per day.

**NURSING FACILITY:** Also known as extended care home, rest home or convalescent home. A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the State, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

**OCCUPANCY LOAD:** The number of individuals normally occupying a building or part thereof, or for which the exitway facilities have been designed.

**OFF-SITE:** Any area outside the boundary of a lot.

**OFF-STREET LOADING SPACE:** See **LOADING SPACE**.

**OFF-STREET PARKING:** See **PARKING, OFF-STREET**.

**OFFICE:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, certified massage therapists in accordance with Chapter 28.1 of The Code, dentists or physicians, urban planners and landscape architects.

In addition, any use shall be deemed an office use which: (a) involves the administration and conduct of investigation, examination or experimentation, but which does not include the operation of laboratory facilities, pilot plants, prototype production, or the assembly, integration, testing, manufacture or production of goods and products on site; or (b) involves prototype production limited to computer software development, demographic and market research, technical or academic consulting services, and data processing facilities. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

**OFFICE, HOME PROFESSIONAL:** See **HOME PROFESSIONAL OFFICE**.

**OFFICE PARK:** A planned, coordinated development of a tract of land with two (2) or more separate office buildings that contain a combined total of at least 30,000 square feet of gross floor area and are occupied by not less than five (5) different tenants. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

**ONE OWNERSHIP:** Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lessee having a term of not less than thirty (30) years.

**ON-SITE:** That area which is within the boundary of a lot.

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**OPAQUE SHIELDING:** The use of material through which light cannot penetrate.

**OPEN SPACE:** That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance 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.

Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 13; provided, however, that the area required for interior parking lot landscaping shall not comprise more than twenty-five (25) percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots. For the purpose of this Ordinance, open space shall include and be qualified as **LANDSCAPED OPEN SPACE, COMMON OPEN SPACE, DEDICATED OPEN SPACE, and USABLE OPEN SPACE**, all as defined herein.

- **OPEN SPACE, COMMON:** All open space within the boundaries of a given lot that is designed and set aside for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands, but are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in Part 7 of Article 2.

- **OPEN SPACE, DEDICATED:** All open space within the boundaries of a given lot which is to be dedicated or conveyed to the County or an appropriate public agency, board or body for public use as open space.

- **OPEN SPACE, LANDSCAPED:** That open space within the boundaries of a given lot that is 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. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space may be either **COMMON** or **DEDICATED OPEN SPACE** as defined herein.

- **OPEN SPACE, USABLE:** That open space within the boundaries of a given lot that is designed for recreational purposes, to include but not to be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, boating docks, walking, bicycle or bridle trails, and shuffleboard courts.

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**OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELD/COURT:** The outdoor playing field/court portion of outdoor recreation/sports facilities shall include, but not be limited to, baseball/softball diamonds, soccer, field hockey, football and lacrosse fields, basketball, volleyball or tennis courts, skating rinks, horse riding rings or show areas, running tracks, swimming pools, golf driving ranges, golf courses, miniature golf courses, go-cart tracks or baseball hitting and archery ranges. The outdoor recreation/sports facility playing field/court area shall not include parking lots, administrative offices, restrooms, ticket sales, concession stands, bleachers or other spectator viewing areas, and other such related facilities.

**OUTLOT:** See LOT, OUTLOT.

**OWNER:** Any person who has legal title to the land in question, or the lessee of the land in question having a remaining term of not less than thirty (30) years.

**PARKING LOT:** An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. For the purpose of Article 13, a parking lot shall consist of the entire surface of the parking lot, vehicular access to the parking lot, loading spaces, drive-through spaces and the exposed surfaces of parking decks; and shall include vehicle display lots, vehicle storage lots and commercial parking lots.

**PARKING, COMMERCIAL OFF-STREET:** An area, other than accessory off-street parking areas as required by the provisions of this Ordinance, where, for a charge or permit, motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

**PARKING, OFF-STREET:** Any space, whether or not required by the provisions of this Ordinance, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress.

**PARKING SPACE:** A designated off-street area which is available and usable for the parking of one (1) motor vehicle. Such space shall be of a size and design as required by the provisions of the Public Facilities Manual.

**PARTIALLY SHIELDED LIGHTING FIXTURE:** See LIGHTING FIXTURE, PARTIALLY SHIELDED.

**PARTICLE VELOCITY:** See definitions under VIBRATION.

**PATIO:** See DECK.

**PAWNSHOP:** An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and barrier requirements.

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**PERSON:** A public or private individual, group, company, firm, corporation, partnership, association, society, joint stock company, or any other combination of human beings whether legal or natural.

