

# Article 18 | Definitions

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## Contents of Article

Sec. 18.1 Terms Defined .....	18-6
18.1.1 Abattoir .....	18-6
18.1.2 Abut.....	18-6
18.1.3 Accessory Building .....	18-6
18.1.4 Accessory Use.....	18-6
18.1.5 Accessory Dwelling.....	18-6
18.1.5.1 Adult Day Care Center .....	18-6
18.1.6 Amend or Amendment.....	18-6
18.1.7 Antenna .....	18-6
18.1.8 Application, Active .....	18-7
18.1.9 Application, Inactive.....	18-7
18.1.10 Application, Reactivated .....	18-7
18.1.11 Arts Center .....	18-7
18.1.12 Assisted Living Residences .....	18-7
18.1.12.1 Auditorium.....	18-7
18.1.13 Automobile Graveyard .....	18-7
18.1.14 Bank .....	18-7
18.1.15 Reserved .....	18-8
18.1.16 Bed and Breakfast .....	18-8
18.1.17 Berm.....	18-8
18.1.18 Best Management Practices (BMP's).....	18-8
18.1.18.1 Boarding House/Transient Lodging.....	18-8
18.1.19 Block.....	18-8
18.1.20 Bowling Alley .....	18-8
18.1.20.1 Brewpub .....	18-8
18.1.21 Buffer.....	18-8
18.1.21.1 Buffer-Yard .....	18-8
18.1.22 Buildable Area .....	18-9
18.1.23 Building.....	18-9
18.1.24 Building Footprint.....	18-9
18.1.25 Building/Structure, Principal.....	18-9
18.1.26 Caliper .....	18-9
18.1.27 Car Wash .....	18-9
18.1.27.1 Cattery.....	18-9
18.1.28 Cemetery.....	18-9
18.1.29 Child Care Center .....	18-9
18.1.30 Club.....	18-10
18.1.31 Cluster Development.....	18-10
18.1.31.1 Commercial Bakery or Kitchen .....	18-10
18.1.32 Commuter Parking Lot.....	18-10
18.1.33 College or University.....	18-10
18.1.33.1 Community Center, Senior Center.....	18-10
18.1.34 Community Retail Commercial.....	18-10
18.1.35 Concept Plan .....	18-10
18.1.36 Condominium .....	18-10
18.1.37 Conference Center .....	18-11
18.1.38 Contiguous .....	18-11

18.1.39 Convenience Food Store .....	18-11
18.1.39.1 Dedicated Root Zone (DRZ).....	18-11
18.1.39.2 Dedicated School Site .....	18-11
18.1.40 Country Club.....	18-11
18.1.40.1 Dance Studio.....	18-11
18.1.41 Design and Construction Standards Manual .....	18-11
18.1.41.1 Diameter Breast Height (DBH) .....	18-11
18.1.42 Diagnostic Laboratory.....	18-11
18.1.42.1 Distillery .....	18-11
18.1.43 Distribution Facility.....	18-11
18.1.43.1 Distributed Antenna Systems (DAS).....	18-12
18.1.44 Dog Park .....	18-12
18.1.45 Dormitory .....	18-12
18.1.46 Drip Line .....	18-12
18.1.47 Drive or Driveway .....	18-12
18.1.48 Drive-in Facility .....	18-12
18.1.49 Duplex, Vertical .....	18-12
18.1.50 Duplex, Horizontal .....	18-12
18.1.51 Dustless Surface.....	18-13
18.1.52 Dwelling Unit.....	18-13
18.1.53 Easement .....	18-13
18.1.54 Eating Establishment.....	18-13
18.1.55 Eating Establishment, Fast-food .....	18-13
18.1.56 Elderly Housing .....	18-14
18.1.57 Electronic Data Storage Center .....	18-14
18.1.58 Emergency Care Facility.....	18-14
18.1.59 Emergency Shelter .....	18-14
18.1.59.1 Event Rental .....	18-14
18.1.59.2 Exercise Studio .....	18-14
18.1.60 Extended Family Residence .....	18-15
18.1.60.1 Fair.....	18-15
18.1.61 Family.....	18-15
18.1.61.1 Family Day Home.....	18-15
18.1.62 Farmers Market .....	18-16
18.1.63 Farming .....	18-16
18.1.64 Fire and/or Rescue Facility .....	18-16
18.1.64.1 Flex Industrial/Business Park .....	18-16
18.1.65 Food Pushcart .....	18-16
18.1.65.1 Food Trailer .....	18-16
18.1.65.2 Food Truck .....	18-16
18.1.66 Reserved .....	18-16
18.1.66.1 Fleet Storage, Public .....	18-16
18.1.66.2 Fleet Vehicle, Public .....	18-16
18.1.67 Floor Area, Gross .....	18-17
18.1.68 Floor Area Ratio (FAR).....	18-17
18.1.69 Funeral Home.....	18-17
18.1.70 Garage .....	18-17
18.1.70.1 Healthy and Structurally Sound Conditions (40% rule).....	18-17
18.1.71 Golf Driving Range .....	18-17
18.1.72 Golf Course .....	18-17
18.1.73 Grade .....	18-17

18.1.74 Group Home .....	18-17
18.1.75 Hedge .....	18-18
18.1.76 Height, Building .....	18-18
18.1.77 Heliport .....	18-18
18.1.78 Reserved .....	18-18
18.1.79 Home Improvement Center .....	18-18
18.1.80 Home Occupation .....	18-18
18.1.81 Homeowners' Association .....	18-18
18.1.82 Hospital .....	18-18
18.1.83 Hotel .....	18-18
18.1.84 Industrial, Flex .....	18-19
18.1.84.1 Industrial, Light .....	18-19
18.1.85 Infill .....	18-19
18.1.85.1 Landscape Plan .....	18-19
18.1.86 Inn .....	18-19
18.1.87 Inoperable Vehicle .....	18-19
18.1.88 Kennel .....	18-19
18.1.88.1 Kitchen, Accessory .....	18-19
18.1.88.2 Kitchen .....	18-19
18.1.89 Library .....	18-19
18.1.90 Land Development Official .....	18-20
18.1.91 Landscape Contractor .....	18-20
18.1.92 Lot .....	18-20
18.1.93 Lot Area .....	18-20
18.1.94 Lot, Corner .....	18-20
18.1.95 Lot, Double Frontage (Through) .....	18-20
18.1.96 Lot, Interior .....	18-20
18.1.97 Lot, Reverse Frontage .....	18-20
18.1.98 Lot Depth .....	18-20
18.1.99 Lot of Record .....	18-20
18.1.100 Lot Width .....	18-20
18.1.101 Lumber and/or Building Material Sales Facility .....	18-20
18.1.102 Mailing Service .....	18-20
18.1.103 Manufactured Home (Mobile Home) .....	18-21
18.1.104 Media Studio .....	18-21
18.1.104.1 Microbrewery .....	18-21
18.1.105 Mini-Warehouse Facility .....	18-21
18.1.106 Mixed Use .....	18-21
18.1.106.1 Mobile Food Unit .....	18-21
18.1.107 Model Home .....	18-21
18.1.108 Monopole .....	18-21
18.1.109 Motel .....	18-21
18.1.110 Multi-Family Dwelling .....	18-22
18.1.110.1 Mural .....	18-22
18.1.111 Museum .....	18-22
18.1.112 Neighborhood .....	18-22
18.1.112.1 Nursery Tree Stock .....	18-22
18.1.113 Neighborhood Retail Convenience Center .....	18-22
18.1.114 Net Acreage .....	18-22
18.1.115 Nonconforming Lot .....	18-22
18.1.116 Nonconforming Structure .....	18-22

18.1.117 Nonconforming Use .....	18-22
18.1.118 Nuisance .....	18-23
18.1.119 Nursery .....	18-23
18.1.120 Nursing Home .....	18-23
18.1.120.1 Occupancy, Residential .....	18-23
18.1.120.2 Occupant .....	18-23
18.1.121 Office .....	18-23
18.1.122 Off-Site .....	18-23
18.1.123 On-Site .....	18-23
18.1.124 Open Space .....	18-23
18.1.125 Open Space, Common .....	18-23
18.1.126 Open Space, Public .....	18-24
18.1.127 Outdoor Storage Area .....	18-24
18.1.128 Overlay District .....	18-24
18.1.129 Outdoor/Indoor Vehicle Auction .....	18-24
18.1.129.1 Pad Site .....	18-24
18.1.130 Parcel .....	18-24
18.1.131 Parking, Off-Site .....	18-24
18.1.132 Parking Lot .....	18-24
18.1.133 Parking Space, Off-Site .....	18-24
18.1.134 Parking Structure, Public .....	18-24
18.1.135 Parking Structure, Private .....	18-24
18.1.136 Party Wall .....	18-24
18.1.137 Performance Bond .....	18-25
18.1.138 Permitted Use .....	18-25
18.1.139 Pharmacy .....	18-25
18.1.140 Reserved .....	18-25
18.1.141 Place of Worship .....	18-25
18.1.142 Planned Development .....	18-25
18.1.143 Planning Commission or Commission .....	18-25
18.1.144 Plant .....	18-25
18.1.145 Plat .....	18-25
18.1.146 United States Postal Service .....	18-25
18.1.147 Principal Use .....	18-25
18.1.148 Printing and/or Publication .....	18-25
18.1.149 Private Accessway .....	18-25
18.1.150 Problem Soils .....	18-26
18.1.150.1 Production .....	18-26
18.1.151 Profile .....	18-26
18.1.152 Public Hearing .....	18-26
18.1.153 Public Utility, Major .....	18-26
18.1.154 Public Utility, Minor .....	18-26
18.1.155 Real Property .....	18-26
18.1.156 Recreation Facility .....	18-26
18.1.157 Research & Development .....	18-26
18.1.158 Retail Center .....	18-27
18.1.159 Retail Use .....	18-27
18.1.159.1 Seedling .....	18-27
18.1.160 Rezoning .....	18-27
18.1.161 Right-of-way .....	18-27
18.1.162 School, General Education .....	18-27

18.1.163 School, Public.....	18-27
18.1.164 School, Special Instruction.....	18-27
18.1.165 School, Technical .....	18-27
18.1.166 Screening .....	18-27
18.1.166.1 Seasonal weather enclosure .....	18-27
18.1.166.2 Shade Structure.....	18-28
18.1.167 Shopping Center.....	18-28
18.1.168 Services, Personal.....	18-28
18.1.169 Service Station .....	18-28
18.1.170 Setback .....	18-29
18.1.171 Single-Family Detached Dwelling .....	18-29
18.1.172 Single-Family Attached (Townhouse) Dwelling .....	18-29
18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling .....	18-29
18.1.173 Site Plan Waiver .....	18-29
18.1.174 Slope .....	18-29
18.1.174.1 Small Cell.....	18-29
18.1.175 Special Exception .....	18-29
18.1.176 Stable .....	18-30
18.1.177 State.....	18-30
18.1.178 Steep Slopes .....	18-30
18.1.179 Street.....	18-30
18.1.180 Structure.....	18-30
18.1.181 Structure, Accessory.....	18-30
18.1.182 Structural Alteration .....	18-30
18.1.182.1 Tree Canopy .....	18-30
18.1.182.2 Tree Canopy Fund .....	18-30
18.1.182.3 Tree Management Reports.....	18-30
18.1.182.4 Tree Preservation.....	18-30
18.1.183 Subdivision and Land Development Regulations (SLDR) .....	18-31
18.1.184 Telecommunications Use and/or Structure .....	18-31
18.1.185 Temporary Commuter Parking Lot.....	18-31
18.1.186 Temporary Mobile/Land-Based Telecommunication Testing.....	18-31
18.1.187 Temporary Portable Storage Unit .....	18-31
18.1.188 Temporary Use.....	18-31
18.1.189 Tent .....	18-31
18.1.190 Theater, Indoor .....	18-31
18.1.190.1 Tool or Equipment Rental Establishment.....	18-32
18.1.191 Town.....	18-32
18.1.192 <i>Town Plan</i> .....	18-32
18.1.192.1 Trade Contractor .....	18-32
18.1.193 Transmission Tower .....	18-32
18.1.194 Tree.....	18-32
18.1.195 Urban Forester (Arborist).....	18-32
18.1.196 Vacant Land .....	18-32
18.1.197 Vehicle Sales and/or Rental Facility.....	18-32
18.1.198 Vehicle and/or Equipment Service Facility .....	18-32
18.1.199 Veterinary Hospital .....	18-32
18.1.200 Warehouse .....	18-33
18.1.201 Wayside Bus Station.....	18-33
18.1.202 Wayside Stand .....	18-33
18.1.203 Wetlands.....	18-33

18.1.203.1 Wholesale Sales/Showroom.....	18-33
18.1.204 Yard.....	18-33
18.1.205 Yard, Front.....	18-33
18.1.206 Yard, Rear .....	18-33
18.1.207 Yard, Required .....	18-33
18.1.208 Yard, Side.....	18-33
18.1.209 Zero Lot Line Development.....	18-33
18.1.210 Zero Lot Line Dwelling .....	18-34
18.1.211 Zoning Administrator.....	18-34
18.1.212 Zoning Permit .....	18-34
18.1.213 Zoning District.....	18-34

## Sec. 18.1 Terms Defined

### 18.1.1 Abattoir

A facility where animals are killed for food; slaughterhouse.

### 18.1.2 Abut

Same as “contiguous.”

### 18.1.3 Accessory Building

A subordinate building of no more than 1,200 square feet, the non-residential use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building.

### 18.1.4 Accessory Use

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

### 18.1.5 Accessory Dwelling

A dwelling or apartment within or detached from the principal dwelling of no more than 900 square feet, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

#### 18.1.5.1 Adult Day Care Center

A nonresidential facility, subject to Title 63.2 Welfare (Social Services) of the Code of Virginia, as amended, and licensed by the Virginia Department of Social Services, that provides a variety of health, social, and related support services in a protective setting during part of the day for four or more aged, infirmed, or disabled adults who reside elsewhere.

### 18.1.6 Amend or Amendment

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

### 18.1.7 Antenna

Any structure or devise 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.

### **18.1.8 Application, Active**

Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Site Plan application, which has been officially accepted by the Town and which is not an inactive application or has not been withdrawn or has not received a final decision.

### **18.1.9 Application, Inactive**

Any Zoning Map Amendment application, Zoning Modification application or Concept Plan Amendment application officially accepted by the Town for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of twelve months, or any Special Exception application, Site Plan application, Preliminary or Final Record Plat application officially accepted by the Town for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.

### **18.1.10 Application, Reactivated**

Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Site Plan application which was classified as inactive which the applicant subsequently notifies the Town in writing of their desire to have the application brought to final decision.

### **18.1.11 Arts Center**

A facility for the provision of instruction in fine and applied arts such as painting, print-making, sculpture, textiles and glass-making. Such facilities may include leasable studio space on the premises, as well as areas for the exhibition and sale of art work.

### **18.1.12 Assisted Living Residences**

A type of adult care residence licensed by the Virginia Department of Social Services which provides a level of non-medical supportive service for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living.

#### **18.1.12.1 Auditorium**

A fully enclosed facility to be used primarily for spectator sports, sports tournaments, athletic training and instruction, and recreation. Ancillary uses may include public assembly special events (such as civic, educational, political, religious, social or entertainment events, conventions or trade shows), and retail sales (such as a pro shop), and food concessions.