**PERSONAL SERVICE ESTABLISHMENT:** Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include, but need not be limited to, the following:

1. Barber shops and beauty salons, which may include a massage establishment in accordance with Chapter 28.1 of The Code.
2. Establishments in which massage is administered to the upper body of a fully clothed client while seated in a chair and/or to the scalp, face, neck, shoulders, arms, hands and or feet.
3. Laundries/laundromats which provide self-service type washing, drying and ironing facilities for the use of retail customers.
4. Cleaning pickup stations, which are establishments where there is no on-site cleaning of garments, articles or goods of fabric and the use consists of drop off and pickup by customers of such articles that are sent to another location for cleaning.
5. Pet grooming establishments.
6. Tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business.

Personal service establishments shall not include offices of physicians, dentists, and veterinarians, garment cleaning establishments or linen or diaper cleaning service establishments.

**PETS, COMMONLY ACCEPTED:** Domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; dogs; cats; domestic chickens, ducks and geese under two (2) months old; birds such as canaries, parakeets, doves and parrots; worm/ant farms; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. The BZA may allow other pets to be kept as commonly accepted pets in accordance with the provisions of Part 9 of Article 8.

**PHASE I ARCHAEOLOGICAL SURVEY:** An archaeological investigation conducted by a qualified archaeological consultant meeting the Professional Qualification Standards established by the Secretary of the Interior to locate and identify archaeological sites in a survey area; to estimate site size and boundaries of the archaeological site; to provide an explanation as to how the estimate was made; and to make recommendations for additional archaeological work or recommendations that no further work is required.

**PHOTOMETRIC DIAGRAM:** A diagram depicting the location of all light poles and building mounted lighting fixtures in a specified area and a numerical grid of the MAINTAINED LIGHTING LEVELS that the fixtures will produce in that specified area.

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**PIPESTEM DRIVEWAY:** A driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

**PIPESTEM LOT:** See LOT, PIPESTEM.

**PLANNED DEVELOPMENT:** Any lot under one ownership to be developed as a single entity and classified as a P district.

**PLANT NURSERY:** An establishment for the propagation, cultivation and growing of nursery stock for gardens, grounds, yards, and indoor use such as trees, plants, shrubs, sod, seeds and vines and the retail sales of such nursery stock and items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides. Limited retail sales of other related items also may be permitted by the Board in accordance with the provisions of Sect. 9-517. Landscape contracting services utilizing nursery stock grown on the property may be permitted as an accessory use to the plant nursery.

For the purpose of this Ordinance, nursery stock grown on the property shall include stock which is grown on the premises and stock which is purchased elsewhere and is grown or maintained on the premises.

Establishments growing nursery stock and retailing nursery stock and other items in the retail commercial districts (C-5 through C-9 Districts) shall be deemed a RETAIL SALES ESTABLISHMENT. The growing and/or maintenance of nursery stock for wholesale sales shall be deemed to be AGRICULTURE.

**PORTABLE SIGN:** See SIGN, PORTABLE.

**PRC PLAN:** A required submission, following the approval of a development plan for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-203, which further details the planned development of the subject lot. For the purpose of this Ordinance, a PRC plan is not to be construed as a site plan as required by the provisions of Article 17.

**PRIMARY HIGHWAY:** See STREET, PRIMARY HIGHWAY.

**PRINCIPAL ARTERIAL STREET:** See STREET, PRINCIPAL ARTERIAL.

**PRINCIPAL BUILDING:** A building in which the primary use of the lot on which the building is located is conducted.

**PRINCIPAL USES:** The main use of land or structures as distinguished from a secondary or accessory use.

**PRIVACY YARD:** See YARD, PRIVACY.

**PRIVATE CLUB:** An association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.



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**PRIVATE STREET:** See STREET, PRIVATE.

**PRO RATA SHARE:** The payment by a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

**PUBLIC BENEFIT ASSOCIATION:** An establishment of a private nonprofit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

**PUBLIC STREET:** See STREET, PUBLIC.

**PUBLIC USE:** Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Fairfax County government under the direct authority of the Board of Supervisors, the Fairfax County School Board or Fairfax County Park Authority, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this Ordinance, uses sponsored by the agencies such as the Fairfax County Water Authority, Social Services Board, Redevelopment and Housing Authority, Economic Development Authority, Juvenile Court and Fairfax-Falls Church Community Services Board shall not be deemed public uses and shall be subject to the applicable Zoning Ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the Fairfax County Board of Supervisors, they shall be deemed public uses.