### **18.1.13 Automobile Graveyard**

Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

### **18.1.14 Bank**

Any establishment, including an unmanned bank teller machine(s), wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies. Any drive-in automatic teller machine(s) not ancillary to a bank or any bank having a drive-in window(s) or drive-in automatic bank teller machine(s) shall be deemed a drive-in facility as defined herein.

### **18.1.15 Reserved**

### **18.1.16 Bed and Breakfast**

Overnight accommodations and a morning meal provided in a single family detached residence that is owner or manager occupied, in which five (5) or fewer rooms without cooking facilities are rented to transient guests. Bed and Breakfast located in a commercial zoning district may have weddings, receptions and business meetings as an ancillary use.

### **18.1.17 Berm**

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

### **18.1.18 Best Management Practices (BMP's)**

Methods that are determined by the State to be the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with established water quality goals and further defined in the Loudoun County Facilities Standards Manual (FSM). Non-point source pollution is carried in runoff that cannot be traced to a specific source and whose point of entry into the stream cannot be determined.

#### **18.1.18.1 Boarding House/Transient Lodging**

Any building other than a hotel, bed and breakfast, motel, and commercial inn where for compensation or by prearrangement for definite periods, lodging, lodging and meals, or meals are provided on a commercial basis for four (4) or more non-related persons.

### **18.1.19 Block**

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

### **18.1.20 Bowling Alley**

In-door facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

#### **18.1.20.1 Brewpub**

A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (or 15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons/barrel) per year. The area used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the use.

### **18.1.21 Buffer**

Landscaping, fences, berms, walls or similar barriers or borders used to visibly separate one use from another or to shield or block noise or other nuisances.

#### **18.1.21.1 Buffer-Yard**

Buffer-yards are the combination of buffer plus screening required to physically separate and to obscure the view of adjoining land uses. Buffer-yards shall not be used for the

storage of materials, buildings, parking or loading areas for motor vehicles or equipment or signs. Driveway entrances and entrances connecting adjacent parking lots or developments may intersect the required buffer-yard. See Sections 18.1.21 Buffer and 18.1.166 Screening for definitions.

**18.1.22 Buildable Area**

The area of the lot remaining after required yards have been provided.

**18.1.23 Building**

A structure having one or more stories and a roof, designed primarily for shelter of persons, animals, or property of any kind.

**18.1.24 Building Footprint**

The area on the ground surface covered by the building.

**18.1.25 Building/Structure, Principal**

A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

**18.1.26 Caliper**

The diameter of a tree trunk measured six (6) inches above the ground level for nursery stock that is less than four (4) inches in diameter and twelve (12) inches above ground for larger sizes.

**18.1.27 Car Wash**

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

**18.1.27.1 Cattery**

Any place or establishment, located within a fully enclosed structure, in which cats are kept or boarded for a fee.

**18.1.28 Cemetery**

Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

**18.1.29 Child Care Center**

An establishment which is licensed or approved to operate as a child care center in the Commonwealth of Virginia by the Virginia Department of Social Services, that enrolls two or more children under the age of 13 in a facility that is not the residence of the provider, or of any of the children in care, or 13 or more children at any location for whose care tuition, fees or other forms of compensation are charged. A child care center may include nursery schools, kindergartens. Other facilities for which the purpose is primarily educational, recreational or medical treatments that are not exempt from licensure by the Virginia Department of Social Services, and child day centers operated by religious institutions exempt from licensure are considered Child Care Centers.

### **18.1.30 Club**

A facility where the principal purpose is for members of associations or organizations, such as but not limited to fraternal organizations, to meet to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. "Club" shall not include night clubs or other institutions operated as a business.

### **18.1.31 Cluster Development**

An alternate means of developing a lot in the R-2, R-4, R-6, and R-8 Districts premised on the concept of design that preserves and protects sensitive natural or man-made features. Cluster development permits a reduction in lot area, yard and bulk requirements as described in Section 10.3.1 in exchange for creating common open space within the cluster.

#### **18.1.31.1 Commercial Bakery or Kitchen**

An establishment designed for individual or shared baking, preparation, and/or cooking of food intended primarily for off-site consumption or sales.

### **18.1.32 Commuter Parking Lot**

An off-street area surfaced and improved for the parking, on a daily basis but not for the storage of vehicles for twenty-four (24) hours or longer, established in conjunction with mass transit arrangements and carpooling programs.

### **18.1.33 College or University**

An institution of higher education authorized by the State to award associate, baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For other educational institutions refer to definition of "school."

#### **18.1.33.1 Community Center, Senior Center**

A publicly or privately owned facility used for providing cultural, social, educational, or recreational programs and activities for members of the population that are age sixty (60) or older.

### **18.1.34 Community Retail Commercial**

Retail commercial and service uses oriented to serve several neighborhoods which typically include neighborhood retail commercial uses that may include, but are not limited to, a variety department store, florist, milliner, furniture store, radio and television repair shop, shoe store, gift shop, liquor store, men's and women's clothing stores, book store, toy store and movie theater.

### **18.1.35 Concept Plan**

The plans, maps, writings, and other documents that describe a planned development for purposes of approving the concept plan and amending the *Town Plan*.

### **18.1.36 Condominium**

A form of Real Property ownership whereby a building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An owners association is organized for the purpose of maintaining, administering and operating the common areas and facilities. Condominium shall not mean any particular type of dwelling or unit.

**18.1.37 Conference Center**

A facility to accommodate conventions, large meetings, trade shows and similar events. There may be accommodations for sleeping, eating and recreation as part of the facility.

**18.1.38 Contiguous**

To physically touch or border upon; or to share a common property line or border or to be located immediately across the street.

**18.1.39 Convenience Food Store**

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

**18.1.39.1 Dedicated Root Zone (DRZ)**

Portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. It will be calculated as 1 inch of trunk diameter will equal 1 foot of DRZ radius.

**18.1.39.2 Dedicated School Site**

Property which has been conveyed to a public or private entity for the purpose of a school use.

**18.1.40 Country Club**

Facility providing recreational facilities, including a clubhouse, golf course and other recreation facilities, open only to members and their guests for a membership fee.

**18.1.40.1 Dance Studio**

A commercial establishment where people pay a fee to learn how to dance.

**18.1.41 Design and Construction Standards Manual**

Guidelines and standards for the design and construction of public facilities within the Town limits, as adopted by the town.

**18.1.41.1 Diameter Breast Height (DBH)**

Diameter will be measured at the height of 54 inches from the base of the trunk or as otherwise allowed in the guide of Plant Appraisal.

**18.1.42 Diagnostic Laboratory**

Facility for examining and testing blood, tissue, and other samples for purposes of determining the nature, condition and treatment of a disease or injury.

**18.1.42.1 Distillery**

A site devoted to the production, warehousing, and distribution of alcohol or spirits.

**18.1.43 Distribution Facility**

An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term

“Distribution Facility” shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

**18.1.43.1 Distributed Antenna Systems (DAS)**

A low-power centralized baseband that is pooled across a large number of spatially separated antenna nodes that provides wireless service within a discrete geographic area, or structure, where wireless service is degraded due to geography, foliage or structure interference such nodes are typically located on existing infrastructure such as utility/telephone poles, street lamps or traffic signal poles. Except when deployed in an interior building, i.e., in an iDAS application, stealth or camouflage deployments in faux exterior building additions will not be considered interior antenna deployments. All applicable regulations pertaining to such exterior installations shall apply.

**18.1.44 Dog Park**

A dog park is a contained public area where dog owners may allow their dogs to run off-leash. A dog park must be located on publicly owned or leased land and is not intended as a private commercial use.

**18.1.45 Dormitory**

A structure providing living accommodations for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, hospital or other similar institutional use.

**18.1.46 Drip Line**

An imaginary vertical line extending downward to the ground for the outermost edge of the tree canopy.

**18.1.47 Drive or Driveway**

An area specifically designated and designed for vehicular access to a residential lot.

- A. Pipestem Driveway:** Vehicular access constructed on the stem or stems of a pipestem lot or lots.
- B. Common Driveway:** Vehicular access to single-family detached lots constructed on ground of common ownership.
- C. Private Driveway:** Vehicular access constructed entirely within the limits of one lot for use only by that lot and which may connect to a street, pipestem driveway, common driveway or common parking court.

**18.1.48 Drive-in Facility**

A facility or portion thereof, which by design, physical features, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

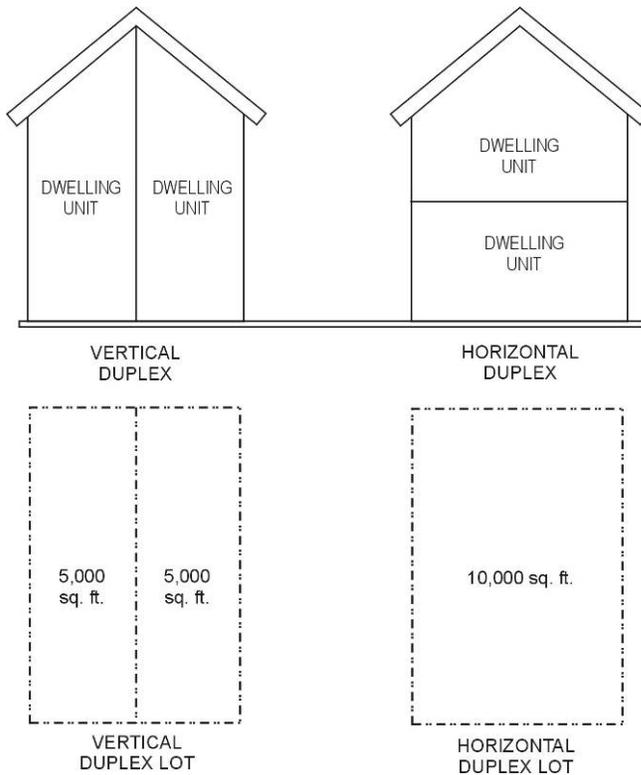
**18.1.49 Duplex, Vertical**

A building containing two (2) separate dwelling units that are constructed with a common party wall or abutting walls and with each dwelling unit located on its own separate lot.

**18.1.50 Duplex, Horizontal**

The use of a single lot for two (2) dwelling units that are contained within a single building.

### Duplex Types



#### 18.1.51 Dustless Surface

A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Town and to be maintained in good condition at all times.

#### 18.1.52 Dwelling Unit

A single unit providing complete, independent living facilities for a single family, including provisions for living, sleeping, eating and sanitation.

#### 18.1.53 Easement

A right created by an express or implied agreement of one owner of land to make lawful and beneficial use of the land of another for a special purpose not inconsistent with any other uses already being made of the land.

#### 18.1.54 Eating Establishment

Establishment in which the principal use is the sale of food and beverages for dining on the premises.

#### 18.1.55 Eating Establishment, Fast-food

Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a 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:

- A. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- B. 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.
- C. Forty-five percent (45%) 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.
- D. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility.

#### **18.1.56 Elderly Housing**

A structure containing multi-family dwelling units where the occupancy of the dwellings are restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older and which meets the Fair Housing Amendments Act of 1988 for elderly housing. Such a structure may consist of individual dwelling units, community dining areas, common recreation areas, special support services and limited medical or nursing care.

#### **18.1.57 Electronic Data Storage Center**

A work site used as a facility for the storage of and the operation of computer hardware, equipment for processing, storage and/or routing of electronic data.

#### **18.1.58 Emergency Care Facility**

A facility staffed by medical professionals exclusively for short-term treatment of injury or illness on an out-patient basis.

#### **18.1.59 Emergency Shelter**

Facilities providing shelter to people within the Town of Leesburg and established in conjunction with adverse weather conditions (Warming and Cooling Centers), natural disasters, and other man made situations, including but not limited to terrorism or natural disaster events. Emergency Shelters shall be established as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions within the Town of Leesburg.

##### **18.1.59.1 Event Rental**

A business devoted to renting or leasing party or event items including but not limited to: tables, chairs, tents, serving supplies, and decorations. This use also includes warehousing and storage of event inventory.

##### **18.1.59.2 Exercise Studio**

A commercial establishment that provides instruction on personal fitness in a classroom style setting.

### **18.1.60 Extended Family Residence**

Within a single family residence or within a conforming accessory structure, a living area designed to provide independence and privacy by allowing a separate bedroom, bathroom, dining area and kitchen for an extended family member.

#### **18.1.60.1 Fair**

A fair is a recreational, social, educational, or cultural event, including but not limited to, seasonal celebrations such as a haunted house, or other annual events, open to the public or a designated part of the public, operated by a public or nonprofit group or agency for the benefit of a charity or public institution such as schools, hospitals or other philanthropic organizations.

#### **18.1.61 Family**

A person living alone, or any of the following groups conforming to the limitations of the Virginia Property Maintenance Code and living together as a single nonprofit and noncommercial housekeeping unit, and sharing common living, cooking and eating facilities:

- A.** Subject to the Virginia Property Maintenance Code occupancy limitations, any number of persons all of whom are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as drivers licenses, birth or marriage certificates; or by affidavits. The Zoning Administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or
- B.** Up to four persons not related to one another by blood, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as driver's licenses, birth or marriage certificates; or by affidavits. The Zoning Administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or
- C.** Not more than eight persons who are:
  - 1.** Residents of a residential facility as defined in Section 15.2.2291, Code of Virginia or;
  - 2.** Handicapped as defined in the Fair Housing Act, 42 USC Section 3602 (h). This definition does not include persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 USC Section 802(6).
- D.** Subject to the Virginia Property Maintenance Code limitations, the following shall not be included in the number of persons who might comprise a family; up to two persons who may be domestic workers (or one domestic worker and one minor child of the domestic worker), live-in companions to the elderly or disabled, or "au pair" employees. Anyone claiming a domestic worker, live-in companion to the elderly or disabled, or "au pair" for any occupant must first verify to the Zoning Administrator the existence of a bona fide employment relationship or other contract which demonstrates the validity of such domestic worker, live in companion or "au pair" status.

#### **18.1.61.1 Family Day Home**

Any child day program offered in the residence of the provider of the home of any of the children in care for 6 through 12 children under the age of 13 in a 24 hour period, exclusive of the provider's own children and any children who reside in the home, when at least one

child receives care for whose care tuition, fees or other forms of compensation is charged. Family day homes with 1-5 children, exclusive of the provider's own children and any children who reside in the home shall be treated as a residential occupancy by a single family.

**18.1.62 Farmers Market**

A building, stalls, stands or place which is open to the general public for the sale of horticultural or agricultural products.

**18.1.63 Farming**

The production, keeping, maintenance, sale, lease or personal use of plants and animals useful to man, but not to include feedlots and chicken farms.

**18.1.64 Fire and/or Rescue Facility**

A facility including the storage of fire and/or rescue equipment and chartered by the Town of Leesburg and the Code of Virginia, which provides for the protection of life and property from the hazards of fire or explosions wherever located. For the purposes of this Zoning Ordinance, a fire and/or rescue facility shall not include a burn building.