**PUBLIC UTILITY:** A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

**QUASI-PUBLIC USE:** Any use which is essentially public, as in services rendered, although it is under private ownership or control.

**QUICK-SERVICE FOOD STORE:** Any building, except a service station or service station/mini-mart, which contains less than 5000 square feet of net floor area and which is used for the retail sale of food or food and other items.

**RACEWAY:** A structure or architectural component of a building specifically designed to support and contain a continuous series of signs accessory to a series of tenants occupying space in a given building. Such structures generally traverse the entire length of the building and may be illuminated or constructed of materials so as to be different from the facade of the building.

**REAR YARD:** See YARD, REAR.

**RECYCLING CENTER:** A facility for the collection of nonputrescible recyclable materials which have been separated at their source (source-separated) prior to shipment to others who will

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use those materials to manufacture new products. A recycling center shall be deemed to include a MATERIALS RECOVERY FACILITY as defined by Chapter 109.1 of the Code (Solid Waste Management). A MATERIALS RECOVERY FACILITY is commonly referred to as a “clean” MRF.

**REGIONAL NON-RAIL TRANSIT FACILITIES:** Facilities owned and/or operated by a non-rail transit system that serves only the Washington Standard Metropolitan Statistical Area as defined by the United States Census Bureau or parts thereof, including but not limited to bus storage or maintenance facilities. Regional non-rail transit facilities shall not be deemed to include ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES, ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES or facilities containing only administrative offices operated by a regional non-rail transit facility authority or entity.

**REGIONAL SHOPPING CENTER:** Notwithstanding the provisions of Part 7 of Article 4, a regional shopping center is a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 400,000 square feet or more of net floor area which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under one common ownership or management, or having one common arrangement for the maintenance of the grounds; (c) are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area.

**REMOTE SENSING:** A group of techniques that permit the detection of underground phenomena unobserved by the human eye. REMOTE SENSING employs devices that can obtain readings from materials buried beneath the ground. Examples of REMOTE SENSING devices include proton magnetometers, electronic resistivity meters, ground-penetrating radar, metal detectors and other radar based testing equipment. When REMOTE SENSING gives a positive reading that something is present beneath the soil, GROUND TRUTHING is conducted.

**REPAIR SERVICE ESTABLISHMENT:** Any establishment containing no more than 5000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators, and lawnmowers; or any establishment wherein the primary occupation is interior decorating services which include reupholstering and/or the making of draperies, slipcovers and similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

**REPEAT STATION:** Premises containing reception, amplifying and associated equipment to permit adjustment of electronic signals or retransmission.

**RESOURCE MANAGEMENT AREA (RMA):** As established in accordance with Chapter 118 of The Code, that component of the Chesapeake Bay Preservation Area comprised of lands 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.

**RESOURCE PROTECTION AREA (RPA):** As established in accordance with Chapter 118 of The Code, that component of the Chesapeake Bay Preservation Area comprised of lands adjacent

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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 of the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

RESTAURANT: See EATING ESTABLISHMENT.

RESTAURANT, FAST FOOD: See FAST FOOD RESTAURANT.

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

RETAIL SALES ESTABLISHMENT: Any establishment wherein the primary occupation is the sale of merchandise for use or consumption by the immediate purchaser. This term shall also include establishments such as television and tool rental establishments and photographic and portrait studios. For the purpose of this Ordinance, however, retail sales establishment shall not be deemed to include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS-LARGE, QUICK-SERVICE FOOD STORES, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

RETAIL SALES ESTABLISHMENT-LARGE: Any establishment containing 80,000 square feet or more of gross floor area wherein the primary occupation is the sale of merchandise for the consumption by the immediate purchaser. Additionally, a retail sales establishment-large shall not be deemed to include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

RETREAT HOUSE: An establishment which provides facilities, generally including food and lodging, for group retreat for religious or other study, meditation or instructional purposes.

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

ROAD: See STREET.

ROOMING HOUSE: Any building or portion thereof containing sleeping accommodations for five (5) to twelve (12) persons wherein normally a charge is paid for such accommodations. The term 'rooming house' shall be deemed to include the term 'boarding house', but not motel or other accommodations used for transient occupancy.