**18.1.64.1 Flex Industrial/Business Park**

A cohesive development comprised of one or more flexible space buildings with a compatible mixture of light industrial facilities and other principal or accessory commercial, office, and/or civic/institutional uses.

**18.1.65 Food Pushcart**

Any wheeled vehicle or device, other than a motor vehicle or trailer, that may be moved without the assistance of a motor and does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting food, offered for sale or served by a vendor.

**18.1.65.1 Food Trailer**

Any wheeled vehicle or device that is moved with the assistance of a motor vehicle that requires registration by the department of motor vehicles, used for the displaying, storing, preparing, providing or transporting of food offered for sale or served by a vendor.

**18.1.65.2 Food Truck**

A food truck is a mobile food establishment located in a motor vehicle licensed to operate by the department of motor vehicles.

**18.1.66 Reserved**

**18.1.66.1 Fleet Storage, Public**

A paved enclosed parking area, with access to a public street, used for the maintenance, servicing, outfitting, or repair of fleet vehicles generated by a duly constituted local, county, state, or federal government agency.

**18.1.66.2 Fleet Vehicle, Public**

A vehicle or piece of equipment owned and/or operated by a duly constituted local, county, state, or federal government or agency used in conducting the primary purpose of the government or agency.

#### **18.1.67 Floor Area, Gross**

The sum of the total horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Gross floor Area shall include basements, elevator shafts and stairwells at each story. The following are excluded from Gross Floor Area: cellars, outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures above or below grade; rooftop mechanical structures; penthouses enclosing only mechanical equipment; any space where the floor-to-ceiling height is less than six (6) feet; and enclosed or structural walkways designed and used exclusively for pedestrian access between buildings and/or parking structures.

#### **18.1.68 Floor Area Ratio (FAR)**

A ratio of a site's building area to land area. It is calculated by dividing total gross floor area of all buildings on a lot measured to the outside of walls, by the total lot area. (For example, a 25,000 square foot building on a 100,000 square foot lot has an FAR of 0.25.) However, see Sec. 8.5.3.D for calculation of floor area ratio in a Planned Development District.

#### **18.1.69 Funeral Home**

A structure used for human funeral services. A funeral home may contain facilities for the preparation of the dead for burial and the storage of caskets and funeral supplies. A funeral home may contain a crematorium as an accessory use when in accordance with the minimum Use Standards provided in Sec. 9.3.6.1 and approved by special exception.

#### **18.1.70 Garage**

An accessory structure or part of a principal building used primarily for the storage of passenger vehicles as an accessory use of the residing occupant or guests, and having no provisions for repairing or servicing such vehicles for profit.

#### **18.1.70.1 Healthy and Structurally Sound Conditions (40% rule)**

Known as "condition: shall be determined as any tree rated at 40 percent or greater when the roots, trunk, scaffold branches, small branches and twigs, foliage and buds are evaluated and documented through field observations using the latest edition of the guide for Plant Appraisal condition rating guide.

#### **18.1.71 Golf Driving Range**

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

#### **18.1.72 Golf Course**

Land, whether publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges and buildings customary thereto.

#### **18.1.73 Grade**

The slope of a road, channel or natural ground. The finished surface of a canal bed, road bed, top of embankment, or bottom excavation; any surface prepared for the support of construction such as paving or lying of a conduit.

#### **18.1.74 Group Home**

A residential facility in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident counselors or other staff persons. A residential facility shall be deemed a group home when the Department of Mental Health, Mental Retardation and Substance Abuse Service is the licensing authority.

For the purposes of this Zoning Ordinance, persons in a group home shall not be deemed a family.

**18.1.75 Hedge**

A dense planting of shrubs or small trees arranged in a row.

**18.1.76 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 of the gable, hip and gambrel roofs measured from the average grade around the entire building. (See [Article 10](#))

**18.1.77 Heliport**

Helicopter landing area with facilities for pick-up and discharge of passengers and cargo, which may include hangars, maintenance areas and other accessory structures.

**18.1.78 Reserved**

**18.1.79 Home Improvement Center**

A retail use in a structure with a gross floor area of at least 50,000 square feet in which a variety of building supplies, hardware, landscaping materials and household supplies and equipment are sold.

**18.1.80 Home Occupation**

A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings by a resident of the dwelling which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See [Article 9](#) for Home Occupation standards).

**18.1.81 Homeowners' Association**

A non-profit organization approved by the State Corporation Commission operating under recorded land agreements through which: (a) each lot/property and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

**18.1.82 Hospital**

Facility licensed and accredited by the Commonwealth of Virginia to receive in-patients and render medical and/or surgical care. "Hospital" shall include both general hospitals and institutions in which service is limited to special fields such as cardiac, pediatric, orthopedic, dermatology, chronic disease, and obstetrics. Ancillary facilities such as laboratories, outpatient facilities, rescue squad and training facilities, pharmacies, cafeterias and emergency facilities shall be considered hospital uses as well as a heliport serving the hospital.

**18.1.83 Hotel**

Any single building or group of dwelling units, combined or separated, containing guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

#### **18.1.84 Industrial, Flex**

Any use or establishment consisting of at least two (2) of the following uses: contractors 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 non-office use shall utilize at least 65% of the total gross floor area of the site.

##### **18.1.84.1 Industrial, Light**

Activities including, but not limited to: production, processing, assembly, service/repair, distribution, warehousing, and scientific/technological use of processed or previously prepared elements and/or relatively small quantities of raw materials for consumption. Such uses are generally characterized as more consumer-oriented and/or less adversely impactful on the environment when compared to heavy industrial activities.

#### **18.1.85 Infill**

The utilization of vacant land in previously developed areas for buildings, parking lots, recreational facilities and other uses.

##### **18.1.85.1 Landscape Plan**

The plan depicting all proposed landscape material to be installed on site. It shall contain all information required under section 12.2.3.

#### **18.1.86 Inn**

A commercial facility for housing and feeding of transient guests in a building containing no more than fifteen (15) guest rooms without cooking facilities. Commercial use or rental of the property for business meetings, seminars, receptions and similar events or activities shall be permitted.

#### **18.1.87 Inoperable Vehicle**

As defined in Section 10-157 of the Town Code, Leesburg, Virginia.

#### **18.1.88 Kennel**

Any place or establishment, in which dogs and other domestic animals are kept, boarded or bred for a fee.

##### **18.1.88.1 Kitchen, Accessory**

Associated with single family dwellings, for use by the family residing within the dwelling unit, accessory or in addition to the first kitchen within the dwelling unit. Approval of an accessory or additional kitchen in a single family dwelling shall not be considered approval of a second dwelling unit or accessory dwelling unit unless approved per Section 9.4.1 of the Zoning Ordinance.

##### **18.1.88.2 Kitchen**

An area within a dwelling unit equipped with such electrical or gas hook-up that would also enable the insulation of a range, oven or like appliance for the preparation of food and also containing either or both a refrigerator and sink.

#### **18.1.89 Library**

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

**18.1.90 Land Development Official**

A Town official appointed by the Town Manager who may be the Director of Planning and Zoning, the Director of Plan Review or other designee as designated by the Town Manager in the particular case.

**18.1.91 Landscape Contractor**

An establishment providing for the planting and maintenance of gardens, grounds and yards; such use shall be inclusive of lawn mowing services that employ more than one person.

**18.1.92 Lot**

A designated parcel tract or area of land established by plat, subdivision or otherwise permitted by law, occupied or intended to be occupied by a principal building or use and its accessory buildings and uses.

**18.1.93 Lot Area**

The total area within the boundary lines of a lot excluding any public land.

**18.1.94 Lot, Corner**

A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the format point of the lots meet at an interior angle of less than 135 degrees.

**18.1.95 Lot, Double Frontage (Through)**

An interior lot that fronts upon two parallel streets. Also known as a “through lot.”

**18.1.96 Lot, Interior**

A lot bounded by a street on only one side and a lot other than a corner lot.

**18.1.97 Lot, Reverse Frontage**

A through lot that is not accessible from one of the parallel streets upon which it fronts.

**18.1.98 Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**18.1.99 Lot of Record**

A lot which has been recorded among the land records in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia.

**18.1.100 Lot Width**

The distance between side lot lines measured parallel to the front line at the point of the minimum required front yard setback. No portion of the lot between the front and required rear yard (setback) lines shall be less than the minimum lot width required for the zoning district. (See Article 10 for pipestem lot exceptions).

**18.1.101 Lumber and/or Building Material Sales Facility**

Structure used for storage and sale of timber, beams, planks, boards and other building materials.

**18.1.102 Mailing Service**

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail along with other ancillary uses such as mailbox leasing,

office solutions (e.g. fax, print, or internet services), and freight forwarding (e.g. sorting and distribution).

**18.1.103 Manufactured Home (Mobile Home)**

A structure intended for human habitation that is transportable in one or more sections, is eight feet or more in width or forty feet or more in length, or when erected is 320 or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, connected to the required utilities and contains plumbing, heating, air-conditioning, and electrical systems.

**18.1.104 Media Studio**

An enterprise designed for broadcasting radio, internet, or television programs or a facility providing for audio or video recording of musical performances, radio or television programs, or motion pictures. This term does not include any exterior telecommunication appurtenances.

**18.1.104.1 Microbrewery**

A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons/barrel) per year. A microbrewery may include, as an accessory use, a restaurant or bar not to exceed more than 25 percent of the total floor area of the use.

**18.1.105 Mini-Warehouse Facility**

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

**18.1.106 Mixed Use**

A variety of complementary and integrated uses, including but not limited to residential, office, research & development, production, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

**18.1.106.1 Mobile Food Unit**

A food establishment mounted on wheels, readily movable from place to place at all times during operation and shall include food trucks, food trailers and food pushcarts. The unit, all operations, and all equipment must be integral to and be within or attached to the unit.

**18.1.107 Model Home**

A temporary or permanent structure used for display purposes only and not as a contractors office, real estate office or annex thereof.

**18.1.108 Monopole**

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

**18.1.109 Motel**

A building or portion thereof, or group of buildings of similar design, providing transient accommodations with at least 25 percent of all rooms having direct access to the outside.

### **18.1.110 Multi-Family Dwelling**

A building containing three or more dwellings units located on a single lot or parcel of ground where each unit access the outside via a common hallway, stairs or elevators. Such units are located back-t-back, adjacent or stacked on top of each other. Multi-family dwellings shall include apartments, triplex dwellings, and quadruplex dwellings.

#### **18.1.110.1 Mural**

A graphic painted on or affixed to the exterior of a public building or wall generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic not interpreted by the Zoning Administrator to contain a commercial message and installed following the Public Art Policy as reviewed and approved by the Leesburg Commission on Public Art in accordance with Leesburg Public Art Guidelines.

#### **18.1.111 Museum**

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

#### **18.1.112 Neighborhood**

An area of a community with characteristics that distinguish it from other community areas by boundaries defined by physical barriers such as major roadways or natural features such as rivers.

#### **18.1.112.1 Nursery Tree Stock**

Any tree commercially grown for transplanting.

#### **18.1.113 Neighborhood Retail Convenience Center**

Neighborhood Retail Convenience Center uses established within Planned Districts are intended to service the daily shopping and personal service needs of surrounding residential areas within a market area generally extending in a one mile radius, or 3,000 households.

#### **18.1.114 Net Acreage**

Gross acreage minus acreage in the floodplain and steep slopes.

#### **18.1.115 Nonconforming Lot**

A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. Also called a 'legal nonconforming lot'.

#### **18.1.116 Nonconforming Structure**

A structure or building, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. Also called a 'legal nonconforming structure'.

#### **18.1.117 Nonconforming Use**

A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**18.1.118 Nuisance**

An interference with the enjoyment and use of property.

**18.1.119 Nursery**

An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

**18.1.120 Nursing Home**

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

**18.1.120.1 Occupancy, Residential**

Use of a building or structure as a dwelling unit or place of abode.

**18.1.120.2 Occupant**

Any person who is living or sleeping in a building; or having possession of a space within a building.

**18.1.121 Office**

A use consisting of a building, room or group of rooms used for conducting the executive, management, or administrative affairs of a business, organization, institution, or government entity and/or for the provision of professional services. For the purpose of this Zoning Ordinance, an office use may include accessory research & development or production uses subject to meeting the performance standards specified in Sec. 9.3.17.01 of this Ordinance.

**18.1.122 Off-Site**

Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

**18.1.123 On-Site**

“On-site” shall mean within a lot or parcel that is the subject of a given land use application.

**18.1.124 Open Space**

Land area within a development intended to provide light, air and space to be designated for aesthetic or recreational purposes and to be accessible and in reasonable proximity to residents or occupants of the development. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, children’s playgrounds, fountains, swimming pools, undisturbed natural areas, wooded areas, water bodies and those areas where landscaping and screening are required by provisions of this Zoning Ordinance. Open space shall not include driveways, parking lots or other vehicular surfaces; any area occupied by a building, nor areas so located or of such size or shape as to have no substantial aesthetic or recreational value and any area within individual residential lots. Open space parcels shall not be required to meet the minimum lot size, lot width or yard area requirements of the district regulations.

**18.1.125 Open Space, Common**

Open space owned and maintained by a property owners association or a condominium unit owners association in accordance with the provisions of [Article 8](#).

**18.1.126 Open Space, Public**

Open Space dedicated or conveyed for public use.

**18.1.127 Outdoor Storage Area**

An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24) hours. This definition shall not apply to the Display of Merchandise as described in Sec. 9.4.6.

**18.1.128 Overlay District**

A zoning district superimposed on another, both having validity in governing the use of the property.

**18.1.129 Outdoor/Indoor Vehicle Auction**

A public sale of vehicles one by one, each going to the last and highest of a series of competing bidders.

**18.1.129.1 Pad Site**

An area or lot within a shopping center reserved for a freestanding commercial use.

**18.1.130 Parcel**

A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

**18.1.131 Parking, Off-Site**

Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

**18.1.132 Parking Lot**

Surface facility used for parking automobiles, other passenger vehicles or trucks, but not for storage of such vehicles.

**18.1.133 Parking Space, Off-Site**

A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

**18.1.134 Parking Structure, Public**

A deck, building, or structure, or part thereof, owned and/or managed by a government or non-profit authority and used for the parking of vehicles, but not for the storage of such vehicles.

**18.1.135 Parking Structure, Private**

A deck building or structure or part thereof used for the parking of vehicles, but not for the storage of such vehicles, available to the public with or without compensation, or used to accommodate clients, customers or employees.

**18.1.136 Party Wall**

A common shared fire wall between two separate structures, buildings or dwelling units. Party walls may join attached dwelling units at a garage, but may not be construed to allow joining of such units by carports, sheds, stairwells or the like.

**18.1.137 Performance Bond**

A bond of surety, cashier's check, and/or cash deposit approved by the governing body equal to the full cost of improvements required by this Zoning Ordinance and providing for completion of said improvements within a definite term.

**18.1.138 Permitted Use**

Any use allowed in a zoning district by right.

**18.1.139 Pharmacy**

An establishment offering medical appliances or prescription medicines to the public; may include retail sales of non-medical goods.

**18.1.140 Reserved**

**18.1.141 Place of Worship**

A structure or part thereof which is intended for organized religious services including but not limited to a church, synagogue, or temple.