SATELLITE EARTH STATION: A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

SCHOOL OF GENERAL EDUCATION: A parochial, private school, boarding school, academy, or a school for the mentally or physically disabled giving regular instruction at least

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five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, but not including (a) a school of special education as defined herein; or (b) a child care center or home child care facility unless conducted as part of a school of general education; or (c) a riding school, however designated.

**SCHOOL OF SPECIAL EDUCATION:** A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a child care center or home child care facility; or (b) a riding school, however designated.

**SEISMOGRAPH:** See definitions under VIBRATION.

**SERVICE DRIVE:** See STREET, SERVICE DRIVE.

**SERVICE STATION:** Buildings and premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made, but only as accessory and incidental to the primary occupation:

1. Sales and servicing of spark plugs, batteries, and distributors, distributor parts and other motor vehicle related items;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;
4. Greasing, lubrication and radiator flushing;
5. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;
6. Emergency wiring repairs;
7. Adjusting and repairing brakes;
8. Provision of road maps and other information material to customers, and provision of restroom facilities;
9. Sales of beverages, snack foods, tobacco products and other retail merchandise, except alcohol beverages, and rental of video tapes and video cassette recorders. The area devoted to such sales shall not exceed 250 square feet of gross floor area, which shall include the cashier's area and space used for the display of sale items, to include cooler space, but not including storage areas.

In addition to the above, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. The use of more than one microwave oven by

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customers for purchased food items; the preparation of food other than hot and cold beverages, donuts and other bakery foods; major mechanical and body work, repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations shall not be permitted.

**SERVICE STATION/MINI-MART:** Building and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair areas. In addition, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. Sales of alcoholic beverages, rental of video tapes and video cassette recorders, and the preparation of food, other than that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code, shall not be permitted; provided, however, that the use of microwave ovens by customers for purchased food items is allowed. A service station with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas, shall be deemed a service station and quick-service food store.

**SETBACK:** In this Ordinance the term setback is not used, as such term represents a distance that is established in like manner as that for a YARD.

**SHAPE FACTOR:** A shape factor is designed to prevent the creation of irregularly shaped lots by providing a measurement by which the compactness and degree of regularity of the shape of a lot can be evaluated. Shape factor (SF) shall be the non-dimensional ratio of the lot perimeter (P) squared, divided by the lot area (A), where P and A are derived from the same unit measurement. Typically the measurement will be provided in feet. The mathematical formula to determine the shape factor of a lot is  $SF = (P^2/A)$ .

**SHOPPING CENTER:** Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership 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 form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

**SHOPPING CENTER, REGIONAL:** See REGIONAL SHOPPING CENTER.

**SHOPPING CENTER, SUPER-REGIONAL:** See SUPER-REGIONAL SHOPPING CENTER.

**SHOVEL TESTING:** Small test excavations, referred to as shovel test pits, measuring approximately eighteen (18) inches in width and excavated to soil levels that have not been disturbed by human activity. Shovel test pits are systematically excavated on a grid system across a site to determine the presence or absence of archaeological resources and are dug according to natural strata.

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**SHRUB:** A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

**SIDE YARD:** See YARD, SIDE.

**SIGN:** Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

1. Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
2. Is visible from the public right-of-way or from adjoining property.
  - **SIGN, BUILDING-MOUNTED:** A sign attached to and deriving its support from a building.
  - **SIGN, FREESTANDING:** A nonmovable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.
  - **SIGN, PORTABLE:** Any sign not permanently affixed to the ground nor to a building, including, but not limited to, a sign that is moveable, such as a sandwich board sign, A-frame sign, gas or hot air-filled displays, balloons or banners.

**SIGNIFICANT ARCHAEOLOGICAL RESOURCES:** Cultural resources which may be eligible for listing in the National Register of Historic Places and/or considered to have public significance as defined by the County's Heritage Resource Management Plan.

**SINGLE FAMILY DWELLING:** See DWELLING, SINGLE FAMILY.

**SITE PLAN:** A required submission, prepared and approved in accordance with the provisions of Article 17, which contains detailed engineering drawings of the proposed uses and improvements required in the development of a given lot. In all Articles of this Ordinance other than Article 17, where the term 'site plan' is used, it shall also include the term 'minor site plan', unless otherwise specifically noted. A site plan is not to be construed as a development plan as required by other provisions of this Ordinance.