**18.1.142 Planned Development**

An area of land to be developed as a single entity according to a plan, containing residential, commercial, research & development, production and/or public areas, under the provisions of this Zoning Ordinance.

**18.1.143 Planning Commission or Commission**

The Planning Commission of Leesburg, Virginia.

**18.1.144 Plant**

Any of the several vegetation types required by this ordinance, i.e., Large Canopy Tree, Understory Tree, Shrub, etc.

**18.1.145 Plat**

A diagram or map, prepared by a person licensed to prepare plats in the Commonwealth of Virginia, drawn to scale showing tracts, parcels, lots, subdivisions, land boundaries, legally recordable in the clerk's office; together with all data essential to the description and identification of the elements shown thereon, and including one or more certificates indicating approval. A plat differs from a plan in that it does not necessarily show additional cultural, drainage, and relief features.

**18.1.146 United States Postal Service**

The public department responsible for the transportation and delivery of the mail: where mail is received, sorted and delivered and where postal materials are sold.

**18.1.147 Principal Use**

The primary or predominant use of any lot.

**18.1.148 Printing and/or Publication**

Facility at which large volumes of printed material are produced on a regular basis, as with a newspaper or magazine.

**18.1.149 Private Accessway**

A parking court, common driveway or parking lot.

### **18.1.150 Problem Soils**

Soils classified as Class IV soils by the office of the Loudoun County Soil Scientist.

#### **18.1.150.1 Production**

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials; and accessory offices associated with such uses. Examples of such activities include, but are not limited to: the assembly of furniture, toys, prosthetics, pharmaceuticals, electronic components, and computer software.

#### **18.1.151 Profile**

A drawing of a side or structural elevation of a structure or grade.

#### **18.1.152 Public Hearing**

Meetings of the Town Council, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

#### **18.1.153 Public Utility, Major**

Public utility, major shall include the following: electric substations and other distribution centers, electrical generating plants and facilities, sewerage treatment and disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply yards for any public utility, dial centers, repeater stations, water purification facilities, microwave facilities, satellite earth stations, water storage facilities and maintenance facilities incidental to any use set forth above.

#### **18.1.154 Public Utility, Minor**

A minor public utility shall include the following: electric transformer, natural gas, water and sewer transmission, collection, distribution and metering devices; and water and sewerage pumping stations.

#### **18.1.155 Real Property**

Land and generally whatever is erected or growing upon or affixed to land. Also rights issuing out of, annexed to, and exercise within or about land.

#### **18.1.156 Recreation Facility**

A facility offering or providing recreational activities. A recreational facility may include, but not be limited to a tennis court, racquetball court, basketball court, swimming pool, gymnasium, exercise and weight room facilities. Recreation facilities may offer non-recreational programs for children such as after-school programs, day camps, tutoring, etc. as an accessory use, provided that such program is exempt from licensure by the Virginia Department of Social Services as a child care center as provided by § 63.2-1715 of the code of Virginia. Recreational facilities may operate child care centers as an accessory use provided that they are licensed by the Virginia Department of Social Services as a child care center and Town of Leesburg Zoning Ordinance Sections 9.2, 9.3.4 and Section 3.4 if applicable.

#### **18.1.157 Research & Development**

Basic and applied scientific investigations directed toward the discovery, invention, design, or establishment of new products and services and accessory offices associated with such uses.

**18.1.158 Retail Center**

A group of commercial establishments planned as one entity.

**18.1.159 Retail Use**

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

**18.1.159.1 Seedling**

A tree grown from seed that has not yet reached a height of 3 feet or exceeded 2 inches in diameter.

**18.1.160 Rezoning**

A change in zoning district designation for a parcel or group of parcels adopted by the Town Council.

**18.1.161 Right-of-way**

A strip of land acquired by reservation, dedication, prescription or condemnation which is occupied by or is to be occupied by a road, pedestrian crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**18.1.162 School, General Education**

A parochial or private school giving regular instruction during a normal school year.

**18.1.163 School, Public**

An educational institution operated by a duly constituted governmental entity.

**18.1.164 School, Special Instruction**

A school primarily devoted to giving instruction in professional, musical, dramatic, artistic, scientific or other special subjects, exclusive of a conventional primary or secondary curriculum and does not require licensure by the State as a Daycare Center use.

**18.1.165 School, Technical**

A school which primarily provides instruction to adults in vocational skills.

**18.1.166 Screening**

Whenever this term is used, it shall refer to a method of visually shielding or obscuring from view one abutting or nearby structure or land use from another by landscaping, berms, fences, walls or any combination thereof.

**18.1.166.1 Seasonal weather enclosure**

A temporary or permanent multi-sided covered framework or a roll-up panel installed inside an existing porch or recessed entranceway intended to shield occupants from inclement conditions.

### **18.1.166.2 Shade Structure**

A cover partially attached to the principal structure and other support structure(s) or a freestanding structure having a solid or partially open roof supported by columns or poses intended to be used as an open, unenclosed shelter (i.e., no covered sides) during six (6) spring and summer months (April-September).

### **18.1.167 Shopping Center**

Any group of three (3) or more commercial uses which:

- A.** Are designed as a single commercial group, whether or not located on the same lot or in the same building;
- B.** Are under common ownership or management;
- 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 walkways and access ways designed to facilitate customer interchange between the uses;
- D.** Share a common parking area; and
- E.** Present the appearance of one (1) continuous commercial area.

### **18.1.168 Services, Personal**

Any service wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Zoning Ordinance, personal service establishments shall include, but need not be limited to, barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business: services, personal do not include dry cleaning plants or laundries solely devoted to cleaning, processing, etc., or linen or diaper service establishments. Uses accessory to office use also include, but are not limited to, (1) Bank without drive-in facility; (2) Office supply store; (3) Newspaper stand; and (4) Eating establishment without drive-in facility.

### **18.1.169 Service Station**

Buildings and premises in which the primary use is the supply and dispensing at retail sales of motor fuels and lubricants. Other vehicle-oriented goods, such as but not limited to, batteries, tires, and other motor vehicle accessories may be sold, and wherein additional mechanical services may be rendered and sales made, but only as accessory and incidental to the primary occupation of dispensing fuels. Uses permissible at a service station shall not include vehicle restoration, body work, 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. Snack foods, tobacco, hot and cold drinks, newspapers and similar convenience goods may be sold as accessory to the principal use. The sale of prepared foods such as sandwiches and cooked foods is permitted as an accessory use to the extent permitted by the special exception or proffered rezoning approved for the service station. Such prepared foods may be consumed by service station customers on or off of the premises. Any service station existing prior to April 26, 2016 may add on-site dining as an accessory use provided there is no building expansion for the use and parking requirements are satisfied.

### **18.1.170 Setback**

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

### **18.1.171 Single-Family Detached Dwelling**

The use of a single lot for a dwelling that is not attached to any other dwelling by any means.

### **18.1.172 Single-Family Attached (Townhouse) Dwelling**

A single-family dwelling in a row of at least three such units in which each unit occupies its own individual lot that meets the minimum lot area requirements of the applicable zoning district, has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall.

#### **18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling**

Buildings configured to place one single family dwelling unit directly on top of another single family dwelling unit, each having independent access to the outside or shared access with only an adjacent unit, with the whole having the appearance of a single unified structure. Stacked townhouses shall be a minimum of three (3) units wide, and shall be vertically and horizontally separated by common party walls. Stacked townhouses are also referred to as “two-over-two” dwellings and are typically incorporated in a common owners association.

### **18.1.173 Site Plan Waiver**

The proposal for a development of an in-ground swimming pool or land disturbance of 1,000 to 3,000 square feet of land, including topography, drainage, building locations and such other information as required by the Subdivision and Land Development Regulations. The words “*No Adverse Impact Certification*”, when used in this Zoning Ordinance, shall mean “*Site Plan Waiver*”.

### **18.1.174 Slope**

The average land gradient expressed as a percentage. Slope average shall be determined on the basis of mapping units two (2) acres or more using the Loudoun County base planimetric and topographic maps or other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. Slope mapping units are defined by average slope ranges of 0-2%, 2-7%, 7-15%, 15-25%, and greater than 25%.

#### **18.1.174.1 Small Cell**

A compact, low-powered short-range mobile phone base station deployed to alleviate wireless network congestion and/or to address gaps in wireless network coverage in limited areas with a concentrated population of wireless device users such as, but not limited to, malls, hotels, transportation hubs, campuses, stadiums, etc. Any stealth or camouflage deployments in faux exterior building additions will not be considered interior antenna deployments. All applicable regulations pertaining to such exterior installations shall apply.

### **18.1.175 Special Exception**

A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Town Council as authorized by the State Code.

**18.1.176 Stable**

A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in horsemanship.

**18.1.177 State**

The Commonwealth of Virginia.

**18.1.178 Steep Slopes**

Land having a slope exceeding twenty-five percent (25%), pursuant to the Loudoun County Steep Slope Map.

**18.1.179 Street**

A strip of land subject to vehicular or pedestrian traffic and providing direct or indirect means of access to property, including but not limited to road, lane, drive, trail, court, place, terrace, alley, avenue, highway, boulevard and any other thoroughfare. For functional classification of streets refer to the "Transportation" section of the *Town Plan*.

**18.1.180 Structure**

Anything constructed or built for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

**18.1.181 Structure, Accessory**

A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

**18.1.182 Structural Alteration**

Changes to or removal of supporting member or materials, including the roof members, which comprise the original method of construction of the building or structure.

**18.1.182.1 Tree Canopy**

The outer limit of a tree's foliage shown from directly overhead and will be measured in square feet.

**18.1.182.2 Tree Canopy Fund**

Financial mechanisms to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements on-site.

**18.1.182.3 Tree Management Reports**

The tree Management Report (TMR) shall provide the results of an inventory of existing trees to be retained in table form which includes the following; a key for tree location, common name, botanical name, trunk diameter, critical root zone, condition, suitability for preservation, and comments.

**18.1.182.4 Tree Preservation**

The plan depicting all existing trees to be retained on site as part of the development process. It shall contain all information required under Section 12.2.4.

### **18.1.183 Subdivision and Land Development Regulations (SLDR)**

The Subdivision and Land Development Regulations of the Town of Leesburg, adopted by the Town Council to establish subdivision and site plan standards and procedures for development within the Town.

### **18.1.184 Telecommunications Use and/or Structure**

A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business. Telecommunications facilities shall not be considered as a Public Utility for the purpose of use designation and identifying authorized zoning districts.

### **18.1.185 Temporary Commuter Parking Lot**

A Commuter Parking Lot used for two years or less. The use requires a Special Exception. The initial two-year period may be extended for up to two additional years through an additional Special Exception.

### **18.1.186 Temporary Mobile/Land-Based Telecommunication Testing**

Whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

### **18.1.187 Temporary Portable Storage Unit**

A commercially constructed, purpose-built container designed for vehicular transport and the storage of equipment, building materials, or household goods. For the purposes of this *Zoning Ordinance*, a temporary portable storage unit is neither an “accessory structure” nor a “trailer” as defined in Article III (Storage, Construction, and Sales Trailers) of the *Town Code*.

### **18.1.188 Temporary Use**

A use established for a fixed period of time with the intent that such use will terminate automatically upon the expiration of the fixed time period, unless permission to conduct the use is renewed pursuant to this Zoning Ordinance.

### **18.1.189 Tent**

A movable temporary shelter consisting of a cover stretched over a supporting framework of poles creating an enclosed space (i.e., with one or more covered sides). Tents are intended as a temporary shelter and shall not be used as a permanent shelter for any purpose.

### **18.1.190 Theater, Indoor**

A structure designed for the enactment of dramatic performance and/or showing of motion pictures. For the purpose of this Zoning Ordinance, a drive-in motion picture theater and an adult mini-motion picture theater shall be deemed prohibited uses.

**18.1.190.1 Tool or Equipment Rental Establishment**

An establishment providing for the temporary rental of hand tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. This term does not include vehicles or any heavy equipment that requires outdoor storage such as trailers, bulldozers, tractors, etc.

**18.1.191 Town**

Town of Leesburg, Virginia.

**18.1.192 Town Plan**

The official document, commonly referred to as the Comprehensive Plan, or elements thereof, adopted by the Town Council, intended to guide the physical development of the Town 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.

**18.1.192.1 Trade Contractor**

An establishment that specializes in the installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation; performs a specific aspect of construction/demotion, such as carpentry; or performs lawn maintenance services.

**18.1.193 Transmission Tower**

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

**18.1.194 Tree**

A woody, tall-growing perennial plant generally with one main stem, but may form a multi-stem habit, which typically develops branches at a greater height above the ground than shrubs.

**18.1.195 Urban Forester (Arborist)**

A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees within the municipality.

**18.1.196 Vacant Land**

A lot or parcel of land on which no improvements have been constructed.

**18.1.197 Vehicle Sales and/or Rental Facility**

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

**18.1.198 Vehicle and/or Equipment Service Facility**

An establishment where the maintenance, servicing, repair or painting of vehicles, heavy equipment or large commercial appliances is conducted.

**18.1.199 Veterinary Hospital**

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

**18.1.200 Warehouse**

A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site.

**18.1.201 Wayside Bus Station**

A small, roofed structure having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

**18.1.202 Wayside Stand**

A temporary structure designed for the display and sale of local agricultural products.

**18.1.203 Wetlands**

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

**18.1.203.1 Wholesale Sales/Showroom**

A place of business primarily engaged in selling and/or distributing merchandise, in gross, to retailers; industrial, commercial, institutional, or professional business users; or to other wholesalers; and in limited instances, incidental sales to the general public.

**18.1.204 Yard**

The area on a lot situated between the front, rear or side wall of a structure and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this Zoning Ordinance.

**18.1.205 Yard, Front**

A yard extending across the full width of the lot, measured perpendicular to the front lot line and extending to the principal building or structure. On corner lots all yards which abut a street shall be deemed front yards. On pipestem and land locked parcels created after April 26, 2011, the front yard shall be the lot line that runs most parallel and is closest to the street that provides access to the parcel, whether the access is through the stem portion of the lot or an easement.

**18.1.206 Yard, Rear**

A yard extending across the full width of the lot, lying between the rear lot line of the lot, and extending to the principal building or structure. On corner lots which abut two streets with front lot lines of unequal length, the rear yard shall be opposite and parallel to the shortest front lot line. On a corner lot which abuts three streets, the remaining yard shall be a rear yard if it abuts a rear yard, and shall be a side yard if it abuts a side yard.

**18.1.207 Yard, Required**

A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

**18.1.208 Yard, Side**

A yard between the side lot line and the principal building and extending from the front yard to the rear yard.

**18.1.209 Zero Lot Line Development**

A development in which houses (dwelling units) on are shifted to one side of their lot, thereby providing for greater usable yard space on each lot.

**18.1.210 Zero Lot Line Dwelling**

A single-family detached dwelling in a zero lot line development that is located on or within 18 inches of an interior side lot line.

**18.1.211 Zoning Administrator**

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

**18.1.212 Zoning Permit**

A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance, or authorized variance there from.

**18.1.213 Zoning District**

The various classifications of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term “zoning district” can refer either to the zoning category, i.e. “the B-1 Zoning District”, or the areas mapped in such uses on the zoning map.