**SOIL:** The surface, or surface covering of the land, not including the minerals beneath it or the vegetation upon it.

**SOLID WASTE:** Any material defined as 'solid waste' in Chapter 109.1 of the Code (Solid Waste Management).

**STABLE, RIDING/BOARDING:** A structure and/or use of land where four (4) or more horses or ponies are kept, maintained and/or boarded for profit, or in connection with which saddle horses or ponies are rented to the general public, made available to members of a private club, or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered uses accessory to the use of the premises of a stable.

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STEADY STATE: See definitions under VIBRATION.

STORAGE YARD: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

STORY: That part of any building between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, than that part of the building between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if the ceiling is more than six (6) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or watchman, but no other basement shall be counted as a story.

STREAM VALLEY: Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Board.

STREET: A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

- STREET, ARTERIAL: See STREET, MINOR ARTERIAL and STREET, PRINCIPAL ARTERIAL.

- STREET, COLLECTOR: A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterials to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement. In line with its dual function, there must be continuity in the pattern of these streets.

- STREET, CUL-DE-SAC: See CUL-DE-SAC.

- STREET, FREEWAY/EXPRESSWAY: See STREET, PRINCIPAL ARTERIAL.

- STREET LINE: The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street. (Reference Illustration 3 in Appendix 2)

- STREET, LOCAL: A street which primarily provides direct access to residential, commercial, industrial, or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and usually does not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety. Service to through traffic movement is deliberately discouraged.

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- STREET, MAJOR THOROUGHFARE: A public street including minor arterial, principal arterial, or primary highway, all as defined herein, or those roads, or portions thereof, as set forth in Appendix 8 of this Ordinance.
- STREET, MINOR ARTERIAL: The minor arterial street interconnects and augments the principal arterial street system, and provides service to trips of moderate length at a somewhat lower level of travel mobility than a principal arterial. Such a street also serves intra-urban trips between smaller geographic areas than those associated with the higher system and may carry local bus routes providing intra-community continuity. It may also function as a principal arterial street when sufficient capacity is not provided on the principal arterial system. Ideally, a minor arterial street does not penetrate identifiable neighborhoods, and the facility is designed with greater emphasis on traffic movement or services than on providing access to abutting land.
- STREET, PRIMARY HIGHWAY: Any street so classified by the Virginia Department of Transportation, bearing a route number less than 600. Primary highways shall not include interstate highways.
- STREET, PRINCIPAL ARTERIAL: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass a central city. Significant intra-area travel and important intra-urban and intercity bus services are served by this class of street. Because of the nature of travel served by a principal arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways and expressways. On a principal arterial street, the concept of service to the abutting land is subordinate to the provision of travel service to major traffic movements.
- STREET, PRIVATE: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of Part 3 of Article 11.
- STREET, PUBLIC: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.
- STREET, SECONDARY HIGHWAY: Any street so classified by the Virginia Department of Transportation, bearing a route number of 600 or greater.
- STREET, SERVICE DRIVE: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate County authorities and the Virginia Department of Transportation.
- STREET, TRAVEL LANE: A right-of-way, commonly but not always located on the front of a lot, providing access from one lot to another, and serving the same function as a service drive, although not necessarily a public street.



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**STRUCTURE:** That which is built or constructed. The term 'structure' shall be construed as though followed by the word 'or parts thereof'. For purposes of applying the floodplain regulations contained in Part 9 of Article 2, a STRUCTURE shall be based on the definition contained in Sect. 2-906.

**STRUCTURAL ALTERATION:** A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**SUBDIVIDER:** Any person who subdivides land pursuant to Chapter 101 of The Code, The Subdivision Ordinance.

**SUBDIVISION:** The land subdivided as defined in Chapter 101 of The Code, The Subdivision Ordinance, and when appropriate to the context, the process of subdividing or resubdividing.

- **SUBDIVISION, CLUSTER:** An alternate means of subdividing a lot in the R-C through R-4 Districts premised on the concept of reducing lot size requirements for the provision of common open space within the development, all in accordance with the provisions of Sections 2-421 and 9-615 as applicable.

- **SUBDIVISION, CONVENTIONAL:** The subdivision of a lot in the R-E through R-4 Districts in accordance with the lot size requirements and bulk regulations specified in the district regulations.

**SUBSTANTIAL CONFORMANCE:** Substantial conformance shall be as determined by the Zoning Administrator upon consideration of the record and shall mean that conformance which leaves a reasonable margin for minor modification provided that:

- such modification is consistent with and does not materially alter the character of the approved development including the uses, layout and relationship to adjacent properties depicted on the approved special permit plat, special exception plat, conceptual development plan, final development plan, development plan, or proffered generalized development plan;

- such modification is consistent with any proffered or imposed conditions that govern development of the site; and,

- such modification is in accordance with the requirements of this Ordinance.

**SUPER-REGIONAL SHOPPING CENTER:** Notwithstanding the provisions of Part 9 of Article 4, a super-regional shopping center is a group of commercial enterprises offering a range of retail commercial goods and services in an aggregate of 1,400,000 square feet or more of gross floor area which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under one common ownership or management, or having one common arrangement for the maintenance of the grounds; (c) are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area.

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**SURVEYOR:** See LAND SURVEYOR.

**TELECOMMUNICATION:** A process that permits the passage of information from a sender to one or more receivers in a usable form, such as printed copy, fixed or moving pictures, and visible or audible signals, by means of any electromagnetic system, such as electrical transmission by wire or radio. This includes such uses as telegraphy and telephone.

**TELECOMMUNICATION CENTRAL OFFICE:** A switching center for interconnecting the lines which terminate therein. Also called a telephone or telegraph exchange or a telephone dial center.

**TEMPORARY FAMILY HEALTH CARE STRUCTURE:** A transportable residential structure that is permitted by Sect. 15.2-2292.1 of the *Code of Virginia*, is primarily assembled at a location other than its site of installation, is accessory to a single family detached dwelling, and provides an environment that facilitates a caregiver's provision of care for a mentally or physically impaired person.

**TEMPORARY PORTABLE STORAGE CONTAINER:** A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

**THEATRE:** A building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theatre shall be deemed an EATING ESTABLISHMENT, and a drive-in motion picture theatre and an adult mini motion picture theatre shall be deemed separate and distinct uses.

**TRANSMISSION PIPELINE:** A transmission line that transports gas as defined in the Code of Federal Regulations, Title 49, Sect. 192.3 and/or pipelines used for transportation of hazardous liquids as defined in Code of Federal Regulations, Title 49, Sect. 195.2.

**TRANSMISSION TOWER:** A lattice-type structure, guyed or self-supporting, used to support antennas or other utility equipment. Also called a communications tower, radio tower or utility tower.

**TRAVEL LANE:** See STREET, TRAVEL LANE.

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

**TREE:** Any self-supporting woody plant which visually produces one main trunk, and a more or less distinct and elevated head with many branches that typically reach at least fifteen (15) feet in maturity.

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**TREE CONSERVATION:** Tree conservation incorporates both tree preservation and tree planting efforts and as required by Chapter 122 of the Code and the Public Facilities Manual.

**TRUCK RENTAL ESTABLISHMENT:** Building and premises for the rental and ancillary minor servicing of truck, utility trailers and related items generally used by persons to move their personal and household belongings. Such trucks and trailers shall be limited to those vehicles which have only two (2) axles, which have a maximum box length of seventeen (17) feet, are no more than twelve (12) feet in height and which do not require a commercial driver's license to operate.

**USABLE OPEN SPACE:** See OPEN SPACE, USABLE.

**USE:** Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

**USE, ACCESSORY:** See ACCESSORY USE.

**USE, PUBLIC:** See PUBLIC USE.

**UTILITY DISTRIBUTION OR TRANSMISSION POLE:** A utility distribution or transmission pole is a ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution lines and antennas to a suitable height, whose primary function is the support of wires, conductors and associated apparatus used for the distribution of electrical energy and/or land line communication signals.

**UTILITY TRANSMISSION EASEMENT:** A utility easement or right-of-way which contains utility distribution or transmission poles, and/or transmission towers used for utility transmission as approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

**VEHICLE LIGHT SERVICE ESTABLISHMENT:** Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiperblades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

**VEHICLE MAJOR SERVICE ESTABLISHMENT:** Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service

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establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS.

VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT: Buildings and premises for the sale, rental and ancillary service of vehicles in operating condition such as:

1. Automobiles, motorcycles, and pick-up trucks;
2. Vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers;
3. Boats such as outboard motor boats, canoes, Sunfishes and other similar-sized boats.

For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS; however, specialized vehicles such as motor homes, campers and boat trailers with a length of no greater than seventeen (17) feet may be sold, rented and serviced as an ancillary use.

VEHICLE TRANSPORTATION SERVICE ESTABLISHMENT: Buildings and premises for “for hire” chauffeured transportation services involving the storage and dispatch of taxicabs, limousines, executive sedans, ambulances, passenger vans, or other similar vehicles, administrative offices and the ancillary servicing and maintenance of company vehicles. For the purpose of this Ordinance, vehicle transportation service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS, or VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

VETERINARY HOSPITAL: A facility rendering surgical and medical treatment to animals. Crematory facilities shall not be allowed in a veterinary hospital.

VIBRATION: A reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

The following terms are defined as they relate to the provisions of Part 8 of Article 14:

- ACCELERATION: The rate of change of particle velocity.
- AMPLITUDE: The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.
- DISPLACEMENT: The amount of motion involved in earthborn vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (1/2) of the total excursion for a steady state vibration. Displacement is usually reported in inches or decimal fractions of an inch.
- FREQUENCY: The number of times that a displacement completely repeats itself in one second of time. Frequency is designated in hertz (Hz).

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- **IMPACT:** An earthborn vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.
- **PARTICLE VELOCITY:** A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor of 6.28. The particle velocity will be inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.
- **SEISMOGRAPH:** An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure amplitude and frequency, particle, velocity, or acceleration.
- **STEADY STATE:** A vibration which is continuous, as from a fan, compressor, or motor.

**WAREHOUSING ESTABLISHMENT:** A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance where a warehousing establishment is permitted a MINI-WAREHOUSING ESTABLISHMENT shall also be permitted.

**WATER SUPPLY RESERVOIR:** Any body of water which has been impounded in order to provide a source of water for distribution by a public water supply agency.

**WAYSIDE STAND:** A temporary structure and/or use of land designed for the display and sale of agriculture products, with no space for customers within the structure itself, subject to the provisions of Part 1 of Article 10. For the purpose of this Ordinance, a tent may not be used as a wayside stand.

**WETLANDS:** See Chapter 116 of The Code for definitions.

**WHOLESALE SALES:** The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

**WHOLESALE TRADE ESTABLISHMENT:** Any establishment for the sale of merchandise in gross for resale, and any establishment for the sale of merchandise principally to institutional, commercial, contractors and industrial users, but not including retail sales to the general public except as a subordinate ancillary activity and any display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

**WIDTH, LOT:** See LOT, WIDTH.

**YARD:** Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

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For the purpose of this Ordinance, there shall be a distinction between 'yard' and 'minimum yard required'. The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

- YARD, FRONT: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in Sect. 2-413 for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley.

On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of Sect. 2-416.

- YARD, PRIVACY: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

- YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

On a corner lot, the rear yard shall be that yard on the opposite side of the building from the front lot line, which extends from the front yard line on the one side to the opposite side lot line. Where corner lots are designed for single family detached dwellings in the R-E through R-8 Districts, the rear yard may be of such minimum dimension as the side yard requirements for that district. (Reference Illustration 3 in Appendix 2)

- YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. (Reference Illustration 3 in Appendix 2)

**ZONING COMPLIANCE LETTER:** A letter by the Zoning Administrator or agent which provides the applicable zoning of a lot, to include: any approved proffered conditions, development conditions or other zoning approvals; whether any existing development on a lot is in accordance with the Zoning Ordinance; and/or whether there are any pending zoning applications or zoning violations on a lot. For purposes of this Ordinance, a request for a determination under Sect. 2-405 or for a Residential or Non-Residential Use Permit shall not be deemed a zoning compliance letter.

**ZOOLOGICAL PARK:** A facility in which livestock, farm animals and other animals, such as buffalo, bison, llamas and alpacas, are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related uses and activities such as gift shops, picnic areas and recreational activities. In addition, the keeping of all animals including wild or exotic animals as defined in Chapter 41.1 of The Code may be permitted with the approval of the Director of Animal Control in accordance with the provisions of Sect. 6-106 or Sect. 8-612. For the purpose of this Ordinance, zoological park shall not include retail pet stores, kennels, riding or boarding stables, horse or dog shows, horse races, and such activities as State and County

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fairs, livestock shows, rodeos, field trials, coursing events, or any other fairs or exhibitions intended to advance agricultural arts and sciences.